Introduction

In early September 2011 the Community Alliance newspaper, through a California Public Records Act request, asked for the Fresno Police Department (FPD) for their Policies and Procedures manuals. FPD Public Information Officer Donald Gross sent this response: “We will not be able to provide for this request due to officer safety issues and interference with ongoing investigations.” The next day, September 22, 2011, Gross reversed this decision, writing “The City will amend its previous response to your CPRA request and produce those portions of the Policy Manual that do not contain material that would endanger officers and/or compromise ongoing investigations and not reveal security and safety procedures. The City will need time to review the Policy Manual and will provide these records by October 4, 2011.”

Over the next year and three months, the FPD released their Policies and Procedures manuals, with significant sections redacted. Each release was accompanied by a letter detailing those redactions. The excerpts from that series of letters addressing the redacted sections are below.

The documents we received were all on CD’s and in a .pdf format that was password protected so they could not be printed or copy and pasted, making their usefulness greatly diminished. They also had a large watermark on each page identifying who they had been released to, even though once they are released, there are no restrictions on their distribution. The FPD also charged us $30.50 for each of the six CD’s, an excessive fee we believe - given the current cost of transferring digital data.

The Policies and Procedures manuals we are providing (below) have been re-formatted to make them more useful to legal counsel and community activists who are interested in police accountability issues.

While the FPD has chosen to withhold significant portions of their Policies and Procedures manuals, you can get an idea of what (basic) information those sections contain by looking at other police departments manuals, some of which are available online.

The Banning California police department, for example, provides their Policy and Procedures manual on their website at: [http://www.banningpolice.org/policy.pdf](http://www.banningpolice.org/policy.pdf). The transparency in the Banning Police Department stands in stark contrast to the FPD,

There is also a company that specializes in selling boilerplate Policies and Procedures manuals to police departments. You can find them at: [http://www.lexipol.com/](http://www.lexipol.com/) which appears to be where much of the FPD manuals originally came from.

The Community Alliance’s purpose in requesting and now posting the Policies and Procedures manuals on our website is to make the information available to the public. When a person has a copy of the policy and procedure manual, they have a foundation to understand how the FPD operates. Once we know what the policies and procedures are, we can compare that with best practices and make needed changes.
I like to think of the release of this document as one more tool in our toolbox as we work to
insure that the police do not work secretively. We are shining a light on local government with
the goal of improving civil society and maintaining civilian control over law enforcement. After
all, the people who work at the FPD are our employees. They work for us. We pay their salary.
We have a right to know what they are doing.

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Here are the pertinent excerpts from the FPD letters accompanying the release of the Policy and
Procedures manuals:

Letter from FPD dated October 19, 2011

Enclosed is the first installment of the Policies and Procedures Manuals of the Fresno Police
Department that you requested pursuant to your Public Records Act request - which are being
provided to you on CD. We have provided everything that will not comprise officer safety,
security issues, impede investigations or other privileges as provided for in California
Government Code Section 6254(f).

Below is a list of the sections that we have been able to review so far. Some sections in this list
have been redacted or omitted and the reason for not being provided is set forth immediately
following the item description.

Policy Manual:

Policies 100 through 300 have been given without redactions.
Policy 303 (Burglaries, Thefts and Alarms) has been redacted in its entirety due to officer safety
and security reasons.
Policies 304 through 307 have been provided without redactions.
Policy 308 has been provided with the exception of section 308.21 (Weapons of Necessity) has
been redacted due to officer safety and security reasons.
Policies 310 through 311 are provided without redaction.
Policy 312 is provided except for section 312.5 which has been redacted due to officer safety and
security concerns.
Policies 313 and 315 are provided without redactions.
Procedures 208 through 221 are provided without redaction.
Procedure 225 is provided with section B redacted due to security and impeding investigations
concerns.
Procedure 300 is provided with sections F and G redacted due to security and impeding investigations concerns.
Procedure 303 (Burglaries, Thefts, and Alarms) is not provided due to officer safety and security concerns.
Procedure 304 is provided without redactions.
Procedure 305 is provided with sections B and C redacted due to interference with investigations and security concerns.
Procedure 306 (Leg Restraint Device) is not being provided due to officer safety and security concerns.
Procedure 307 is provided without redaction.
Procedure 308 is provided with the section dealing with Authorized Force options redacted due to officer safety and security concerns.
Procedure 309 (Electronic Control Devices) is redacted in its entirety due to officer Safety and security concerns.
Procedure 310 is redacted in its entirety due to officer safety, security and impeding investigations concerns.
Procedure 311 is provided without redaction.
Procedure 312 (firearms) is redacted in its entirety due to officer safety and security concerns.
Procedure 313 is provided with sections B and C redacted due to impeding Investigation concerns.
Procedure 315 (Officer Response to Calls) is redacted in its entirety due to officer safety and security concerns.
Procedure 316 (Code 3) is redacted in its entirety due to officer safety, security and impeding investigations concerns.

Letter from FPD dated November 15, 2011

Enclosed is the second installment of the Policies and Procedures Manuals of the Fresno Police Department that you requested. I apologize for the extended time in getting my response out to you. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(f). Below is a list of the sections that we have been able to review so far. We will continue to work on the remaining sections and will get the next group to you on or before December 1, 2011. Thank you for your patience.

Included in the list of section reviewed where items have been redacted portions is the reason that they have not been provided.

Policy Manual:

Policy 319 Robberies and Alarms was not provided due to officer safety and ongoing criminal investigation issues.
Policy 323.11 The last sentence has been withheld due to interference with investigations
concerns. Policies 324.51 through 324.53 have not been provided due to security concerns and interference with investigations. Policy 321.2 has been withheld due to interference with investigations. Procedure 320 E The last part has been redacted to prevent interference with investigations. Procedure 320 K The middle paragraph has been redacted due to interference with investigations. Procedure 320 L has been redacted due to security concerns and interference with investigations. Procedure 321 B A portion has been redacted due to security and interference with investigations issues. Procedure 323 has not been provided due to security and interference with investigations issues. Procedure 324 F has been redacted due to security and interference with investigation issues. Procedure 324 G A large portion has been redacted due to security concerns. Procedure 326 D has been redacted due to security and interference with investigation concerns. Procedures 329 A and 329 B have been redacted due to security and interference with investigation concerns. Procedure 332 The last three pages has been redacted due security and interference with investigation concerns.

Letter from FPD dated December 22, 2011

Enclosed is the third installment of the Policies and Procedures Manuals of the Fresno Police Department that you requested. I apologize for the extended time in getting my response out to you. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(t). Below is a list of the sections that we have been able to review so far. We will continue to work on the remaining sections and will get the next group to you on or before January 20, 2012. Thank you for your patience.

Included in the list of section reviewed where items have been redacted portions is the reason that they have not been provided.

Policy Manual:

Policy 337.2 Animal Problems was not provided due to officer safety issues. Policy 343 has been withheld due to interference with investigations. Policy 347.1 has been withheld due to interference with investigations concerns. Policy 348.1 has not been provided due to security concerns and interference with investigations. Policy 353 has been withheld due to interference with investigations. Procedure 333 A the fourth and fifth paragraphs of section A have been redacted to prevent interference with investigations. Procedure 335 has been redacted due to interference with investigations and security concerns. Procedures 337 A and G have been redacted due to security concerns and interference with investigations. Procedure 343 has been redacted due to security and interference with investigations issues.
Procedure 345 A has not been provided due to security and interference with investigations.  
Procedure 347 has been redacted due to interference with investigation issues.  
Procedure 348 has been redacted due to security concerns and interference with investigations.  
Procedures 349 B and C have been redacted due to security and interference with investigation concerns.  
Procedure 353 has been withheld due to interference with investigation concerns.  
Procedure 354 has been withheld due security and interference with investigation concerns.  
Procedure 355 A, D, & G have been redacted due to security issues and interference with investigations. The last sentence of N has been redacted due to interference with investigation issues.  
Procedure 357 A the last paragraph, Band the last paragraph of E and all of H have been redacted due to interference with investigations and security issues.  
Procedure 358 C has been redacted due to security and interference with investigations Issues.  

Letter from FPD dated April 26, 2012

Enclosed are the fourth and fifth installments of the Policies and Procedures Manuals of the Fresno Police Department which you requested. I apologize for the extended time in getting my response out to you. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(±). Enclosed is a CD with the sections of the Manuals for your information.  

We will continue to work on the remaining sections and will get the next group to you on or before May 31, 2012. Thank you for your patience.  

Included in the list of sections reviewed where items that have been redacted or partially redacted, those items have not been provided.  

Policy Manual:

Policy 373.3 Urine Evidence has been redacted due to interference with investigations. Policy 374.3.1 has been withheld due to officer safety and interference with investigations.  
Policy 406.3 has been withheld due to officer safety and interference with investigations concerns.  
Policy 407.8 a portion of this section has been redacted due to security concerns and interference with investigations.  
Policy 408.12 through 408.41 SWAT Operations have been withheld due to officer safety, security and interference with investigations.  
Policy 409 .11 and following have been withheld due to officer safety and •interference with investigations issues.  
Policy 413 (except 413.1) has been withheld due to officer safety and interference with investigations issues.  
Policy 414 Hostages & Barricaded Suspects has been withheld due to officer safety, security and interference with investigations concerns.
Policy 421.2 a portion of this section has been redacted due to interference with investigations concerns.
Policy 432 Patrol Rifles has been withheld due to officer safety and security concerns.
Policy 436.5 has been withheld due to officer safety and security concerns.
Policy 438 Air Support has been withheld due to officer safety, security and interference with investigation concerns.
Policy 440 Field Detainees has been withheld due to officer safety, security and interference with investigation concerns.
Policy 442 Criminal Street Gangs has been withheld due to officer safety, security and interference with investigation concerns.
Policy 450.2 and 450.3 have been withheld due to interference with investigation concerns.

Procedures Manual:

Procedure 360 D, E and G have been redacted to prevent interference with investigations.
Procedure 364 A the last part of this section has been redacted due to interference with investigations and security concerns.
Procedure 368 A the Department telephone contact information has been redacted due to interference with investigations concerns.
Procedure 373 B a portion of this section has been redacted due to interference with investigations issues.
Procedure 374 B Buccal Swabs; the note under this section has not been provided due to interference with investigations issues.
Procedure 374 C Sample Collection Refusals has been withheld due to officer safety, security and interference with investigation concerns.
Procedure 400 A, C and a portion of B have been withheld due to officer safety, security and interference with investigation issues.
Procedure 402 has been withheld due to security concerns and interference with investigations.
Procedure 406, Crime Scene and Major Incidents; Procedure 407 Mass Arrest; Procedure 408 S.W.A.T. and Procedure 409 Special Events/Operations have been withheld due to officer safety, security and interference with investigation concerns.
Procedure 410 the last paragraph of section F has been redacted due to officer safety, security and interference with investigation concerns.
Procedure 412 Hazardous Material Responses; Procedure 413 School Safety Readiness: Procedure
414 Hostages and Barricaded Subjects; Procedure 416 Response to Bomb Calls; and Procedure 418 Mental Illness have been withheld due officer safety, security and interference with investigation concerns.
Procedure 420 I, J, K, L, M, N, 0, P, and Q have been redacted due to security issues and interference with investigations.
Procedure 421 The last four paragraphs of section A have been redacted due to interference with Investigations concerns, officer safety and security issues.
Procedure 422 Arrest or Detention of Foreign Nationals has been withheld due to officer safety, security and interference with investigations issues.
Procedure 426 Reporting Police Activity Outside of jurisdiction has been withheld due to officer safety, security and interference with investigation concerns.
Procedure 428  D the second paragraph has been redacted due to officer safety, security and interference with investigation concerning.
Procedure 432 Patrol Rifles has been withheld due to officer safety and security concerns.
Procedure 438 Obtaining/Requesting Air Support; and Procedure 440 have been withheld due to officer safety, security and interference with investigation concerns.
Procedure 442 Criminal Street Gangs has been withheld due to officer safety, security and interference with investigations concerns.
Procedure 448 Radio & Mobile Data System Use has been withheld due to officer safety, security and interference with investigation concerns.
Procedure 450 Use of Recording Devices has been withheld due to security and interference with investigation concerns.
Procedure 500 D, E, and F have been withheld due to officer safety, security and interference with investigation concerns.
Procedure 514 A and the second paragraph of D have been withheld due to officer safety, security and interference with investigation concerns.
Procedure 516 A two paragraphs have been redacted due to security and interference with investigation concerns.
Procedure 524 B has been withheld due to interference with investigation concerns.

Letter from FPD dated August 24, 2012

Enclosed is the sixth installment of the Policies and Procedures Manuals of the Fresno Police Department which you requested. I apologize for the extended time in getting my response out to you. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(t). Enclosed is a CD with the sections of the Manuals for your information.

We are still in the process of reviewing Section 10 and will provide that to you within the next two or three weeks. Section 10 is the final portion which will complete our response to your request. We thank you for your patience.

Below is a list of the modified sections and those that were withheld.

Policy Manual:

Policy 600.3 and 600.3.1 have been removed due to interference with criminal investigation concerns.
Policy 604 There is no such Policy.
Policy 608 Informants (Confidential) has been removed since its release would comprise criminal investigations and endanger officers and informants.
Policy 701.21 has been redacted in part since the information would compromise criminal investigations.
Policy 800.2 has been redacted since the release of that information would compromise criminal
investigations.
Policy 801 There is no such Policy. Policy 802 There is no such Policy. Policy 803 There is no such Policy. Policy 807 There is no such Policy. Policy 808 There is no such Policy. Policy 809 There is no such Policy. Policy 811 There is no such Policy.
Policy 812 (Criminal Offender Record Information) has not been eliminated in its entirety since the information is confidential under state and federal law. Policy 901.1.5 The second half of that section was redacted because the release would compromise criminal investigations and endanger officer safety.

Procedures Manual:

Procedure 600 The last three lines of subsection F have been redacted since to release the information would comprise criminal investigation.
Procedure 601 There is no such Procedure. Procedure 602 There is no such Procedure. Procedure 603 There is no such Procedure. Procedure 604 There is no such Procedure. Procedure 605 The second paragraph of subsection A was redacted and subsection C in its entirety because the information would comprise officer safety. Procedure 606 subsection F and the last half of subsection A were redacted since the information would comprise criminal investigations. Procedure 608 (Informants Confidential) has been withheld since the information in that procedure is confidential under federal and state law and would compromise criminal investigations and endanger officer and CI safety. Procedure 609 subsection C bullet point 11 (Confidential Informant) has been redacted since the information in that procedure is confidential under federal and state law and would compromise criminal investigations and endanger officer and CI safety. Procedure 701 subsection D Weapons has been redacted since the information would comprise officer safety. Procedure 702 There is no such Procedure. Procedure 703 subsection A bullet point dealing with Pro-net and bullet point dealing with prisoner transport have been redacted since the information in them would comprise officer safety and interfere with criminal investigations. Procedure 704 subsection A "Unmarked Vehicles" was redacted since the information would comprise criminal investigations and endanger officer safety. Procedure 800 There is no such Procedure. Procedure 801 There is no such Procedure. Procedure 802 There is no such Procedure. Procedure 803 There is no such Procedure. Procedure 804 was withheld since the information would comprise the security of the Department, comprise criminal investigations and endanger officer safety. Procedure 900 The last one third of subsection C, with the exception of "Emergency First Aid" was redacted since the information would comprise officer safety and comprise criminal investigations. Procedure 901 "Exceptions" under subsection D was since the information would
comprise criminal investigations and endanger officer safety. Subsection G, subsection L, and subsection P were redacted since the information would comprise officer safety and comprise criminal investigations.

Letter from FPD dated December 18, 2012

Enclosed is the final installment of the Policies and Procedures Manuals of the Fresno Police Department that you requested. Thank you again for your patience in the lengthy amount of time it has taken to complete our response to your request. It has been a very large project. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(e). Below is a list of the sections for the last chapter in the Policy and Procedures Manual.

Included in the list of sections reviewed where items that have been redacted or partially redacted, those items set forth the reason they have not been provided.

Policy Manual:

Policies Sections 1001, 1003, 1004, 1005, 1007, 1009, 1011, 1015, 1017, 1019, 1021, 1023, 1027, 1029, 1033, 1034, 1035, 1037, 1039, 1041, 1043, 1045, and 1049 are reserved for future sections and there are no policies for these numbers. Policy 1024 has been withheld due to officer safety concerns. Policy 1046.2.1 has been withheld due to officer safety and interference with investigations concerns.

Procedures Manuals:

In addition to the Policy sections listed above that are reserved for future use, the following Procedure Sections are reserved for future use and contain no information: 1013, 1018, 1022, 1031, 1034, 1046, and 1050. Procedure 1034 has been redacted due to interference with investigations and security concerns.
Law Enforcement Authority

100.1 POLICY
Law enforcement officers are granted "functional" authority based on State law, as such, this Department will not tolerate abuse of that authority.

PURPOSE AND SCOPE

The Chief of Police and his/her employees, on his/her authorization, are empowered to enforce, and are charged with the duty of enforcing the laws and ordinances of the City of Fresno and State of California.

100.2 PEACE OFFICER POWERS
Sworn members of this Department are peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California.

100.3 CONSTITUTIONAL REQUIREMENTS
All members shall observe and comply with every person’s clearly established rights under the United States and California Constitutions.
Department Role in the Criminal Justice System

101.1 POLICY
The Department provides primary law enforcement services to the City of Fresno.

PURPOSE AND SCOPE
The Chief of Police and management staff shall develop and establish guiding principles for the Department. These principles shall take the form of mission statements, value statements and other written directives which determine the operational philosophies of the Department. These guiding principles shall be reviewed annually to ensure they accurately reflect the needs of the community.

101.2 PRIMARY ROLE IN THE CRIMINAL JUSTICE SYSTEM
Services provided include, but are not limited to, emergency responses to crimes in progress, conducting investigations, enforcement of local, state, and federal laws, required documentation, required records maintenance, court room testimony, property/evidence storage and handling, and effective administration to coordinate and manage these services.

101.3 COOPERATION WITH OTHER AGENCIES
The criminal justice system relies upon the cooperation of this Department with other law enforcement agencies, prosecutors, courts and correctional officers to ensure the development of a safer community. When possible, members will fully cooperate with outside agencies to allow for the greatest level of service to the community.

To foster this cooperation, the Department will establish a close working relationship with professional organizations directly involved with the planning of responses to crime in the community. Programs such as the Prostitution Abatement Program, Life Skills, Crisis Intervention Training, and CARE Fresno are examples of public and private collaborations that address social issues as they relate to law enforcement responses and needs within the community.

101.4 COMMUNITY ORIENTED POLICING COMMUNICATION
The Fresno Police Department is dedicated to the philosophy of Community Oriented Policing. The Department is comprised of members of our community and is enriched by the diversity of personnel who dedicate themselves to the Department mission.

In order to help integrate the Community Oriented Policing strategy into our operations, open communication is encouraged and should be fostered by all members. In order to assure that concerns raised by members of our community are taken seriously and handled appropriately, every member of the Department is responsible to listen, understand and communicate concerns to their immediate supervisor. Those issues which can be solved by the member should be handled appropriately. Department members are also an integral part of the community policing strategy. When a Department member observes activity or situations that affect quality of life they are encouraged to immediately report the information to the appropriate district or bureau.

Effective Date: 04/07/2008
Department Role in the Criminal Justice System

Issues that affect quality of life should be reported through the chain of command in written memorandum, police reports or Email. These issues shall be reported to the Chief of Police on a weekly basis in staff meetings. Strategies to solve the problems are to be discussed with staff members and action plans put in place to address the problems. Each week, follow up questions are presented by the Chief to track progress. These remarks shall be recorded into the meeting minutes to provide a written record and to facilitate tracking of the issue.

Four things to be recorded by the bureau secretary are, at a minimum:

(a) A description of current concerns voiced by the community;
(b) A description of potential problems that have a bearing on law enforcement activities within the community;
(c) A statement of recommended actions that address previously identified concerns and problems; and
(d) A statement of progress made toward addressing previously identified concerns and problems.
Chief Executive Officer

102.1 POLICY
The Department will use a structured chain of command for communication and direction of all members.

102.1.1 PURPOSE AND SCOPE
Each level of supervision will carry commensurate responsibility and authority. Every member will be held accountable for their use of delegated authority. Each member will be responsible to only one supervisor at any time.

102.2 CHIEF OF POLICE REQUIREMENTS
The Chief of Police must, on appointment, have completed or shall, within two years of appointment, complete a course of training prescribed by California Commission on Peace Officer Standards and Training (POST) and obtain the Basic Certificate by POST within two years of appointment.

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

102.4 RESPONSIBILITIES
The Chief of Police is responsible for the day-to-day operations of the Department including administration, coordination and delivery of all law enforcement services provided by this Department to the community. The Chief of Police is also responsible for the fiscal operations of the Department including the annual budget.

102.4.1 ABSENCE OR INFIRMITY
In the absence or infirmity of the Chief of Police, the Chief will delegate the Assistant Chief (or a Deputy Chief) command responsibility and authority for the Police Department.

In exceptional circumstances where the Chief is unable to conduct the business of the Department, and has not delegated overall command responsibilities, the Assistant Chief will assume command followed by the Administrative Services Division Commander, the Patrol Division Commander, the Support Division Commander, Special Operations Division Commander, and the Investigative Services Division Commander.

102.5 CHAIN OF COMMAND
The Department will use a structured chain of command for communication and direction of all members.

Each level of supervision will carry commensurate responsibility and authority. Every member will be held accountable for their use of delegated authority.

Each member will be responsible to only one supervisor at any time.
102.6 RANK AUTHORITY

Orders, business, and operations of the Department that concern enforcement and/or emergency operations shall function through the following hierarchy of rank, listed from highest to lowest:

(a) Chief of Police
(b) Assistant Chief
(c) Deputy Chief of Police
(d) Captain
(e) Lieutenant
(f) Sergeant
(g) Specialist/PTO
(h) Officer
(i) Community Service Officer (CSO)
(j) Cadet II
(k) Cadet I

Under normal day-to-day operations, the highest ranking member on scene may exercise command over an incident.

102.6.1 EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances a higher ranking member may delegate specific authority to a subordinate based on the skills or expertise of that member. In these situations, the higher ranking member will retain overall command of the incident but may delegate tactical, investigative, or other functional control of an incident.

Where different departmental functions are engaged in a single operation, the highest ranking member for each function will retain operational control over that function, however overall incident command will be retained by the highest ranking member on scene.

102.7 DELEGATING AUTHORITY

There may be circumstances when a member of lower rank is delegated authority for a situation based on expertise, training, or experience. In these situations a supervisor will delegate the authority to accomplish the task. Any subsequent orders given by the person receiving the delegation will be treated as if the superior officer had given the order.

102.8 CONFLICTING ORDERS

When a member receives an order that is in conflict with a previously issued order, the member will follow the guidelines listed below.

102.8.1 WRITTEN ORDERS IN CONFLICT

Any time written orders or other Department documents are in conflict, the order of highest authority shall be followed. Members who discover a conflict shall advise the issuing authority of the conflict, who shall then take immediate steps to resolve the issue. When written orders of the same authority are in conflict, the most recent order shall be followed, and the issuing authority shall be advised.
102.8.2  WRITTEN-VERBAL / VERBAL-VERBAL CONFLICTS
When any member receives a verbal order from a superior that conflicts with a written or verbal order of another superior, the member shall immediately advise the superior giving the conflicting order of the conflict. When the superior still wishes the order carried out, the member shall do so, and shall suffer no disciplinary action for doing so. The superior issuing the conflicting order shall contact the issuing authority of the other order as soon as possible to reconcile the conflict.

102.8.3  ORDERS IN CONFLICT WITH LAW
When a member receives a written or verbal order that conflicts with the law, the order shall not be obeyed, for which disobedience the member shall not be subject to disciplinary action. Members shall not be excused for violating the law because they were acting under the orders of a superior. Members receiving orders in violation of law shall immediately advise the issuing superior of the conflict, and that the order will not be carried out. Superiors issuing unlawful orders shall immediately rescind them and fully report the incident to their own superior.

102.8.4  MEMORANDA
Memoranda will be considered as verbal orders.
Oath of Office

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

104.1.1 OATH OF OFFICE
Prior to assuming the duties of the position, 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, Section 20, Article 3).
Policy Manual

106.1 POLICY
The manual of the Department is hereby established and shall be referred to as the "Policy Manual", more commonly referred to as the "Bluebook." Except for provisions of law, members are allowed discretion in their adherence to the regulations, policies, and procedures of the Department. Policy does not dictate a precise action to be taken, but establishes the governing ideal which should be furthered and supported by the actions taken.

106.1.1 PURPOSE AND SCOPE
The Policy Manual is a statement of the current policies, rules, and guidelines of the Department. Members are to conform to the provisions of this manual. Prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual. It is recognized that police work is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of the Department under the circumstances reasonably available at the time of any incident.

106.2 RESPONSIBILITIES
The ultimate responsibility for the content of the Manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the Manual, the following delegations have been made:

106.2.1 CHIEF OF POLICE
The Chief of Police shall be considered the ultimate authority for the provisions of this Manual and shall continue to issue Provisional Orders which shall modify those provisions of the Manual to which they pertain. Provisional Orders shall remain in effect until such time as they may be permanently incorporated into the Manual.

106.2.2 STAFF
Staff shall consist of the following:

(a) Chief of Police
(b) Assistant Chief of Police
(c) Deputy Chiefs
(d) Captains
(e) Lieutenants
(f) Bureau / Unit Managers

Staff shall review all recommendations regarding proposed changes to the Manual.
106.3 LEGALITY OF CONTENTS
When any portion of the Manual is found to be illegal or incorrect, that finding shall not affect the validity of the remaining portions of the Manual.

106.4 FORMATTING OF THE POLICY MANUAL
The purpose of this section is to provide examples of abbreviations and definitions used in the Manual.

The Policy Manual contains chapters, policies, sections, subsections, and ordered lists as illustrated below.

POLICY MANUAL
Preface
Table of Contents
Chapter
Policy 100
Section 100.1
Sub-section 100.1.1
Ordered list (a)

106.4.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the Manual:

• Provisional Orders may be abbreviated as "PO"
• Policy Manual sections may be abbreviated as "Section 106.X" or "106.X"

106.4.2 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 - Shall mean any person 18 years of age or older

CHP - Shall refer to the California Highway Patrol

City - Shall mean the City of Fresno

Civilian - Refers to all members who are not peace officers

Department/FPD - Shall mean the Fresno Police Department

DMV - Shall mean the Department of Motor Vehicles

Employee/Personnel - Shall apply to any person employed by the Department

Juvenile - Shall mean any person under the age of 18 years

Manual - Shall refer to the Fresno Police Department Policy Manual
Fresno Police Department
Policy Manual

Policy Manual

Member - Term applied to all persons of the Police Department and shall include sworn officers and non-sworn employees. This includes reserve officers, volunteers, and other persons who work within the Department but are unpaid or who are paid by entities other than the Department

Officer/Sworn - Applies to those employees, regardless of rank, who are sworn employees of the Fresno Police Department

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

Order - An instruction either written or verbal issued by a superior

Policy - Is a statement of principle(s) upon which procedures and regulations are based to achieve the goals of the Department

POST - Shall mean the California Commission on Peace Officer Standards and Training

Rank - Shall mean the title of the classification held by an officer

Shall (will or must) - Indicates a mandatory action

Should (may or can) - Indicates a permissive or discretionary action

Staff Member - Refers to officers of the rank of lieutenant or above and to civilian personnel with bureau or unit management responsibility

106.5 AUTHORITY OF DEPARTMENTAL DOCUMENTS

The following order of authority shall be given to Departmental documents listed from highest to lowest:

(a) Chief's Memoranda;
(b) Provisional Orders;
(c) Policy/Procedure Manuals;
(d) Other approved manuals/Operations Manuals;
(e) Memoranda; and
(f) Roll Call Training Bulletins.

106.5.1 OPERATIONS MANUALS

Operations Manuals may be established by each division, bureau, or unit commander to establish regulations and procedures for their division, bureau, or units.

The Manual may be issued by the Planning and Research Bureau (PRB) after being approved by the PRB and the affected division commander.

106.5.2 ROLL CALL TRAINING BULLETINS (RCTB'S)

RCTB's shall be issued by the PRB to those members designated by the PRB. RCTB's shall be used to provide training information or to clarify existing policy and procedures, but shall not establish new policy or procedure. Specific instances requiring the issuance of a RCTB shall include, but are not limited to:

• Yearly update on legislative changes;
Policy Manual

- Court decision/case law updates as needed; and
- Information on dangerous weapons, drugs, or disease

(See PRB Operations Manual for format and contents of RCTB)

106.6 DISTRIBUTION OF MANUAL
PRB will maintain the master version of the Manual. This version shall include all former orders and subsequent revisions. PRB will have the primary responsibility for revising the Manual and for ensuring the contents are accurate and current.

A computerized version of the Manual is available on the Department network and on the patrol vehicle Mobile Data System (MDS) for access by all members. The computerized version is limited to viewing and printing of specific sections. No changes shall be made to the electronic version without proper authorization. The version contained on the Department network shall be considered the most current version of the Manual.

The working version will be distributed in hard copy to each bureau by the PRB.

Revisions and/or additions to the Manual will be published by the PRB quarterly. These will be published either electronically or hard copy in the form of complete or partial orders to be inserted into the Manual.

Each member issued a hard copy manual is responsible for promptly inserting new orders into his/her Manual so that it is current at all times. New or modified policies or orders take force and effect on the effective date as designated on the order.

Revisions to the Manual before the quarterly updates will be in the form of Provisional Orders (PO). PO’s shall remain in effect until such time as they may be permanently incorporated into the Manual.

106.7 REQUESTS FOR REVISION OR NEW POLICY
Members wishing to create a new policy or to revise, amend, or otherwise modify the Manual shall prepare a draft of the document and submit it through the chain of command to their commander, who will forward it to the Commander of the PRB.

PRB will ensure that the draft document is reviewed by the affected division commander or acting division commander prior to staffing. Once approved, the draft will be returned to PRB to ensure that proper staff review is accomplished. The PRB Commander will determine whether full, executive, or no staffing is required for appropriate review of the draft document. PRB will distribute the draft document according to the staffing recommendations and allow one week for comments. Once the comment period is completed, PRB shall be responsible for reconciling the staffing comments with the original author or person requesting the modification.

The PRB shall review the drafts, ensure that proper staff review is accomplished, and shall then submit them to the proper authority for approval.

On completion of this process, PRB will send the draft document to the Chief of Police or his/her designee for signature.

106.8 RECEIPT OF ORDERS
All members are required to log into the PowerDMS system at least once per work week, or when notified by Department email or voice mail, to receive new and updated Departmental...
documents. Members shall personally sign (by entering an ID and password) for policies, procedures, and other directives that are distributed electronically via PowerDMS. After members have electronically signed for the new or modified order, the PRB will retain the electronic signature in the PowerDMS database.

When documents are distributed as a hard copy, members shall sign the Policy Distribution / Receipt Form accompanying the new or modified order, indicating their acknowledgment and receipt of the order. The form will be retained by the PRB.

An audit report should be generated by the PRB four weeks after the distribution of a document has been made. Those personnel who have not signed for the document will be advised by means of a memorandum through the commander of the respective bureau or section.

PRB has the responsibility for updating and maintaining accurate Policy Distribution / Receipt Forms.
Organizational Structure and Responsibility

200.1 POLICY
The Department will maintain a divisional structure with established responsibilities.

200.1.1 PURPOSE AND SCOPE
The organizational structure of the Department is designed to create an efficient means to accomplish its mission and goals and to provide for the best possible service to the public.

200.2 STRUCTURAL UNITS AND LEVELS
The Chief of Police is responsible for administering and managing the Fresno Police Department.

200.2.1 DEPARTMENT
The Department is organized into five operational levels:

(a) Department;
(b) Division;
(c) Bureau;
(d) Section; and
(e) Unit (includes squads & teams).

200.3 DIVISION
A "division" is a grouping of bureaus, sections, and/or units, with a division commander. Divisions are sub-groups of the Department. There are six divisions within the Fresno Police Department. These include:

(a) Office of the Chief Division;
(b) Administrative Services Division;
(c) Patrol Division;
(d) Support Division;
(e) Investigative Services Division; and
(f) Special Operations Division.

200.3.1 OFFICE OF THE CHIEF
The Office of the Chief is commanded by the Chief of Police and falls under the authority of the City Manager. The Chief of Police is responsible for the day to day operations of the Department including administration, coordination and delivery of all law enforcement services provided by the Department to the community.

The Office of the Chief is comprised of:

• Chief of Police;
• Public Information Officer;
Organizational Structure and Responsibility

- Administrative Lieutenant; and
- Legal Advisor.

200.3.2 ADMINISTRATIVE SERVICES DIVISION
The Administrative Services Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for the Administrative Services Division.

The Administrative Services Division consists of:
- Fiscal Affairs Bureau;
- Internal Affairs Bureau;
- Personnel Bureau; and
- Planning & Research Bureau.

200.3.3 PATROL DIVISION
The Patrol Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for that Division.

The Patrol Division consists of:
- Southwest Policing District;
- Central Policing District;
- Southeast Policing District;
- Northeast Policing District;
- Northwest Policing District; and
- Field Commanders.

200.3.4 SUPPORT DIVISION
The Support Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for the Support Division.

The Support Division consists of:
- Crime View Bureau;
- Records Bureau;
- Information Services Bureau;
- Graffiti Bureau;
- Video Policing;
- Youth & Employee Services Section; and
- Customer Service Bureau.

200.3.5 INVESTIGATIVE SERVICES DIVISION
The Investigative Services Division is commanded by a Deputy Chief whose primary responsibility is to provide general management direction and control for the Investigation Division.

The Investigative Services Division consists of:
Organizational Structure and Responsibility

- Special Units Bureau;
- Family Justice & Criminal Investigations Bureau;
- Street Violence Bureau;
- Special Investigations Bureau; and
- Crime Scene Bureau.

200.3.6 SPECIAL OPERATIONS DIVISION
The Special Operations Division is commanded by a Deputy Chief whose primary responsibility is to provide general management directions and control for the Special Operations Division.

The Special Operations Division consists of:

- Communications Bureau (ComCen);
- Training Bureau;
- Traffic Bureau;
- Homeland Security / Volunteer Services Bureau; and
- The Property & Evidence Control Section (PECS).

200.4 BUREAU
Bureau- Is a grouping of sections and/or units with a bureau commander or bureau manager. Bureaus are sub-groups of divisions.

200.5 SECTION
Section- May be a functional group of line personnel with a section manager, or may be a grouping of units. Sections are sub-groups of bureaus.

200.6 UNIT
Unit- May include "squads" and "teams," and is the basic functional group of the Department.

(Refer to the Department Organizational Chart for corresponding representation)

200.7 DEPARTMENT COORDINATION / COOPERATION
All Divisions, Bureaus, Sections, and Units will maintain communication with other Divisions, Bureaus, Sections, and Units as a means of coordinating law enforcement services and increasing cooperation within the Department. Coordination refers to the transmission and receiving of information between all Departmental functions in the form of attendance at staff meetings, briefings, email, voice mail, reports, and analysis.
Department Goals & Objectives

202.1 POLICY
The Chief of Police and management staff will establish a set of long-term goals for the Department.

202.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish staff responsibilities for setting the goals and objectives of the Department.

202.2 DEPARTMENT GOALS & OBJECTIVES
These goals will be reviewed annually and updated as needed to ensure they accurately reflect the needs of the community.

202.3 DEFINITIONS
GOAL - A Goal is a relatively broad statement of an end or result one intends to achieve. A goal usually requires a relatively long time span to achieve and, when possible, should be stated in a way that permits a measurement of its achievement.

OBJECTIVE - An objective is an end or result that one intends to attain, to achieve partial fulfillment of a goal. An objective is a sub-goal or an element of a goal, and requires a shorter time span to accomplish.

202.4 DIVISIONAL AND SUBORDINATE GOALS AND OBJECTIVES
Each Division Commander will establish written goals and objectives for his / her division as steps toward the attainment of the goals of the Department. These goals and objectives will be reviewed annually and updated as needed to ensure that they meet the need of the organizational component of the Department.

Each Bureau, Section, and Unit Manager will establish written goals and objectives for their operations directed toward the attainment of divisional goals and objectives. These goals and objectives will be reviewed annually and updated as needed to ensure that they meet the need of the organizational component of the Department.

NOTE: The written goals and objectives for Bureaus, Sections, and Units will be available to all personnel (e.g., on-line library, printed hard copies, in PRB).

202.5 MEASUREMENTS OF PROGRESS
At least annually, Division Commanders will quantify the progress of their respective objectives. This progress will be reported in the Department’s Annual Report and published at the direction of the Chief of Police or his/her designee.

Bureau Commanders/Managers will evaluate written objectives of their Bureaus, Sections, and Units annually in order to compare the progress of achieving the written goal and to ensure the goals & objectives meet the needs of the Department.
Department Goals & Objectives

202.6 REVIEW OF OBJECTIVES
Bureau Commanders/Managers will review and update, or modify the goals and objectives for their Bureaus, Sections, and Units annually based on the previous years’ data and submit them to their Division Commander. Division Commanders will review the modified goals and objectives and make any corrections or recommendations. Division Commanders will update their goals and objectives annually prior to budget preparation and establish new or revised goals and objectives as directed by the Chief of Police.
Provisional Order

204.1 POLICY
The Chief of Police or designee shall issue all Provisional Orders.

PURPOSE AND SCOPE

Provisional Orders (P.O.) establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding (MOU) and as permitted by Government Code § 3500 et seq.

P.O.'s will immediately modify or change and supersede sections of the Manual to which they pertain.

204.1.1 PROVISIONAL ORDER PROTOCOL
P.O.'s will modify existing policies or create a new policy as appropriate. P.O.s will be rescinded upon incorporation into the Manual.

Any P.O. issued after publication of the Manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "1" For example, 07-1.
Emergency Operations Plan

206.1 POLICY
The City has prepared an Emergency Operations Plan Manual for use by employees. Employees will follow the Emergency Operations Plan and Department Critical Incident Response Plan in the event of a major disaster or other emergency event.

PURPOSE AND SCOPE
The Emergency Operations Plan Manual provides for a strategic response by employees and assigns specific responsibilities in the event the plan is activated. The Critical Incident Response Plan establishes the responsibilities of the Department to the City of Fresno in providing law enforcement services when confronted with emergency incidents, such as natural and man made disasters, civil disturbances, mass arrests, bomb threats, hostage and barricaded persons situations, acts of terrorism, and other unusual incidents, which expose citizens and police personnel to unusual dangers.

206.2 ACTIVATING THE EMERGENCY PLAN
The Emergency Management Plan can be activated in a number of ways. The City of Fresno Manager/Director of OES, the Deputy City Managers, the Chief of Police, the Deputy Police Chiefs, Fire Department Operations Bureau Chief, Fire Marshal, OES Coordinator, or the Field Incident Commander may activate the Emergency Operations Plan when a disaster occurs or major emergency occurs or threatens to occur in the City.

206.3 LOCATION OF MANUALS
The manual are available in Admin Services Division and the Duty Office, and on the L: drive at L:\LIBRARY\Emergency Operations Plans. All supervisors should familiarize themselves with the City of Fresno Emergency Operations Plan, the Critical Incident Response Plan, and what roles police personnel will play when the plan is implemented.

206.4 OFFICE OF EMERGENCY SERVICES (OES)
The City of Fresno Office of Emergency Services (OES) Coordinator is responsible for coordinating the planned response to natural and man made disasters, civil disturbances, and other critical incidents, which may require the use of state, federal, or citywide resources. The OES Coordinator shall act as an expeditor of resources for these types of incidents and shall be the principal advisor to the Chief of Police.
Training Policy

208.1 POLICY
The Department will ensure personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.1.1 PURPOSE AND SCOPE
It is a goal of the Department to administer a training program that will provide for the professional growth and continued development of its personnel. The Department seeks to provide on going 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 POST.

208.2 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 personnel; and
(c) Provide for continued professional development of personnel.
212.1 POLICY
Electronic mail (E-mail) is a communication tool to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act).

PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper use and application of E-mail by members of the Department. Messages transmitted over the E-mail 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 DEFINITION
For the purposes of this policy, E-mail shall include all electronic communication transmitted via traditional E-mail clients (e.g., MS Outlook), digital messages sent via cellular phones/PDA’s, and administrative messages sent via MDS and Department computer.

212.2 E-MAIL - NO RIGHT OF PRIVACY
The City of Fresno provides members with E-mail services. Members should only use this service for conducting Departmental business. E-mail messages transmitted over the computer network are considered property of the Department. The City/Department reserves the right to access, audit, and disclose for whatever reason, all messages transmitted over its E-mail system or placed into its storage, including searching for security breaches or violations of Department/City of Fresno policy.

The E-mail system is not appropriate for confidential communications. When a communication must be private, an alternative method to communicate the message should be used. Members using the City’s E-mail system shall have no expectation of privacy concerning communications in the system.
Administrative Correspondence (non-electronic)

214.1 POLICY
No non-electronic administrative correspondence format is allowed except that approved by the Chief of Police.

214.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish uniform formats throughout the Department for non-electronic correspondence.

214.2 AUTHORIZED FORMATS
(a) Memorandums;
(b) Department letterhead; and
(c) Department "Memo" head.

214.3 MEMORANDUMS
The primary purpose of memorandums (memos) is to provide a means of administrative communication. Memos:

(a) Do not establish policy, however may establish temporary regulations, or procedures;
(b) Are issued by the Chief of Police, announce and document promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status;
(c) May be issued by any ranking member to a subordinate member for purposes of directing the activities of that/those member(s) in a specific situation;
(d) Will automatically expire for all purposes at 0001 hours on the 15th day after the date of issuance; and
(e) That are expired may not be utilized to hold members accountable.

Exceptions: The expiration policy will not apply to those directives issued and signed by the Chief of Police. Memos issued by the Chief will remain in effect indefinitely, unless repealed or superseded by a different directive.

214.3.1 PREPARATION AND DISTRIBUTION
(a) Memos will be addressed to the affected member(s), bureau, section, or unit, to which they apply;
(b) A memo will contain the date it takes effect;
(c) A memo will be signed / initialed by the issuing member;
(d) A copy of any memo issued to named personnel shall be given to each member addressed;
(e) Memos issued to bureaus, sections or units will be duplicated and distributed in sufficient quantity to ensure that all affected members are made aware of the memo; and
A member may not be held accountable to the provisions of any memo unless a supervisor can personally attest to the fact that the member had been made aware of the provisions of the memo.

214.4  **DEPARTMENT LETTERHEAD**
Department letterhead is distinguished by the presence of the City of Fresno "logo" along with the Department's address and name of the Chief of Police.

To ensure that the letterhead and name of the Department are not misused, the following will be adhered to:

(a) All external correspondence will be on Department letterhead;
(b) The Department letterhead will not be altered; and
(c) Members are to use Department letterhead only for official business.

214.5  **DEPARTMENT "MEMO" HEAD**
Department "Memo" head is distinguished by the presence of the City of Fresno "logo", Department name, but lacks the address and name of the Chief of Police.

"Memo" head is only used for internal documents.

214.6  **SURVEYS**
All surveys are to be authorized by the Chief of Police or a Division Commander.
Staffing Levels

216.1 POLICY
The Department will establish minimum staffing levels in the Patrol Division for all shifts and districts.

PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper staffing levels are available at all times. To accomplish this, the Department will balance the needs of the employee with the public safety requirements of the community.
Concealed Weapon License

218.1 POLICY
Only the Chief of Police is given the statutory discretion to issue a license to carry a concealed, rearm to residents* of the City of Fresno.

*Some non-residents may qualify.

218.1.1 PURPOSE AND SCOPE
The procedures of this policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 12050.2, these procedures shall be made accessible to the public.

218.1.2 APPLICATION OF POLICY
Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff to process all applications and licenses for the carrying of concealed weapons (Penal Code § 12050(g)).

218.1.3 APPLICATION PROCESS
Concealed weapons applications can be obtained by contacting the detective at 621-2103.
Retired Officer CCW Endorsements

220.1 POLICY
Upon honorable retirement from the Department, any full-time sworn officer, who had been authorized to, and did carry a concealed firearm during the course and scope of their employment, may be issued an identification card with a "CCW Approved" endorsement [Penal Code § 12027(a)(1)(D)].

220.1.1 PURPOSE AND SCOPE
The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of concealed weapons (CCW) endorsement for retired officers of the Department.

220.2 QUALIFIED RETIREES
For the purpose of this policy, "honorially retired" [as defined in Penal Code §12027(a)(1)(A)] includes all peace officers who have qualified for, and have accepted, a service or disability retirement. This shall not include any officer who retires in lieu of termination.

Service retirements qualify for a "CCW Approved" endorsement when the retirement is from regular employment as a law enforcement officer for an aggregate of 15 years or more. Officers who voluntarily separate from the Department and are not "honorably retired" as defined above, do not qualify for the CCW endorsement. Officers who fall into this category must seek a CCW permit through the civilian processes in the jurisdiction of residence.

No "CCW Approved" endorsement shall be issued to any officer retiring because of a psychological disability [Penal Code §12027.1(b)(3)(e)].

Any firearm that is presented to this Department for concealed carry and range qualifications must meet the minimum requirements as prescribed in Policy/Procedure 312. The make, model and serial number of the qualifying weapon(s) will be inscribed on the retiree ID card, limiting concealed carry to not more than two specific weapons.

220.2.1 OFFICERS RETIRED PRIOR TO JANUARY 1, 1981
Officers who have honorably retired from this Department prior to January 1, 1981, and wish to carry a concealed weapon, are required to have a CCW endorsement, and must petition this agency every year to renew the ID card. These retirees must also qualify at the range and sign a liability waiver. If no CCW endorsement is desired, the officer is only required to renew the ID card once every five years. This agency may deny or revoke this privilege to carry a concealed firearm for "good cause" as outlined in [Penal Code §12027 (2)]. This denial will be indicated by "No CCW Privilege" stamped on the card.

220.3 CARRYING FIREARMS OUT OF STATE
Subject to 18 United States Code §926C and Policy Manual §312.8, qualified retired officers of the Department may be authorized to carry a concealed weapon in other states. Retired officers wishing to maintain a CCW endorsement while traveling to or residing in another state, must adhere to the provisions in Procedure Manual §220.

(a) HR 218, the Law Enforcement Officers Safety Act (LEOSA), was enacted July 22, 2004, as Pub. L. 108-277, and is codified as 18 U.S. Code §926B and §926C.
Retired Officer CCW Endorsements

1. The Act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act of 1968 (Pub. L. 90-618, 82 Stat. 1213) to exempt qualified current and retired law enforcement officers from state and local laws prohibiting the carrying of concealed firearms.

2. It does not exempt current or retired officers from any state or local firearm owner registration laws.

3. It is the policy of the Fresno Police Department to comply with the Act, under the conditions and provisions in Procedure Manual §220.

220.3.1 MAINTAINING A CCW ENDORSEMENT WHILE RESIDING IN ANOTHER STATE

In order to maintain a CCW endorsement, retirees must:

(a) Have successfully passed an annual FPD background check indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm;

(b) Not be under the influence of any alcohol or other intoxicating or hallucinatory drug or substance while carrying or otherwise in possession of a firearm; and

(c) Have, during the most recent 12-month period, successfully passed the standards for training and qualification for active law enforcement officers to carry firearms in their primary state of residence.

On request, qualified retired law enforcement officers of the Fresno Police Department who do not reside in this state, and who have successfully passed this state’s standards for training and qualification for active law enforcement officers to carry firearms, will be sent a retirement identification card by mail, that indicates that the retired officer:

(a) Is a nonresident of this state and has met all of the conditions in 220.2 and 220.3 above;

(b) Must meet the standards for training and qualification for active officers in the retired officer’s primary state of residence;

(c) Must submit, in acceptable size and format, two recent facial color photographs or a recent digital image; and

(d) Must submit, in acceptable size and format, fingerprints or digital image (10 print cards).

220.4 DENIAL OR REVOCATION OF CCW ENDORSEMENT

The CCW endorsement for any officer retired from the Department may be denied or revoked only upon a showing of good cause, as outlined in Penal Code §12027.1.

220.5 OUT OF STATE AGENCY RETIRED OFFICERS

It shall be the policy of this agency to provide reciprocal services to retired law enforcement officers from other states that reside within the city limits, and seek to renew a CCW endorsement issued by the law enforcement agency from which they retired in good standing. Only those officers who qualify under HR 218, who present this agency with a signed affidavit of compliance, shall be provided the services outlined in Procedure §220, to include:

(a) Verification of identification;

(b) Range qualification; and
Retired Officer CCW Endorsements

(c) Completion of a Liability Waiver.
Miscellaneous Duties and Programs

221.1 POLICY
The Department utilizes various programs and positions within the Agency to further its mission. These do not fall within the normal patrol/investigative functions but may support these and other functions within the Department.

221.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide general guidelines governing these programs.

221.2 LEGAL ADVISOR
Informal Legal Opinions
Members may, through their chain of command, contact the Legal Advisor concerning Department legal problems. The request for an informal legal opinion may be oral. Informal legal opinions will be rendered verbally. Incident commanders at in-progress operations may contact the Legal Advisor directly.

Legal Advisor Evaluation Reports
Members may, through their chain of command contact the Legal Advisor and request the issuance of a Legal Advisor Evaluation Report. This report is used when a problem requires an answer which cannot be presented in the form of an informal legal opinion. The request for a Legal Advisor Evaluation Report may be rendered verbally.

Case Evaluation
The commander of any section or bureau may request legal evaluation of any case which requires an opinion of the Legal Advisor. The request for the evaluation shall be in writing. All pertinent documents should accompany the request. Case evaluations may be verbal or written.

Requests for Legal Opinions of the City Attorney, DA or Attorney General
Requests for outside legal opinions shall be reviewed by the Legal Advisor prior to transmittal. The Legal Advisor, when appropriate, will prepare a detailed Memorandum of Law concerning the subject matter of the request. The Memorandum of Law shall be transmitted with the request and filed with the Chief of Police.

Staff Meetings
The Legal Advisor shall be informed in advance of all staff meetings. The Legal Advisor shall attend staff meetings for the purpose of advising the staff with respect to legal matters. In addition, the Legal Advisor shall present any significant legal matters which have been brought to his/her attention.

Research & Practices
The Legal Advisor shall advise the Department with respect to any court decisions or legislation which may have any affect on the policies, regulations and procedures of the Department.
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Miscellaneous Duties and Programs

Training

The Legal Advisor shall review the curriculum of the Training Bureau and shall advise the Training Bureau Commander with respect to the legal aspects of the training program. The Legal Advisor shall be available for the purpose of delivering lectures on appropriate subjects to training classes. The Legal Advisor shall assist in the development of comprehensive training programs and aids designed to train the members of the Department to work within the framework of legal requirements.

Public Information

The Legal Advisor shall be available to advise the Chief of Police regarding the release of information to the public. In addition, the Legal Advisor shall be consulted by members on matters that involve possible civil liability, libel, and slander.

Departmental Orders

The Legal Advisor shall review all proposed SO’s orders and bulletins prior to publication for the purpose of determining legal sufficiency. In addition, the Legal Advisor shall review all training bulletins, orders and manuals currently in effect and determine their conformity to legal and Constitutional requirements.

City Attorney Liaison

The Legal Advisor shall be responsible to the Office of the City Attorney.

The Legal Advisor shall consult with the Office of the City Attorney for the purpose of determining the sufficiency of case preparation and the quality of courtroom testimony of members. The Legal Advisor shall convey the Department’s policies to the Office of the City Attorney and shall be responsible for advising the Department concerning policies and suggestions of the City Attorney’s Office.

DA

The Legal Advisor shall consult the DA for the purpose of determining the sufficiency of case preparation and the quality of courtroom testimony. The Legal Advisor shall convey the Department’s policies to the DA and shall be responsible for advising the Department on policies and suggestions of the DA’s Office.

US Attorney

The Legal Advisor shall serve as the Department’s liaison with the Office of the US Attorney and other federal prosecuting agencies.

Courts

The Legal Advisor shall act as the Department’s legal liaison with the court system.

Legislative

The Legal Advisor shall consult with the Chief of Police and his staff concerning any proposed legislation which may affect the operations of the Department.

Bar Associations
Miscellaneous Duties and Programs

The Legal Advisor may join the Bar Association and criminal law and legislative committees for the purpose of liaison and to present the Department’s policies and points of view to these groups.

Law Enforcement Agencies

The Legal Advisor shall perform liaison functions with other agencies as determined by the Chief of Police or the City Attorney.

Department Discipline

The Legal Advisor shall take no prosecutory part in police disciplinary proceedings.

Labor Negotiations

The Legal Advisor shall take no part in Department labor negotiation proceedings.

Reports

All written legal opinions of the Legal Advisor shall be in a form approved by the City Attorney. Memos shall be written in the standard Department format.

Other Duties

The Legal Advisor will be called, pursuant to staff officer authorization, at any time there is a question of civil liability on the part of the City or any member. The Legal Advisor shall perform other duties as may be assigned by the Chief of Police or the City Attorney.

221.3 PATRIOTIC PROTOCOL

National Anthem

When the National Anthem is played at any place where uniformed members are present, members shall stand at attention and salute the flag until the last note of the anthem.

Passing of the Flag

On approach of the American flag, uniformed members on foot shall render a military salute as the flag passes. The time to salute is when the flag is within six paces on approach, to end when the flag is beyond six paces on passing. Motorcycle officers at fixed post shall dismount and salute.

HQ Flag

The American flag shall be flown on the HQ flag pole every day of the year from sunrise to sunset, except during inclement weather.

No other flag shall be displayed above, equal to, nor in a position of superior prominence or honor to or in place of the American flag.

The flag will be flown at half mast on Memorial Day and Veteran’s Day, and on any other day specially designated by the President, Governor, City Council, Mayor, or Chief of Police.
Miscellaneous Duties and Programs

221.4 FUNERAL DETAILS

221.4.1 FUNERAL DETAIL COMPOSITION
Active Members of the Department

The full Honor Guard contingent shall be detailed to attend. All on duty sworn members that can be released without hindering Department operations should attend. All off duty members are encouraged to attend.

Active City Officials & City Administrators

The full Honor Guard contingent shall be detailed to attend.

Others

An Honor Guard contingent of six members shall be detailed to attend funerals of retired members, active FFD members, active reserve officers, and active members of local law enforcement agencies killed in the line of duty.

Requested Honor Guard Attendance

On approval of the Chief of Police, six members of the Honor Guard shall be detailed to attend funerals of members’ relatives, County and State officials, active and retired members of local law enforcement agencies, or other persons when attendance is requested.

221.4.2 FUNERAL ESCORTS
At the direction of the Chief of Police, an escort may be assigned to a funeral detail.

221.4.3 UNIFORM
Members of the Honor Guard assigned to funeral details shall attend in full Honor Guard uniform. All other members assigned to funeral details shall attend in dress uniform or as directed by the Chief of Police.

221.4.4 ASSEMBLY
Members who attend a funeral in uniform shall be considered a member of the funeral detail and shall be commanded by the superior officer in charge. Assembly shall be outside of the location of the funeral, one-half hour prior to commencement of services, or as directed by the superior officer in charge.

221.4.5 OTHER AGENCY FUNERAL DETAILS
When uniformed members of this Department attend the funeral of a member of another law enforcement agency, the members shall report to and follow the instructions of the officer in charge of the uniformed detachment.
Critical Incident Review Committee (C.I.R.C.)

224.1 POLICY
The Chief of Police will establish the Critical Incident Review Committee (CIRC) to critique incidents of a serious nature.

PURPOSE AND SCOPE
To critique incidents of a serious nature in order to:

(a) Identify training needs;
(b) Identify unsafe work practices and to recommend action to correct safety deficiencies;
(c) Evaluate the adequacy of equipment used by or available to members;
(d) Evaluate incidents occurring in other jurisdictions which may have training value for members;
(e) Assure that Departmental procedures and practices are consistent with legal, safety, and professional standards;
(f) Identify the need for changes in Department policy, state or local legislation, or labor agreements; and
(g) Assist in future planning efforts.

224.2 MEMBERSHIP OF THE COMMITTEE
A committee comprised of Department members will be established at the beginning of each calendar year. Membership shall include a staff officer appointed by the Chief of Police to serve as the chairperson, and the Police Department’s Legal Advisor. The remainder of the committee will consist of personnel holding the rank of police officer, specialist, sergeant or lieutenant. The F.P.O.A. may appoint one officer, specialist, or sergeant to serve as a member.

224.3 RESPONSIBILITY OF THE COMMITTEE
The Chairperson shall convene a meeting within ten days following an incident which the Chief of Police has ordered to be reviewed.

The committee shall not review any officer involved shooting investigation until after the required administrative investigation is completed and then, only for a purpose stated herein. No report generated shall identify the officer(s) whose actions are subject to critique, but rather will be limited to the areas set forth in § 224.1.

224.4 FINDINGS BY THE COMMITTEE
Generally, within thirty days, the findings and recommendations will be forwarded in writing to the Police Department’s Legal Advisor. After review, the Legal Advisor will forward the report to the Chief of Police. The report shall not be considered in any disciplinary action, nor shall it be admitted in any disciplinary proceeding. When approved by the Chief of Police, a staff member will be assigned responsibility for required follow-up action.
224.5 OFFICER RIGHTS AND RESPONSIBILITIES

Nothing in this policy shall be construed or understood as a waiver of any rights or privileges that may be held by individual officers involved in the incident being reviewed.
Administrative Reports

225.1 POLICY
Administrative reports within the Department are completed to ensure that the goals and objectives of the Department are being met.

PURPOSE AND SCOPE
Administrative reports take different forms and include, but are not limited to, Performance Evaluations, Internal Investigations, Accident/Pursuit Reviews, Budget Requests, etc.

225.2 ADMINISTRATIVE REPORTS
The Executive Assistant to the Chief of Police is responsible for ensuring that any applicable administrative reports are included in the Annual Report each year.
Department Security

227.1 POLICY
No person shall be permitted access to the secure portions of any police facility unless he/she has lawful business that requires access.

227.2 VISITOR ACCESS

227.2.1 PUBLIC ACCESS
The public may enter HQ through the Mariposa Mall entrance and contact the Records Bureau window for assistance. Members and volunteers assigned to the Records Bureau window shall determine the needs of the person and direct them accordingly.

227.3 CHALLENGE OF UNAUTHORIZED OR WANDERING PERSONS
Members shall challenge any person not identified as provided in this policy who is observed in secure portions of Department buildings. Those persons found to be present without authorization shall be escorted to the lobby guard for screening.

Members shall contact any persons inside the building who appear unsure of where they are going and direct them to the place where their business is to be conducted.
Use of Force

300.1 POLICY
It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control.

PURPOSE AND SCOPE
This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of the Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

"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 about the amount of force that is necessary in a particular situation.

300.1.1 PHILOSOPHY
The Fresno Police Department maintains a high regard for human life and a high respect for the rule of law. In the operations of any public safety agency, there are many occasions in which the attending officer is faced with controlling the behavior of others. Generally, persons contacted by law enforcement officers are law abiding and/or compliant. Occasionally we contact a person that is non-compliant or assaultive. These encounters present serious threats to the safety of the community, the attending and/or arresting officer and even to the subject themselves. Undesirable consequences, such as injury or death, may result from these encounters. The principal philosophy of this Department mandates, without exception, that members exercise due caution in the application of force and respond in an objectively reasonable manner consistent with the authorities and restrictions that govern the use of force by law enforcement officers.

300.2 PERSONAL RESPONSIBILITY
The use of unreasonable force at any level is prohibited. The use of unreasonable force by a Department member invokes personal responsibility and carries with it the exposure to professional sanctions, criminal prosecution, and civil liability.

300.3 PROFESSIONAL CONDUCT
This policy recognizes the evolving nature of case law as it relates to police tactics and evolving responsibility when assessing the apparent need for an application of force. This individual responsibility must include a reasonable judgment based on the information then available to the Department member and on the practical application of force option to achieve a legitimate police objective.
Use of Force

300.4 OBJECTIVELY REASONABLE FORCE
Members may use physical force to effect an arrest, prevent an escape, overcome resistance, or defend themselves and others from injury. Both Federal and State law authorize Peace Officers to use force to accomplish a legitimate law enforcement mission when the force used is objectively reasonable to the circumstances. This is a legal standard of care based on Constitutional guidelines specifically set forth in the Fourth Amendment.

The legal standard recognizes that Peace Officers are often required to make split-second judgments and rapidly respond to dynamic situations that are tense, uncertain, evolving, and potentially dangerous. Members shall evaluate each situation in light of the known circumstances and apply an appropriate use of force calculated to accomplish a legitimate law enforcement mission. In all cases, members shall consider the seriousness of the crime, the level of resistance, and the apparent threat to the safety of the community, the arresting officer, and the person or persons to be detained. The degree of force used will be that which is objectively reasonable to bring individual situations under control. The degree of force and the manner of its application shall be consistent with the training the member has received relative to its use and application.

300.4.1 CONSTITUTIONAL GUIDELINES FOR REASONABLE FORCE
Both Federal and State law authorize Peace Officers to use objectively reasonable force to accomplish a legitimate law enforcement mission. There are five recognized objectives that serve as the basis for the reasonableness of any police use of force. The five lawfully recognized objectives are:

(a) Self-defense;
(b) Defense of others;
(c) Effect an arrest or detention;
(d) Prevent an escape; or
(e) Overcome resistance.

Due to the immediacy with which a member must apply force, together with the absence of time and/or physical ability of the member to select alternative methods, it may be objectively reasonable for the member to apply that method of force most readily available that will effect the desired results.

300.4.2 NON-DEADLY FORCE APPLICATIONS
Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints and force options in Policy Manual §§ 306, 308 and 309 respectively.

300.5 DEADLY FORCE
As used in all Department documents, the terms "deadly force" and "lethal force" are used interchangeably and have the same meaning.

Deadly force is force that creates a substantial risk of causing death or serious bodily injury. While the discharge of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury.
Use of Force

Deadly force may only be used when it is the level of force that is objectively reasonable to protect other persons and/or the member from death or serious bodily injury. This may include using deadly force to prevent the escape of a fleeing violent offender that the member reasonably believes will pose a significant threat of death or serious bodily injury to a member of the community or to law enforcement officers if the arrest is delayed.

Deadly force may be used when it creates a hazard to innocent bystanders only when failure to use deadly force at the time would create a substantial, imminent threat of death or serious bodily injury to others and/or the member.

300.5.1 JUSTIFICATION - KNOWN FACTS
The decision to use force, including deadly force, must be made based solely on the facts known to the member at the time force is used. Justification for the use of force shall be based on the situation as it reasonably appeared to the member(s) directly involved in its application. Facts unknown to the member at the time, no matter how compelling, cannot be considered later in determining the reasonableness of the member’s decision to use force.

300.5.2 ADMINISTRATIVE LEAVE
Any member who seriously injures or causes the death of any person through any act occurring on-duty shall be placed on special leave until the member can be evaluated by a competent mental health professional.
304.1 POLICY

The use of a firearm may only occur when it is the level of force that is objectively reasonable to protect other persons and/or the member from death or serious bodily injury.

PURPOSE AND SCOPE

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. The intentional discharge of a firearm at an individual, with the exception of those firearms dedicated to less lethal munitions, constitutes deadly force. Deadly force is force that creates a substantial risk of causing death or serious bodily injury.

304.1.1 GUIDELINES

(a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to affect the arrest or prevent the escape of a suspected felon in the following circumstances:
   1. Where the officer has probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
   2. The officer reasonably believes there is a substantial risk of serious bodily injury or death to others if the suspect is not immediately apprehended.

(c) An officer may use deadly force to stop a dangerous animal.

(d) An officer may shoot an animal that so badly appears injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Officers shall, when practical, identify themselves and state their intention to shoot before using a firearm.

304.1.2 WARNING SHOTS

Warning shots are only permitted in situations where warning shots provide the potential ability to diffuse an escalating and potentially life-threatening incident. Department members shall only fire warning shots if the situation presented would otherwise justify a use of deadly force. Members are never required to fire any warning shots prior to the use of deadly force.

304.1.3 MOVING VEHICLES

Shooting at or from moving vehicles is rarely effective and can be hazardous to both innocent persons and officers. In isolated situations, circumstances may justify shooting at or from a moving vehicle. Department members should avoid maneuvering into the path of a moving vehicle and should move out of the path of a moving vehicle rather than attempt to fire at the vehicle or its occupants.
Vehicle Thefts

305.1 POLICY
All reports of vehicle thefts shall be investigated to the fullest potential allowed by available resources as outlined within this policy.

305.1.1 PURPOSE AND SCOPE
Members shall reasonably attempt to contact the party reporting a vehicle theft and the registered owner of the vehicle being investigated. Members shall attempt to determine the disposition of the vehicle and report the appropriate related crime and disposition (e.g., possible stolen, stolen, possible embezzled, impounded, repossessed, recovered, etc.)
Leg Restraint Device

306.1 POLICY
When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only restraint devices approved or issued by the Department shall be used, and only in the Departmentally approved and trained manner for restraint of the legs.

PURPOSE AND SCOPE
The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This policy provides guidelines for the proper use of these devices.

306.2 USE GUIDELINES
The restraint shall be used only after a person has been handcuffed.

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

(a) Is the officer and/or others subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect?

(b) Is it necessary to protect the suspect from his/her own actions which would place him/her in danger (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers, etc.)?
307.1 POLICY
Members shall prepare a crime report on petty thefts of gasoline, beverages, food, cigarettes, etc. from businesses only when:

(a) A suspect is in custody; or
(b) There is any information that may result in identification of the suspect (i.e. a vehicle license plate); or
(c) There is evidence of another crime present which requires reporting.

307.1.1 PURPOSE AND SCOPE
This policy provides guidelines members will follow to investigate petty thefts / shoplifts effectively utilizing available resources.
Force Options

308.1 POLICY
Department members shall only utilize force options authorized by the Department and in a manner consistent with training, to control violent or threatening suspects.

308.1.1 PURPOSE AND SCOPE
To reduce and minimize injuries to officers and suspects, the Department authorizes the use of selected force options.

308.1.2 WHEN FORCE OPTIONS MAY BE USED
When a decision has been made to restrain or arrest a suspect, approved force options may only be used when their use appears reasonable under the circumstances.

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

The application of any force option shall be discontinued once the officer determines that compliance has been achieved.
309.1 POLICY
Only electronic control devices (ECDs) & dart cartridges issued by the Department shall be used by officers and only after the officers have successfully completed a Department approved ECD training course on its proper use and deployment.

PURPOSE AND SCOPE
When properly applied in accordance with this policy, procedure, and training received, the ECD is considered a non-deadly control device that is intended to control a violent or potentially violent individual, while minimizing the risk of injury to officers and suspects.

309.2 USE OF THE ECD
As with any law enforcement equipment, the ECD has limitations and restrictions requiring consideration before its use. The ECD should only be used when its operator can safely approach the subject within the operational range of the ECD. Although the ECD is generally effective in controlling most individuals, members should be alert to the potential for failure and be prepared with other options. When practical the ECD should be utilized with the dart cartridge in order to get and maintain a positive and continuous contact with the recipient.

309.2.1 APPLICATION OF THE ECD
Authorized personnel may use the ECD when circumstances known to the member at the time indicate that such application is reasonable to control a person in any of the following circumstances:
(a) A violent or physically resisting subject; or
(b) A subject who, by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm members, him/herself or others.

309.2.2 MULTIPLE APPLICATIONS OF THE ECD
If the first application of the ECD appears to be ineffective in gaining control of an individual and if circumstances allow, the member should consider the following before additional applications of the ECD:
(a) Whether the probes or darts are making proper contact.
(b) Whether the application of the ECD is interfering with the ability of the individual to comply.
(c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any member from deploying more than one reasonable application of the ECD on an individual.

309.2.3 REPORT OF USE
All ECD discharges shall be reported to a supervisor as soon as practical, and documented in the related arrest/crime report.

309.5 MEDICAL TREATMENT
All persons who have been struck by ECD darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking.
Officer-Involved Shooting

310.1 POLICY
The Department is committed to investigating officer involved shootings (OIS) to ensure member compliance with state and federal mandates, and with Department policy.

PURPOSE AND SCOPE

To establish policy for the investigation of an incident in which a member intentionally discharges a firearm at a person. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

310.2 TYPES OF INVESTIGATIONS
Officer-involved shootings involve several independent investigations utilizing resources within the Department, as well as outside independent entities. 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 designee;
(b) A criminal investigation of the involved officer(s) conducted by an outside agency;
(c) A civil investigation to determine potential liability conducted by the involved officer’s agency; and
(d) An administrative investigation conducted by the involved officer’s agency, to determine if there were any violations of Department policy.

310.3 JURISDICTION
Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.3.1 FRESNO POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION
The Fresno Police Department is responsible for the criminal investigation of the suspect’s actions, the civil investigation, and the administrative investigation. The criminal investigation of the OIS will be conducted by the District Attorney’s (DA’s) Office.

310.3.2 ALLIED AGENCY’S OFFICER WITHIN THIS JURISDICTION
The Fresno Police Department is responsible for the criminal investigation of the suspect’s actions. The criminal investigation of the OIS will be conducted by the DA’s Office. The officer’s employing agency will be responsible for any civil and/or administrative investigation(s).
Officer-Involved Shooting

310.3.3 FRENSO 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 suspect(s) to another agency. The Fresno Police Department will conduct timely civil and/or administrative investigations.

310.4 MEDIA RELATIONS
All media contacts shall be handled by the Incident Commander or PIO. It will be the policy of this Department to not release 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.

310.5 INVOLVED OFFICERS
Each involved officer shall be placed on paid administrative leave following an OIS.

310.6 ADMINISTRATIVE INVESTIGATION
In addition to all other investigations associated with an OIS, this Department will conduct an internal administrative investigation to determine conformance with Department policy. This investigation will be conducted under the supervision of the Internal Affairs Bureau and will be considered a confidential peace officer personnel file.

310.6.1 CIVIL LIABILITY RESPONSE
A member of the 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.
Bicycles (Lost / Stolen / Found)

311.1 POLICY
Lost, stolen, and found bicycles will be reported consistent with the procedures for Synoptical Reports. When identifiable suspect information is present, a crime report will be completed.

311.1.1 PURPOSE AND SCOPE
This policy provides guidelines members will follow to investigate lost, stolen, or found bicycles effectively utilizing available resources.
312.1 POLICY
The Chief of Police or his/her designee establishes approval for all firearms and ammunition carried on-duty or off-duty by any member of this Department.

PURPOSE AND SCOPE
This policy establishes procedures for the acquisition, handling, and documentation of training in the use of firearms carried by authorized members of the Department. All weapons shall be maintained in a state of operational readiness and are subject to inspection at anytime.

312.2 HANDGUN DEFINITIONS
Issued On-Duty - The handgun issued by the Department to authorized members. Authorized uniformed members while on-duty shall carry the Department issued handgun, in a Department approved holster, with Department provided ammunition.

Optional On-Duty - An authorized handgun, meeting Department specifications, purchased and maintained by a member that is carried in lieu of the issued on-duty handgun. Sworn members working plainclothes assignments while on-duty may carry either the issued on-duty or optional on-duty handgun.

Authorized Off-Duty - Is a weapon, meeting Department specifications, carried by sworn members while not on-duty.

312.3 SAFE HANDLING AND STORAGE OF FIREARMS
Members will ensure that all firearms and ammunition are secured consistent with the provisions of (Penal Code §12035)

Members will maintain the highest level of safety when handling firearms.

312.4 FIREARMS QUALIFICATIONS
All members are required to train triannually (every four months) with all weapons they are authorized to carry at an approved range.
Counterfeit Currency

313.1 POLICY
Department members will investigate allegations of counterfeit currency in accordance with established procedures, with noted exceptions.

PURPOSE AND SCOPE
Counterfeiting of U.S. Currency and Coin is the primary jurisdiction of the U.S. Secret Service; however members will assist in the investigation when necessary. All other counterfeiting activities are the responsibility of this Department.

313.1.1 PURPOSE AND SCOPE
Counterfeiting of U.S. Currency and Coin is the primary jurisdiction of the U.S. Secret Service; however members will assist in the investigation when necessary. All other counterfeiting activities are the responsibility of this Department.

313.2 OTHER COUNTERFEIT DOCUMENTS
Investigation of counterfeit or false documents enumerated in Penal Code § 476, other than U.S. currency, is the responsibility of the Department. Such cases shall be investigated under the same guidelines as other criminal offenses.
314.1 POLICY
Only sworn members of this Department are authorized to engage in a vehicle pursuit of any violator or suspected violator of any laws.

314.1.1 VEHICLE PURSUIT DEFINED
A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer’s signal to stop.
314.8 REPORTING REQUIREMENTS
Whenever a pursuit occurs, prior to completion of their shift, supervisors shall notify the Internal Affairs Bureau and the Pursuit Review Officer by e-mail with the following information:

- Pursuit date;
- Officer(s) involved;
- Reviewing supervisor;
- Supervisor's district of assignment;
- Reason for the pursuit; and
- Case number.
The following reports should be completed to comply with appropriate local and state regulations:

(a) The primary officer shall complete appropriate crime/arrest reports;
(b) Pursuant to Vehicle Code §14602.1(b), the Pursuit Review Officer shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:
   1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved;
   2. The violation(s) that caused the pursuit to be initiated;
   3. The identity of the officers involved in the pursuit;
   4. The means or methods used to stop the suspect being pursued;
   5. The charges filed with the court by the district attorney;
   6. The conditions of the pursuit, including, but not limited to, all of the following:
      (a) Duration;
      (b) Mileage;
      (c) Number of officers involved
      (d) Maximum number of units involved;
      (e) Time of day;
      (f) Weather conditions; and
      (g) Maximum speeds.
   7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved;
   8. Whether the pursuit involved multiple agencies; and
   9. How the pursuit was terminated.
(c) After first obtaining available information, a field supervisor shall promptly complete a pursuit critique forwarding the critique to the Pursuit Review Officer. This memo should minimally contain the following information:
   1. Date and time of pursuit;
   2. Length of pursuit;
   3. Involved units and officers;
   4. Initial reason for pursuit;
   5. Starting and termination points;
   6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable;
   7. Injuries and/or property damage;
   8. Medical treatment;
   9. Name of supervisor at scene;
   10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy; and
   11. Determine the need for any additional review and/or follow up.

The Pursuit Review Officer shall forward the critique and their findings to the Division Commander through the involved officer's chain of command. The Pursuit Review Officer, or any staff officer in the chain of command, may return the critique to the supervisor and direct an internal investigation be conducted.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING
In addition to initial and supplementary POST training on pursuits required by Penal Code §13519.8, all sworn members of this Department will participate no less than annually in regular and periodic
Department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. (Vehicle Code §17004.7(d)).

314.8.2 POLICY REVIEW
Each sworn member of this Department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

314.9 APPLICATION OF MOTOR 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.
Officer Response to Calls

315.1 POLICY
When members are dispatched to a Call For Service (CFS), they should place themselves en route and respond without delay.

315.1.1 PURPOSE AND SCOPE
The Department recognizes the importance of timely response of police services to its citizens. The purpose of this policy is to provide a guideline to accomplish this task.

315.1.2 RESPONDING TO CALLS FOR SERVICE
Members handling calls for service (CFS) should direct their attention toward the long term solution of the problem.

315.2 CONFLICTING REQUESTS FOR SERVICE
When a member is dispatched to a call and encounters another situation requiring police service while en route, he/she should advise the Emergency Services Dispatcher (ESD) of the situation and proceed according to the instructions of the ESD. When the member is instructed to continue on the original call, he/she should advise the person(s) involved in the second incident that another member will respond as soon as possible. Members encountering such a situation should not instruct the contacting citizen to call the Department. Instead, sufficient information shall be provided to the ESD to prepare an event for later dispatching.

Members responding to a high priority call (priority "0" and "1") should not stop or delay their response for any activity other than another emergency. The ESD shall be immediately notified of a new incident to permit a decision to be made as to whether the unit will be preempted for the new emergency or required to respond to the original call.

315.3 PRELIMINARY CRIMINAL INVESTIGATIONS
Members assigned to reports of crimes are responsible for the satisfactory disposition of the call including investigation, enforcement, and necessary reports.
Code-3 Response

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

Officers responding Code-3 are not relieved of the duty to continue to drive with due regard for the safety of all persons.

PURPOSE AND SCOPE

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

316.4 NOTIFICATION OF CODE-3 RESPONSE
Except in response to a call of an officer needs help, any officers responding Code-3 shall state over the radio that they are responding Code-3 and give their location.

316.5 SUPERVISORY RESPONSIBILITY
It is the responsibility of all supervisors to review Code-3 responses by their subordinates to ensure compliance with this order. Supervisors shall monitor their subordinates’ emergency driving to ensure that they drive safely and reasonably. Improper driving behavior which is identified shall be corrected through counseling, training, or disciplinary measures.
U.S. Mail Offenses

317.1 POLICY
Members who are assigned to any U.S. mail offense are responsible for conducting the initial investigation and reporting the incident in the absence of a Postal Inspector. Members shall request special routing to the Postal Inspector of pertinent reports they have written.

317.1.1 PURPOSE AND SCOPE
Title 18, § 1708 USC, makes it a felony to possess stolen mail. Officers who come into contact with persons suspected of possessing stolen mail shall consider enforcement action as with any other criminal offense. Officers may, upon probable cause, seize and book the suspected stolen mail. A copy of reports of the incident shall be forwarded to the Postal Inspector by Records Bureau personnel.

317.2 NOTIFICATION OF POSTAL INSPECTOR
The Postal Inspection Service has authority to conduct primary and follow-up investigations of offenses having to do with the mails including:

(a) Post Office burglary, robbery, etc;
(b) Theft of mail;
(c) Possession of stolen mail;
(d) Assaulting mail custodian;
(e) Forgery of postal money orders;
(f) Fraudulent use of the mails;
(g) Obscene matter in the mails;
(h) Explosives, poisons, etc., in the mails; and
(i) Damage to mailboxes or mail.
Canine Program

318.1 POLICY
The use of service dogs are a valuable asset to the community, to law enforcement organizations, and to individual officer safety. The Department will adhere to procedures established by law and implemented by the Canine Unit, to increase public safety, education, promote efficiency, and reduce employee injuries through the utilization of skilled and trained police canine teams.

318.1.1 PURPOSE AND SCOPE
The canine teams assist in providing specialized assistance in handling high risk calls, and locating criminal offenders, illegal narcotics, and dangerous explosives. At times, canine teams may be utilized for public relations purposes, including appearances before community organizations and other appropriate venues.

318.2 TRAINING
Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the California Narcotic Canine Association.
Domestic Violence

320.1 POLICY
The official Department response to cases of domestic violence shall be: to stress the enforcement of the laws, to protect the victim, and to communicate the attitude that violent conduct in the home is criminal behavior and will not be tolerated.

320.1.1 PURPOSE AND SCOPE
Domestic violence is alleged criminal conduct and it is the policy of the Fresno Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred.

In responding to domestic violence incidents, officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

(a) The intent of the law to protect victims of domestic violence from continuing abuse;
(b) The threats creating fear of physical injury;
(c) The history of domestic violence between the persons involved; and
(d) Whether either person acted in self-defense.

320.2 ENFORCEMENT OF DOMESTIC VIOLENCE
It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

(a) Marital status of suspect and victim;
(b) Whether or not the suspect lives on the premises with the victim;
(c) Existence or lack of temporary restraining order;
(d) Potential financial consequences of arrest;
(e) Complainant’s history or prior complaints;
(f) Verbal assurances that violence will cease;
(g) Complainant’s emotional state;
(h) Non-visible injuries;
(i) Location of the incident (public/private);
(j) Victim does not want to prosecute or make private person’s arrest;
(k) Speculation that complainant may not follow through with the prosecution; and
(l) The case may not result in a conviction.

Effective Date: 12/01/2007
Domestic Violence

320.2.1 Felony Arrests
In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

320.2.2 Misdemeanor Arrests
In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor, including violations of court orders, has occurred.

(a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in their presence when it is committed upon:

1. A current or former spouse;
2. A current or former cohabitant (Family Code § 6209 definition);
3. A fiancé or fiancée;
4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship;
5. A person with whom the suspect has parented a child;
6. A child of the suspect or a child of one of the above listed categories; or
7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.

(b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):

1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed; and
2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

320.2.3 Field Release (Cite & Release)
A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6).

Citizens should refer to the provisions of Policy § 420 for further information regarding the Department’s cite & release policy.

320.2.4 Private Person’s Arrest
The Department will assist with all private person arrests that are made lawfully pursuant to Penal Code § 837. 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).

Citizens should refer to the provisions of Policy § 364 for further options regarding the disposition of private person’s arrests.
Domestic Violence

320.3 COURT PROTECTIVE ORDERS

Various types of restraining orders may be issued by various courts in domestic violence cases. All valid out-of-state and tribal court restraining and protective orders should be enforced. Penal Code § 13710 requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proofs of service which are in effect. This section also requires that these records be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders on file. It shall be the responsibility of the Records Bureau to maintain these records.

320.3.1 VERIFICATION OF RESTRAINING ORDERS

When a complainant advises of the existence of a restraining order, this policy requires officers to immediately attempt to determine the following (Code of Civil Procedure § 527.8(i)(3)).

(a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession;

(b) Whether there is valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System (Family Code § 6383(d));

(c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made; and

(d) The terms of the restraining order.

In the event the suspect is no longer at the scene, officers shall document the incident for follow up investigation.

320.3.2 ENFORCEMENT PROCEDURES

Violation of a restraining order is a misdemeanor under Penal Code §§ 273.6 or 166(4). An arrest should be made when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists.

320.3.3 EMERGENCY PROTECTIVE ORDERS

Members should request an EPO if any of the following conditions exist:

(a) The victim requests an EPO;

(b) The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim;

(c) The investigating officer or victim believes the potential for further violence or threats exists;

(d) When a child is in immediate danger of abuse by a family or household member; or

(e) When a child is in immediate danger of being abducted and taken from the jurisdiction by a parent or relative.

Note: The above list is not all inclusive and there may other non-domestic violence related incidents in which officers could request an EPO.

320.3.4 COURT ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1).
Domestic Violence

Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

Officers will use the same guidelines for verification and enforcement of stay-away orders as listed in Policy §§ 330.3.1 and 330.3.2.

320.4 VICTIM ASSISTANCE

During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some suggested methods of assistance are:

(a) Assist in obtaining appropriate medical attention if a victim claims injury, whether visible or not;
(b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for safety, or the officer determines a need exists;
(c) Stand by for a reasonable amount of time when a victim requests police assistance while removing essential items of personal property;
(d) Explain legal options available to the victim including the private person's arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings; and
(e) Advise the victim of available community resources and the State Victim Assistance Program.

320.4.1 DOMESTIC VIOLENCE INFORMATION FORM

In all cases of domestic violence, whether an arrest is made or not, investigating officers shall furnish the victim with a copy of the Domestic Violence Victim Information Form. This form shall include the report number of the investigation as a reference for the victim to contact Domestic Violence Unit detectives at a later time.

320.5 REPORTING POLICY

A police report shall be written to cover all incidents of domestic violence.

320.5.1 RECORD-KEEPING RESPONSIBILITIES

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

320.6 PUBLIC ACCESS TO POLICY

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

321.1 POLICY
The Department will treat the members of the community in strict obedience to the rights against unreasonable search and seizure as guaranteed under the Constitution of the United States of America and of the laws of the State of California.

321.1.1 PURPOSE AND SCOPE
Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in field contact situations.

321.2 FIELD CONTACTS
A contact with any member of the public may be classified as a consensual contact, detention, or an arrest.

321.2.1 CONSENSUAL CONTACTS
A consensual contact is a contact between an officer and an individual which is strictly voluntary. The key element is that the person remains totally free to leave or not cooperate. Examples of consensual contacts include members inquiring about identity, requesting identification or running a warrant check on the subject contacted.

321.2.2 CONSENT SEARCHES
A member shall not conduct a search during a consensual contact unless the member receives voluntary consent from the person to be searched.

Voluntary consent means the person has been advised by the officer of the scope or extent of the search, and the person has agreed to the search.

321.3 DETENTIONS
The purpose of a detention is to determine whether or not suspicious behavior is innocent or relates to crime. A detention occurs whenever a member, through some form of physical force or show of authority, compels a person to stay during a field investigation of some potentially criminal act.

321.3.1 REASONABLE FORCE TO EFFECT A DETENTION
A detainee has no right to resist a lawful detention. Members may use reasonable force to affect the detention.

Similarly, if a lawful detention or an arrest has begun in a public place, a subject may not escape the detention by running into a private premises. Members may, given due consideration for officer safety, pursue the detainee into the premises under the hot or fresh pursuit doctrine to recapture that person. Consideration shall always be given to officer and public safety which shall be the primary consideration in determining whether or not to pursue a subject into a private premises.
Field Contacts

321.3.2 PHYSICAL RESTRAINT
Members may take such steps as are reasonably necessary to protect their personal safety and to maintain control during the course of the detention. Absent articulable officer safety factors, the application of force such as the use of physical restraints, handcuffs or drawn weapons during a detention situation may constitute custody, raising the detention to an arrest.

321.4 FIELD INTERVIEWS
An interview occurs when a person is being asked questions by a member, specific to an incident or to fill out a Field Interrogation Card.

Under current law, members do not have to provide Miranda warnings during an interview of someone who is lawfully detained based on reasonable suspicion, or for a "cite and release" offense, or for inquiries, concerning identity, made during a detention.
Search & Seizure

322.1 POLICY
Members will adhere to the guidelines set forth by the Department with due regard for the guaranteed rights of the individual established in the United States and State of California Constitutions.

322.1.1 PURPOSE AND SCOPE
Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in evaluating search and seizure issues. Specific situations should be handled according to current training and an officer’s familiarity with clearly established case law.

322.2 REASONABLE EXPECTATION OF PRIVACY
Both the United States and the California Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this Department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:

- Probation/Parole authorization;
- A valid search warrant;
- Exigent circumstances; and/or
- Valid consent.

322.3 SPECIFIC SITUATIONS

322.3.1 RESIDENCE
Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

322.3.2plain view
Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

(a) It was viewed from a lawful location;
(b) There is probable cause to believe that the item is linked to criminal activity; and
(c) The location of the item can be legally accessed.
Search & Seizure

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

322.3.3 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

(a) Imminent danger of injury or death;
(b) Serious damage to property;
(c) Imminent escape of a suspect; and
(d) The destruction of evidence.

An exigency created by the officer’s own conduct as an excuse for a warrantless entry is not generally permitted.

322.4 CONSENT

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 however consent is only valid if the following criteria are met:

• Voluntary (i.e., clear, specific, and unequivocal);
• Obtained from a person with authority to give the consent; and
• Does not exceed the scope of the consent given.

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

At any point that an individual withdraws consent, any related search should be discontinued unless and until otherwise legally permitted.
Search Warrants / Pre-Planned Tactical Operations

323.1 POLICY
Officers shall take the necessary steps to plan all warrant services carefully to prevent injury to suspects and members. Search warrants are only to be executed by sworn personnel.

323.1.1 PURPOSE AND SCOPE
A pre-planned tactical operation is any operation where officers plan on taking some sort of enforcement action.
Temporary Custody of Juveniles

324.1 POLICY
Members who deal with juvenile offenders shall use the least coercive among reasonable alternatives available (reprimand & release, citation, arrest) that are appropriate under the circumstances.

324.1.1 PURPOSE AND SCOPE
The Department, and each of its members, is committed to juvenile justice programs and procedures which prevent and control juvenile delinquency. In all circumstances, interaction between Department members and juveniles shall accomplish these goals and objectives.

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Fresno Police Department.

324.2 AUTHORITY TO DETAIN
Legal authority for taking custody of juvenile offenders is found in Welfare and Institutions Code § 625.

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT
In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her Constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625).

324.2.2 DEFINITIONS
Juvenile - refers to a person under the age of 18 years, whether married or not.

Minor - Refers to a person who has not reached the age of majority (i.e., 21 years).

Victim - Juveniles who fall under the auspices of WIC § 300 (dependent juveniles), shall be referred to as "victims."

Suspect - Juveniles who fall under the auspices of WIC § 601 (non-criminal delinquency) or WIC § 602 (criminal delinquency), shall be referred to as "suspects."

When any question exists as to whether a suspect is a juvenile or adult, members shall attempt to resolve the issue before any enforcement action (i.e., arrest or citation) is taken. When members are unable to positively confirm the age of a suspect, and the suspect’s appearance does not suggest age under 18, the suspect shall be handled as an adult.

324.3 JUVENILE CONTACTS AT SCHOOL FACILITIES
Officers should make every reasonable effort to notify school officials prior to contacting a student on campus while school is in session.

324.4 RELEASE OF INFORMATION CONCERNING JUVENILES
Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of
Temporary Custody of Juveniles

This department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.4.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

A copy of the current policy of the Juvenile Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

324.5 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.5.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

324.5.5 DEATH OF A JUVENILE WHILE DETAINED

In the event of a juvenile’s death while being detained at this department, the District Attorney’s Office and the Sheriff-Coroner’s Office will conduct the investigation of the circumstances surrounding the death. The Investigative Services Division Commander or his/her designee will conduct an administrative review of the incident.

324.5.6 CURFEW VIOLATIONS

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

324.6 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.
Person Searches

325.1 POLICY
The Fresno Police Department will treat the members of this community in strict obedience to the rights against unreasonable search and seizure as guaranteed under the Constitution of the United States of America and of the laws of the State of California.

325.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish consistent Department guidelines which conform to Penal Code 4030 regarding warrantless consent, pat-down, booking, strip, and body cavity searches of individuals.

325.2 DEFINITIONS OF SEARCHES
Consent Search - This is a search of a person or of a person’s belongings used by officers in the field. For a consent search to be valid, the officer must obtain permission from the person to be searched and not exceed the scope of that permission.

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 subject, or other subjects.

Booking Search (Searches incident to a lawful arrest) - This search involves a thorough patting down of an individual’s clothing, property and possessions of an arrestee. This search includes 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.

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)).

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)).
Elder Abuse

326.1 POLICY
The Fresno Police Department treats reports of crime against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse.

326.2 DEFINITIONS
For purposes of this policy, the following definitions are provided (Welfare and Institutions Code § 15610; et seq. and Penal Code § 368).

Defendant Adult - means any person residing in this state, between the ages of 18 and 64-years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or 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. Dependent Adult includes any person between the ages of 18 and 64-years who is admitted as an inpatient to a 24-hour health facility, as defined in Health and Safety Code §§ 1250, 1250.2, and 1250.3.

Elder - means any person residing in this state, 65-years of age or older.

Fiduciary Abuse - means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

Abuse of an Elder or a Dependent Adult - means physical abuse, neglect, fiduciary abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Adult Protective Services Agency - means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Neglect - means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

(a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;

(b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.
Property Searches

327.1 POLICY
The Fresno Police Department will treat the members of this community in strict obedience to the rights against unreasonable search and seizure as guaranteed under the Constitution of the United States of America and of the laws of the State of California.

327.1.1 PURPOSE AND SCOPE
As a general rule, members of this Department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without:

- Probation/Parole authorization;
- A valid search warrant;
- Exigent circumstances; or
- Valid consent.

327.2 SPECIFIC SITUATIONS

327.2.1 RESIDENCE
Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

If a lawful detention or an arrest has begun in a public place, a subject may not escape the detention by running into a private premise. Members may, given due consideration for officer safety, pursue the detainee into the premises under the hot or fresh pursuit doctrine to recapture that person. Consideration shall always be given to officer and public safety which shall be the primary consideration in determining whether or not to pursue a subject into a private premises.

327.2.2 PLAIN VIEW
Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

327.2.3 EXIGENT CIRCUMSTANCES
Exigent circumstances may permit entry into premises without a warrant or valid consent, and generally includes any of the following:

- Imminent danger of injury or death;
- Serious damage to property;
- Imminent escape of a suspect; and/or
- The destruction of evidence.
Property Searches

327.3 CONSENT
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 however consent is only valid if both of the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal); and
- Obtained from a person with authority to give the consent.

327.4 VEHICLES
Absent consent, a valid warrant, or other legal authority, members shall not search the vehicle of a detainee unless:

- There exists specific facts that indicate the vehicle in the detainee’s immediate possession may have weapons in it. In this case members may conduct a limited weapons search of the vehicle. This search shall be limited to a protective search of the passenger compartment in areas where the detainee may have access to the a weapon;
- Members may conduct a warrantless search of any part of a vehicle which is being used on a public thoroughfare, or which is readily capable of such use, as long as you have probable cause to believe the object you are looking for may be located in that portion of the vehicle. The standard of proof is the same as obtaining a warrant but is an exception to the warrant process based on the moveable nature of the vehicle. Members shall document the facts supporting the probable cause to search the vehicle, and the results of the search in the appropriate report when such is required under any provision of the Policy Manual;
- Authorized by Probation/Parole;
- Exigent circumstances exist to conduct the search for articulable public safety reasons; or
- Incidents where a Vehicle Inventory Report is required (e.g. impounds).
Harassment

328.1 POLICY
The Fresno Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, including sexual harassment. The Department will take preventative, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

328.1.1 PURPOSE AND SCOPE
To prevent members from being subjected to discrimination or sexual harassment and to ensure full equal employment opportunity, in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the California Fair Employment and Housing Act and the guidelines issued by the California Fair Employment and Housing Commission will be adhered to.

328.2 DEFINITIONS

328.2.1 DISCRIMINATION
Any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status or denial of family care or pregnancy disability leave.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions which result in an employee being offended or insulted because of a protected classification status enumerated in Policy Manual § 328.2.1 of this order.

328.2.2 SEXUAL HARASSMENT
(a) Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when:
   1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
   2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; and/or
   3. Conduct that has the purpose or effect of interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment.

(b) Discrimination/harassment does not include the following:
   1. Bona fide acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commission Guidelines; and/or
   2. Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or departmental rules or regulations, or
Harassment

any other appropriate work related communication between supervisor and employee.

328.3 RESPONSIBILITIES

This policy applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, City Administrative Order 2-16, professional law enforcement standards (CALEA, POST, IACP, etc.), and the best interest of the Department and its mission.
Assaults

329.1 POLICY
Any allegation of a criminal assault being committed will be investigated to the fullest extent by members of this Department with appropriate, timely, and accurate evidence collected if possible.

329.1.1 PURPOSE AND SCOPE
To ensure that no assault is unreported and ensure that efforts are made to collect and archive all evidence to aid in the prosecution of the perpetrator.
Child Abuse Reporting

330.1 POLICY
The Fresno Police Department treats reports of crime against children involving suspected abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

330.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for reports of suspected child abuse and the taking of minors into protective custody.

330.2 DEFINITIONS
For purposes of this section the following definitions are provided:

Child - means a person under the age of 18-years.

Child Abuse - means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code § 273a (willful cruelty or unjustifiable punishment of a child) or Penal Code § 273d (unlawful corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Penal Code § 1165.6).

Child Protective Agency - means a police or sheriff’s department, a county probation department or a county welfare department. This section does not include school district police or security department.

330.3 CHILD ABUSE REPORTING
Pursuant to Penal Code § 1165.9, this Department is defined as a "child protective agency". All members of this Department are responsible for the proper reporting of child abuse. Any member who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report pursuant to Penal Code § 1166.

330.3.1 RELEASE OF REPORTS
Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 1167.5 and Policy Manual § 810.

330.4 TEMPORARY CUSTODY OF JUVENILES
Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse.
Threatening / Annoying Phone Calls

331.1 POLICY
Members assigned to investigate or who receive a report of a possible phone offense shall determine the seriousness of the threat as defined in Penal Code § 653 (m), and contact the reporting party either in person or via telephone as appropriate.

331.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure all reports of telephone threats are taken seriously and investigated effectively utilizing available resources.
Missing Person Reporting

332.1 POLICY
Members shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property (Penal Code § 14205(a)). Reports shall be taken on missing persons regardless of jurisdiction.

PURPOSE AND SCOPE

This policy establishes the criteria for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14213 and §§ 14250 and 14251, Welfare and Institutions Code § 1300, as well as 42 USC 5779(a), specify certain requirements relating to missing persons.

332.1.1 DEFINITIONS (PENAL CODE § 14213)

Missing Person “Any person whose whereabouts are unknown to the reporting party including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Penal Code § 277.

Missing person also includes any child who is missing voluntarily (runaway juvenile), involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

Exception: Adults who have no known mental deficiencies, and who are in no apparent danger, but who freely and voluntarily choose to end contact with friends, relatives, associates, or caretakers, shall not be considered nor handled as missing persons. (Members may initiate an attempt to locate broadcast, as a public service.)

At-Risk - Includes, but is not limited to, evidence or indications of any of the following:

• The person missing is the victim of a crime or foul play;
• The person missing is in need of medical attention;
• The person missing has no pattern of running away or disappearing;
• The person missing may be the victim of a parental abduction/kidnapping; and/or
• The person missing is mentally impaired.

Child - While California considers a child to be a person under eighteen years of age, for purposes of this section federal law considers any person under the age of twenty-one years to be a child.

332.2 SCHOOL NOTIFICATION

Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall "flag" a missing child’s record and immediately notify law enforcement of an inquiry or request for the missing child’s records.
Drug Influence Cases

333.1 POLICY
Officers who encounter a person who appears to be under the influence of drugs should detain the person and investigate.

333.1.1 PURPOSE AND SCOPE
The purpose of this policy is to protect the public and individuals from the dangers associated with being under the influence of drugs.
AMBER Alerts

334.1 POLICY
The goal of the Fresno Police Department AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media, and law enforcement.

334.1.1 PURPOSE AND SCOPE
AMBER Alert, is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child’s abduction and how they can assist law enforcement in the child’s recovery.

334.1.2 DEFINITIONS
Abduction - Is any child under the age of 18 years, who has been unwillingly removed from their environment without permission from the child’s legal guardian or a designated legal representative.
Drug Enforcement

335.1 POLICY
Department members will investigate allegations of marijuana cultivation, illegal drug laboratories, and narcotic sales in the City of Fresno.

335.1.1 PURPOSE AND SCOPE
The intent of this policy to control illegal narcotics activity with regards to marijuana cultivation, drug laboratories, and narcotic sales and operations utilizing appropriate local, state, and federal resources.
Victim Witness Assistance Program

336.1 POLICY
Every member investigating a crime where a victim and/or witness has suffered injury due to that crime will ensure the victim and/or witness has been provided with information about the existence of local victim services.

336.1.1 PURPOSE AND SCOPE
Persons who have sustained a physical injury as a direct result of a crime of violence, those persons who are legally dependent for support upon such persons who have sustained physical injury or death and those persons who legally or voluntarily assume the medical or burial expenses of such persons may be indemnified by the State of California. These provisions are contained in Government Code § 13959 et seq. Law enforcement agencies are charged with the responsibility of notifying the victims of violent crimes of their right to indemnification.

336.2 DEFINITIONS
Government Code § 13951 provides definitions for the following:

336.2.1 VICTIM DEFINED
"Victim" shall mean a California resident or military person who is:

(a) A person who sustains injury or death as a direct result of a crime;
(b) Legally dependent for support upon a person who sustains injury or death as a direct result of a crime;
(c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment; or
(d) Any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime.

336.2.2 CRIME DEFINED
Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:

(a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle;
(b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153;
(c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated; and
(d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F)).
Animal Problems

337.1 POLICY
When called upon, members will assist to the extent necessary to maintain peace and the public safety on animal related incidents.

337.1.1 PURPOSE AND SCOPE
While the Department does not act in the role of animal control or provide that service to the public, it is often called upon as a "first responder" to such calls. As such, every effort must be made to ensure the public is not placed in harms way, is provided necessary medical aid if needed and is afforded the proper referrals and documentation to maintain the public peace.

337.3 OWNER'S RESPONSIBILITIES
When the owner of a dog that has bitten a person is located, the owner shall be informed that he/she is required by Fresno Municipal Code (FMC) § 10-322 to quarantine the animal and report the incident to the Fresno County Health Department.

337.3.1 IMPOUNDING ANIMALS WHICH HAVE BITTEN
Animals that have attacked, bitten, and/or injured any person or other animal may be impounded when the owner is unavailable, unwilling, or unable to quarantine the animal. The SPCA shall be requested to respond to impound the animal pursuant to FMC § 10-310.
Hate Crimes

338.1 POLICY
This Department will utilize all available resources to see that justice is served under the law when an individual’s guaranteed rights are infringed upon by violence, threats or other harassment.

338.1.1 PURPOSE AND SCOPE
This Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS
Hate Crime - Penal Code § 422.55(a) defines a hate crime as either a violation of Penal Code § 422.6 or a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability
(b) Gender
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics

Hate Incident A hate incident is any event or circumstance that is motivated by bias against any race, color, religion, ancestry, national origin, disability, gender, or sexual orientation which does not rise to the level of criminal activity.

338.3 TRAINING
All members of this Department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.
Anti-Reproductive (Abortion) Rights Crimes Reporting

339.1 POLICY
The Department will follow the established procedures 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.).

339.2 DEFINITIONS
Penal Code § 423.2 provides that the following acts shall be considered 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.
340.1 POLICY
The Department will only administer the minimal amount of punitive discipline to any employee to ensure compliance for violations of any policy established by this Department. Discipline shall be based on the employees disciplinary history, severity of the violation, and any other factors, in accordance with this policy, the employees respective MOU, and established laws.

340.1.1 PURPOSE AND SCOPE
To provide employees with guidelines for their conduct in order that they may participate in meeting the goals of this Department in serving the community. This policy shall apply to all employees of this Department (including part-time and reserve employees).

Employees violating their oath and/or trust by committing an offense punishable under the laws or statutes of the United States, the State of California, or the ordinances of the City, or who violate any provision of the Policy Manual, or who are incompetent to perform their duties are subject to corrective or disciplinary action.

A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action. This policy is intended for internal use only and shall not be construed to increase or establish an employee’s civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care.

340.2 INVESTIGATION OF DISCIPLINARY ALLEGATIONS
Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual §1020. Pursuant to Government Code §§3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.2.1 WRITTEN REPRIMANDS
Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Bureau Commander within ten days of receipt of the written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the Bureau Commander within 30 days. The decision of the Bureau Commander to sustain, modify or dismiss the written reprimand shall be considered final.

340.3 CORRECTIVE AND DISCIPLINARY ACTIONS
The primary purpose of the corrective or disciplinary action is to invoke positive behavioral change.

Except as otherwise provided in this order, corrective or disciplinary actions are subject to the provisions of the FMC and the rules of the Civil Service Board (CSB). Nothing herein constitutes a waiver of rights of employees otherwise granted by law.

340.3.1 COUNSELING
Oral Counseling and Letters of Understanding/Counseling are appropriate when the problem is a lack of understanding of the policies, regulations, procedures, and requirements of the job rather than intentional disregard thereof.
340.3.2 ORAL REPRIMANDS
Oral reprimands are for minor offenses arising from the intentional or unintentional disregard for policies, regulations, procedures or requirements of the job.

340.3.3 NON-DISCIPLINARY EMERGENCY SUSPENSIONS FROM DUTY
Managers and supervisors have the authority to impose a non-disciplinary emergency suspension, until the next business day, against a subordinate employee when it appears the action is in the best interest of the Department.

340.4 SWORN PERSONNEL
For purposes of §§340.4.1-340.4.5 only, the terms "employee" and "employees" refer to recruits, officers, and sergeants represented by the FPOA.

340.4.1 DISCIPLINARY ACTIONS ALLOWED
Discipline is designed to modify unacceptable performance or behavior, and is used when corrective action has failed, or would be inappropriate for the issue at hand. Discipline may include any of the following:

(a). Letter of Reprimand;
(b). Fine (up to $100 in lieu of suspension);
(c). Suspension (up to 30 calendar days without pay);
(d). Demotion; and/or
(e). Termination.

340.4.2 CORRECTIVE ACTION
Corrective action is designed to inform an employee of unacceptable performance or behavior, and afford the employee a choice to modify the performance or behavior in the future or face progressive disciplinary action. Corrective action may include any of the following:

Oral counseling;
(a). Letter of counseling;
(b). Oral reprimand; and
(c). Documented oral reprimand.

Corrective action is to be used in lieu of disciplinary action, whenever appropriate. When, during the course of the corrective action, the Department concludes that disciplinary action is warranted, the corrective action process will end and any further contact with the employee will conform to the disciplinary action process.

The decision to document corrective actions in a letter of counseling or memorandum (documented oral reprimand), shall be generally based upon the fact that an issue has previously been addressed or is of a level of seriousness that should be recorded for future reference.

340.4.3 DOCUMENTED ORAL REPRIMANDS
Documented oral reprimands, like oral reprimands, are for minor offenses arising from the intentional or unintentional disregard of policies, regulations, procedures or requirements of the job.

340.4.4 SUPERVISORS OBSERVATION LOG
A supervisor’s observation log has been created to maintain a record of oral counseling, oral reprimands, and positive performances for potential inclusion in the employee’s performance evaluation.

340.4.5 AUTHORITY TO DISCIPLINE
Except for emergency suspensions, all Departmental discipline must be taken or approved as contained in this section.

(a). Letters of Reprimand, fines, and suspensions shall be proposed by a Division Commander or the Chief of Police.
(b). Dismissals or demotions shall be proposed by the Chief of Police.
(c). The Skelly process for fines and suspensions shall be conducted by the Professional Standards Division Commander.
(d). The Skelly process for dismissals and demotions shall be conducted by the Chief of Police.

340.5 NON-SWORN PERSONNEL
In §§340.5.1 through 340.5.4 the terms "employee" and "employees" refer to all personnel other than recruits, officers, and sergeants represented by the FPOA.

340.5.1 AUTHORITY TO DISCIPLINE
Final Departmental authority and responsibility rests with the Chief of Police or designee and in some cases is subject to the approval of the City Manager. Except for emergency suspensions and reprimands, all Departmental discipline must be taken or approved by the Chief of Police or designee.

340.5.2 DISCIPLINARY ACTIONS ALLOWED
Subject to the provisions of the FMC, the rules of the Civil Service Board and when necessary, with the approval of the City Manager, the following discipline may be assessed against employees by the Chief of Police or designee:
   (a). Oral Reprimand
   (b). Written Reprimand
   (c). Suspension (up to 30 calendar days without pay)
   (d). Fine (up to $100 in lieu of suspension)
   (e). Demotion
   (f). Termination

340.5.3 DOCUMENTING TRAINING AND COUNSELING
Written comments with regard to training or counseling given to an employee by a supervisor are not considered written reprimands, nor are they disciplinary actions. Such comments are merely written documentation that training or counseling has been given.

340.5.4 NOTIFICATION OF PENDING DISCIPLINARY ACTION
When an employee is to be terminated, demoted, or suspended, receives a fine, or a letter of reprimand, the employee should be notified at least seven calendar days prior to service of the order of discipline. The notification is for the purpose of allowing such employee an opportunity to respond orally or in writing to the Chief of Police, or designee.

340.6 EXEMPT EMPLOYEES UNDER FAIR LABOR STANDARDS ACT
Exempt employees may not be suspended for a period of less than one week, except for major safety violations. Fines are not a permissible form of discipline for exempt employees. Based on the salary resolution the following employees are exempt under the Fair Labor Standards Act:
   (a). Police Lieutenant;
   (b). Police Captain;
   (c). Deputy Police Chief;
   (d). Assistant Police Chief;
   (e). Crime Scene Bureau Manager;
   (f). Emergency Services Communications Supervisor;
   (g). Police Data Processing Supervisor;
   (h). Emergency Services Communications Manager;
   (i). Records Supervisor;
   (j). Data Base Administrator;
   (k). Executive Secretary;
   (l). Management Analyst;
   (m). Chief Police Pilot; and
   (n). Records Manager
340.7 ENDORSEMENT & FORWARDING OF DISCIPLINARY REPORTS
Each staff level in the chain of command must endorse and forward reports bearing on disciplinary matters. Such endorsements may be of agreement, modification, or disagreement to the recommendation. No employee shall alter, cause to be altered, or withdraw any completed disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed, but shall be reviewed, endorsed for agreement, modification, or disagreement, and forwarded no later than five business days after receipt.

340.8 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE
In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.9 PROHIBITED DEPARTMENT ACTIONS
No employee shall be subjected to disciplinary action, or denied promotion, or be threatened with any such treatment because of the exercise of any rights provided in this Manual, or provided in the Government Code §3301, et seq.
341.1 POLICY
Members should be conscientious, prompt and attentive to their duties and shall perform those duties to the best of their abilities.

341.1.1 PURPOSE AND SCOPE
The continued employment of every member of this Department shall be based on conduct and cooperation that reasonably conforms to the guidelines set forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

A member’s off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the member’s ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

Performance concerns should be handled on a timely basis and at the lowest, most informal level possible. Performance concerns or violations of rules may result in corrective or disciplinary actions.

341.1.2 INTEGRITY
Members of this Department are entrusted by the public to perform their duties with the highest degree of integrity. We are held to this high standard in both our professional and personal lives. This trust empowers us to complete our mission. When this trust is eroded we are no longer effective as police officers. Members shall demonstrate the highest degree of integrity at all times and avoid any act which bespeaks a lack of integrity or the mere appearance of a lack of integrity.

341.2 CONDUCT WHICH MAY RESULT IN DISCIPLINE
The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this Department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to the Department:

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

341.2.2 CONDUCT
   (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another;
   (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action;
   (c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records;
   (d) Engaging in potentially dangerous "horseplay" resulting in injury or property damage or the reasonable possibility thereof;
   (e) Unauthorized possession of, loss of, or damage to Department property or the property of others or endangering it through unreasonable carelessness or maliciousness;
(f) Failure of any member to report activities on their own part or the part of any other member where such activities may result in criminal prosecution or discipline under this policy;

(g) Failure of any member to report activities that have resulted in official contact by any other law enforcement agency;

(h) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police;

(i) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department;

(j) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity;

(k) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact; or

(l) 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 Fresno Police Department on any personal or social networking (e.g. MySpace.com, Facebook.com, etc.) or other website or web page, without the express written permission of the Chief of Police.

341.2.3 DISCRIMINATION
Discriminate against any person because of age, race, ethnicity, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

341.2.4 INTOXICANTS
(a) Reporting for work or being at work following the use of intoxicants where such use may impair the member’s ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants;

(b) Unauthorized possession, use of, or attempt to bring intoxicants to the work site, except as authorized in the performance of an official assignment. A member who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance;

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the member's ability to perform assigned duties; or

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

341.2.5 PERFORMANCE
(a) Failure to devote on-duty time to activities related to the performance of their assigned duties;

(b) Unauthorized sleeping, shopping, or reading of non-work related materials, during on-duty time or assignments;

(c) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned;

(d) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse;

(e) Concealing or attempting to conceal defective work, removing or destroying it without permission;

(f) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee;

(g) 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;

(h) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof;
(i) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof;

(j) The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document;

(k) Wrongfully loaning, selling, giving away or appropriating any Department property for the personal use of the member or any unauthorized person(s);

(l) The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose;

(m) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties;

(n) Any knowing or negligent violation of the provisions of the Department Manual, operating procedures or other written directive of an authorized supervisor. Members shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the members;

(o) Work related dishonesty, including attempted or actual theft of Department property, services or the property of others;

(p) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off-duty);

(q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form;

(r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures;

(s) Substantiated, active, continuing association with or membership in "gang," "organized crime" and/or "criminal syndicates" with knowledge thereof, except as specifically directed and authorized by the Department;

(t) Offer or acceptance of a bribe or gratuity or extending/accepting preferential treatment;

(u) Misappropriation or misuse of public funds;

(v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct;

(w) Unlawful gambling or unlawful betting on Department premises or at any work site;

(x) Substantiated, active, continuing association on a personal, rather than official, basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the member has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department;

(y) 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;

(z) Engaging in political activities during assigned working hours except as expressly authorized;

(aa) Violating any misdemeanor or felony statute;

(ab) Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members;

(ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position;

(ad) False or misleading statements to a supervisor;

(ae) Failure to provide proper referrals for needed services or assistance beyond the scope of police services;

(af) Failure to provide all proper Departmental identifying information upon request (i.e. name and badge number); or

(ag) Becoming "personally" involved in any call or investigation where a friend, relative, or neighbor is involved.
341.2.6 SAFETY
(a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within Department facilities or 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 member record of unsafe or improper driving habits or actions in the course of employment;
(d) Failure to maintain good physical condition sufficient to adequately perform law enforcement duties;
(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; or
(f) Subjecting themselves to unnecessary risks or courses of action when a safer alternative is reasonably available.

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

341.3 SUPERVISOR RESPONSIBILITY
(a) Failure of a supervisor to take appropriate action to ensure that members adhere to the policies and procedures of this Department and the actions of all members comply with all laws;
(b) Failure of a supervisor to timely report known misconduct of a member to his or her immediate supervisor or to document such misconduct appropriately or as required by policy; or
(c) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

341.4 DISCRETION
Many incidents that members handle do not involve law violations and are not covered by any written policy, regulation or procedure. Members shall have full discretion in the handling of these types of incidents, within the confines of law, ethics, professionalism, and propriety. Members shall be held accountable for using good judgment and taking reasonable and proper actions in handling these types of situations.

341.5 SUPERIOR-SUBORDINATE RELATIONSHIPS
Authority shall be exercised in a firm but fair manner. Superior members shall support subordinates in their actions when they can reasonably do so and shall avoid censuring subordinates in the presence of others. Superior members are strictly forbidden from censuring or discrediting those under their command in a tyrannical or abusive manner. When on duty and in the presence of the public, superiors and subordinates shall refer to one another by their rank or title.
Department Computer Use (Non-MDS)

342.1 POLICY
Members will adhere to the protocols established by the Information Services Bureau to maintain the integrity, usability, and general functions of Departmental computers, software and systems at all times.

342.1.1 PURPOSE AND SCOPE
This policy describes the use of Department computers, software, and systems.

342.2 DEFINITIONS
The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Fresno Police Department, which are provided for official use by agency members.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW
A member’s supervisor has the authority to monitor, inspect, or review the system, any and all files and related electronic systems or devices, and any contents thereof.

Monitoring as prescribed may include physical inspection of the computer, remote monitoring of the computer, and/or use of any other means available.

342.4 DEPARTMENT PROPERTY
All information, data, documents and other entries initiated on any of the Department’s computers, 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 a member’s supervisor.

342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE
Members shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes.

No member shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the Department while on Department premises or on a Department computer system.
Department Computer Use (Non-MDS)

INTERNET USE

Internet access provided by the Department shall be strictly limited to Department-related business activities.

Downloaded information shall be limited to messages, mail, and data files. No copyrighted and/or unlicensed software program files may be downloaded.

Nothing in this order shall prohibit any member, in official capacity, from acquiring information from the Internet during the course and scope of an investigation or while conducting Department related research.

Streaming audio/video shall not be utilized unless this traffic is for City business such as City Council Meeting monitoring, online training, research, etc. Members shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

342.7.1 PASSWORDS

Network, Data911, LexisNexis, or other log-on passwords issued by the Department shall not be disclosed or shared with anyone. Members who acquire the network, Data911, LexisNexis, or other log-on password of another are prohibited from using or sharing that password and shall promptly inform the authorized holder of the password so that it may be changed. A supervisor must approve any situation which requires the sharing of a password and/or network files and shall notify the Network System Specialist or Information Services Manager that the password has been shared.

342.7.2 USE OF OTHERS’ COMPUTERS

Computers that are assigned to individual members are only for the use of the person assigned. In the case of shared computers, only members with authorization of the unit supervisor may access, utilize, or modify the shared computer.

342.7.3 ACCESS SECURITY

In order to minimize access by unauthorized persons, members shall close all applications and log-off from their assigned computer at the end of their duty shift or when they are going to be away from their computer for extended periods of time. Additionally, members shall not leave confidential documents on their computer screens; which, could be read by unauthorized persons. (With Windows 2000™, the screen can be secured using Alt-Ctrl-Del to secure the system during temporary or brief absences.)

It is prohibited for a member to allow an unauthorized user to access the system at any time or for any reason.

342.8 MODIFICATION OF COMPUTER SETTINGS

Modifications to computer settings, in general, are to be made only by members who are properly trained to do so.
Department Computer Use (Non-MDS)

342.9  REGULATORY EXCEPTION

The Network System Specialist, Information Services Bureau Manager and their designees shall be exempt from the regulations of this order as is necessary to conduct duty related business.

342.9.1  NOTICE OF EMPLOYEE SEPARATION AND USER ACCOUNTS

Upon exit from the City of Fresno employment or volunteer services, assigned supervisors should forward that individual’s name to the Information Services Bureau Manager.
344.1 POLICY
A Crime Report shall be prepared whenever any reported crime has been committed or is logically suspected of having been committed in the City. All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Members shall not repress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing.

344.1.1 PURPOSE AND SCOPE
The purpose of reports is to document sufficient information to refresh the member’s memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.2 INCIDENT/CASE NUMBERING
The Department employs a single, unique, incident and case numbering system. Each incident that is created receives a Computer Aided Dispatch (CAD) incident number beginning with the year, two letters (starting with AA), and then four digits. Example: 10AB2243. Each incident that is a crime report or non-criminal report is assigned a CAD incident number. Both incident and case numbers reset on January 1 at 00:00:01.

344.2 REPORT COMPLETION
The reporting member shall list his/her full name and badge number as well as provide the full name and badge number of all assisting members on all reports.

344.2.1 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound.

344.3 TELEPHONIC REPORTING
When the priority of the call (i.e. 7, 8, "T") or the type of call indicates it may be handled telephonically, a member’s physical presence is not required.

344.4 SYNOPTICAL REPORT
A crime report is required in any criminal investigation where there is an identifiable suspect or where there is physical evidence which could lead to the identification of a suspect.

The Synoptical Report may be used by members to document pertinent information by assigning a case number to an event in lieu of completing a full police report.

Copies of the Synoptical report printouts may be obtained from the Records Bureau.
Fires / Arson

345.1 POLICY
Department members will assist the Fresno Fire Department (FFD) and members of the public as necessary on any fire related calls to ensure public safety and maintain order.

345.1.1 PURPOSE AND SCOPE
Although the primary function of the Department is not one of fire control it is often called upon as a "first responder" and will often arrive before the FFD personnel or discover fires before they are reported. As such, members must act to provide for the safety of the public, limit property damage when able, and assist the FFD as needed.

345.2 SPECTATORS
Officers shall keep spectators who may become a source of interference, from approaching a fire. The distance at which spectators should be kept will depend on the seriousness of the fire, the probability of an explosion, and/or exposure to hazardous materials. Media access to the scene is governed by Policy Manual § 346.
News Media Relations

346.1 POLICY
Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor.

346.1.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, 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, Shift Sergeants and designated Public Information Officer(s) (PIO) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST
Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of the Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department PIO;

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department;

(c) Under no circumstance should any member of the Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS
Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public;

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities (e.g., Text message the location to the media);

(c) No member of the Department shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)); and
News Media Relations

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will provide information to members of the media on a daily basis through the following methods:

- **News Line Updates** - The News Line voice mail system will be updated with items of significant interest to the media on a daily basis;
- **Text Messaging** - Text Messages shall be sent to members of the media as soon as possible after newsworthy events to allow the opportunity for on-the-scene coverage;
- **Crime Data** - Crime data is available for download via the City of Fresno web site; and
- **M.A.R.S.** - CAD calls are made available to members of the media through the MARS web site. This data is delayed 5 minutes for officer safety. Access to the information requires a user ID and password which are provided to members of the media by the PIO by request.

Information relating to crimes will be provided to the media. This information will be restricted to:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except 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;

(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; and

(d) General facts of the case. This can be released at the discretion of the PIO and the investigator overseeing the case.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval from the Chief of Police, Department Legal Advisor, or a court order.

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 unless prior approval has been obtained from the Chief of Police.

Any requests for copies of related reports or additional information shall be referred to the Department Legal Advisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)
It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information (See Policy Manual § 1026)
   1. 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;

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012);

c) Criminal history information;

d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;

e) Information pertaining to pending litigation involving this Department;

(f) Information obtained in confidence; and/or

g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members investigating sexual assaults. Due to the sensitive nature of investigations dealing with sexual assaults, members shall demonstrate the utmost tact and consideration for the feelings of victims and their families during the investigation.

347.2 SEXUAL ASSAULT INVESTIGATIONS

In cases where a victim refuses to cooperate and expresses no desire for police involvement, members shall attempt to obtain as much information as possible. Members shall complete a report regardless of the intent of the victim.

Members shall provide all sexual assault victims with the Victim’s Information Form (Penal Code §§264.2(a) and 13701), and a copy of the Sexual Assault Investigative Letter (SAIL).
Court Appearance & Subpoenas

348.1.1 PURPOSE AND SCOPE
This policy has been established to provide for the acceptance of subpoenas and to ensure that members appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.
Supervisory Responsibilities

349.1 POLICY
Supervisors shall be responsible for the proper completion of all work assigned to personnel under their command.

349.1.1 PURPOSE AND SCOPE
Supervisors shall be generally responsible for all of the activities of the personnel under their command. This shall apply whether or not the supervisor has exercised direct control over those activities.

349.2 GENERAL RESPONSIBILITIES
Supervisors shall be responsible for their own activities and for the proper completion of all work assigned to them, whether they do the work themselves or delegate it to subordinates.

Supervisors shall be responsible for ensuring the proper development of their assigned personnel through training, evaluation, counseling, guidance, commendation, discipline or other available means.

Supervisors are responsible for ensuring their superiors are continually appraised of all matters that affect personnel under the supervisor’s command that may require Departmental action, impact the superior in the performance of his/her duties, or that may be of interest to other members of the Department or the public.

Supervisors are responsible for ensuring that officers assigned to them perform all their duties efficiently and expeditiously.
Reserve Officers

350.1 POLICY
The Fresno Police Department shall recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by the Department.

350.1.1 PURPOSE AND SCOPE
The Fresno Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment patrol officers and special events.

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS
The authority to appoint qualified persons to the position of reserve police officer is vested in the Chief of Police or his/her designee. All reserves shall be sworn in by the City Clerk and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

Reserve officers assist the Department in the enforcement of laws and in maintaining peace and order within the community.

350.3 RESERVE OFFICER LEVELS
Level I- Refers to a sworn reserve officer trained as described in Penal Code 830.6(a)(1) who is assigned specific functions or to the prevention and detection of crime and the general enforcement of the laws of this state. To be appointed as a Level I reserve he/she must complete the same training program as a regular officer. Once completed this level of reserve may be assigned to work alone or supervise Level II reserve officers in lieu of a regular full time peace officer.

Level II- Refers to a sworn reserve officer trained as described in Penal Code 832.6(a)(2), who works under the immediate supervision of a peace officer possessing a basic POST certificate and who is assigned to the prevention and detection of crime and the general enforcement of the laws of this state.

Level III -Reserves are not employed or utilized by the Fresno Police Department.

350.4 POLICY COMPLIANCE
Reserve police officers shall be required to adhere to all Departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies. Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

350.5 UNIFORM
Reserve officers shall conform to all uniform regulations and appearance standards of the Department.
A commander must approve any emergency call out for reserve officers by calling the Duty Office.
Juvenile Delinquency Prevention / Intervention Programs

351.1 POLICY
The Department, and each of its members, is committed to juvenile justice programs and procedures which prevent and control juvenile delinquency. In all circumstances, interaction between Department members and juveniles shall accomplish these goals and objectives.

351.1.1 PURPOSE AND SCOPE
Members who deal with juvenile offenders shall use the least coercive among reasonable alternatives available (reprimand & release, citation, arrest) that are appropriate under the circumstances.

351.2 PROGRAMS
Several units in the Department are actively involved in the prevention and controlling of juvenile delinquency. Officers wishing to refer juveniles to the following programs shall contact the Support Division:

(a) **Police Activities League** - The primary function of the Police Activities League is to promote positive interaction between volunteers, off-duty law enforcement personnel, and youth through social, recreational and educational activities in order to reach good values, acceptable behavior, and responsible citizenship.

(b) **Truancy Unit** - Truant officers address truancy problems in the five policing districts and are accountable for locating, counseling, and applying appropriate sanctions to the truants as well as providing the truants and their parents with referrals to Probation Officers, Juvenile Courts and/or various community based organizations.

(c) **Buddies Program** - "Buddies" is a mentor program which matches at risk youths between the ages of 8-17 years with positive adult role models who make a one year commitment to spend a minimum of four hours with their mentee each month. It is an established fact that mentoring is both a juvenile crime prevention and intervention tool.

(d) **School Resource Officer** - School Resource Officers (SRO) are assigned to school campuses in the city and they work toward improving the quality of life. SRO’s provide guidance on ethical issues; individual counseling and/or mentoring to students; and prevent criminal activity through high visibility patrol.
Outside Agency Assistance

352.1 POLICY
It is the policy of this Department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this Department, when another law enforcement agency requests assistance with an arrest or detention of any person. This Department may also request an outside agency to provide assistance.

352.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

352.1.2 COOPERATION WITH OTHER AGENCIES
In order to serve the public, the criminal justice system relies upon the cooperation of the police with other law enforcement agencies, prosecutors, courts and correctional officers to ensure the development of a safer community. Where possible members shall fully cooperate with outside criminal justice entities to allow for the greatest level of safety for the community and to strive towards successful prosecution of persons involved in criminal activity.

To facilitate this cooperation, the Department will establish a close working relationship with professional organizations directly involved with the planning of the judicial system’s response to crime in the community. Programs such as the Prostitution Abatement Program, LifeSkills program, Crisis intervention Training, and involvement in CARE Fresno are examples of public and private collaborations with the Department that address social issues as they relate to law enforcement responses and needs within the community.
Custody of Adults

355.1 POLICY
Officers and Cadets shall exercise sufficient control over arrestees in their custody so as to minimize the potential for escape, injury, property damage, and/or evidence destruction.

355.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide general guidelines for dealing with adults that have been placed in custody.

355.2 MIRANDA WARNINGS
While on duty, and when testifying in court, officers shall have in their possession the Department issued Miranda Warning card.

The "Warning" and "Waiver" are generally required prior to any questioning in which the arrested person in custody may incriminate himself/herself about the offense for which the person is in custody or before questioning about any offense in which prosecution may be pending against the person being questioned.

355.3.1 ARRESTEE REFUSES TREATMENT
When an arrestee refuses medical treatment, the officer/Cadet shall obtain a completed AMA form (leaving Against Medical Advice) from the attending physician. The form acknowledges that the arrestee has had the opportunity for medical care and elected to refuse treatment.

The arrestee shall then be booked consistent with existing procedures.

355.4 DETENTION RELEASES PENAL CODE 849 (B)
Officers may release from custody any person arrested without a warrant when:

(a) He/she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested;

(b) The person arrested was arrested for intoxication only, and no further proceedings are desirable; or

(c) The person was arrested only for being under the influence of a controlled substance or drug and the person is delivered to a facility or hospital for treatment and no further proceedings are desirable.
Megan’s Law

356.1 POLICY
Members authorized and responsible will facilitate public access to information allowed by legislation on serious and high-risk sex offenders commonly referred to as "Megan’s Law".

356.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California’s Megan’s Law. (Penal Code §§ 290 and 290.4).

356.2 DEPARTMENTAL DISSEMINATION OF INFORMATION
Whenever this Department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Penal Code § 290 in order to ensure the public safety, such information may only be released by means determined by the Chief of Police to be appropriate (Penal Code § 290.45(a)(1)).

Officers shall obtain approval from a supervisor prior to the public release of any information regarding a registered sex offender. Under exigent circumstances, an officer may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (Penal Code § 290.45(a)(2)).

356.2.1 LIMITATIONS ON EXTENDED RELEASE
Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

356.3 RELEASE OF INFORMATION VIA THE INTERNET
Information about a specific offender may be publicly disclosed by way of the Department Internet Web site only when the Department determines that such disclosure is necessary to ensure the public safety (Penal Code § 290.46(g)).

356.3.1 INFORMATION PROHIBITED FROM INTERNET RELEASE
The following information shall not be released over the department Internet Web site (Penal Code § 290.46(a):

• Any information identifying the victim.
• The name and address of the offender’s employer.
• All criminal history of the offender, other than the specific crimes for which the person is required to register.
**Megan’s Law**

**356.3.2 INFORMATION PERMITTED FOR INTERNET RELEASE**

For those offenders listed in Penal Code § 290.46(c)(2) and (d)(2), the following information may be included on the Department Internet Web site:

(a) The offender’s full name;
(b) The offender’s known aliases;
(c) The offender’s gender;
(d) The offender’s race;
(e) The offender’s physical description;
(f) The offender’s photograph;
(g) The offender’s date of birth;
(h) Crimes resulting in the registration of the offender under Penal Code § 290;
(i) The community of residence and ZIP Code in which the registrant resides or the county in which the person is registered as a transient; and
(j) Any other information which the Department deems relevant, such as:
   1. Description of the offender’s vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense);
   2. Type of victim targeted by the offender;
   3. Relevant parole or probation conditions, such as prohibiting contact with children;
   4. Dates of crimes resulting in current classification;
   5. Dates of release from confinement; and
   6. The offender’s enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code § 290.46(b)(2), the address at which the offender resides may also be included on the Department Internet Web site in addition to the above.

Before releasing the address of any offender, the officer shall verify that the information is correct.

**356.3.3 RECORD OF DISCLOSURE**

The release of such information shall be noted by entering the notification into the comment field on the offender’s Supervised Release File record.

**356.3.4 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY**

In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:

(a) The offender’s full name;
(b) The offender’s known aliases;
(c) The offender’s gender;
(d) The offender’s race;
(e) The offender’s physical description;
Megan’s Law

1. The offender’s photograph;
2. The offender’s date of birth;
3. Crimes resulting in the registration of the offender under Penal Code § 290; and
4. The date of last registration.

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. 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)(1).

356.4 PUBLIC INQUIRIES

As a general rule information may not be given over the telephone. Members of the public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan’s Law Web site maintained by the Department of Justice (www.meganslaw.ca.gov). They may also submit a list of at least six persons directly to the Department of Justice on a designated form to inquire whether any of those persons are required to register as a sex offender and are subject to public notification (Department of Justice fees may apply) (Penal Code § 290.4(a)).
357.1 POLICY
When responding to calls involving civil matters, an officer’s duty extends only to preserving the peace and taking enforcement action, as appropriate, for any criminal violations observed by the officer.

357.1.1 PURPOSE AND SCOPE
Civil problems, although not usually criminal in nature, can involve varying emotional responses for the parties involved as they seek police assistance in trying to resolve their disagreements. The purpose of this policy is to provide general guidance for the officer’s response to these incidents.

357.2 CIVIL PROBLEMS
Officers may be dispatched to assist citizens with civil problems including but not limited to:
- Child custody / visitation exchanges;
- Repossessions;
- Court order enforcement;
- Removal of tenants / trespassers; and
- Civil standby’s to preserve the peace.

357.2.1 CHILD CUSTODY EXCHANGES/OFFICER ASSISTANCE
Requests for police response to perform a civil standby during a child custody/visitation exchange will be limited to the following guidelines:
- The officer’s response is to preserve the peace;
- When the involved parties have a custody order issued in California, only the most recent order may be enforced;
- Each involved party will be provided with a referral list of Supervised Child Visitation and Supervised Exchange Agencies.

Any future custody or visitation exchanges should be conducted at a supervising exchange agency unless modified by court order or the parties mutually agree in writing to other provisions.

357.2.2 CHILD CUSTODY COMPLAINTS
HQ shall maintain copies of the Custody Order Violation Self Reporting Forms. Public Counter Records Clerks shall provide the report forms to citizens requesting a custody order violation report. Completed report forms shall be taken to HQ where a case number will be issued, placed on the report form and provided to the R/P.
Major Incident Notification

358.1 POLICY
Staff members are to be informed of certain incidents, in order to apprise their superiors and properly address inquiries from members of the media or public.

358.1.1 PURPOSE AND SCOPE
Incidents that are of a significant nature and that fall into the below listed criteria require notification of certain members of this Department.

358.2 MINIMUM CRITERIA FOR NOTIFICATION
The following list of incidents is provided as a guide for notification and is not intended to be all-inclusive:

- Homicide(s) or suspicious death(s);
- Fatal traffic collision(s);
- Officer-involved shooting, while on or off-duty (See Policy Manual § 310 for special notifications);
- Any member seriously injured or killed, while on or off duty;
- Death or serious injury of a City of Fresno official;
- Arrest of any Department member or City of Fresno official;
- Aircraft crash with major damage and/or injury or death;
- Any "in-custody" death(s);
- Major mutual aid request;
- A riot, major disturbance, or public catastrophe occurring in the City of Fresno;
- Bomb or credible bomb threat; and
- Any situation or incident where the media show a strong interest.
Sick / Injured / Deceased Persons

360.1  POLICY
Members will ensure that all sick or injured persons encountered are given emergency medical care required and all deaths are thoroughly investigated.

360.1.1  PURPOSE AND SCOPE
The investigation of cases involving death includes those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

One of an officer’s primary responsibilities is to ensure the health and welfare of community members that need public safety services. Members shall also ensure adequate resources such as EMS and Fire respond as needed.

360.2  SICK AND INJURED PERSONS

360.2.1  FIRST AID-REQUESTING ADDITIONAL RESOURCES
When members encounter sick or injured persons, they shall render appropriate first aid, consistent with their training, to whatever extent is necessary.

Members shall also request EMS/Fire resources as needed to appropriately handle the event.

360.2.2  INDUSTRIAL ACCIDENTS
The FFD is the agency responsible for notifying Cal OSHA when called to an industrial accident involving a serious injury, illness, or death as outlined in the California Code of Regulations Title 8, § 342.

Members dispatched to such industrial accidents shall notify their supervisor and complete a casualty report containing all pertinent information on the incident.
Identity Theft

362.1 POLICY
All incidents of identity theft will be investigated and thoroughly documented when reported to this Department, regardless of the jurisdiction where the crime is being committed. Members will cooperate with other law enforcement agencies in the investigation of identity theft crimes.

362.1.1 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.
Private Persons Arrests

364.1 POLICY
The Department will assist with all private person arrests that are made lawfully pursuant to Penal Code § 837. 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).

364.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the handling of private person arrests made pursuant to Penal Code § 837; however the provisions of Penal Code § 837 do not apply to juveniles pursuant to Welfare and Institutions Code § 625. (Refer to Policy Manual § 324).

364.2 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; and/or
(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.3 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Private Person’s Arrest form under penalty of perjury.

In addition to the Private Person’s Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
368.1 POLICY
The Department will take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, Section 601, 42 U.S.C. 2000d). Department members will inform members of the public that language assistance services are available free of charge to limited English proficiency (LEP) persons whom they encounter.

368.1.1 PURPOSE AND SCOPE
Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from gaining meaningful access to, or an understanding of important rights, obligations and services. The purpose of this Policy is to establish effective guidelines consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, for Department personnel to follow when providing services to, or interacting with, LEP individuals.

368.1.2 DEFINITIONS

Bilingual - The ability to use two languages proficiently.

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) - Those individuals whose primary language is not English. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient. LEP 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 skills to function in one setting, but these skills may be insufficient in other situations.

Primary Language - An individual's native tongue or the language in which an individual most effectively communicates.

Translation - The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

368.1.3 LEP PROGRAM RESPONSIBILITIES
The Department’s LEP Program will be coordinated through the Commander of the Audit & Inspections Unit. The Commander will be responsible for the following:

(a) Receiving and reviewing LEP services complaints; and
(b) Conducting audits relative to Department LEP Programs, including an annual review of demographic data, Language Line usage data, and Department reports documenting encounters with LEP individuals to ensure that the Department is providing meaningful access to LEP persons in all Department-conducted programs or activities.

368.2 FOUR FACTOR ANALYSIS
Since there are potentially hundreds of languages officers could encounter, this Department will analyze four factors in determining those measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably therefore this analysis must remain flexible and requires an ongoing balance of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by officers or who may benefit from programs or services within the Department’s jurisdiction or a particular geographic area;
(b) The frequency with which LEP individuals are likely to come in contact with officers, programs or services;
(c) The nature and importance of the contact, program, information or service provided; and
(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or officers.

368.2.1 QUALIFYING INDIVIDUALS
While 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, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE
LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. If a LEP individual chooses to provide his/her own interpreter, and precise, complete, and accurate interpretations are critical for law enforcement or legal reasons, or when the competency of the LEP individual’s interpreter is not established, the Department may decide to provide its own, independent interpreter as well.

Officers should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source.

When the Department provides the LEP services, members shall first utilize certified interpreters and translators from the City of Fresno bilingual certification program.

When a certified interpreter is not available and the LEP service does not involve a felony violation of law, Department provided interpreter services may include, but are not limited to:

368.3.1 OTHER BILINGUAL STAFF
Members that are bilingual but are not certified as interpreters should be able to accurately listen to communication in one language and orally convert it to another language. When bilingual members of this Department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

368.3.2 WRITTEN FORMS AND GUIDELINES
The Department will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area. When appropriate, these forms will be conspicuously posted at the public counters and otherwise available upon request. For example, the Department’s Personnel Complaint form and information about various Department programs and services should be made readily available to LEP individuals.

368.3.3 AUDIO RECORDINGS
From time to time, the Department may develop audio recordings of important information needed by LEP individuals. For example, officers may be provided with a canine warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES
Through the Language Line Services, the Department provides 24 hour telephone access to interpreters who speak more than 140 languages.

368.3.5 COMMUNITY VOLUNTEERS
Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources
developed by individual officers, the Volunteer Unit will attempt to maintain and update a list of qualified community volunteers.

368.3.6 FAMILY AND FRIENDS OF LEP INDIVIDUAL
While family and friends of an LEP individual may frequently offer to assist with Interpretation, officers should carefully consider the circumstances before relying on such individuals. Unless it is an emergency or critical situation, officers and other Department members should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information. Children should never be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect). Using family, friends and bystanders to provide interpretation could raise issues relating to confidentiality, privacy, and conflict of interest.

368.4 LEP CONTACT SITUATIONS AND REPORTING
While all law enforcement contacts, services and individual rights are important, this Department will utilize the four-factor analysis to prioritize language services so that they may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

When a criminal investigation involves a felony violation of law, every effort shall be made to utilize a certified interpreter or translator. Where a certified interpreter or translator is not available, LEP services may include, but are not limited to: Language Line Services, or non-certified Department members who can interpret. In the event of an unforeseen or life threatening emergency, family members, friends or bystanders may be used to interpret while waiting for a qualified interpreter to arrive.

When a member is required to complete a report or other documentation and interpretation and/or translation services are provided to any involved LEP individual(s), such services should be noted in the related report. When LEP services are provided and no police report is written, the LEP contact shall be documented by adding supplemental notes to the event or the public counter LEP log. Notes shall be made on the language spoken by the LEP person and the type of language assistance service provided.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Department has designated its 911 lines as its top priority for language services. Department members will make every reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this Department.

368.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS
In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this Department places a high priority on providing competent language assistance services during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department members providing language assistance services or forms in these situations will make every reasonable effort to accurately interpret all communications with LEP individuals.

Members providing language assistance services shall be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of Department members. Medical screening questions are commonly used to elicit information on an individual’s medical needs, suicidal
inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members to make every reasonable effort to provide effective language services in these situations.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS
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. The scope and nature of these activities and contacts will inevitably vary. Each officer and/or supervisor must, assess each such situation to determine the need and availability for interpretation and/or translation services to any and all involved LEP individuals.

Although not every situation can be addressed within this policy, it is important that an officer is able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

368.4.4 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this Department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. The Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TRAINING
In an effort to ensure that all members in public contact positions (or having contact with those in custody) are properly trained, the Department will provide training in the following areas during new member orientation:

(a) Member awareness of LEP policies, procedures, forms and available resources;
(b) Members having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters; and
(c) Training for management staff, even if they may not interact regularly with LEP individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

Any updates to this policy, related procedure, or the LEP program will be distributed to all members in the appropriate format.
Hearing Impaired/Disabled Communications

370.1 POLICY
It is the policy of this Department to take all reasonable steps to accommodate hearing impaired and disabled individuals who come in contact with this Department.

370.11 PURPOSE AND SCOPE
Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of, important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA) and Civil Code § 54.1., all reasonable steps will be taken to address those issues.

370.2 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 suffering from any disability. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved member. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion;

(b) The nature of the disability (e.g., total deafness or blindness vs. impairment);

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.); and

(d) Availability of resources to aid in communication.

When considering these and other available factors, the involved member(s) should carefully balance them in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its members.

370.21 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 and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

370.3 TYPES OF ASSISTANCE AVAILABLE
Depending on the balance of the factors available for consideration at the time, this Department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication
Hearing Impaired/Disabled Communications

services at their own expense or any combination thereof. In any situation, the individual’s expressed choice of communication method shall be given primary consideration and honored unless the member can adequately demonstrate that another effective method of communication exists under the circumstances.

Members should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

370.31 FIELD RESOURCES
Members are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the member and a deaf or hearing impaired individual;
(b) Facing an individual utilizing lip reading and speaking slowly and clearly; and
(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

370.32 AUDIO RECORDINGS AND ENLARGED PRINT
From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, members may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.33 TELEPHONE INTERPRETER SERVICES
The Duty Office will maintain a list of qualified interpreter services to be contacted at Department expense to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

370.34 TTY AND RELAY SERVICES
Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this Department.

370.35 COMMUNITY VOLUNTEERS
Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.
370.36 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

370.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services, and individual rights are important, this Department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

When any member of this Department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

370.41 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Department has designated its 911 lines as its top priority for assistance with such services. Members will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this Department.

370.42 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this Department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, members providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Members providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of Department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this Department to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheelchair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

370.43 FIELD ENFORCEMENT AND INVESTIGATIONS
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 which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.44 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this Department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

370.5 TRAINING
In an effort to ensure that all members in public contact positions (or having contact with those in custody) are properly trained, this Department will provide periodic training in the following areas:

(a) Member awareness of related policies, procedures, forms and available resources;
(b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment; and
(c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff.

(CALEA 1.1.3)
Mandatory School Employee Reporting

372.1 POLICY
When any Department member makes an arrest, in accordance with Policy Manual § 372.2, of any school employee he/she shall notify his/her immediate supervisor to facilitate forwarding the information to the Chief of Police or his/her designee.

372.1.1 PURPOSE AND SCOPE
The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code § 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of Health and Safety Code § 11054, or for any of the offenses enumerated in Penal Code § 290 or in subdivision 1 of Penal Code § 291 or Education Code § 44010, the Chief of Police or his/her designee is required to immediately report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER
Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed.

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person.

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER
Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher.
Blood and Urine Evidence Collection

373.1 POLICY
Blood and urine will only be collected as evidence in accordance with established procedures. Blood evidence will only be collected by licensed health care professionals.

373.1.1 PURPOSE AND SCOPE
To ensure that blood and urine evidence collection will be accomplished in the safest possible manner and to ensure the integrity of the evidence. Blood and urine may be collected in DUI, drug influence, or other criminal investigations.

373.2 BLOOD EVIDENCE

373.2.1 LEGAL REQUIREMENTS
Blood samples obtained from persons charged with DUI shall be collected, handled and preserved as required by 1219 and 1219.1 of Title 17 of the California Administrative Code.

373.4 INJURED OR UNCONSCIOUS SUBJECTS
Any subject who is unconscious or deceased is considered incapable of withdrawing their consent for a blood draw for evidence purposes. An officer may direct medical staff to obtain the blood draw.
DNA Samples

374.1 PURPOSE & SCOPE
This policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code §295, et seq.).

PURPOSE AND SCOPE

Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual’s criminal history record or, during regular business hours, by calling the Department of Justice at (510) 620-3300 and pressing "1-1" in the automated system [Penal Code §298(b)(5)].

374.2 PERSONS SUBJECT TO DNA COLLECTION

While the courts may order DNA samples taken in a variety of circumstances under the Act, members of this Department are only authorized to obtain DNA samples from the following individuals absent other lawful means (e.g., consent or a search warrant).

Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual’s criminal history record or, during regular business hours, by calling the Department of Justice at (510) 620-3300 and pressing "1-1" in the automated system [Penal Code §298(b)(5)].

It is a misdemeanor for any qualified individual to refuse to give any or all required DNA samples following written notice of the requirement to do so [Penal Code §298.1(a)].

374.2.1 ARRESTEES

Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to release on bail or other physical release from custody), any adult arrested or charged with a felony offense is required to provide DNA samples [Penal Code §296.1(a)(1)(A)].

The January 1, 2009 provisions governing DNA sample collection from all adults arrested for any felony offense are not retroactive and so do not permit sample collection for arrests that took place prior to 2009.

374.2.2 SEX AND ARSON REGISTRANTS

Any adult or juvenile who is required to register as a sex offender under Penal Code §290 or arsonist under Penal Code §457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. [Penal Code §296(a)(3)].

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided [Penal Code §296.2(c)].
DNA Samples

374.3  OBTAINING DNA SAMPLES
Upon a determination that any individual is qualified and required to provide DNA samples under the Act, the arresting officer or other employee designated by a supervisor shall transport the arrestee to the Fresno County Jail to complete the booking process where DNA samples will be obtained in accordance with this policy.

374.4  RELATED STATUTES
It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity (Penal Code § 298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes [Penal Code §299.5(i)(1)(A)].

374.5  LITIGATION
The Chief of Police or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 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.
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of patrol to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION
Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Fresno, 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 and other divisions within the Department, as well as other outside governmental agencies; and
(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
(i) Traffic direction and control

400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Fresno Police Department.

400.2.1 CRIME VIEW BUREAU
The Crime View Bureau is the central bureau for information exchange. Criminal information and intelligence reports can be submitted to the Records Bureau for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS
A crime report may be completed by any patrol member who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.
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Patrol Function

400.2.3  PATROL BRIEFINGS
Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4  INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.5  BULLETIN BOARDS
A bulletin board will be kept in the briefing room and the Investigation Bureau for display of suspect information, intelligence reports and photographs. New Provisional Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Provisional Order will be placed on the briefing room clipboard.

400.3  STATISTICS
The Daily Activity Report (DAR, AKA: Stat Sheet) will be used by officers, CSO’s, and Cadets assigned to patrol to record the number of certain key enforcement activities, including field interview cards submitted, calls for service handled, reports written, number of days worked, and sick leave used during the month.
Racial / Bias Based Profiling

402.1 POLICY
This Department will provide law enforcement services and enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity, or cultural differences as defined by law. No member shall practice racial/bias based profiling, nor allow other members to participate in these practices.

402.1.1 PURPOSE AND SCOPE
The Fresno Police Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve.

402.2 DEFINITION
Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).
Re-Introduction To Patrol

403.1 POLICY
The re-introduction training process will be completed at the discretion of the district commander for any absence less than twelve months in duration.

403.1.1 PURPOSE AND SCOPE
Members leave patrol for different assignments and other reasons. Policies and procedures change frequently, as do legal requirements and laws. In order to re-acclimate the member to patrol, a re-introduction training process will be completed when the member has been away from patrol in excess of twelve months.

403.2 DISTRICT COMMANDER ROLE
When a member returns to patrol, the district commander of the assigned district shall notify the PTO Coordinator of the need to re-acclimate the returning member to patrol.

When a sergeant returns to patrol, the District Commander shall assign the returning sergeant to shadow an existing patrol sergeant for up to one week, generally.

403.3 POLICE TRAINING OFFICER (PTO) ROLE
The PTO will review a re-introduction package of materials that are developed by the PTO Coordinator, with the member and ensure that the member understands the material.

403.4 SERGEANT RE-ENTRY PROGRAM
The same purpose for re-entry training for officers/CSOs applies to sergeants.
Briefing

404.1 POLICY
The supervisor conducting "briefing" is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate employee in their absence or for training purposes.

404.1.1 PURPOSE AND SCOPE
Briefing is generally conducted at the beginning of the member’s assigned shift. Briefing provides an opportunity for important information exchange between members and supervisors. A supervisor generally will conduct briefing; however, subordinate members may with supervisor approval.
Crime Scene and Major Incidents

406.1 POLICY
The protection and integrity of a scene is of the utmost importance for the successful apprehension and prosecution of criminals. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.1.1 PURPOSE AND SCOPE
This policy provides an overview of the first responding officer’s responsibilities at a crime scene or a major incident.

406.2 CRIME SCENE RESPONSIBILITY
The first responding officer at the scene of a crime is responsible for:

- Preservation of the crime scene;
- Officer and public safety; and
- Rendering medical aid for any injured party.

406.2.1 MAJOR INCIDENT RESPONSIBILITIES
The first responding officer at the scene of a major incident is responsible for observation of all conditions, events and additional information relevant to the incident.

406.2.2 TEMPORARY FLIGHT RESTRICTIONS
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 (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Field Commander.

406.4 PUBLIC ENTRY INTO CRIME SCENES OR MAJOR INCIDENTS
No member of the public shall be allowed entry to a crime scene without good reason and legal right. All such entries shall be approved by the primary investigating member and any affected private property owner before they are allowed.

Any person(s) may be excluded from a crime scene when their presence may cause destruction or disruption of evidence.

The access to crime scenes by the media is explained in Policy Manual § 346.
Mass Arrests

407.1 POLICY
The Fresno Police Department has developed the following policy in order to address pre-planned events/incidents where mass arrests may occur.

407.1.1 PURPOSE AND SCOPE
This policy provides guidance for the coordination, deployment, and handling of a mass arrest incident as defined within this policy.

407.2 DEFINITION
Mass Arrest is defined as the arrest of persons during an event in which the number exceeds our Department’s ability to:

(a) Transport by normal means (e.g. patrol vehicles, wagons/vans); and
(b) Is beyond the processing and temporary holding capabilities of Crime Scene Bureau.

407.3 EVENT / INCIDENT RESPONSIBILITIES

407.3.1 PRE-PLANNED EVENT
The Chief of Police and/or a division commander will designate a staff officer or supervisor as the Event Coordinator.

407.3.2 SPONTANEOUS INCIDENTS
Incidents may arise in the field which require mass arrests to be made. When this occurs, the on-scene Incident Commander for purposes of this order, will be synonymous with the authority and responsibilities of the Event Coordinator.

407.4 INTERAGENCY AGREEMENTS
Interagency agreements are pre-planned and in place prior to the large scale event if assistance from specific outside agencies is anticipated. In cases where a request is made for mutual aid it shall be handled consistent with the National Emergency Management System (NEMS) plan.

407.5 DEFENSE COUNSEL VISITS
Visits from counsel generally are not allowed during the booking process.

407.6 MEDIA RELATIONS
Media relations will be handled consistent with Policy Manual § 346.

407.7 FOOD, WATER, AND SANITATION
Appropriate steps will be taken to ensure that the basic necessities of food, water, and sanitation facilities are provided when it is anticipated that prisoners will be detained in the field for prolonged periods of time.
Mass Arrests

407.8 MEDICAL TREATMENT

If available, arrangements should be made to have emergency medical services personnel on scene throughout the event. As part of the booking process at FCJ/FCJH the on duty medical personnel will conduct a medical screening.
SWAT

408.1
The Department has established the Special Weapons and Tactics (SWAT) Team to provide specialized support in handling critical field operations where intense negotiations and special tactical deployment methods are required.

408.1.1 PURPOSE AND SCOPE
The SWAT Team is a support element of the Department and should be utilized when the situation requires the use of their specialized capabilities. The SWAT Team has as a supporting element, the Crisis Negotiation Team (CNT).
Large Disturbances / Special Events / Operations

409.1 POLICY
The primary duty of the Fresno Police Department is to preserve the peace during special events/operations, large disturbances, and labor disputes that require a coordinated law enforcement response.
Ride-Along Policy

410.1 POLICY
The Fresno Police Department Ride-Along Program is offered to all those who qualify. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

PURPOSE AND SCOPE
The Ride-Along Program provides an opportunity for citizens to experience law enforcement, police incidents, and to hopefully have a better understanding of the Fresno Police Department.

410.1.1 DISQUALIFICATION
The following factors may be considered in disqualifying an applicant and are not limited to:

- Prior criminal history or conviction;
- Pending criminal action;
- Pending lawsuit against the Department; and
- Denial by any supervisor.

410.1.2 AUTOMATIC DISQUALIFICATION
- Being under 16 years of age; or
- Being on probation or parole.

410.1.3 AVAILABILITY
The Ride-Along Program is available on most days of the week and on any shift, with certain exceptions as may be made and approved by a commander.

410.2 REQUESTING A RIDE-ALONG
Generally, ride-along requests will be scheduled by Special Operations Division personnel. All participants will complete a Ride-Along Waiver Form. Information provided will include a valid state, federal or military ID or driver’s license, address, and telephone number. Participants will provide the name, address and telephone number for an adult relative or friend to contact in case of emergency.

Special Operations Division personnel will schedule a date for an interview. If the participant is under 18 years of age, a parent/guardian must be present, during the interview and complete the Ride-Along Form. Applicants will report to the Special Operations Division where an interview will take place and the “Do’s” and “Don’ts” of the ride along will be explained. Only after satisfactorily completing the interview will an applicant will be scheduled for a ride along. When an applicant is denied participation in the Ride-Along Program they will be advised of the denial.

All ride-along applicants are subject to a criminal history check. The criminal history check will 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 (provided that the
Ride-Along Policy

ride-along is not a member of the Department) (CLETs Policies, Practices and Procedures Manual 1.6.1.D.3.).

410.2.1 PEACE OFFICER RIDE-ALONGS

Peace officers from other agencies may participant in the Ride Along Program. The Ride Along Form must be completed, signed, and turned into the Special Operations Division. An interview will be scheduled consistent with Policy Manual §410.2. When the officer requests to carry a firearm, authorization from the district field supervisor must first be obtained. Ride-along requirements for police cadets are covered in Policy Manual §1048, "Police Cadet Program."

410.2.2 ASSOCIATES OF DEPARTMENT MEMBERS

Department members may schedule personal associates (friends, relatives or professional associates) for a ride-along and are not required to contact the Special Operations Division. Department members requesting the ride-along will contact the Duty Officer at least one and one half (1.5) hours prior to the start of briefing and provide the name of the ride-along. Only one ride-along may be scheduled in each district and watch. It is the responsibility of the requesting Department member to ensure that a liability waiver is completed and signed by the ride-along prior to the start of the shift. Liability waiver forms are available at each of the district stations and the Duty Office. Completed liability waiver forms shall be forwarded to the Special Operations Division secretary. A shift supervisor shall deny a ride-along if a liability waiver is not completed and signed prior to the start of the patrol shift. Associates of Department members will adhere to the same procedures as other ride-along participants and must be free from felony criminal history.

410.3 CONTROL OF RIDE-ALONG

The assigned officer/CSO shall maintain control over the ride-along participant at all times and instruct him/her in the conditions that necessarily limit their participation.

410.3.1 RIDE-ALONG WITNESS DOCUMENTATION

Officers assigned a ride-along will record the first and last name of the ride-along in the CAD log on "comments" field at the beginning of the patrol shift. Ride-along participants will follow the directions of the officer/CSO. The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment. In the event a ride-along is witness to a crime in progress or could provide testimony in court for any reason, the ride-along will be listed as a witness in the police report with complete name and contact information.

410.4 GUIDELINES

The following is a list of guidelines for participants:

- No jeans (regardless of color), baggy pants, T-shirts, sweats, hats or caps allowed.
- No skirts, dresses or high heels.
- Present a professional image, otherwise you could be sent home.
- You can ride for 5 hours, or longer at the officer’s discretion.
- The officer, at his/her discretion, can end the ride-along at any time.
- You could get injured.
- You are riding along at your own request. Neither the City nor the Department is making you ride-along.
Ride-Along Policy

• We do not provide protective equipment, such as ballistic vests or flashlights.
• You cannot bring a camera, tape recorder, or cell phone camera. This is for the protection of the rights of the people we contact.
• Do not bring tear gas, pepper spray, handcuffs or any sort of weapon, including firearms. This applies to those people with CCW permits.
• If the officer tells you to stay in the car, do so. This is for your safety.
• You are not to attempt to assist in arresting suspects or become physically involved with suspects unless directed to do so. Do no interrupt officers during an investigation.
• Bring clothing appropriate for the weather.
• Be prepared for the possibility that you will not stop for breaks or meals during the ride-along.
• If you wear a medic-alert bracelet or have a medical condition such as epilepsy or diabetes, let the officer know at the start of the shift.
• Know your location, and know your detail.
• If you cannot make your scheduled appointment, make sure you call cancel your ride-along. Not calling will prohibit you from riding for a year.
• One ride-along is allowed per year from the date of your ride-along.
Hazardous Material Response

412.1 POLICY
The Fresno Fire Department (FFD) has primary responsibility for all identified hazardous material spills or incidents involving possible hazardous materials. However all other responsibilities outside the scope of FFD at the scene of an actual spill or incident will remain with this Department.

412.1.1 PURPOSE AND SCOPE
Department members will follow, to the best of their ability, established procedures in dealing with any incident involving hazardous material in compliance with Title 8, California Code of Regulations § 5194.

412.2 HAZARDOUS MATERIAL RESPONSE
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.
School Safety

413.1 POLICY
The Department will develop and implement standardized levels of readiness in conjunction with public school administrators to enable quick and effective communication between our Department and public schools during critical situations by using terms common to both agencies.
Response to Bomb Calls

416.1 POLICY
When confronted with an incident involving explosives, safety shall always be the primary consideration. In the case of an actual bombing or discovery of suspected or actual hazardous device, a supervisor shall immediately notify the Department EOD Team Commander.

416.1.1 PURPOSE AND SCOPE
Members responding to incidents involving explosives, explosive devices, or explosion/bombing incidents, shall under no circumstances, compromise the safety of first responders or the public.

416.2 PERMITS FOR HANDLING, POSSESSING, TRANSPORTING, & STORING EXPLOSIVES
Requests for information pertaining to the acquisition of explosives permits shall be referred to the Fresno County Sheriff’s Department as they process all such applications.

416.3 INSPECTION OF LEGAL EXPLOSIVES
Inspection of legal explosives is the responsibility of the FFD. Members shall refer all requests for explosives inspection accordingly.

The inspection of legal explosive bunkers is the responsibility of the ATF. Members shall refer all requests for such inspections to the ATF.

The ATF may conduct inspections at their discretion.
Mental Illness Commitments

418.1 POLICY
When an officer believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall have the person transported to a facility for evaluation and commitment.

418.1.1 PURPOSE AND SCOPE
This policy 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 Welfare and Institution Code § 5150 does not constitute an arrest.

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 himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, 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 treatment and evaluation.

If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 TRAINING
At least every three years, all members shall receive training related to recognition of persons suffering from mental illness and procedures for accessing available community mental health resources. In addition, sworn officers shall be trained on specific guidelines to follow in dealing with persons they suspect are mentally ill during contacts on the street as well as during interviews and interrogation.
Cite & Release Policy

420.1 POLICY
The Department will comply with the State Legislature’s intent to release all persons on misdemeanor citations, if qualified for such release.

420.1.1 PURPOSE AND SCOPE
Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

420.2 STATUTORY REQUIREMENTS
Citation releases are authorized by Penal Code § 853.6.

Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility; or

(b) A Crime Scene Bureau release is when a violator is released after being transported to the Prisoner Processing Section and processed.
Miscellaneous Enforcement

421.1 POLICY
The Department investigates and enforces violations of various local and state statutes.

421.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide general guidelines for the investigation and enforcement of these violations in an effort to improve the overall quality of life to the community.

421.2 SMOKING IN ENCLOSED PLACES OF EMPLOYMENT
Labor Code Section 6404.5 became effective January 1, 1998, prohibiting smoking in bars, bar areas, and gaming clubs. Consistent with existing law, the prohibition against smoking applies to areas defined as an "enclosed place of employment," but does not apply in areas such as outside patios.

Any employer who knowingly and intentionally permit(s) smoking in an enclosed space at a place of employment is in violation of LC §6404.5. Likewise, any person who smokes in an enclosed space at a place of employment is in violation of LC §6404.5. LC §6404.5 is an infraction.
Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE
Article 30 of the Vienna Convention on Consular Relations, operative as to the United States on December 24, 1969, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. 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 our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed in Table 1 (appendix) or 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, 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.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS
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. This official acts 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; 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.

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 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 Governor’s Office of Emergency Services (OES), Law Enforcement Division.

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.
**423.1 POLICY**

Any Department member receiving local Homeland Security or terrorism-related information, through any method of communication, shall report it immediately to the Department’s Criminal Intelligence Unit supervisor, electronically, by voicemail, or in writing. The Criminal Intelligence Unit supervisor shall review this information so that it may be relayed to the Joint Terrorism Task Force (JTTF), Sacramento Regional Terrorist Threat Assessment Center (SacRTTAC) or agency, when appropriate. The Criminal Intelligence Unit supervisor will be the Department’s Terrorism Liaison Officer Coordinator (TLOC). Trained Terrorism Liaison Officers (TLO) will coordinate information and related activities through the Criminal Intelligence Unit supervisor.

**423.1.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide a city-wide reporting mechanism for known or suspected Homeland Security or terrorism-related activity so the information may be investigated and acted upon in a timely manner.

**423.2 TERRORISM LIAISON OFFICER (TLO)**

The TLO will act as the central contact point between this Department and the Office of Homeland Security and the Department of Homeland Security. Information exchanged by the TLO should facilitate information sharing and multi-jurisdictional preemption of terrorist acts or events.

**423.3 HOMELAND SECURITY TLO MESSAGE LINE**

This Department maintains a public message line for information related to Homeland Security and/or local terrorist-related activity. Messages can be left by phoning (559) 621-2TLO or 621-2856. Messages may also be sent by e-mail to TLO@fresno.gov.
Reporting Police Activity Outside of Jurisdiction

426.1 POLICY
Any on-duty or off-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the City of Fresno, shall notify his or her on-duty supervisor or the Field Commander at the earliest possible opportunity.

426.1.1 PURPOSE AND SCOPE
This policy provides a general guideline for reporting police activity while on or off-duty and occurring outside the jurisdiction of the City of Fresno.
428.1 POLICY
Members of this Department will provide, to the best of their ability, equal enforcement of the law and equal service to the public, regardless of alien status. It is the policy of the Department that officers shall not enforce violations of immigration law/status.

428.1.1 PURPOSE AND SCOPE
Immigration status alone is not a matter for police action. Awareness of this will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 JURISDICTION AND ENFORCEMENT
The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry, etc. When assisting ICE at their specific request, this Department may assist in the enforcement of any suspected criminal violations discovered as a result of inquiries or investigations initiated by ICE.

428.3 SWEEPS
The Fresno Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, socioeconomic status, or other group.

The disposition of each contact (e.g., warning, citation, arrest, etc.), while discretionary in each case, should not be affected by such factors as race, ethnicity, sexual orientation, etc.

428.3.1 BASIS FOR CONTACT
The fact that an individual is suspected of being an undocumented alien shall not be the basis for contact, detention, or arrest.

428.4 ICE REQUEST FOR ASSISTANCE
If a specific request is made by ICE or any other federal agency, this Department will provide available support services, such as traffic control or keep-the-peace efforts, during the federal operation.

Members of this Department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this Department should be based upon the reasonable belief that an individual is involved in criminal activity.

428.5 VALID IDENTIFICATION CARDS/"MATRICULA CONSULAR"
The identification card known as the “Matrícula Consular” is issued by the Mexican Consulate to Mexican citizens who have established residency in the United States. This valid form of identification includes the person’s photograph, name, address, date of birth, and a serial number. Department members shall familiarize themselves with the card’s security features to determine its authenticity. Department members shall recognize this card as a valid form of identification when attempting to establish a person’s identity during an investigation and/or while issuing a misdemeanor citation. This identification card is not to be considered as a valid driver’s license.
428.6 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The Fresno Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sexual orientation, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest.

428.6.1 U-Visa Nonimmigrant Status

Under certain circumstances federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes [8 U.S.C. §1101(a)(15)(U)]. A petition for a U-Visa from the U.S. Citizenship and Immigration Services must be completed on DHS Form I-918 by the assigned investigator or the assigned prosecutor and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa to be issued.

Any request for assistance in applying for U-Visa status should be forwarded in a timely fashion to the supervisor of the respective investigative unit handling the related case. The supervisor should do the following:

(a) Consult with the assigned investigator to determine the current status of any related case and whether an update on the case is warranted;
(b) Review the instructions for completing the certification if necessary. Instructions for completing Form I-918 can be found on the DHS website at http://www.uscis.gov/portal/site/uscis;
(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification has not already been completed and that certification is warranted;
(d) Timely address the request and complete the certification if appropriate; and
(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. A copy of any completed certification shall be included in the case file.
Emergency Utility Service

430.1 POLICY
Upon observing a damaged or malfunctioning signal, utility, or other infrastructure, members will advise the Communications Center (ComCen) of the location and problem. ComCen will make the necessary notification to the proper maintenance agency.

PURPOSE AND SCOPE
The Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department.

Requests for such service received by this Department should be handled in the following manner.

430.1.1 BROKEN WATER LINES
If a break occurs on the City side of a water meter, public works should be called as soon as practical by the ComCen.

430.1.2 ELECTRICAL LINES
City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Pacific Gas & Electric (PG&E) or Public Works (for a damaged pole) should be promptly notified.

430.1.3 PUMPS, WELLS, ETC.
Public Works maintains public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, Public Works should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS
A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by ComCen or can be accessed by 621-CITY (2489).

430.1.5 TRAFFIC SIGNAL MAINTENANCE
The City of Fresno maintains all traffic signals within the City, as well as other areas, but not those belonging to the State of California.
Aircraft Accidents

434.1  POLICY
Any incident involving an aircraft will be handled according to established procedures in cooperation with appropriate investigative agencies.

434.1.1  PURPOSE AND SCOPE
This policy describes situations involving aircraft accidents including responsibilities of members, making proper notification, and documentation.

434.2  AIRCRAFT ACCIDENTS RESPONSIBILITIES

434.2.1  AT CITY OWNED/OPERATED AIRPORTS
The Director of Airports, through the Airport Public Safety Manager, is charged with the investigative responsibility for aircraft accidents occurring on City owned or operated airports. Members may be called upon to assist in the investigation.

434.2.2  AIRCRAFT ACCIDENTS NOT ON CITY PROPERTY
The Department has responsibility for the investigation of aircraft accidents not occurring on a City owned or operated airport. Members shall notify either the FAA or military personnel, depending of the type of aircraft involved in the accident, and shall give the location and condition on the aircraft.
Police Training Officer Program

436.1 POLICY
The Department will assign all new police officers to a structured Police Training Program that is designed to prepare them to perform in a patrol assignment, possessing all skills and knowledge required to operate in a safe, skillful, productive and professional manner.

436.1.1 PURPOSE AND SCOPE
The Police Training Program is intended to provide a standardized program to facilitate an officer’s transition from the academic setting to his/her actual performance of general law enforcement duties of the Fresno Police Department.

436.2 TRAINEE DEFINED
Trainee-Any recruit or lateral police officer newly appointed to the Fresno Police Department who has successfully completed a POST approved Basic Academy.

436.3 TRAINING REQUIREMENTS
Recruit and lateral officers shall be required to successfully complete the Police Training Program.

The training period for lateral officers may be modified depending on their demonstrated performance and level of experience.

436.4 POLICE TRAINING OFFICER
The Police Training Officer (PTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their acquired knowledge and skills.

436.4.1 PTO SELECTION PROCESS
A PTO will be selected based on the following considerations:

(a) Desire to be a PTO;
(b) Minimum of four years of patrol experience, two of which shall be with this Department;
(c) Demonstrated ability as a positive role model based upon written Commander recommendations;
(d) Pass an internal written and oral interview selection process;
(e) Written evaluation by supervisors;
(f) Letter of recommendation by supervisors; and
(g) Internal affairs discipline history.

436.4.2 TEMPORARY PTO
At the discretion of the Chief of Police or his/her designee, officers may be appointed to serve as temporary PTOs to meet the training needs of the Department. Officers have the discretion to decline the position but to be appointed they must meet the following conditions:
Police Training Officer Program

(a) Be on a current PTO eligibility list;
(b) Have successfully completed the 40 hour PTO training course; and
(c) Have successfully completed the PTO certification process.

Officers serving as a temporary PTO for an extended period must successfully pass the written examination and the scenario interview annually to be re-certified.

436.4.3 INACTIVE PTO STATUS

Police officers/specialists who voluntarily resign as a PTO or who accept a special units position may elect to recertify annually at their own choosing. In order to be reinstated, former PTOs must have successfully completed the PTO certification process within 12 months of reinstatement.

The final decision to reinstate any officer/specialist will be made by the Chief of Police or his/her designee.

436.6 PTO TRAINING

An officer selected as a PTO shall successfully complete a POST certified (40-hour) Police Training Officer’s Course prior to being assigned as a PTO.

All PTOs must complete a 24-hour Police Training Officer update course every three years while assigned to the position of PTO.

436.7 POLICE TRAINING PROGRAM SUPERVISOR

The Police Training Program supervisor will be selected from the rank of sergeant by the Special Operations Division Commander or his/her designee.
District Command Staff Responsibilities

444.1 POLICY
Members are to be familiar with the district command structure of the Department, as well as the staff responsibilities, to ensure a viable chain-of-command is maintained.

444.1.1 PURPOSE AND SCOPE
The purpose of this order is to address the responsibilities of district command staff.

444.2 DISTRICT COMMAND STAFF
Each district is assigned a:

(a) District Commander; and
(b) Assistant District Commander.

Two Field Commanders are assigned city-wide responsibilities (Policy Manual § 444.5).

444.3 DISTRICT COMMANDER RESPONSIBILITIES
District Commander responsibilities include, but are not limited to:

(a) Direction and control of Patrol Division personnel within their district;
(b) Maintenance of discipline and morale within their district;
(c) Conducting periodic inspections of personnel and equipment under their command;
(d) Assignment of their district personnel;
(e) Promotion and stimulation of supervision in their district;
(f) Establishing guidelines and procedures for the District Crime Suppression Team (DCST) in their policing district;
(g) Maintenance of Problem Oriented Policing (POP) within guidelines established by Department policy and directives;
(h) Periodic meetings with supervisors to discuss problems, community needs, and progress;
(i) Recommending proper action relative to citizen complaints;
(j) Disposition of all citizen inquires brought to their attention;
(k) Ensuring response to public service requests; and
(l) Personnel problems arising in their district.

444.4 ASSISTANT DISTRICT COMMANDER RESPONSIBILITIES
Assistant District Commander responsibilities include, but are not limited to:

(a) Operational control of all district personnel during their work hours;
(b) Involvement in any major operations within their district;
District Command Staff Responsibilities

(c) On-going review and coordination of watch one and two patrol personnel, district investigators, POP, traffic, crime analysis, and crime prevention in their district;
(d) Providing coordinated management of enforcement needs between districts and/or jurisdictional boundaries;
(e) Monitoring of planned multi-district/jurisdictional field responses;
(f) Management of emergency response to multi-district/jurisdictional events;
(g) Monitoring the utilization of Patrol Division resources and redirecting personnel as needed to include cross-district dispatching of resources;
(h) Staff review of certain specified investigative reports after supervisor approval. These reports include:
   1. Officer-involved collisions;
   2. Incidents involving injured prisoners;
   3. Any reported officer injury;
   4. Officer involved as a suspect;
   5. Any unusual involvement of members of this Department in any police investigations;
   6. Police investigations involving potential City liability; and
   7. Any unusual involvement of personnel of other governmental agencies in a police investigation.
(i) Maintaining the continuance of routine police services during emergencies;
(j) Handling of all personnel matters requiring immediate attention;
(k) Operational activities and the operational needs of their district;
(l) Keeping the district commander informed of problems, needs and progress;
(m) Conducting periodic inspections of personnel and equipment under their command;
(n) Promotion and stimulation of supervision in their district;
(o) Investigation of citizen complaints when the complaint is of the type that can be handled at the divisional level;
(p) Maintenance of POP within the guidelines established by Department policy and directives;
(q) Advising the district commander in advance of any special details or planned activities; and
(r) Serving PIO as assigned.

444.5 FIELD COMMANDER RESPONSIBILITIES
The Field Commander’s responsibilities include, but are not limited to:

(a) Being the official representative of the Chief of Police during the absence of higher authority and assuming the administrative duties of the Chief of Police;
(b) Ongoing review and coordination of watch two and three patrol personnel;
(c) Involvement in any major operation during their shift;
(d) Providing coordinated management of enforcement needs between districts and/or jurisdictional boundaries;
(e) Monitoring of planned multi-district/jurisdictional field responses;
(f) Management of emergency response to multi-district/jurisdictional events;
District Command Staff Responsibilities

(g) Monitoring the utilization of Patrol Division resources and redirecting personnel as needed to include cross-district dispatching of resources;

(h) Maintaining the continuance of routine police services during emergencies;

(i) Handling of all personnel matters requiring immediate attention;

(j) Keeping the district commanders informed of problems, needs and progress; and

(k) Coordinating information exchange with media in the absence of the P.I.O.
Radio & Mobile Data System (MDS) Use

448.1 POLICY
Members will comply with all appropriate Federal, State and Department rules and regulations regarding the transmission and receipt of any information whether confidential or not, via radio or Mobile Data System (MDS). Members shall utilize the radio and MDS in a professional manner and for Department business purposes only.

448.1.1 PURPOSE AND SCOPE
The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies.

The MDS accesses confidential records from various databases through Department’s ECOMM System.

448.2 FCC COMPLIANCE
Fresno Police Department radio operations and MDS use shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

448.3 OPERATIONAL READINESS
All members assigned/issued portable radios are responsible for their security and maintenance. Members shall maintain all portable radios in a state of operational readiness.

448.4 MDS USE
The MDS shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or critical of any member of the Department are strictly forbidden. Supervisors at anytime without prior notification may review messages.

448.4.1 DATABASE INQUIRIES
Whenever possible, an MDS will be used to conduct inquiries into CLETS, RMS, and other databases which are accessible from an MDS.

448.4.2 USE WHILE DRIVING
Members shall not attempt to enter data into an MDS, nor shall they direct their attention to the contents of the MDS screen until it is safe to do so.

448.5 RADIO USE
Members who are on duty and in the field shall monitor their radios at all times and shall promptly answer when called.

Exception: When dictating reports or interviewing victims, members may turn their radio off after advising the dispatcher they will be off the air.
Use of Audio Recorders

450.1 POLICY
Allowed use of any recording device by members of this Department will be limited to an official law enforcement purpose only and not to surreptitiously record any conversation between members.

450.1.1 PURPOSE AND SCOPE
The Fresno Police Department has allowed its members to carry recording devices while on-duty. These devices include but are not limited to audio/video recorders (e.g. micro cassettes, standard cassettes, digital recorders, etc.) Their allowed use is intended to assist members in the performance of their duties.
450.4 ISSUANCE OF DIGITAL RECORDERS

Digital recorders shall be issued to field supervisors whose assigned members have frequent public contact. Digital recorders shall be personally assigned to supervisors through Property and Evidence Control Section (PECS).
Medical Marijuana

452.1 POLICY
Officers will use discretion and the guidelines provided by the Department to distinguish between claims of medical and criminal use of marijuana, as provided for in California’s Compassionate Use Act (Health & Safety Code § 11362.5).

452.1.1 PURPOSE AND SCOPE
To provide guidelines for handling incidents where the claim of medical marijuana is present.

452.2 ENFORCEMENT
Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

(a) California does not provide any exception for individuals driving under the influence of marijuana and all such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).

(b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed for personal use should be handled as criminal cases with appropriate enforcement action pursuant to Health & Safety Code § 11357, 11358 and 11359.
   1. Unless a doctor has expressly prescribed a greater amount, no qualified patient or primary caregiver may possess more than eight ounces of dried marijuana per individual Health & Safety Code § 11362.77(a).
   2. A qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per individual.

452.3 MEDICINAL USE CLAIMS
In order to qualify for a medicinal marijuana defense, the individual(s) making such a claim must affirmatively establish the following information. If the individual(s) cannot or will not provide all of the required information, the officer should note such in any related report and proceed with appropriate enforcement action.

452.3.1 PATIENTS
(a) An individual may establish his/her status as a qualified patient by presenting a current and valid identification card issued by the Department of Health (Health & Safety Code § 11362.735). Such identification cards shall contain the following information:
   1. A unique serial number;
   2. An expiration date;
   3. The name and telephone number of the county health department approving the application;
   4. A 24-hour toll-free number for law enforcement to verify the validity of the card; and
   5. A photograph of the cardholder;
Medical Marijuana

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (Health & Safety Code § 11362.78).

(b) If the individual does not possess a valid identification card, the individual claiming status as a "qualified patient" must minimally provide the following information:
   1. Satisfactory identification establishing current residency in California;
   2. A current and valid recommendation for marijuana from a California licensed physician; and
   3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual(s) authorizing the release of all related medical records.

452.3.2 PRIMARY CAREGIVERS
A primary caregiver is not authorized to use, sell, or possess marijuana for sale.

(a) Must provide sufficient proof that he/she is responsible for the patient’s housing, health and/or safety.

(b) Must provide sufficient proof of personal knowledge of the patient’s medical needs and the details of the attending physician’s recommendation.

452.3.3 RETURN OF MARIJUANA
Regardless of the prosecution status or disposition of any related criminal case, this Department will not be responsible for the return of any marijuana seized as evidence unless presented with a valid court order requiring same. (Health & Safety Code § 11362.785(d))
Traffic Function and Responsibility

500.1 POLICY
This Department will focus enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs and public safety.

500.1.1 PURPOSE AND SCOPE
The ultimate goal of traffic enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as reactive assignment of personnel and equipment and the establishment of proactive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and officer observations.

(a) All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence.
(b) All officers will take directed enforcement action on request, and random enforcement action when appropriate.
(c) All officers shall maintain high visibility while working routine enforcement, especially at high accident locations.
(d) Other factors to be considered for deployment are citizen requests, construction zones, special events, etc.

500.2 ENFORCEMENT
Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Traffic and vehicle stops should be performed in a uniformed manner as established in the Police Training Program and outlined within the Procedure Manual.

Several methods are effective in the reduction of collisions:

500.2.1 WARNINGS
Warnings are non-punitive enforcement actions that may be considered and substituted for arrests or citations when circumstances warrant.

500.2.2 CITATIONS
Citations may be issued when an officer believes they are appropriate.

Officers should provide the following information to violators at a minimum:

(a) Explanation of the violation or charge;
(b) Court appearance procedure including the optional or mandatory appearance by the motorist; and
(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
Traffic Function and Responsibility

Exception: When an officer contacts a traffic violator driving on a suspended or revoked license, the officer shall issue a traffic citation pursuant to Vehicle Code § 14601.

500.2.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter; *
(b) Felony * and misdemeanor driving under the influence of alcohol/drugs;
(c) Felony * or misdemeanor hit-and-run;
(d) Refusal to sign notice to appear; * and
(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

* The officer shall notify a supervisor when a subject is taken into physical arrest.

500.3 DIRECTING TRAFFIC

500.3.1 REFLECTORIZED VESTS
Anytime a member is on a roadway (day or night) directing traffic, investigating an accident, or at the scene of a disaster, they shall wear a Department authorized reflective vest.

An operable flashlight is required for directing traffic during inclement weather and during hours of darkness.
Traffic Collision Reporting

502.1 POLICY
Members involved in the handling of traffic related collisions will follow the guidelines of this policy and utilize the California Highway Patrol Collision Investigation Manual (CIM) as the primary guide for documentation of their investigations.

502.1.1 PURPOSE AND SCOPE
Members will prepare traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service make traffic collision reports available to the community (with some exceptions).

502.2 RESPONSIBILITY
The Traffic Bureau Commander will be responsible for distribution of the CIM. The Traffic Bureau Commander will receive all changes in the CIM.

502.3 PROTECTION OF THE SCENE
Members shall see to the protection of involved vehicles, personal property, and other traffic at the collision scene. As soon as practical, members shall remove damaged vehicles and debris from the roadway and restore the flow of traffic.

Exceptions: Members shall take every precaution to preserve any and all evidence at the scene of a major injury or fatal collision until it is determined that it is no longer necessary to do so.

502.4 HAZARDOUS MATERIALS SPILLS
See Policy Manual § 412.

502.5 PROPERTY DAMAGE COLLISIONS
Members responding to the scene of a collision resulting in property damage only (including vehicle damage) shall ensure that involved parties comply with the notification requirements of Vehicle Code § 20002. No report is required for collisions producing property damage only unless it is a City owned vehicle or other violations are present requiring documentation. (e.g., DUI, VC § 14601, etc.)

502.6 PRIVATE PROPERTY COLLISIONS
In compliance with the CIM, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

502.7 FATALITIES
When there is any question as to death, medical aid shall be requested and appropriate first aid rendered. Deceased persons shall be covered from public view whenever possible.
Traffic Collision Reporting

502.8  COLLISION RECONSTRUCTION UNIT (CRU) RESPONSE
A CRU member will be available on a call-out basis to provide collision analysis expertise as needed during major collision investigations.

502.9  RESPONSE TO DISTURBANCES AT TRAFFIC COLLISIONS
When members are dispatched to traffic collisions and receive information of a disturbance or fight occurring at the collision scene, members shall follow the Departmental guidelines regarding authorized code three responses.

Exception: CSO’s are not authorized to respond code three. When a CSO is dispatched to a traffic collision involving a disturbance or fight, they shall request that a sworn member respond until the scene is stabilized.
510.1 POLICY
Members will tow and store vehicles only within established procedures of this Department, consistent with state laws.

510.1.1 PURPOSE AND SCOPE
This purpose of this policy is to assure the safety of the public and the protection of private property in accordance with the Community Care Doctrine.

510.2 DEFINITIONS

**Owner's Preference Tow** – A specific tow company requested by the driver/owner of a vehicle needing to be towed. If not available, an "Owner's no-preference" tow will be substituted. **Owner's preference and owner's no-preference tows shall not be used for impounds and do not require a CHP 180 Form.**

**Owners No-Preference Tow** – An owner's request to use one of the Department's contracted tow companies in non-enforcement impound situations. **Owner's no-preference tow requests do not require a CHP 180 Form.**

**Storage** – A non-enforcement tow, generally considered a courtesy to the public. **Storage does not require a CHP 180 Form, the registered owner or legal owner to pay any City Administrative Fees, but will require the payment of tow charges.**

**Impound** – A member has a legal authority to cause the removal of a vehicle by one of the Department's contracted tow companies. **Impounds are considered an enforcement action and will require the completion of a CHP 180 Form, the registered owner or legal owner to pay City Administrative Fees, and pay all tow charges.**

510.3 TOWING SERVICES
The City of Fresno contracts with established tow companies to tow vehicles for the Department. The Chief of Police or his/her designee retains sole discretion in determining the selection of and total number of companies authorized to tow vehicles for the Department. The following circumstances may result in the non-renewal of a Tow Services Agreement (TSA) between the Department and Tow Operators:

(a) Repeated citizen complaints;
(b) Violations of the TSA;
(c) Violations of the FMC or any other governing statutes; or
(d) For any other reason not specified herein.

The contracted tow companies will be used in, **but not limited to**, the following situations:

(a) When the driver is unlicensed, suspended, or revoked, or arrested/cited;
(b) When vehicles are disabled due to mechanical failure or as a result of a collision **and are blocking any portion of the roadway**;
(c) When a vehicle is being held as evidence in connection with an investigation;
(d) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action;
(e) When a vehicle has expired registration over six months being operated on a highway; or
(f) When it is otherwise necessary to store/impound a vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulation.
510.4 VEHICLE SEARCHES
Vehicles may be searched when one or more of the following conditions are met:
   (a) When probable cause to search the vehicle exists.
   (b) With consent of the operator.
   (c) Incident to an arrest of the occupants of the vehicle.
   (d) To search for weapons.
   (e) When necessary to examine the vehicle identification number or to determine the ownership of
       the vehicle.
   (f) Under emergency circumstances not otherwise enumerated above.
   (g) Pursuant to a valid search warrant.

510.5 SECURITY OF VEHICLES AND PROPERTY
Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create
an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to
retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are
not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized
entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure
and/or preserve the vehicle or property from such hazards.
512.1 POLICY
The Department will provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine if a stored or impounded vehicle meets the criteria for an early release pursuant to Vehicle Code §22852. All requests for a full or partial refund of vehicle impound and tow fees shall be processed by the City of Fresno Risk Management Division.

Under certain circumstances, the City Manager has granted the Fresno Police Department the authority to provide an immediate refund to the registered or legal owner of an improperly towed vehicle. These situations are limited to vehicles that have been clearly towed in error. This request for refund will be forwarded by the Traffic Bureau Commander to the Division Commander in memo form. Upon approval, the Fresno Police Department's Fiscal Affairs Bureau will be instructed to process a refund. When contacted by the Tow Coordinator, the registered or legal owner shall respond to the Traffic Bureau to receive the refund and complete a release of liability form. The Tow Coordinator will maintain a file of all refund requests along with the release of liability form.

512.1.1 PURPOSE AND SCOPE
The vehicle storage hearing is an informal process to evaluate if a stored or impounded vehicle meets the criteria for an early release.

512.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Fresno Police Department, the registered owner or legal owner may request a hearing.

The "Tow Coordinator" will contact the requesting party within 48 hours, (excluding weekends and holidays), to arrange for an appointment for a hearing.

512.3 HEARING PROCEDURES
The Tow Coordinator will usually serve as the "Hearing Officer".

Any relevant evidence may be submitted for review by the Hearing Officer to determine if the vehicle in question meets the criteria for an early release.

The member who caused the storage or removal of the vehicle does not need to be present for this hearing. All requests for a hearing on a stored or impounded vehicle must be submitted in person, writing, or by telephone within ten days of the date appearing on the notice.

The person requesting the hearing may record the hearing at his/her own expense.

The Hearing Officer will consider all information provided, Vehicle Code §§14602.6(a) and 23109.2, and then render a decision as to the number of days of storage.

512.4 HEARING RESULTS
512.4.1 WITHIN POLICY AND LAW
If a decision is made that the vehicle was stored or impounded within the law and Department policy, the Hearing Officer will:
(a) Advise the requesting party of the hearing results; and
(b) Advise he/she may file a claim with the City’s Risk Management Division if he/she desires.
512.4.2 VEHICLES MEETING EARLY RELEASE CRITERIA
When the vehicle in question qualifies for early release, as set forth in the Vehicle Code, the Hearing Officer will require that the vehicle in storage be released immediately once applicable fees are paid.

512.5 ADMINISTRATIVE AND IMPOUND FEES
Administrative impound fees and tow fees are to be paid prior to the release of a stored or impounded vehicle.
Drunk Driving and Evidence Collection

514.1 POLICY
The Fresno Police Department is committed to traffic safety through strict enforcement of all laws related to driving under the influence. Investigations of all DUI incidents will be investigated in accordance with established procedures.

514.1.1 PURPOSE AND SCOPE
This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated, unconscious drivers, and unconscious pedestrians involved in traffic collisions because of their intoxicated state.

514.2 NON-COLLISION RELATED
An arrest for DUI shall be made on a roadway or on private property when:

• An officer witnesses a person commit the elements of DUI;
• The under-the-influence driver was lawfully detained by an officer of another law enforcement agency;
• The under-the-influence driver was lawfully arrested or detained by a person who witnessed the driving element of the offense (citizens’ arrest is required only when Vehicle Code § 40300.5 does not apply); or
• When an officer observes someone he believes is under the influence of an alcoholic beverage or drugs, and the elements of Vehicle Code § 40300.5 are present.

514.3 COLLISION RELATED
An arrest may be made for DUI when a traffic collision has occurred on a highway or on private property and the arresting officer has reasonable cause to believe that the suspect had been driving under the influence.

The arrest location shall include the scene of the collision or a location within a reasonable time and distance from the scene, to include locations to which the driver has been transported for medical treatment.

514.4 SOBRIETY REPORT
The use of the Sobriety Report form by itself for DUI cases is authorized when the suspect(s) arrested are charged with DUI and related traffic offenses.

514.5 BLOOD AND URINE EVIDENCE COLLECTION
Prior to drawing blood the suspected driver shall be admonished according to Vehicle Code § 13353.

Blood and Urine evidence collection will be consistent with Policy Manual §373.

514.6 EPAS (BREATH) TEST
No one is to administer an EPAS test unless he/she has been certified by a DOJ Criminalist.
Drunk Driving and Evidence Collection

514.7  VEHICLE IMPOUND AUTHORITY AND PROCEDURES
The vehicle of a suspected DUI driver who is arrested shall be impounded under Vehicle Tow Authority Vehicle Code § 22651(h)(1).

514.8  REFUSAL TO TAKE CHEMICAL TEST
When a driver arrested for Vehicle Code § 23152 refuses to take a chemical test after being admonished of the requirement, he/she shall be cited or booked as appropriate.
Traffic Citations

516.1 POLICY
Members issuing citations (notice to appear) will follow the mandates of this Department in regards to the storage, tracking, issuance, prosecution, dismissal, correction, and voiding of citations without exception.

PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.1.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES
The Traffic Bureau Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations.

516.3 DISMISSAL OF TRAFFIC CITATIONS
Members of this Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)).

516.4 DISPOSITION OF TRAFFIC CITATIONS
All traffic citations issued by members of this Department shall be submitted for review by a supervisor.

Exception: A commander may authorize members under his/her command to submit copies of citations directly to the Records Bureau without supervisor review.

Upon separation from employment with this Department, all members issued traffic citation books shall return any unused citations to the Equipment and Supply Unit (ESU).

516.5 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215 and is handled by the City of Fresno Parking Enforcement.

516.6 LEGISLATORS/POLITICIANS
Members of the State and Federal legislature, along with any other politicians, are subject to the same rules of the road as other citizens and have no legislative immunity.

516.7 NON-RESIDENTS
Traffic violators who are not residents of the State of California shall be handled in the same manner as any other traffic violators.
Traffic Citations

516.8 MILITARY PERSONNEL
Military personnel are handled in the same manner as any other traffic violator and enforcement procedures should be followed as outlined in the California Vehicle Code.

516.9 PUBLIC CARRIERS
Public carriers (e.g. buses, taxis, limos, etc.) are handled in the same manner as any other traffic violator and enforcement procedures should be followed as outlined in the California Vehicle Code.
Traffic Enforcement

517.1 POLICY
Members assigned to patrol or traffic enforcement functions should take enforcement action when a violation is observed and enforcement is appropriate.

Known and documented locations with high incidents of collisions should receive enforcement emphasis.

517.1.1 PURPOSE AND SCOPE
The purpose of this policy is to reduce the number of fatal, injury, and non injury collisions in the City of Fresno through traffic enforcement.
Disabled Vehicles

520.1 POLICY
Assistance to members of the community whose vehicle has become disabled will be provided as needed for the interest of public safety.

520.1.1 PURPOSE AND SCOPE
Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 MEMBER RESPONSIBILITY
When an on-duty member observes a disabled vehicle on the roadway, the member shall make a reasonable effort to provide assistance.

When the member is assigned to a call of higher priority (0 and 1 priority) the Emergency Services Dispatcher (ESD) shall be advised of the location of the disabled vehicle and the possible need for assistance. The ESD shall then assign another available member to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE
Continued involvement by Department members will be contingent on the time of day, the location, the availability of Departmental resources, and the vulnerability of the disabled motorist.
Abandoned and Unregistered Vehicles

524.1 POLICY
Members coming into contact with vehicle parking, registration and abandonment violations should take action as describe within this policy.

524.1.1 PURPOSE AND SCOPE
This policy provides guidance and procedures for the marking, recording, and storage of vehicles parked in violation of the Fresno City Ordinance regulating 72-hour parking violations, unregistered vehicles and abandoned vehicles under the authority of Vehicle Code §§ 22651, 22652.6 and 22669.

524.2 CITATION
When, after 72 hours, the marked vehicle has not been removed, a member shall cite the vehicle in violation of Fresno Municipal Code § 10-605(c) or Vehicle Code § 22523(b) as appropriate.

524.3 VEHICLE REMOVAL
Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield or any other part or equipment necessary to operate safely are a hazard to public health, safety and welfare and may be removed immediately upon discovery by a member rather than waiting the normal 72 hours Vehicle Code § 22669(d).

524.4 EXPIRED REGISTRATION
When a parked, unattended vehicle with expired registration is encountered on a highway, public lands or off-street parking facility, it may be cited. If the vehicle has expired registration in excess of six months the vehicle may be impounded under the authority of Vehicle Code § 22651(o)(1).

524.5 PRIVATE PROPERTY
When an abandoned vehicle is on private property, the member shall refer the complaining party to the Neighborhood Preservation Division of the City Development Department to initiate removal proceedings under City zoning restrictions. An officer may cite the vehicle for Vehicle Code § 22523 at the request of the property’s owner/manager.

The member shall not remove the vehicle unless authorized by law.
600.1 POLICY
When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.1.1 PURPOSE AND SCOPE
The purpose of this policy is to outline the guidelines for investigative case review and assignment on a daily basis.

600.2 SUPERVISOR RESPONSIBILITY
Supervisors assigned to the Investigative Division, patrol investigations, or their designee, shall review cases for assignment on a daily basis. Cases which warrant further follow-up shall be assigned. The supervisor can consider other factors affecting whether a case is assigned or not assigned for further follow-up such as mandated requirements or the seriousness of the crime. Cases meeting the assignment criteria shall be assigned to a member for follow-up investigation based upon the Case Screening criteria outlined in the operations manual for each Investigative Division or District Investigations unit. Cases which do not meet the assignment criteria may be immediately closed by the supervisor or forwarded to the appropriate member as an unassigned case for officer review.

600.3.2 TYPES OF RECORDS MAINTAINED
A uniform filing system shall be used by all members to allow ready access by supervisors and other members to all active cases. Each unit or member shall maintain files which shall be separated into active, inactive (suspended), and closed categories. The case files shall be filed in case number order.

Inactive (suspended) cases shall be kept in the file for a period of at least six months, and then purged on a revolving monthly basis as needed for file space. Exceptions can be made by the unit supervisor. For example, homicide cases should be reviewed every six months but may need to remain open for a
variety of investigative reasons. Also, some files should not be purged until the statue of limitations has been exhausted. Cases of this type may be kept open at the discretion of the supervisor.

Cleared cases shall be kept in the file for a period of at least one year and may be purged with the final disposition of the case in court.

600.3.3 ACCESSABILITY TO THE FILES
The assigned member shall maintain the case files in such a manner as to allow ready access by supervisors and other members within the investigative unit. All hard-copy files maintained by detectives are secured in each member’s office or similar safe storage area. The supervisor and the commander from each unit can coordinate access to cases through the individual member.

600.3.4 PROCEDURES FOR PURGING THE FILES
An annual review of the files maintained by the individual member will be conducted in coordination with the supervisor of the investigative unit. The annual review of files should begin on January 1st of each year and shall be completed to coincide with the matrix rotation. Files will be reviewed and considered for purging using the following format:
(a) Date case assigned;
(b) Charge;
(c) Case management data - solvability, status; or
(d) Reason why file shall be purged or remain open (e.g. statute of limitations.)

600.3.5 MEMBERS LEAVING THE UNIT
When a member leaves the investigative unit, they will provide a signed and dated log of all open cases to the unit supervisor. The supervisor will ensure this process is completed prior to the last working date of the member leaving the unit. The supervisor will reassign the cases as needed.

600.4 MODIFICATION OF CHARGES FILED
Members 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 a division commander or the Chief of Police.

600.5 INVESTIGATIVE RECORDS
Investigative units within the Department are authorized to maintain investigative records unique to their mission. These records may include confidential informant files, active case files, collision investigation related documents, and gang intelligence files. It is not the intent of this policy to require dual record-keeping so long as the data is readily available to Department members during the course of a criminal investigation.

Records Bureau is the designated agency terminal coordinator for the CLETS system and the Department custodian of police records. Unless otherwise noted, all Department crime related documents shall be maintained by the Records Bureau.

Any investigative records maintained within a bureau, section, or unit, are subject to the file review and purge guidelines as set forth in the respective operations manual.
External Investigations

601.1 POLICY
It is the policy of this Department to cooperate whenever possible, consistent with the applicable state laws and release of records and information policies of this Department, with external investigations against the Department or its members.

601.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide direction to Department members concerning external investigations they may become aware of during the course of their duties.

601.2 REPORTING TO THE CHIEF OF POLICE
Any member who is made aware of any investigation, civil suit, or claim against the Department or its members shall immediately notify the Chief of Police through the chain of command. The Chief of Police should notify the Legal Advisor and may instruct the Internal Affairs Bureau to conduct a concurrent investigation.

601.3 ACCESS TO FILES
Anyone outside of the Department who is investigating the Department or any member, and who requests access to any Departmental file, shall be referred to the Legal Advisor unless the member has signed a written release authorizing access to his/her records. This does not apply to authorized law enforcement personnel requesting access to police reports which shall be referred to a Records supervisor.

601.4 CIVIL RIGHTS VIOLATIONS
Supervisors shall cooperate with FBI investigations and provide the investigating agents the opportunity to interview any member and review any records deemed necessary.

601.5 INVESTIGATIONS INVOLVING POTENTIAL CONFLICTS OF INTEREST
Situations which could involve a conflict of interest if investigated by Department members will be referred to investigators at the Attorney General’s Office, DA’s Office, or FSD. When the Attorney General’s Office declines to investigate the charges, the Chief of Police or his designee (unless he is the one being investigated) shall determine which agency the matter will be referred to after conferring with the City Manager and/or the City Attorney. These investigations include criminal allegations involving elected City officials, council officers, City executive management, the Chief of Police, and other executive staff members of the Department.
Sexual Assault Victims’ DNA Rights

602.1 POLICY
Department members will treat reports involving sexual assaults with confidentiality to protect a victim’s rights.

602.1.1 PURPOSE AND SCOPE
Consistent with Penal Code § 293 and the Sexual Assault Victims’ DNA Bill of Rights (Penal Code § 680), this policy will establish a means by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY
Except as authorized by law, members of this Department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.3 VICTIM NOTIFICATION OF DNA STATUS
(a) Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim’s case.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:

1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case;

2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation; and

3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.

(c) Provided that the sexual assault victim or victim’s designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or victim’s designee shall, upon request, be advised of any known significant changes regarding the victim’s case.

602.4 DESTRUCTION OF DNA EVIDENCE
If, with the approval of a supervisor, it is determined that rape kit evidence or other crime scene evidence from an unsolved sexual assault is going to be destroyed or disposed of prior to the expiration of the statute of limitations set forth in Penal Code § 803, the assigned officer shall provide the victim of the sexual assault with written notice of the intent to do so no less than sixty (60) days prior to the destruction or disposal of such evidence.
603 POLICY
The polygraph examination may be utilized to: verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this or other criminal justice agencies; and assist in conducting internal police investigations.

603.1 PURPOSE AND SCOPE
The polygraph examination is a valuable investigative aid used in conjunction with, but not as a substitute for, a thorough investigation.

603.2 DEFINITIONS
Polygraph: The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to detect deceptive responses. A polygraph simultaneously records at minimum, respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

Polygrapher: Refers to the individual conducting the polygraph examination. Only polygraphers who have successfully completed a Certified School of Polygraphy by the American Polygraph Association are authorized to administer examinations.

Examinee: Refers to the individual to be examined by the polygrapher.

603.3 INVESTIGATIVE/CRIMINAL POLYGRAPH EXAMINATIONS
Members of this agency may request a polygraph examination from one of the Department’s polygraphers, from a polygrapher from another agency, or a private polygrapher, with supervisor approval.

Polygraph examinations may be authorized consistent with state law and agency policy. Situations in which authorization may be requested and approved include, but are not limited to:
(a) Requests from the District Attorney’s office as part of an agreement with the defense attorney or for other investigative purposes;
(b) Requests from other authorized criminal justice agencies;
(c) Attempts to verify or reconcile statements of individuals when alternative investigative means have been exhausted; or
(d) Efforts to confirm or refute an allegation that cannot be verified or disproved by other evidence.

The polygraph should not be used to verify a victim’s or complaining witness’ allegation without sufficient grounds for suspecting that they are giving false or misleading statements. Exception: Refer to Penal Code §637.4(a).

Requests for examinations from another law enforcement agency pursuant to an internal investigation must be in writing and must be approved by the Chief of Police or his/her designee.

Submission to a polygraph examination must be voluntary on the part of all examinees including members of this agency. Members of this agency wishing to voluntarily transfer to a sensitive assignment (e.g. Vice, Intelligence, Narcotics, etc.) may be required to successfully pass a polygraph examination administered at no cost to the examinee before reassignment may occur. If the member refuses to voluntarily participate in a polygraph examination the request for transfer will be denied.

No polygraph examination will be administered without the examinee’s written approval.
603.4 PRE-EMPLOYMENT POLYGRAPH INVESTIGATIONS
All applicants seeking employment with the Fresno Police Department who may be exposed to sensitive information shall be administered a pre-employment polygraph examination. This includes sworn positions and non-sworn positions.

Polygraph examinations shall not be used as the sole determinant of suitability for employment.

603.5 PROFESSIONAL CERTIFICATION
Prior to providing contracted polygraph services for the Department, polygraphers will be screened to ensure they are a graduate of an accredited school of polygraph.
Threats to Public Officials/Department Members

605.1 POLICY
Threats to public officials and FPD members shall be handled by members of the Criminal Intelligence Unit of the Special Investigations Bureau (SIB) unless directed otherwise by the Chief of Police.

605.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure all reports of threats to public officials and Department members are taken seriously and investigated immediately utilizing available resources.

605.2 THREATS TO DEPARTMENT MEMBERS
Whenever threats are directly made to Department personnel they are to take the appropriate enforcement action (i.e., pc422, pc69..). When Department members become aware of an anonymous or third party threat directed at them, another member, or a public official, they are to document the incident in an appropriate police report and notify their immediate supervisor of the threats. The supervisor, through their chain of command, shall notify the Department’s Criminal Intelligence Unit Supervisor for assessment and investigation.
Asset Forfeiture Policy

606.1 POLICY
Department members will follow the guidelines established, regarding the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances.

PURPOSE AND SCOPE
This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.1.1 PURPOSE AND SCOPE
This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 ASSET SEIZURE AUTHORITY
Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488a specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

606.3 ASSET FORFEITURE RESPONSIBILITY
The primary responsibility for investigation of asset seizures rests with the Special Investigations Bureau.

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a member will contact an "asset forfeiture" detective or a Narcotics supervisor.
607.1 POLICY
When conducting a physical lineup, photographic lineup, or in-field show-up, members shall avoid any conduct prior to, during, or after the identification which might be suggestive in any way to the person making the identification.

607.1.1 PURPOSE AND SCOPE
The purpose of this policy is to maximize the reliability of eyewitness identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and conforms with established legal procedures. Eyewitness identifications should be used as a tool and should not replace a thorough investigation.

607.2 DEFINITIONS
A "line-up" is a physical or photographic group of people from whom a witness may pick the perpetrator of the crime.

A "show-up" is a one-on-one confrontation between a witness and a suspect, usually in the field, within a short time frame following the commission of a crime.

607.3 LINEUPS – PHYSICAL/PHOTOGRAPHIC
607.3.1 PHYSICAL LINEUPS
Physical lineups are normally conducted whenever a suspect is placed in a live group of individuals and the entire group is presented individually to witnesses and/or victims for viewing. Persons arrested on the basis of probable cause may be placed in a physical line-up for identification purposes. The suspect is entitled to have an attorney present.

607.3.2 PHOTOGRAPHIC LINEUPS
Photographic lineups are normally conducted when a suspect is not in custody and occur when an officer arranges for a victim and/or witness to view an array of photographs.

607.4 IN-FIELD SHOW-UP
Show-ups should be limited to situations where the eyewitness views a suspect in close proximity in time and place to the scene of the crime and where physical lineups or photographic identifications are impractical.
609.1 POLICY
Investigative Funds are established for designated amounts from which payments and/or reimbursements for expenditures may be made. At all times, the cash on hand plus the dollar amount of expenses supported by expenditure vouchers should equal the designated amount of the particular Investigative Fund.

609.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide uniform guidelines for the control and administration of the Police Department Investigative Funds.

609.2 APPROVED EXPENSES
Investigative Fund expenses include, but are not limited to, the following:
(a) Purchasing narcotics;
(b) Purchasing contraband (i.e. weapons, stolen property, etc.);
(c) Direct payment to informants;
(d) Purchase of meals/beverages for informants, victims, witnesses, and suspects/arrestees; and
(e) Items or services needed during any other approved investigation.

609.2.1 PROHIBITED USES
The following transactions are prohibited uses of Investigative Funds, except where specifically pre-approved by the City Manager, or the City Controller:
(a) Entertainment, office supplies, travel reimbursements, and personal expenses are specifically excluded from authorized Investigative Fund cash disbursements;
(b) Reimbursements for member meals;
(c) For alcoholic beverages; or
(d) Tickets to social, cultural or athletic events.

609.3 CUSTODIANS
The Commander of each district, bureau, section, or unit that is assigned Investigative Funds will designate one Lieutenant with one additional Sergeant (as back up) as the custodian of the Investigative Funds. The designated Investigative Fund custodian will be communicated to the Finance Department. When the custodianship of the Investigative Fund changes, witnessed, physical count of the cash and receipts on hand must be performed and documented at the time of change.

609.3.1 CUSTODIAN RESPONSIBILITIES
The Investigative Fund custodian shall be responsible for the following matters related to the operation of the fund:
(a) Safe and secure storage;
(b) Keeping each Investigative Fund separate from all other funds;
(c) Ensuring that each transaction is for the established purpose of the Investigative Fund;
(d) Providing proper documentation to support each expenditure, ensuring the completeness and accuracy of the Investigative Funds Expenditure Voucher;
(e) Replenishing the Investigative Fund in a timely manner;
(f) Notifying the City Controller or other designee when changing a custodian, changing the location of the Investigative Fund, or changing the physical security of the Fund; and
(g) Reporting discrepancies or theft of the Investigative Fund in a timely manner to the respective district, bureau, section, or unit Commander and the City Controller.
609.4 AUDITS
The City Controller or designee is responsible for ensuring that each Investigative Fund is audited periodically. Custodians will not be notified in advance. The purpose of the audit is to ensure that the Department funds are properly safeguarded. This would, in turn, enable an effective verification of cash held by the custodian with the official records.

Policy Review/Approval
This policy and any future revisions require the review and approval by the Finance Department prior to implementation.
Department Owned and Personal Property

700.1 POLICY
Members shall be responsible for the operational readiness, safekeeping, condition, care, use and replacement of Department property assigned or entrusted to them, as well as any personal property they may possess.

All Department equipment shall be maintained in a good operating condition and be ready for use as needed. To ensure that equipment is maintained in this condition, regular documented inspections of equipment, uniforms, vehicles, and facilities shall be conducted.

700.1.1 PURPOSE AND SCOPE
Members may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Damage will be documented in a report related to the incident/event.

700.2.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor’s written report, shall promptly be forwarded to the appropriate Division Commander.
Department Issued and Optional Equipment

701.1 POLICY
All members have the primary responsibility of maintaining equipment issued to or used by them, including optional equipment authorized by the Department, in a good operating condition.

701.1.1 PURPOSE AND SCOPE
This policy shall apply to equipment issued by the Department and optional equipment purchased by members. Members shall maintain all equipment issued to them in a state of operational readiness ensuring that the equipment is clean, repaired as needed and in functional working order.

701.2 ISSUED EQUIPMENT
Issued equipment shall not be altered, modified, or repaired except by City personnel or private vendors authorized by the Chief of Police. Members shall not use equipment on duty that is not issued or approved by the Department.

The Department may issue the below listed equipment to members to be used in conjunction with their job duties:

- Badge
- Soft Cap Badge
- Photo Identification Card
- Pepper Spray
- Whistle
- Handcuffs/Keys
- Handcuff Case
- Key Strap
- Belt Keepers (four)
- Ammo Pouch
- Pepper Spray Case
- Baton (Expandable)
- Baton Holder
- Citation Case
- Inner Belt
- Outer Belt
- Helmet (Ballistic) with detachable face shield & black carrying bag
- Flashlight
- Flashlight Holder
- X26 Taser™ with two cartridges
Department Issued and Optional Equipment

- Holster
- Collision Manual
- Handgun
- Radio (PT)
- Lite Flares
- Keys
- Ballistic Vest

701.2.1 DEPARTMENT IDENTIFICATION & BADGES
Members shall have their Department Photo Identification (ID Card) with them at all times. Sworn members shall have either their Department badge or an off duty badge in their possession when on duty.

701.3 BUSINESS CARDS
The Department will provide members who have regular personal contact with the public with standardized business cards.

701.3.1 USE OF CARDS
When necessary, business cards shall be used to record case or event numbers to provide such information to a member of the public.

A business card shall be provided to the subject of a traffic enforcement stop when a citation is not issued.

A business card shall be provided when any person requests a member’s name and/or badge number in person.

Department issued business cards shall be used for official business only.
Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Departmental-issued mobile phones and personal communication devices, and the on-duty use of such devices owned by members.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all personal communication devices as such, but is intended to include all mobile phones, PDAs, and other electronic communication devices.

702.2 DEPARTMENT ISSUED DEVICES

Depending on a member’s assignment and needs of the position, the Department may, at its discretion, issue him/her a personal communication device. Such devices shall remain the sole property of the Department and are subject to inspection or monitoring (including related records) at any time.

702.2.1 MEMBER OWNED PERSONAL COMMUNICATION DEVICE

Members may carry individually owned personal communication devices while on duty, subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional;
(b) The device shall be purchased, used and maintained at the member’s expense; and
(c) When a member chooses to use a personal device during the course and scope of employment, it is subject to subpoena by a court and the member may have to disclose personal records of communication during that time period.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

Personal communication devices should be used by members to effectively communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. Personal communication devices should not be used to replace regular radio communications.

Personal communication devices should not be used to conduct personal business while on duty, except when brief personal calls may be warranted by the circumstances (e.g., inform family of extended hours). While members may use individually owned personal communication devices for personal business during authorized breaks, such usage should be limited as much as practical to areas where the call will not be seen or heard by the public.

Extended or frequent use of personal communication devices while on duty for personal use may result in discipline, and members are responsible for reimbursing the Department for any charges incurred as a result of personal use of a Department issued device.

702.2.3 USE WHILE DRIVING

California law prohibits the use of personal communication devices while operating a motor vehicle on a public roadway. Police personnel operating an on-duty emergency vehicle may use a personal communication device for official business. The use of a personal communication device while driving can cause unnecessary distractions and presents a
Personal Communication Devices

Members are encouraged to use "hands free" devices when available. Officers should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call. Members are prohibited from text messaging while operating a vehicle.
703.1 POLICY
All Department vehicles will be operated attentively, with due caution and care, consistent with current laws, driving conditions, experience and training received.

703.2 DRIVER’S LICENSE REQUIREMENT
Department vehicles may only be operated by members that possess a valid California Driver’s License (CDL). Members required to operate a motor vehicle as part of their employment shall notify their immediate supervisor any time their CDL status is no longer valid or is compromised in any manner. This includes sworn members, reserve officers, CSO’s, and cadets. A supervisor may randomly verify the member’s CDL status at any time.
Vehicle Maintenance

704.1 POLICY
Members are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.
Crime Analysis

800.1 POLICY
The Crime View Bureau will provide crime analysis and statistical data to Department personnel to assist them in developing strategies to reduce crime.

800.1.1 PURPOSE AND SCOPE
The Crime View Bureau relies on timely and accurate data to effectively analyze a crime spike and/or trend. Once the information is analyzed, it is forwarded to affected command staff and other members for their use. Crime analysis plays a critical role in how the Department addresses crime by examining crime trends and clusters.

800.2 DATA SOURCES
Crime View data is extracted from many sources

800.3 CRIME ANALYSIS FACTORS
The following minimum criteria should be used in collecting data for Crime View:

- Crime incident;
- Location factors;
- Victim and target descriptors;
- Suspect descriptors;
- Suspect vehicle descriptors;
- Modus operandi factors; and
- Physical evidence information.

800.4 CRIME ANALYSIS FOCUS AND DISSEMINATION
An analysis will be given to the affected members to find factors that may or may not play a role in the statistical increase with results forwarded to Command staff, investigative units, and patrol officers.

Analysis will be conducted on clusters even if no statistical spike is present.
Property & Evidence

804.1 POLICY
Property and evidence are a critical responsibility of the criminal justice system. Property and evidence will be handled, stored, and processed with due regard to the chain of evidence and those persons authorized to remove and/or destroy property.

804.1.1 PURPOSE AND SCOPE
This policy provides the basic definitions of types of property that may be encountered by members of the Department and the proper handling of the property.

804.2 DEFINITIONS
Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

• Property obtained by the Department for safekeeping such as a firearm;
• Personal property of an arrestee not taken as evidence; and
• Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons)).

Found Property - Includes property found by a member or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.
805.1 POLICY
The Department will collect and store media-based evidence in the best manner possible within the limitations of equipment available, conditions of collection, and the time frames of the investigation.

805.1.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the collection and archiving of media-based evidence including photography (film and digital), audio and video. In order to be qualified in the future as competent evidence, the protocols in this policy are intended to create a media-based evidence collection system that meets the highest standards possible.

805.2 INTENDED PURPOSE OF DIGITAL IMAGES
Digital photography and the use of digital imaging technologies shall be the primary collection method used by Fresno Police Department personnel for the following purposes:

- The documentation of crime scenes in order to create a visual record of evidence found, and the overall conditions at the scene of crimes;
- The capture and storage of latent fingerprints, trace evidence and other objects of an evidentiary nature, for comparison or analysis purposes; and
- The capture of images for Fresno Police Department historical documentation, training, use in publications and other publicity related situations that are outside the scope of law enforcement purposes.

All digital images captured as evidence shall be handled, stored, and processed with due regard to the chain of evidence. Any such evidence shall be subject to the guidelines set forth in Policy §810 – Release of Records and Information and the Code of Civil Procedure §129. Official Department photographs, as well as photographs taken by members in the course and scope of their duties, shall not be used, shared, or displayed in any manner other than for official Department business.

Traditional 35mm film photographic evidence may be utilized when digital imaging equipment becomes inoperative or is otherwise unavailable.

805.2.1 CRIME SCENE DOCUMENTATION
The purpose of digital camera use at a crime scene is to visually document the scene. Images captured with a digital camera are original images and equivalent to a negative in film based photography. All crime scene images captured with a digital camera must be handled as film. Under no circumstances may digital images be deleted in the field.

805.2.2 LATENT FINGERPRINTS AND OTHER TRACE EVIDENCE
Digital photography of fingerprints and other trace evidence will be used for analysis purposes. Fingerprints and other trace evidence may be photographed in an uncompressed file format of either TIFF or RAW. Photographs of the crime scene, showing where a fingerprint or other trace evidence was found are only supplemental to images taken for analytical purposes and do not call for the more stringent capture requirements for analysis.

805.3 STORAGE/TRANSFER/PROCESSING OF DIGITAL EVIDENCE
When possible or practical, all digital evidence will be kept in its original native file format as to not lose any digital information during a conversion process. Forensically processed or clarified evidence may be saved in a different file format, but in all cases, the original source file shall be kept and booked as the original evidence.
Records Bureau

806.1 POLICY
The Records Bureau will provide timely, accurate criminal history information, crime reports and professional service to Department members, all law enforcement agencies, and the citizens of Fresno.

806.1.1 PURPOSE AND SCOPE
The purpose of the Records Bureau is to act a central clearinghouse for certain Department records which may be accessed by members of the public, law enforcement, and other government agencies as appropriate.

806.2 REQUISITION OF DEPARTMENT FORMS
The Records Bureau maintains a supply of the various forms used by members.

Members needing Departmental forms shall contact a Records Supervisor, who will arrange for the forms to be made available. The requesting party or designee may pick up the forms, when ready, at the Records Bureau.

Only Records Bureau personnel shall issue forms from the supply room as directed by the Records Bureau Commander and/or Records Supervisor.
810.1 POLICY
Any information possessed by the Department or any member that comes into possession because of the official status as a member of the Department, shall be treated as confidential and shall not be released except as provided herein. These provisions specifically include information available to members from Department files, computer inquiries, and police investigations.

810.1.1 PURPOSE AND SCOPE
The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department information, reports, and records in accordance with applicable law.

810.2 MEMBER ACCESS
Member’s access to Department files, reports, documents, procedures, evidence, details of investigations, computer databases, or other confidential information is limited to situations where the information sought assists in the performance of the member’s assigned duties. Requests for other uses of this information shall be routed through the member’s chain of command. Information may, however, be provided to a member’s legal council within the confines of the attorney client relationship, but shall not be further disclosed without a court order.

Except as otherwise provided by law or in the Policy Manual, access to or use of the above categories of information for the personal interest or benefit of the member or any other person is prohibited.

Members shall not request or examine vehicle registrations, driver’s license history, local criminal history or information from an online database service such as LexisNexis on any individual unless the member can substantiate a legitimate official need to know.

Members shall not transfer, copy, or delete any Department files, reports, documents, procedures, evidence, details of investigations, computer databases, digital photographs, E-mails, or other confidential information upon transfer out of the Department, resignation, or termination. Additionally, any disabled computer accounts will be:

(a) Purged after two years; or
(b) Held indefinitely pending investigative needs.

The release of information by the Public Information Officer or other members designated by the Chief of Police or his/her designee to hold news conferences, or otherwise address the public with respect to Department operations, shall be governed by the California Public Records Act. (Government Code §6250, et seq.)

810.3 PUBLIC REQUESTS FOR RECORDS
The California Public Records Act (Government Code §6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to the exemptions set forth below in the Act or otherwise established by statute. Public requests for records of this Department shall be processed as follows:

810.3.1 PROCESSING OF REQUESTS
Any member of the public, including the media, may request access to unrestricted records of this Department by submitting a separate written and signed request for each individual and specifically identified request to the Records Bureau (Government Code §6253).
Requests for exempted records from involved individuals, their authorized representatives and other agencies are addressed below. The processing of requests is subject to these limitations:

(a) The authorized receiving employee shall determine if the requested record is available and/or subject to any exemption from disclosure. This determination may take up to 10 days and an additional 14 day extension may be authorized by the Department head [Government Code §6253(c)];

(b) The requesting party shall be required to pay in advance any established fee for each record sought [Government Code §6253(b)]; and

(c) The Department shall not be required to create records which do not otherwise exist in order to accommodate any request under the Public Records Act. When practicable, however, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record.

810.4 REPORT RELEASE RESTRICTIONS
Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this Department shall be made public subject to the following restrictions:

810.4.1 GENERAL CASE AND CRIME REPORTS
Reports containing any of the items listed below will not be released:

(a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code §293) shall not be made public. Penal Code §841.5 makes it a misdemeanor to release confidential victim information to any potential criminal defendant.

(b) **Confidential Information** - 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, shall not be made public.

   1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
   2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.

(c) **Specific Crimes** - Certain types of reports involving, but not limited to, Child Abuse/Molest (Penal Code §11167.5), Elder Abuse (Welfare and Institutions Code §15633) and Juveniles (Welfare and Institutions Code §827) shall not be made public.

(d) **General Information** Absent 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).

810.4.2 ARREST REPORTS
Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, 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.

810.4.3 CRIMINAL HISTORY INFORMATION
Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Penal Code §§11105 and 13300. Members without prior training and authorization to access criminal history directly, shall request criminal history information via the Records Bureau.

Criminal history information is not to be released to any private person for any reason without a court order or authorization from DOJ. Releases on all court orders are to be cleared through the Records Bureau Commander or his/her designee before the information is released.
Criminal history information shall not be released to anyone who is seeking its use for employment reasons. Criminal history information may be released to authorized investigators conducting criminal investigations only. Members shall ask the reason for the request.

810.4.4 TRAFFIC COLLISION REPORTS
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, other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code §20012. All requests for traffic collision reports shall go through the Records Bureau.

810.4.5 PERSONNEL RECORDS
Personnel records, medical records and similar records which would involve personal privacy shall not be made public [Government Code §6254(c)].

Peace officer personnel records are deemed confidential (Penal Code §832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code 1043, et seq.). These records are kept secured in the Personnel Bureau.

810.4.6 CONCEALED WEAPONS PERMITS (CCW)
Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public [Government Code §6254(u)].

810.5 OTHER RECORDS
Any other record not addressed in this policy shall not be subject to release where such record is exempted 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(k)].

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code §6255).

Any record which was created exclusively in anticipation of potential litigation involving this Department shall not be subject to public disclosure [Government Code §6254(b)].

When release of a record is questionable, members shall route the request to the Legal Advisor.

810.6 SUBPOENA DUCES TECUM
Any Subpoena Duces Tecum should be promptly provided to a supervisor 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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to the Legal Advisor so that a timely response can be prepared.

810.7 RELEASE OF INFORMATION TO HOUSING AUTHORITY
The Patrol Division Commander shall designate a member to act as the Housing Authority Liaison Officer (HALO). Pursuant to Penal Code §11105.03, the HALO may release criminal history information to the Housing Authority. Releasable information includes only those sections described in Penal Code §11105.03 for which the subject was convicted within the last ten years during which time he/she was 18 years of age or older.

Information is confidential and may only be released to the Housing Authority Director or his/her designee. The HALO shall maintain a secure file system containing a record, including any printouts, of each criminal history request and response. Files shall be maintained for a period of three years.
900.1 POLICY
The Department shall maintain the custody of prisoners in accordance with the laws as established by the California Department of Corrections and Rehabilitation.

900.1.1 TEMPORARY HOLDING CELLS
The term "temporary holding cell" refers to any physical space used for detaining, processing, questioning, or testing of prisoners.

900.1.2 PRISONER
A prisoner is defined as an arrestee, detainee, or other person that is lawfully in the custody of a Department member.

900.1.3 SUPERVISION OF PRISONERS
Any member who places a prisoner into a temporary holding cell shall maintain or arrange for supervision of that person and be accountable for the safety, custody, and care of the prisoner while on the premises. Unattended prisoners shall be visually inspected at least once every 30 minutes.

Prisoners shall have access to water and restroom facilities as mandated by law, while they are in the temporary holding cell.

900.1.4 SEARCH / WANDING OF PRISONER(S)
Prior to placing a prisoner in a temporary holding cell the prisoner shall be searched.

Primary responsibility for searching prisoner(s) rests with the transporting member who delivered the prisoner to HQ/Prisoner Processing Section.

Members shall pat search and utilize a metal detector to wand every prisoner prior to entering the Prisoner Processing Section. This will occur inside the fenced area of the Prisoner Processing Section and prior to members securing their firearms and edged weapons. After the prisoner has been searched, wanded, and has entered the Prisoner Processing Section, he/she shall be placed into a temporary holding cell.

900.1.5 SECURITY INSPECTION OF TEMPORARY HOLDING CELL
Prior to placing a prisoner into, and after removal from the temporary holding cell, members shall conduct an inspection of the cell.

900.1.6 ORTHOPEDIC / PROSTHETIC APPLIANCES
Prisoners will be allowed to keep prescribed orthopedic or prosthetic appliances, including hearing aids and glasses, unless there is an immediate risk of bodily harm to any person or the security of the facility. Appliances removed from prisoners shall be returned when the risk of bodily harm or security risk no longer exists, they are released, or transported to another facility.

900.2 SECURING A PRISONER TO A FIXED OBJECT
A prisoner may only be secured to a fixed object when there are no other suitable methods of detention available, and only to an object that is specifically designed and intended for that use. (e.g., McLane H.S. SRO office fixed post)

A prisoner secured to a fixed object shall not remain secured in that position for more than two hours and he/she shall be under constant supervision.
900.3 SEPARATION OF MALES / FEMALES / JUVENILES
Male and female juveniles shall not be placed in the same temporary holding cell or interview room unless they are under constant, in-person, observation by an officer.

900.3.1 NON-CONTACT REQUIREMENTS BETWEEN ADULT AND JUVENILE PRISONERS
There shall be no contact (verbal, non-verbal, or visual communications) between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners.

California Code of Regulations, Title 15, Article 9, Section 1144, specifies situations in which a juvenile and an adult prisoner may be in the same room, area, or corridor. This may occur only if the member maintains a side-by-side presence with the juvenile to ensure that no communications occur between the juvenile and adult prisoner. The contact shall be limited to the following as it relates to the Fresno Police Department:
   (a). Booking; and
   (b). During the movement of prisoners within Department facilities.

900.3.2 TEMPORARY DETENTION OF JUVENILES
When a member takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Policy Manual §324 is incorporated as a part of this Manual and should be consulted regarding the policies for the temporary custody of juveniles.

900.4 TIME LIMITATION
It is the policy of the Fresno Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical. A prisoner shall have continuous supervision by a member when they are held in a temporary holding cell.

When a prisoner is detained in excess of 6 hours, they shall be offered a meal. If the detainee chooses to accept a meal, it shall be purchased from a local restaurant the Department has contracted with to provide these services. (See Procedure Manual §600 – Investigation and Prosecution, Section F)

900.5 FIRE PREVENTION, EVACUATION & SUPPRESSION PLAN
Pursuant to Health & Safety Code §13146.1 and California Code of Regulations Titles 19 and 24, all temporary holding cells will meet or exceed state fire code standards. All temporary holding cells will be subject to annual inspection to ensure compliance. A copy of the inspection report will be retained in the Investigative Services Division office. The inspection shall include the following:
   (a). All exits and fire escapes are properly maintained, illuminated with appropriate signs, and free of obstructions;
   (b). Supervisory personnel are continually on duty and effective provisions are made to remove occupants in case of fire or other emergencies;
   (c). All first-aid, fire fighting equipment, and fire extinguishing equipment is properly located and maintained;
   (d). An automatic fire suppression system is properly maintained and working; and
   (e). Fire drills that are conducted quarterly for each shift.

In addition, the Department shall ensure that at least one person is on duty who meets the training standards established for general fire and life safety specific to the facility.

All persons responsible for prisoners held in temporary holding cells shall be made aware of the fire & evacuation safety plans and receive training in prisoner searching and transportation techniques during the new officer orientation and police training program.

900.6 PRISONER PROCESSING SECTION TEMPORARY HOLDING CELL SECURITY
Any prisoner brought into the Prisoner Processing Section for identification verification or processing purposes shall be accompanied by a minimum of two personnel. This includes sworn officers, Cadet
II’s, or Criminolgy 108 Reserves. Both personnel shall remain with the prisoner at all times during the identification process to provide prisoner security for Prisoner Processing Section personnel and Department members.

900.6.1 PRISONER ACCESS
Only members, authorized personnel, or prisoners shall be allowed access to the temporary holding cell areas.

Juvenile prisoners shall not be brought into contact with adult prisoners or the adult temporary holding cell area.

Members from the public who are on a Department tour may only access the temporary holding cell area when there are no prisoners and only with permission of the on duty Crime Scene Bureau Supervisor. Persons on ride-a-longs are exempt from this restriction.

900.7 STATE SECURITY HOLDING FACILITY AUDIT
A security inspection of the temporary holding cell areas shall be conducted by the Department of Corrections or their designee to ensure the Department complies with Local, State and Federal regulations. A copy of the most recent inspection report is available from the shift supervisor in the Crime Scene Bureau.

900.7.1 ADMINISTRATIVE REVIEW
The department will ensure an administrative review of temporary detention areas and procedures is conducted at least once every three years.
Transportation of Prisoners

901.1 POLICY
Members shall seek the mode of transportation which provides the most efficient response while ensuring adequate security for the type of prisoner(s) involved. The number of prisoners transported at any one time shall not exceed the manufacturer’s suggested occupancy rate of the vehicle.

PURPOSE AND SCOPE
It is the purpose of this policy to establish guidelines for the safe and efficient transportation of prisoners.

901.1.1 DEFINITION
Prisoner - Is an arrestee, detainee, or other person that is lawfully in the custody of a Department member.

901.1.2 MALE PRISONERS
Male prisoners shall be transported in security vehicles to the extent it is practical. It is permissible to transport males in transportation wagons/vans when there are multiple prisoners, when the prisoner is violent, extremely dirty, or when approved by a supervisor.

901.1.3 FEMALE PRISONERS
Female prisoners shall be transported in security vehicles to the extent it is practical. Transportation wagons/vans may be used under the same circumstances as provided for males.

901.1.4 JUVENILE PRISONERS
The same guidelines listed in this policy which govern the transportation of adult prisoners shall apply to the transportation of juvenile prisoners.

901.1.5 SEPARATION OF MALES / FEMALES / JUVENILES
Male prisoners may only be transported with female prisoners in vehicles equipped with separate compartments that allow for no contact between separated prisoners.

901.2 RESTRAINT OF PRISONERS
901.2.1 HANDCUFFS
Refer to Policy Manual § 354

901.2.2 HOBBLE RESTRAINT
Refer to Policy Manual § 306
Transportation of Prisoners

901.2.3 TEMPORARY PLASTIC Restraining Straps
When a large number of persons are arrested at one location, they may be handcuffed with plastic restraints available from the PECS. Suspects arrested in this manner should be restrained with their hands behind their back, with the wrists crossed and the palms facing outward. Caution should be taken to ensure that the straps are adjusted to restrict movement and prevent removal with allowance for adequate circulation.

901.2.4 EXPECTORANT SHIELD
When a prisoner attempts to bite and/or spit on members the Department approved expectorant shield may be used to protect the safety of the member. The expectorant shield will be applied by securing the tie strings beneath the arrestee’s armpits. Members shall monitor the condition of the prisoner to ensure that normal respiration is maintained.

901.3 MEMBER / PRISONER SEPARATION
All prisoners transported in Department vehicles utilized for prisoner transport shall be seated behind the protective screen in the secured seated area where they may be observed by the transporting Department member(s). The Department member(s) shall be seated in front of the protective screen portion of the vehicle (e.g. driver in driver’s seat, and if applicable, assisting officer in the front passenger seat)

901.4 PRISONER COMMUNICATIONS
Prisoners may, at the Department member’s discretion, be allowed to talk briefly with family or significant others at the scene of their arrest to make necessary arrangements for the control of property, vehicles, etc.

Delays or special concessions for prisoners to communicate with attorneys, family members or others will not be made during transportation.

901.5 RESPONSIBILITY DURING TRANSPORT / DELIVERY OF PRISONERS
Members are responsible for the safe delivery of prisoners and the prisoner’s property under the member’s control. Members shall exercise due care and caution in transporting and processing prisoners to prevent personal injury or property loss by any prisoner for whom they are responsible.

901.6 SEARCH OF PRISONER(S) AT HQ / PRISONER PROCESSING
Primary responsibility for searching prisoner(s) rests with the transporting member who delivered the prisoner to HQ or the Prisoner Processing Section.

901.7 PRISONER TRANSPORTS TO FCJ / FCJH
When a member transports a prisoner(s) to FCJ/FCJH, he/she is responsible for the safety and security of the prisoner(s) until he/she is turned over to the receiving agency.

901.8 SUICIDAL PRISONERS
Suicidal prisoners shall be handled consistent with Policy Manual § 418.
Recruitment and Selection

1000.1 POLICY
Candidates for job openings will be selected based on job qualifications, merit, ability, competence and experience.

PURPOSE AND SCOPE

The Fresno Police Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex. The rules governing employment practices are maintained by the Fresno Police Department.

1000.1.1 RECRUITMENT
The Department will conduct active recruitment to reach all appropriate sources to obtain qualified employees, including minorities, females, disabled veterans, and older workers, on a nondiscriminatory basis. Efforts toward equal opportunity shall be designed to meet the City of Fresno's staffing needs at all levels.

1000.2 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Fresno Police Department and City of Fresno, maintain standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies, which will allow it to lawfully exclude persons who do not meet the Fresno Police Department, City of Fresno, the State of California, and Federal (ADA) hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a job dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for some public safety applicants:

1000.2.1 OPERATION OF A MOTOR VEHICLE
(a) The ability to possess a valid California Driver’s License;
(b) The ability to drive safely;
(c) The ability to operate a motor vehicle in all types of weather conditions; and
(d) The following may result in disqualification:
   1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
   2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
Recruitment and Selection

1000.2.2 INTEGRITY
(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.;
(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel;
(c) Showing strong moral character and integrity in dealing with the public;
(d) Being honest in dealing with the public; and
(e) The following may result in disqualification:
   1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies; or
   2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.2.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW
(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction; and
(b) The following may result in disqualification:
   1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application;
   2. Conviction for two or more misdemeanor offenses under California law as an adult;
   3. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers);
   4. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft; or
   5. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.

1000.2.4 DEPENDABILITY
(a) A record of being motivated to perform well;
(b) A record of dependability and follow through on assignments;
(c) A history of taking the extra effort required for complete accuracy in all details of work;
Recruitment and Selection

1000.2.5 LEARNING ABILITY

(a) The ability to comprehend and retain information;
(b) The ability to recall information pertaining to your job assignment;
(c) The ability to learn and to apply what is learned; and
(d) The following may result in disqualification:
   1. Being under current academic dismissal from any college or university where
      such dismissal is still in effect and was initiated within the past two years prior
      to the date of application; or
   2. Having been academically dismissed from any POST certified basic law
      enforcement academy wherein no demonstrated effort has been made to
      improve in the deficient areas, except: subsequent successful completion of
      another POST basic law enforcement academy shall rescind this requirement.

1000.2.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others;
(b) Empathy;
(c) Discretion;
(d) Effectiveness in dealing with people;
(e) The ability to understand the motives of people and how they will react and interact; and
(f) The following may result in disqualification:
   1. Having been disciplined by any employer (including the military and/or any
      law enforcement training facility) for acts constituting racial, ethnic or sexual
      harassment or discrimination;
   2. Uttering any epithet derogatory of another person’s race, religion, gender,
      national origin or sexual orientation; or
Recruitment and Selection

1000.2.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations;
(b) The ability to make sound decisions on the spot;
(c) The ability to use good judgment in dealing with potentially explosive situations;
(d) The ability to make effective, logical decisions under pressure; and
(e) The following may result in disqualification:
   1. Admission(s) of administrative conviction or criminal convictions for any act
      amounting to assault under color of authority or any other violation of federal or
      state Civil Rights laws; or
   2. Any admission(s) of administrative conviction or criminal conviction for failure
      to properly report witnessed criminal conduct committed by another law
      enforcement officer.

1000.2.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession may be consideration for
    automatic disqualification for public safety applicants:
    1. Any adult/juvenile use or possession of a drug classified as a hallucinogenic
       within seven years prior to application for employment;
    2. Any adult/juvenile use or possession of marijuana within one year prior to
       application for employment;
    3. Any other illegal adult/juvenile use or possession of a drug not mentioned above
       (including cocaine) within three years prior to application for employment;
    4. Any illegal adult/juvenile use or possession of a drug while employed in
       any law enforcement capacity, military police, or as a student enrolled in
       college-accredited courses related to the criminal justice field;
    5. Any adult/juvenile manufacture or cultivation of a drug or illegal substance;
    6. Failure to divulge to the Department any information about personal illegal use
       or possession of drugs; or
    7. Any drug test of the applicant, during the course of the hiring process, where
       illegal drugs are detected.

(b) The following examples of illegal drug use or possession will be considered
    in relationship to the overall background of that individual and may result in
    disqualification:
    1. Any illegal use or possession of a drug as a juvenile;
    2. Any illegal adult/juvenile use or possession of a drug that does not meet the
       criteria of the automatic disqualifiers specified above (e.g., marijuana use longer
       than three years ago or cocaine use longer than three years ago.); and
    3. Any illegal or unauthorized use of prescription medications.
1002.1 POLICY
Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex.

1002.1.1 PURPOSE AND SCOPE
The purpose of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 ANNUAL EVALUATION DUE DATES
Performance evaluations are required annually or quarterly for all Department members.

1002.2.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered in the Reserve Officer Operations Manual.
Grievance Policy

1006.1 POLICY
All grievances will be handled as quickly and fairly as possible without discrimination against members who file a grievance whether or not there is a basis for the grievance.

1006.1.1 PURPOSE AND SCOPE
Our Department’s philosophy is to promote free communication between members and supervisors when a dispute arises while seeking a timely but equitable resolution.

1006.1.2 GRIEVANCE DEFINED
A grievance involves the claimed misapplication or misinterpretation of a rule or regulation relating to an existing right or duty; it does not relate to the establishment or abolition of a right or duty. (Fresno Municipal Code § 3-618).

Grievances may be brought by an individual member or by a group representative.
Hepatitis and HIV Testing

1008.1 POLICY
Any member who believes that he/she came into contact with bodily fluids of an individual shall contact a supervisor and complete the required forms.

1008.1.1 PURPOSE AND SCOPE
The purpose of this policy is to provide for the reporting of contacts with the bodily fluids of individuals and an HIV testing procedure in accordance with the Legislature's declaration of a public health crisis in Penal Code § 7500, et seq.

1008.2 REPORTING REQUIREMENTS
Any member who believes that he/she came into contact with bodily fluids of an individual shall complete a Fresno/Kings/Madera Emergency Medical Services form titled Confidential Exposure to Blood and/or Body Fluid Report (herein referred to as Confidential Report).

1008.2.1 CONFIDENTIALITY OF ALL REPORTS
All information obtained and reported pursuant to this policy shall be kept confidential and may not be released except as provided by law (Penal Code § 7517).

1008.2.2 MISDEMEANOR TO FILE FALSE REPORT
Any member who willfully files a false Confidential Report or a false request for HIV testing may be subject to discipline as well as misdemeanor criminal sanctions (Penal Code § 7540).

1008.3 AVAILABLE COUNSELING
In addition to any other available employee assistance programs, personal counseling maybe available through the Fresno County Health Services Agency to any law enforcement employee who has led a Confidential Report.

1008.4 PROCEDURE TO DETERMINE TESTING
Within three calendar days of receipt of the Confidential Report, regardless of whether or not a request for testing was made, the Fresno County Health Services Agency shall determine whether or not the involved individual shall be required to submit to HIV testing.

Any individual ordered by the Fresno County Health Services Agency to submit to HIV testing has three calendar days to appeal such an order. If no appeal is led in a timely manner, the order of the Fresno County Health Services Agency shall become final.

Any Fresno County Health Services Agency order may be appealed by the individual or the involved employee to the Superior Court which is required to review the matter as expeditiously as possible (Penal Code § 7516.5).

1008.5 TESTING PROCEDURE
In the event that an individual is ordered to be tested for HIV, such tests shall consist of a blood sample withdrawn in a medically approved manner by a licensed physician, nurse, medical technician, or phlebotomist (Penal Code § 7530).
Hepatitis and HIV Testing

All test samples shall be submitted to Fresno County Health Services Agency for the conducting of HIV testing.

1008.5.1 REFUSAL TO SUBMIT TO TESTING

Any person who has been ordered to submit to HIV testing and, who refuses to submit to such testing shall be subject to revocation of bail, probation, or other sentence (Penal Code § 7519(a)). The department must then process a Confidential Report of Court-Ordered HIV Testing through the Legal Advisor in order to obtain a specimen.

The refusal of any probationer or parolee to submit to required HIV testing shall be considered a violation of probation or parole.
Reporting of Employee Convictions

1010.1 POLICY
All members shall be required to notify the Department of any past and current criminal convictions.

1010.1.1 PURPOSE AND SCOPE
Convictions of certain offenses and/or restraining orders that may restrict or prohibit a member’s ability to properly perform official duties must be reported to the employee’s immediate supervisor or the Chief of Police his/her designee as soon as practicable.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS
Pursuant to the Federal Domestic Violence Gun Control Act (18 United States Code §§ 921(a) and 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.

Misdemeanor crimes of domestic violence are defined as misdemeanors under federal or state law, having as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 United States Code § 922(d)(8)).

Penal Code § 12021(c)(1) prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm.

Family Code § 6389 prohibits any person from carrying a firearm if he/she is currently the subject of a domestic violence restraining order (including temporary and emergency orders).

1010.3 OTHER CRIMINAL CONVICTIONS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member’s ability to fully perform the duties of the job.

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.
Alcohol and Drug Use Policy

1012.1 POLICY
The Fresno Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

1012.1.1 PURPOSE AND SCOPE
The purpose of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any Department member or member of the public.

1012.2 GENERAL GUIDELINES
The consumption of alcohol or other intoxicants is prohibited by on-duty personnel (except as necessary in the performance of an official special assignment and not to the extent of impairing on-duty performance).
1013 POLICY
Employees shall be allowed to take time off in accordance with their applicable MOU.

1013.1 PURPOSE AND SCOPE
To describe and outline to employees the circumstances and conditions under which leave will be afforded to an employee.

1013.2 ANNUAL VACATION
Employees shall be allowed to take, without restrictions, one annual vacation during the time period they have reserved on the vacation signup list.

Employees may sign up for as many consecutive weeks as each employee accrues in one year. All vacation time requested, other than the one annual vacation, shall be treated as any other request for time off.

When an employee transfers from one unit/bureau to a different assignment, he/she shall be allowed to take annual vacation leave during the time period reserved while in the previous unit/bureau regardless of the employee’s previous assignment.

Requests for annual vacation, including a calendar, must be submitted to the employee’s immediate supervisor at least 30 days prior to the first day of absence.

1013.3 OTHER TIME OFF REQUESTS
Requests for unscheduled time off may be made up to 14 days in advance of the requested date.

The Duty Officer may authorize time off when the citywide staffing level for the specific shift is above the minimum level. Only the Patrol Division Commander or his/her designee can approve requests for time off at/below the minimum staffing buffer.

1013.4 LEAVE WITHOUT PAY
New employee requests for leaves of absence without pay for less than 10 consecutive days shall be forwarded to the Fiscal Affairs Bureau, who shall determine whether or not the use of leave without pay is appropriate. Use of leave without pay for other purposes, or for periods longer than 10 consecutive days must be approved by the Chief of Police.

Leave without pay shall not be approved if the employee has a balance of vacation, compensatory time or holiday time.

*Exception: Members covered under FCEA Unit 3 MOU working a 4/10 shift who are off on a holiday which falls on a regular workday shall receive eight hours base pay for the holiday, and may elect to take two hours vacation, holiday or CTO to provide for a full 10 hours pay, or may elect to receive two hours leave without pay.*

Any request for leave without pay, other than as described in item one above, must be presented to the employee’s supervisor, and be accompanied by a letter addressed to the Chief of Police describing the reasons the leave is necessary.
1013.5 ABSENCE WITH SUBSTITUTE (AWS)
As provided in the Basic Unit 4 MOU and FCEA Unit 3 MOU, employees may provide a substitute employee to work for another when staffing levels do not permit the employee to take time off. The substitute must be satisfactory to the Department.

1013.6 MILITARY LEAVE
Military leave requests will be handled in accordance with Fresno Municipal Code (FMC) §3-111.

1013.7 GUARANTEED LEAVE
Two times during each patrol matrix semester, employees assigned to patrol, may submit a request for guaranteed leave as outlined in the Basic Unit 4 MOU.

The Duty Office will be responsible for tracking an employees’ usage of guaranteed leave request.

Two times during each fiscal year, employees covered under the FCEA Unit 3 MOU may take time off to attend a major family or social event, subject to the conditions listed under the “Family Events” section of this MOU.

1013.8 LEAVE OF ABSENCE DURING PROBATION
Time spent on any leave of absence shall not be considered as a part of any probationary period, and such time will be added to the probationary period.
Sick Leave Reporting

1014.1 POLICY
Sick leave usage and absenteeism can adversely affect the Department's ability to provide service to the public. Excessive absenteeism is costly, time-consuming, and hinders Departmental operations. Sick-leave usage will be monitored, and subject to verification, if necessary. Sick leave is not considered vacation. Abuse of sick leave may result in discipline.

1014.1.1 PURPOSE AND SCOPE
Employees are provided with a sick leave benefit that provides continued compensation during times of personal or family illness. The specified numbers of hours are detailed in each employee’s Memorandum of Understanding (MOU). Sick time may only be used when an employee is unable to work due to personal injury (off-duty), illness, or a member of the employee’s immediate family (child, parent, spouse, or domestic partner) is ill and the employee must care for that individual. Sick leave shall be administered in accordance with the provisions of FMC § 3-107, Sick Leave and Special Leave, current MOU’s, City Administrative Orders, and any applicable federal and state statutes.
Communicable Diseases

1016.1 POLICY
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to care for member(s), limit potential liabilities, and ensure that the best protection is available.

1016.1.1 PURPOSE AND SCOPE
It is the purpose of this policy to assist members in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury by:

• Reducing exposures to bloodborne pathogens and other potentially infectious body fluids;
• Assisting members in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment;
• Protecting the privacy rights of all members who may be exposed to or contract a communicable disease during the course of their duties; and
• Providing appropriate treatment and counseling should a member be exposed to a communicable disease.
Smoking Policy

1018.1 POLICY
Use of tobacco products are not permitted within any Department owned or occupied facility. Tobacco products shall not be used while in any Department vehicle.

1018.1.1 PURPOSE AND SCOPE
The Surgeon General has determined that tobacco smoke can be hazardous to the health of others. Tobacco products may also be offensive to some Department members and members of the public.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including Department facility) (Government Code § 7596 et seq.).

Members in uniform are prohibited from using any tobacco products while in public view.
1020.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED
Personnel complaints consist of any allegation of misconduct or improper job performance against any Department member that, if true, would constitute a violation of Department policy, federal, state or local law. A major allegation is any serious act of misconduct including, but not limited to, lack of integrity, excessive force, insubordination, abuse of authority, discrimination, harassment, or criminal conduct. Major allegations shall be handled formally and documented as a Receipt of Complaint.

An inquiry generally involves a question about the policy or procedures of the Department or the actions of its members. This type of communication usually stems from a lack of or faulty understanding of the circumstances of a member’s conduct or of the policies, rules, and procedures of the Department. An inquiry may be resolved by the member in question or by his/her immediate supervisor, whereas a complaint normally requires a more extensive internal administrative investigation. A resolved inquiry may be documented on an Inquiry Complaint Form (ICF).

Inquiries about member conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a Department supervisor and shall not be considered complaints.

An unresolved inquiry arises when the actions in question are within Department policy and procedure, or are disputed and cannot be determined, and the inquirer is not satisfied with the supervisor’s explanation. An unresolved inquiry shall be documented on an ICF and forwarded through the chain of command to the Internal Affairs Bureau for tracking. The Duty Office shall be notified of the unresolved disposition on the day the disposition is reached. A notation shall be made on the ICF that the Duty Office was notified of the disposition.

Personnel Complaints shall be classified in one of the following categories:

**Informal** – A matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor. Dependent upon the seriousness of the allegation, an informal complaint may be documented on an ICF or in a Receipt of Complaint format.

**Formal** – A matter in which the complaining party requests further investigation or which a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor or referred to the Internal Affairs Bureau depending on the seriousness and complexity of the investigation. If the complaint is unresolvable in nature, and no policy violation is alleged, it may be documented on an ICF form and forwarded through the chain of command to the Internal Affairs Bureau for filing purposes only.

**Incomplete** – A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Bureau, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.
1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other police, government, community facilities, and via the City of Fresno website at www.fresno.gov/Government/DepartmentDirectory/Police/IAComplaint.htm.

1020.2.2 SOURCE OF COMPLAINTS
(a) A Department member becoming aware of alleged misconduct shall immediately notify a supervisor.
(b) A supervisor receiving a complaint from any source alleging misconduct of a member which, if true, could result in disciplinary action.
(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

Supervisors assigned to handle an inquiry/complaint shall ensure that the inquirer/complainant is re-contacted within two working days of the supervisor receiving the inquiry/complaint. The supervisor is responsible for providing progress reports, and ultimately the disposition, to the inquirer/complainant. In those instances where an internal affairs investigation is conducted, Internal Affairs will notify the complainant of the disposition.

1020.2.3 ACCEPTANCE OF COMPLAINTS
A complaint may be filed in person, in writing, by telephoning the Department, or at the City of Fresno website at www.fresno.gov/Government/DepartmentDirectory/Police/IAComplaint.htm. Although not required, every effort should be made to have the complainant appear in person.

1020.2.4 COMPLAINT DOCUMENTATION
When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to insure accuracy in any complaint, a recorded statement shall be obtained from the reporting party, however, a refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant’s signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code §832.7.

1020.3 DISPOSITION OF PERSONNEL COMPLAINTS
Each allegation shall be classified with one of the following dispositions:

Unfounded – When the investigation discloses that the alleged act(s) did not occur or did not involve Department members. Complaints which are determined to be frivolous will fall within the classification of unfounded [Penal Code §832.5(c)].

Exonerated – When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Misconduct Not Alleged – 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.
Seat Belt Use

1022.1 POLICY
All members shall wear available safety restraints whenever operating a Department vehicle as outlined in this policy.

1022.1.1 PURPOSE AND SCOPE
Vehicle Code § 27315.5 requires law enforcement agencies to adopt a policy concerning the use of seat belts. Additionally, the use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision.

1022.2 WEARING OF SAFETY RESTRAINTS
Under unusual circumstances or if a potentially dangerous situation is either perceived or anticipated, safety restraints may be removed to allow for a more rapid response to the situation.

All non-members occupying the front seat of a police vehicle shall be required to wear available safety restraints.

All persons occupying the rear seat of a police unit shall wear available safety restraints unless physical conditions would prevent such from being applied.

This section shall not apply to prisoner transportation wagons or vans pursuant to Vehicle Code § 27315(g).

1022.3 CHILD PASSENGER RESTRAINT SYSTEM
Members transporting children under 6 years of age or less than 60 pounds should make every effort to utilize an appropriate child passenger restraint system meeting current federal motor vehicle safety standards, and should attempt to obtain these restraints through all available means (e.g., on-duty volunteers, family members of the child, or CPS). Where an appropriate child passenger restraint system is unavailable or impractical based on patrol vehicle design, and the circumstances warrant the immediate transportation of a child under 6 years or less than 60 pounds, the member may, with supervisor approval, transport the child without the use of that system, but the child shall be secured by available means and transported in an authorized emergency vehicle only.
Telephone and Address Requirements

1025.1 POLICY
Members shall provide the Department with their current phone number and street (residence) address. Members using post office boxes or mailing addresses other than their street address shall also provide the Department with that information.

1025.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure the Department has the information necessary to effectively communicate with its members in a timely and appropriate manner.
Peace Officer Personnel Files

1026.1 POLICY
It is the policy of this Department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.1.1 PURPOSE AND SCOPE
This policy governs the maintenance, retention and access to peace officer personnel files in accordance with established law.

1026.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer’s name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.
(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee’s past, current or anticipated future medical conditions.
(c) Election of employee benefits.
(d) Employee advancement, appraisal, or discipline.
(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Master Personnel File - That file which is maintained in the Personnel Bureau as a permanent record of a sworn officer’s employment with this department.

Pre-Employment File - The Personnel Bureau maintains a separate file on each member that is restrictive to pre-employment background and history information. No other documentation may be placed in this file.

Divisional File - Any file, which is separately maintained internally by a member’s supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of a member of this Department.

Training File - Any file which documents the training records of a member.

Internal Affairs Files - Those files that contain complaints of member misconduct and all materials relating to the investigation into such allegations, regardless of disposition.
Peace Officer Personnel Files

1026.4 CONFLICTUALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the County Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his or her designee.

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 § 146(e)).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer’s representative) publicly makes a statement which is published in the media and which the officer (or representative) knew 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(d)).

1026.6 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1026.6.1 DEFINITIONS

Brady Material - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this Department.

Penal Code § 1054.1 - California law also establishes a criminal defendant’s right to access potentially exculpatory evidence.

1026.6.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a so-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating...
Peace Officer Personnel Files

The conduct of an officer or this Department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this Department (or the consent of an involved officer), no confidential information from any officer’s personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer’s credibility or other issues related to an officer’s personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer’s personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.
1028.1 POLICY
The Department will provide equal opportunity to all eligible employees to apply for assignments in the following divisions:

- Office of the Chief Division;
- Patrol Division;
- Support Division;
- Investigative Services Division; and
- Professional Standards Division.
Employee Commendations

1030.1 POLICY
The Fresno Police Department rewards our members for creativity, hard work, and being responsive to the needs of the community and the Department. This policy identifies those valued members that make significant contributions through their work efforts.

1030.1.1 PURPOSE AND SCOPE
Special recognition may be in order when a member performs his/her duties in an exemplary manner. This policy provides general guidelines for the commending of exceptional member performance. Supervisors shall note all written and higher commendations in the member’s performance evaluation covering the time period during which the commendation is awarded.

1030.2 ACHIEVEMENT AWARDS
Achievement awards are commendations given in recognition of achieving an established level of proficiency, or for attaining an established level of performance.

1030.3 MAJOR COMMENDATIONS
A major commendation and award may be given for the outstanding performance of duty or for an action involving commendatory bravery. Such commendations shall include the conferring of a Department medal and citation, along with documentation placed in the member’s personnel file.

Below is a listing of the Fresno Police Department Major Commendations:

1030.3.1 MEDAL OF VALOR
The Medal of Valor is the highest commendation awarded by the Department. It may be awarded to members who display extreme courage while consciously facing mortal danger during a police action in an effort to provide protection or preservation of life.

1030.3.2 MEDAL OF MERIT WITH VALOR
The Medal of Merit with Valor may be awarded to members who distinguish themselves by bravery or heroism during a police action, which is above and beyond the normal demands of duty. It is differentiated from the Medal of Valor in that the element of mortal danger is not present.

1030.3.3 MEDAL OF MERIT FOR MERITORIOUS SERVICE
The Medal of Merit for Meritorious Service is awarded to members for exceptional performance in other than a police action. Unlike the Outstanding Achievement Award, the Medal of Merit is reserved for projects of a larger scope, such as the conception or development of a new unit, program, or process which has greatly benefited the City, Department, and/or the law enforcement profession.
Employee Commendations

1030.3.4 OUTSTANDING ACHIEVEMENT AWARD
The Outstanding Achievement Award is given to members for exceptional performance or career achievement in an assignment which is clearly above that which is normally expected and which has contributed materially to the success of a unit, project or operation.

1030.3.5 LIFESAVING MEDAL WITH VALOR
The Lifesaving Medal with Valor is awarded to members who meet the lifesaving criteria and distinguish themselves by an act of bravery or heroism above and beyond the normal demands of duty.

1030.3.6 LIFESAVING MEDAL
The Lifesaving Medal is awarded to members whose immediate life sustaining actions result in the saving of human life. The action must be personally performed by the member and must be confirmed by medical personnel (when applicable), or by the member’s supervisor, as a life sustaining or life extending action without which an apparent loss of life could have resulted.

1030.3.7 VAN METER AWARD
The Van Meter Award is given in memory of Officer Harry Van Meter, who was the first Fresno Police Officer to be killed in the line of duty, February 21, 1907. The Van Meter Award may be given to an officer who is seriously injured in the performance of duty. The injury must be a result of unlawful force aimed at the officer which could have resulted in death.

1030.3.8 SAXON AWARD
The Saxon Award is given in honor of K-9 Saxon, who was the first Fresno Police Service Animal to be seriously injured in the line of duty, August 22, 2002. The Saxon Award may be given to a police service animal that is seriously injured in the performance of duty. The injury must be a result of unlawful force aimed at the animal, or his handler, which could have resulted in death.
Wellness Program

1031.1 POLICY
The Wellness Program provides for a monetary incentive for achieving and maintaining health goals and standards for Fresno Police Officers Association (FPOA) members.

1031.1.1 PURPOSE AND SCOPE
With the Memorandum of Understanding between the City of Fresno and FPOA(Non-Supervisory Police-Unit 4), the Wellness Program Development Committee (WPDC) was created for the purpose of developing a Departmental Wellness Program (WP).

1031.2 THE WELLNESS PROGRAM DEVELOPMENT COMMITTEE (WPDC)
The WPDC is responsible for providing all aspects of the program to include, policy administration, oversight, and maintenance. The WPDC is composed of members selected by the Chief of Police or designee and the FPOA.

1031.3 CONFIDENTIAL INFORMATION
All information and records pertaining to the individual officer, including health, medical, and fitness information, will be confidential and will remain under the control of the Health Coordinator. The only information to be provided to the City or the Department is that of attendance and participation to facilitate administration and disbursement of incentives.

The WP is outlined in this policy and implementation of any WP policy modifications shall be at the discretion of the WPDC.

1031.4 WELLNESS PROGRAM GOALS
The WP seeks to improve the overall health and fitness of officers by reducing the risk of cardiovascular disease and by striving to decrease risk factors such as stress, blood pressure, and high cholesterol levels. The WP also seeks to reduce the risk of cardiovascular disease and to improve health by encouraging smoking cessation and by encouraging officers to improve physical fitness levels. In addition to improving the health and fitness status of participating officers, the Department may receive financial benefits such as reduced absenteeism, reduced health care costs, reduced sick leave usage, and reduced officer turnover.

1031.5 WELLNESS PROGRAM INCENTIVE
Funding for the WP will be established and outlined in the current MOU.

Officers will be rewarded for achieving participation goals and maintaining standards in the areas described in this policy.

1031.6 WELLNESS PROGRAM SERVICE PROVIDER
The contracted WP service provider will assist the WPDC in the ongoing development and maintenance of a comprehensive program to meet the health and fitness needs of participating officers. Every effort will be made to provide officers with opportunities to improve their health. In developing the health and fitness program, the contracted WP
Wellness Program

Service providers may take into consideration benchmark data from various successful law enforcement health and wellness programs and organizations such as the Cooper Institute for Aerobic Research.

1031.7 HEALTH AND FITNESS COORDINATOR DUTIES

The Health and Fitness Coordinator functions will include:

(a) The administration of health interest surveys and fitness testing (following American College of Sports Medicine guidelines) while ensuring maximum accessibility to members;
(b) Tracking program participation and points;
(c) Conducting one-on-one consultations and responding to questions and inquiries;
(d) Coordinating and teaching exercise programs, nutrition and weight management programs, and stress management courses;
(e) Promoting the WP incentive program as well as its’ services and activities;
(f) Publishing a quarterly health promotion newsletter;
(g) Coordinating with the WPDC and with external resources such as county services and local fitness centers;
(h) Creating injury prevention programs; and
(i) Assisting officers with smoking cessation programs.
1032.1 POLICY
All officers are required to be free from any physical, emotional, or mental condition, which might adversely affect the exercise of peace officer powers.

1032.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that all officers of this Department remain fit for duty and able to perform their job functions (Government Code §1031).

1032.1.2 FITNESS FOR DUTY
A member may be scheduled for consultation with a medical service provider upon recommendation of a staff officer and the concurrence of the member’s Division Commander, when a member’s behavior, actions, or performance is such that a reasonable person would have concerns regarding fitness for duty, the member’s personal safety, or the safety of others. When a member is referred for a psychological or physical assessment to determine fitness for duty, the medical service provider will submit a report directly to the Chief of Police or a designated representative, and will report only diagnosis and prognosis pertaining to the member’s fitness for duty.

1032.2 EMPLOYEE RESPONSIBILITIES
(a). It shall be the responsibility of each member of this Department to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
(b). Each member of this Department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
(c). During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.
(d). Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES
(a). A supervisor observing a member or receiving a report of a member who is perceived to be unable to perform their duties shall take prompt and appropriate action in an effort to resolve the situation.
(b). When 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 member to perform his/her duties.
(c). In the event the member 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 supervisor or member’s available Division Commander, a determination should be made whether or not the member should be temporarily relieved from his/her duties.
(e). The Chief of Police shall be promptly notified in the event that any member 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.

1032.5 WORK RELATED CONDITIONS
Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.
1032.6 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

- 15 hours in one day (24 hour period) or
- 30 hours in any 2 day (48 hour) period or
- 70 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 to relieve any member who has exceeded the above guidelines.

Additionally, members shall have at least one non-work day during each work week.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1032.7 EMPLOYEE INTERVENTION PROGRAMS
Employee Intervention Programs (EIP’s) are designed to provide support in a confidential and trustworthy environment, equipping and enabling our members to effectively address professional and personal challenges, thereby allowing them to better serve the community. By providing a variety of programs and levels of participation, the Department encourages personnel to access the services that best meet their individual needs. All EIP’s are staffed by personnel trained in law enforcement critical incidents, stress management, and peer support.

1032.7.1 COMPANION OFFICER PROGRAM
The Companion Officer Program is designed to provide peer support to members, when they have been subjected to a traumatic incident, or when otherwise requested. Companion Officers also provide informal peer support to members dealing with the day-to-day challenges and cumulative stress of the law enforcement profession.

1032.7.2 CHAPLAIN PROGRAM
The Fresno Peace Officers Chaplaincy (FPOC) provides spiritual crisis support to law enforcement personnel and the community. FPOC may also be used for the same purpose and within the same guidelines as the Companion Officer Program.

The FPOC also provides support, counseling, and referral services from their office. Their services are provided to all Department members.

1032.7.3 “BEHIND THE BADGE” PROGRAM
"Behind the Badge" is a voluntary member support group designed to meet in a confidential environment and provide group members an outlet to discuss personal and professional challenges. The group discusses stress reduction techniques with other people who have experienced similar life challenges. Trained peers facilitate each group, with some groups focusing on specific situations or life phases. Recognizing that challenges do not follow job descriptions, assignments, shifts, or rank, "Behind the Badge" is open to all Department members. Members can contact the Employee Services Supervisor for times and locations of "Behind the Badge" meetings.

1032.8 STRUCTURED ASSISTANCE FOR VALUED EMPLOYEES (SAVE)
SAVE is a mandatory intervention program for members who are demonstrating observable difficulties dealing with traumatic events, professional challenges, or personal problems, utilizing approved mental health professionals and peer groups. The program relies on supervisors to identify potential problems before they become discipline issues. SAVE will provide alternatives and solutions for individuals through a process which ensures confidentiality.
SAVE is designed to address patterns of behavior and stress incidents before they manifest themselves into discipline. Conduct which may result in discipline shall be investigated consistent with existing policy guidelines. SAVE does not modify, alter, or change these guidelines. SAVE is not a substitute for the disciplinary process. The purpose of SAVE is to:
   (a). Provide training for first line personnel, supervisors, and staff, to identify stressful events and behavioral indicators before discipline is warranted; and
   (b). Provide resource options to assist members in dealing with challenges in both their personal life and at work.

1032.8.1 SUPERVISOR RESPONSIBILITIES
Prior to accessing SAVE, the supervisor must have attended SAVE training.

1032.8.2 SAVE REVIEW COMMITTEE
The SAVE Review Committee will consist of the following:
   (a). The Employee Services Supervisor; and
   (b). A psychologist given specific training by the Department in law enforcement issues.

1032.8.3 SAVE REVIEW COMMITTEE RESPONSIBILITIES
The SAVE Review Committee will determine whether all the information provided meets the threshold set for intervention. The committee may find that:
   (a). No intervention is warranted (supervisor notified); or
   (b). Intervention is warranted and recommend a course of action.

1032.8.4 MANDATORY MEETING WITH A PSYCHOLOGIST
After review of the information, the SAVE Review Committee may recommend the member attend stress management training and/or meet with a psychologist for additional assessment. This meeting is mandatory.

1032.9 CRITICAL INCIDENT REVIEW
1032.9.1 OPTIONAL CONSULTATIONS
A member may be scheduled for consultation with the psychologist upon the recommendation of a staff officer and the concurrence of the member’s Division Commander when:
   (a). The member is involved in a physical confrontation in which he/she is seriously injured; or
   (b). A member is involved in an incident which could be considered disturbing such as child abuse, fatal traffic collisions, life threatening disturbances, in custody deaths, or any other significant traumatic event.

1032.10 EARLY ALERT SYSTEM
The Department recognizes that careful monitoring of employee behavior is a necessary element of effective personnel management. In order to maximize the Department’s ability to detect and correct deficiencies before they become significant performance issues, an Early Alert System (EAS) has been developed.

EAS is intended to provide a means of positive, confidential, non-disciplinary intervention, primarily in the form of training and counseling to assist members with performance problems. The fact that an EAS report is generated regarding a member does not necessarily indicate a problem with that member’s behavior.

1032.10.1 ADMINISTRATIVE REVIEW
When a member meets the criteria, a confidential EAS report will be prepared by the IA commander containing a synopsis of the incidents for the rolling six month period. The EAS report will be forwarded to the Administrative Services Division Commander. The Administrative Services Division Commander will review the totality of the circumstances (member’s assignment, nature of the incidents, mitigating factors, etc.) contained in the EAS report.
If the Administrative Services Division Commander determines the member’s behavior warrants further review, he/she shall assign a tracking number to the file and remove the member’s name and other references which may cause identification of the member to occur. The Administrative Services Division Commander shall notify the EAS Committee to convene at the earliest opportunity to review the (redacted) file.

If the Administrative Services Division Commander determines the member’s behavior does not warrant further review, he/she shall notify the IA commander. The EAS report shall be given to the member for his/her retention or destruction. Should the member wish to discuss the EAS report he/she may contact the ASD commander, without going through his/her chain of command.

1032.10.2 EAS COMMITTEE
The EAS Committee shall be composed of a Fresno Police Officer Association representative, a department staff representative and a third party mutually agreed upon by the Chief of Police and the FPOA. Committee members serve a one year term, but can be reappointed for additional terms. The committee shall meet to discuss the report’s contents and the need for intervention. A majority vote is required for intervention to occur. All meetings shall be held on a confidential basis.

1032.10.3 INTERVENTION MEETING
Upon a majority vote of the committee authorizing intervention, the report shall be returned to the Administrative Services Division Commander. The commander shall arrange for a personal meeting with the member to discuss their behavior and identify positive ways to address that behavior. The member shall be provided a copy of the EAS report prior to the meeting with the commander. Remedial training, referral to the Department’s Employee Intervention Programs (EIP), peer counseling, and other methods which may be helpful in addressing the member’s behavior will be explored. An agreed upon action plan may be prepared by the Administrative Services Division Commander and the member (see attached example). If a plan is developed, the plan will only be provided to the member. The Department will not maintain the plan or any written document regarding the EAS review in any file(s). The Administrative Services Division Commander will not track the member’s progress nor will punitive action result from the member’s failure to follow the plan.

Once the meeting with the member occurs, the report shall be destroyed. No mention of the EAS review shall be made in a member’s performance evaluation.
1034.1 POLICY
Members should conform to the policies governing all Department employees that have been established by the City of Fresno and appropriate MOUs, regarding meals and breaks.

1034.1.1 PURPOSE AND SCOPE
Due to the nature of the Department’s mission to provide continual law enforcement and related services to the community, the provisions to provide meal periods and breaks to all employees consistent with the laws and MOUs in place, can oftentimes be difficult or impossible. However, when possible, all accommodations will be made to make certain everyone is afforded a reasonable opportunity to exercise the right to a meal period and/or breaks.

1034.2 ON DUTY MEALS
The parameters governing hours of work are outlined in each applicable MOU, including any designated meal breaks. All sworn officers, either in uniform or in plain clothes, may take a meal break under the following conditions:

(a). Officers must be in service and/or available by radio to respond to any call;
(b). Generally no more than 30 minutes shall be allowed;
(c). No more than two uniformed officers at any one time are allowed at the same restaurant; and
(d). Members leaving their patrol units shall place themselves out "portable" via their MDS or by radio with their location.

The aforementioned provisions do not apply to personnel who are authorized in the MOU to have an uninterrupted meal breaks.

1034.3 BREAKS
Breaks apply to civilian members only and are subject to the following:

(a). Two 15-minute breaks are allowed during a shift (eight-hour or ten-hour);
(b). One 15-minute break for each four or more hours of overtime worked;
(c). Breaks shall be scheduled by supervisors, consistent with workload, so as to minimize the disruption of service to the public;
(d). Breaks shall not be taken in conjunction with meal breaks or accumulated for use at a later time;
(e). Generally, breaks should be taken on the worksite;
(f). When there is a need to exceed the designated 15-minute time limitation, supervisory approval shall be obtained; and
(g). Department vehicles shall not be utilized during breaks without prior supervisory approval.
**Policy 1036**

**Use of Scantrons/OTTO/Days-off System**

**1036.1 POLICY**
Department members will utilize the Over-Time/Time-Off (OTTO) System to account for absences, additional time, or overtime earned, according to applicable MOU’s. Members will utilize the Days-off System to account for regularly scheduled days off. When the electronic system is not functioning, Scantron forms shall be completed.

**1036.1.1 PURPOSE AND SCOPE**
The purpose of the OTTO and Days-off Systems is to accurately document time earned or time used by Department members and to provide timely processing of this information.

**1036.1.2 RESPONSIBILITY FOR COMPLETION OF OTTO ENTRIES/SCANTRONS**
OTTO entries/Scantrons are submitted to the Fiscal Affairs Bureau for registering the absence, additional time, overtime earned, and any leave of absence for all members.

Days-off System entries are submitted to the Fiscal Affairs Bureau on a biweekly basis for the payment of wages.

Employees are responsible for the accurate and timely submission of OTTO and Days-off entries, or Scantrons, when these systems are unavailable.

**1036.1.3 TIME REQUIREMENTS**
All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Days-off System entries shall be completed and submitted to the Fiscal Affairs Bureau no later than 8:00 a.m. on the Wednesday morning after the first day of the pay period, unless otherwise specified.

In addition, absence, overtime, and pay down requests shall be completed via the OTTO System and submitted to the Fiscal Affairs Bureau no later than 8:00 a.m. on the Wednesday morning before the end of the pay period, unless otherwise specified.

As a courtesy to members, the Fiscal Affairs Bureau will send out a Department-wide voice mail each pay period indicating the due dates for such period. A written schedule shall be prepared and emailed Department wide once per year with the due dates for the full calendar period.

**1036.2 SUPERVISOR RESPONSIBILITY**
Supervisors are responsible for ensuring that OTTO entries are completed by employees assigned to them no later than the first day following a return from any leave of absence.

Non-patrol supervisors or their designee shall advise their commander of the work status of all assigned employees including any days off, sick leave, and leaves of absence.

**1036.3 DUTY OFFICE RESPONSIBILITIES**
The duty office shall record all Patrol absences on the daily detail sheet. A hard copy of this detail shall be sent to the district supervisors daily.

**1036.4 AUDITING**
Commanders and managers shall periodically audit the attendance records for their personnel and submit a report to their Division Commander.
1038.1 POLICY
The Department will compensate non-exempt employees who work authorized overtime either by payment of wages or by accrual of compensatory time off at the rate of time and one-half, or as otherwise specified in an applicable MOU.

In order to qualify for either, the employee must complete and submit an overtime request via the Overtime/Time-Off (OTTO) System as soon as practical after overtime is worked. When the electronic system is not functioning, Scantron forms shall be completed.

1038.1.1 PURPOSE AND SCOPE
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility must be maintained. The purpose of this policy is to assure timely and accurate overtime compensation is achieved for employees and to provide for adequate Department staffing needs.

1038.1.2 GUIDELINES
Members are not authorized to volunteer work time to the Department. Therefore time in excess of the normal work schedule will be compensated according to this policy.

All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment with the exception of those specifically pre-designated as cash only assignments.

The maximum number of hours for compensatory time is governed by current MOU’s for each classification.

1038.2 EMPLOYEES RESPONSIBILITY
Employees shall complete an OTTO request after working the overtime and turn it in to a supervisor for approval.

Note: Failure to submit an OTTO request in a timely manner may result in a delay of compensation.

1038.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the applicable MOU provides that a minimum number of hours will be paid, (e.g., two hours for court on regular duty days, three hours for automatic go and court appearances on regular days off, etc.). The supervisor shall confirm the actual time worked.

(Refer to Procedure §1036 Use of Scantrons/OTTO/Days-Off System)
1040.1 POLICY
Departmental employees engaging in outside employment, who hold full time permanent positions, shall obtain an approved City of Fresno work permit through the Personnel Bureau prior to engaging in any outside employment.

1040.1.1 PURPOSE AND SCOPE
In order to avoid actual or perceived conflicts of interest, approval of outside employment shall be at the discretion of the Chief of Police or his/her designee in accordance with the provisions of Fresno Municipal Code §3-102(b) and this policy.

1040.1.2 DEFINITIONS
Outside Employment - Wages, compensation or other consideration of value from another employer, organization, or individual not affiliated directly with this Department for services, product(s) or benefits rendered.

For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Department for services, product(s) or benefits rendered.

Work Hour Limits – The work hour limits prescribed in the below sections shall not apply during an emergency situation as declared by the Chief of Police, or his/her designee. Members shall track their work hours to ensure that they do not exceed limits established herein.

Daily Limit – Members are limited to 15 continuous work hours of all types or 15 accrued hours within a 24-hour period. When 15 continuous work hours have been accumulated, and members are off duty, work for compensation shall not resume for at least eight hours. Exception: Calls for service and mandatory court appearances shall be completed even though the 15-hour limit may be exceeded.

Weekly Limit – Members are limited to an accrued total of 70 work hours, including mandatory court appearances, within a workweek. Additionally, members shall have at least one non-work day during each workweek.

Discredit & Fatigue – Members are prohibited from accepting employment or engaging in any occupation or business which reflects discredit on the member or the Department, or which employment, occupation, or business causes criticism of the member or the Department, or where the activity affects the physical condition of the member in the performance of his/her regular duties by reason of fatigue or other detrimental condition. The number of hours worked per week shall not exceed the hours approved on the work permit.

Working While on Leave – Members are prohibited from engaging in any off duty work (including Order Back, AWS, Contract Law Enforcement Services (CLES), etc.) or activity for which they are compensated or derive personal gain when they are:
- On sick leave (including Special Sick);
- On Family Sick/Family Care Leave pursuant to FMLA or CFRA
- On injury leave or receiving temporary disability payments; or
- On leave without pay for illness or injury.
Note: Members on Family Sick/Family Care Leave pursuant to FMLA, may not work extra duty assignments (i.e. Order Back, AWS, CLES, etc.). Exceptions to this rule require prior approval by the member’s division commander.

1040.2 OBTAINING APPROVAL
No employee of this Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police or his/her designee. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

Probationary employees and recruits cannot be issued work permits, nor shall they engage in any off-duty work during their probationary period. This does not prohibit officers and recruits from performing their normal duties by working extra for the Department on an overtime basis.

Applications for work permits are available from the Personnel Bureau. Completed applications shall be returned to the Personnel Bureau for approval and forwarding to the City Human Resources Division. Work permits are not valid until all required signatures have been obtained.

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 Work Permit application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee’s appeal is denied, the employee may file a grievance pursuant to the procedure set forth in his/her current Memorandum of Understanding (MOU).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any work permit may be revoked or suspended under the following circumstances:
   (a) When an employee’s performance at this Department declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police or his/her designee may, at his or her discretion, revoke any previously approved work permit(s). That revocation will stand until the employee’s performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the work permit;
   (b) Suspension or revocation of a previously approved work permit may be included as a term or condition of sustained discipline;
   (c) If, at any time during the term of a valid work permit, an employee’s conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked; or
   (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved work permit may be rescinded until the employee has returned to a full duty status.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT
Consistent with the provisions of Government Code §1126, the Department expressly reserves the right to deny any Work Permit application submitted by an employee seeking to engage in any activity which:
   (a) Involves the employee’s use of Departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage;
   (b) Involves the employee’s receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee’s duties as a member of this Department;
(c) Involves the performance of an act in other than the employee’s capacity as a member of this Department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Department; or
(d) Involves time demands that would render performance of the employee’s duties for this Department less efficient

1040.3.1 OUTSIDE SECURITY 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 employment as a private security guard, private investigator or other similar private security position.

1040.4 CITY RESOURCES
Employees are prohibited from using any City equipment or resources in the course of or for the benefit of any outside employment.

1040.5 TERMINATION OF OUTSIDE EMPLOYMENT
If an employee terminates his/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 or his/her designee through his/her chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

1040.6 CONTRACT LAW ENFORCEMENT SERVICES
Pursuant to Fresno Municipal Code §3-122(b) and (c), citizens may request uniformed police services for law enforcement, traffic safety, or crowd control purposes.

Staff Officers and sergeants shall not work in place of an officer for purposes of delivering contract law enforcement services.

Ride-a-longs are prohibited.

1040.6.1 OFFICER RESPONSIBILITIES
Officers performing supplemental law enforcement services during contracted assignments are responsible for enforcement of laws and not enforcement of rules established solely by the employer unless specifically authorized by the Chief of Police or his/her designee (e.g., The Big Fresno Fair, etc.). Prohibited activities may include:
(a) Permitting unauthorized entrance to any person(s);
(b) Taking tickets; and
(c) Ejecting patrons only on the employer’s request (absent a criminal violation).

Absent the aforementioned authorization, members shall not perform any duties outside of enforcing the law or providing those services that are normally performed by on-duty officers. The same regulations and procedures that apply to officers working patrol assignments shall apply to contractual work arrangements.
1042.1 POLICY
All work related injuries must be reported to the member’s supervisor and a claim form shall be provided to the injured member within 24 hours from the time the injury was discovered.

1042.1.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure proper medical attention/reporting is received for on-duty injuries or deaths, along with documentation describing circumstances of the incident.

Documentation shall be completed to ensure compliance with Workers’ Compensation Fund and Risk Management requirements.

1042.1.2 LIABILITY FOR FAILURE TO COMPLY
Labor Code §5400 makes failure to comply with the 24 hour reporting procedure a misdemeanor. Additionally, disciplinary action may be taken for a member’s failure to comply with this policy.

1042.3 DEFINITIONS
Accident - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

Temporarily Disabled - Refers to any member who is incapacitated and unable to perform his/her regular duties for more than one week (e.g., 40 hours of work), due to an on-duty or off-duty injury or illness.

1042.4 TEMPORARY DISABLED PERSONNEL
Temporarily disabled personnel are generally those members whose disability is short term in nature and the member is expected to resume his or her normal assigned duties upon recovery.

Until a member has returned to full duty, or has been diagnosed as a "Qualified Injured Worker” (QIW), the Bureau/District from which he/she was assigned will retain overall responsibility for tracking the member’s recovery progress to ensure appointments and necessary documents are completed in a timely manner.

1042.4.1 TEMPORARY DUTY ASSIGNMENTS
The Department may offer temporary duty assignments to employees who are unable to perform their usual and customary duties. Employees disabled as a result of off-duty incidents may be offered temporary duty in accordance with Administrative Order §226.

1042.5 BUREAU/DISTRICT/SECTION COMMANDER/MANAGER RESPONSIBILITY
It is the responsibility of the injured employee’s Bureau/District/Section Commander/Manager to coordinate with the Personnel Bureau Commander regarding the assignment of all temporarily disabled personnel, to temporary duty assignments, and to track the progress of the employee’s injury and physical limitations.

Once an employee is determined to be a QIW, he/she will be removed from any assigned temporary duty. The Personnel Bureau Commander will be responsible for placing the employee on injury leave pending his/her retirement, resignation, or termination. The employee should use leave time to process his/her retirement.
1042.6 DIVISION COMMANDER RESPONSIBILITY

It is the responsibility of division commanders requesting a change to temporary duty assignments to contact the Support Division Commander. Upon agreement, the Support Division Commander may assign light duty officers other designated duties to meet the needs of the Department. Upon reaching this decision, the authorizing commander shall notify the Personnel Bureau Commander of the change in assignment within 24 hours to allow for changes to the detail.
Personal Appearance Standards

1044.1 POLICY
Members of this Department shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

1044.1.1 PURPOSE AND SCOPE
Unless otherwise stated, the following appearance standards shall apply to all members, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2 GROOMING STANDARDS
Members shall present a neat, professional and businesslike appearance whether in uniform or plainclothes.

Civilian members shall conform to the same standards as sworn members except that provisions regarding easy handholds for hair length do not apply.

Members assigned to a special unit or detail, while in an undercover capacity may, with their commander’s permission, be exempted from this policy section on a case-by-case basis for the duration of the undercover assignment.

1044.2.1 HAIR
Hairstyles of all members shall be neat in appearance.

Hair shall be well trimmed so as not to present a ragged or unkempt appearance. Hair shall not be so long as to interfere with the wearing of the helmet or cap, or provide an easy handhold. Hair may be worn in keeping with contemporary styles, but not in an extreme or unsightly fashion.

1044.2.2 MUSTACHES
Facial hair shall be restricted to the wearing of a mustache. Mustaches shall be neatly trimmed. Mustaches shall not protrude below the upper lip at any given point along the upper lip. The ends of the mustache shall not extend past the bottom of the lower lip.

Exception: Handlebar mustaches shall be permitted as long as the ends of the mustache are kept above the level of the lower lip. Handlebar mustaches shall be moderate in length. No extreme styles or variations are allowed.

1044.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR
Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his/her designee.
Personal Appearance Standards

1044.2.5 UNIFORMS
Uniforms shall be neat, clean, and in good repair. Uniforms shall not be faded.

Members are personally responsible for maintaining their uniforms in this condition. "Leather" items shall be polished regularly, and shall not appear scuffed or dull in finish.

(Refer to Policy Manual §1046).

1044.2.6 JEWELRY AND ACCESSORIES
Jewelry may be worn by members. It will not be gaudy, extreme or excessive, and be in good taste.

No more than one ring may be worn on each hand.

Jewelry shall not be attached to the uniform.

While in uniform, earrings will be limited to a single stud earring worn in each lobe of a female’s ear. Male members shall not wear earrings.

Appeals Process

Members wishing to wear jewelry that may conflict with this order shall request an appeal, through their immediate supervisor, to the Tattoo Review Committee according to 1044.3.

1044.2.7 BODY PIERCING
No body piercing shall be visible while any employee is on duty or officially representing the Department, except as provided for in 1044.2.6.

1044.2.8 BODY IMPLANTS, DERMAL PUNCHING, DENTAL ORNAMENTATION, BODY ART, AND SCARIFICATION
Members shall not display any visible intentional scarring, mutilation, brandings, dermal punching, body implants or dental ornamentation while on duty or officially representing the Department. All items in this section shall be completely covered by wearing an approved uniform, appropriate non-uniform clothing, a plain neutral skin patch or plain neutral skin bandage (e.g., ace bandage or Band-Aid type bandage) while maintaining a professional appearance.

- Body implants are generally objects inserted beneath the skin of the hands, arms, head, face, neck, upper chest or ears resulting in a visible protrusion of the skin outlining the object for other than reconstructive purposes.
- Dermal punching is the removal of tissue for the insertion of jewelry or other objects; or for the creation of visible holes larger than a standard piercing.
- Dental ornamentation includes the affixing to the teeth of gold, platinum, or other veneers or caps used for decorative purposes. Dental ornamentation does not include braces for orthodontic reasons, veneers, or other fillings/methods used to repair a cavity or damaged teeth.
- Body art includes any markings added intentionally and that are visible such as temporary henna ink markings, Indian ink markings, or other similarly applied markings that may resemble a tattoo.
- Scarification means any intentional scarring that is similar to tattoos in that the scarring shows letters, patterns or other recognizable figures. This will also include intentional mutilation such as a split or forked tongue or stretched out holes in the ears.
Personal Appearance Standards

1044.2.9 TATTOOS
Effective November 1, 2008, Department members are prohibited from displaying any tattoos while on duty or representing the Department in any official capacity.

Members with existing visible tattoos shall have the following options:

- On duty personnel shall cover all tattoos by wearing a long sleeve shirt and/or pants; or
- Cover the tattoo with a skin-tone patch; or
- Have the tattoos removed at the member’s expense; or
- Have the tattoo exempted by the tattoo review committee.

1044.3 TATTOO REVIEW COMMITTEE
Prior to November 1, 2008, a tattoo review committee will be formed. The purpose of the committee is to review, on a case-by-case basis, the tattoos of any employee seeking an exemption from the above described policy requiring all visible tattoos to be covered while on duty or when representing the Department in any official capacity.

The committee will meet at the direction of the committee chair. The committee shall serve at the discretion of the Chief, who retains final control over the appearance of the members of the Department.

The tattoo review committee will be comprised of five Department members. The Fresno Police Officers’ Association will appoint one member to the committee. The Fresno City Employees Association will appoint one member to the committee. The Chief of Police will appoint three members to the committee, including the Committee Chair.

1044.4 SUPERVISOR DISCRETION AND CONTROL
While this order allows great latitude in grooming standards, it shall be the responsibility of supervisors to monitor the appearance of members under their command to ensure that they present a professional and moderate appearance, in keeping with accepted standards throughout the Department and the professional community.

Superiors shall instruct their subordinates to maintain these standards. Supervisors may require members under their command to conform to more stringent standards than those described herein when it is necessary to promote acceptance by a particular portion of the public served by a particular unit, but shall not impose more stringent requirements based solely on personal preferences.
1046.1 POLICY
The uniform policy of the Fresno Police Department is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of Department uniforms.

1046.1.1 PURPOSE AND SCOPE
Police members wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

Members should also refer to the following associated Policy Manual sections:
- §700 Department Owned and Personal Property;
- §701 Department Issued and Optional Equipment; and
- §1044 Grooming Standards.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
The designation of members and/or units that are to be in uniform shall be made by the Chief of Police or his/her designee.

(a) All members of this Department authorized to wear a uniform shall possess and maintain a serviceable uniform and the necessary equipment to perform uniformed field duty at all times.

(b) All members of this Department authorized to wear a uniform shall be provided with a complete uniform specifications list during initial orientation.

1046.2.1 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES
Members may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform Specification List or by the Chief of Police or designee.

Members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in Policy & Procedure 701, Department Issued and Optional Equipment, or by the Chief of Police or designee.

1046.2.2 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Members of the Fresno Police Department may not wear any part of the uniform, be photographed wearing any part of the uniform, or identify himself/herself as a member of the Fresno Police Department to do any of the following (Government Code §§3206 and 3302):
- Endorse, support, oppose, or contradict any political campaign or initiative;
- Endorse, support, oppose, or contradict any social issue, cause, or religion; or
- Endorse, support, or oppose, any product, service, company or other commercial entity.

1046.2.3 PUBLIC FORUMS
Male members required to attend public forums shall wear a business suit, or sport coat with slacks, and tie. Female members shall wear professional clothing of modest style when attending public forums. Uniformed members shall wear a tie with a tie bar and a long sleeve shirt.
1046.2.4 CONCEALMENT OF EQUIPMENT

When outside of Department facilities, non-uniformed sworn members shall wear attire that will conceal equipment such as handcuffs and firearms.
Community Service Officers

1047.1 POLICY
Community Service Officers will perform assignments which involve responsible public contact work in crime prevention and the delivery of non-emergency police services as assigned.

1047.1.1 PURPOSE AND SCOPE
CSO’s work under direct supervision, performing a variety of non-emergency police services in support of the division they are assigned within the Department.

1047.2 SAFETY ISSUES
Although screening of calls shall be performed prior to assignment of a CSO, the CSO assigned shall be alert to potential hazards. When upon arrival at a call, or during the investigation of an incident, the CSO becomes aware of a potentially hazardous situation or the actual nature of the incident is found to be other than one specified for a CSO to handle, the CSO shall immediately request an officer to respond, via radio. The CSO shall take whatever steps necessary to protect him/herself including leaving the immediate area of the call.

1047.3 CSO UNIFORMS
CSO assigned to positions in the Patrol Division shall be in uniform. The bureau commander/manager has the discretion to allow a CSO to wear plainclothes due to the variation of a duty assignment or need for the day.

(See Policy Manual § 1046 for uniform guidelines.)

These uniform regulations will be strictly adhered to.
Police Cadets

1048.1 POLICY
The Cadet Program (Cadet 1 & 2) is a four-year maximum position and is used to prepare individuals for a career in law enforcement, as such, cadets shall be held to the same standards of conduct as a regular police officer established in the Policy Manual.

1048.1.1 PURPOSE AND SCOPE
Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1048.2 POLICE CADET PROGRAM
The authority to appoint qualified persons to the position of police cadet is vested in the Chief of Police. Cadets progress through a two-stage program; Police Cadet 1 and Police Cadet 2 (which includes police academy training).

Police cadets are prohibited from having ride-alongs.

1048.2.1 POLICE CADET I
A Police Cadet 1 is a non-sworn public officer who assists police personnel in non-hazardous duties.

1048.2.2 POLICE CADET II
A Police Cadet II is a non-sworn, public officer who is assigned to the police academy or has successfully completed a California Law Enforcement Basic Academy approved by the Commission on Peace Officer Standards and Training.

1048.3 SAFETY ISSUES
Although screening of calls shall be performed prior to the assignment of a police cadet, the cadet assigned shall be alert to potential hazards.

During transport, a Police Cadet II may use physical force to prevent an escape, overcome resistance, or to defend himself/herself and others from injury. (See Policy Manual § 300, Use of Force).

Police Cadet II’s are allowed to possess firearms only while engaged in specific duties as outlined in Policy Manual § 312.

1048.4 CADET COORDINATOR
The Cadet Coordinator will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department.

1048.5 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 Police Cadet Program Manual. In addition to job-specific training, information will be offered to prepare cadets to compete successfully for assignment to the Police Academy.
All training will focus on improving job performance, as well as preparation to become police officers.

1048.6 CADET UNIFORMS

Police cadet assignments will require a cadet uniform, unless specific permission is given to wear plainclothes, from the Commander or Manager of the cadet’s area of assignment. (See Policy Manual § 1046 for uniform guidelines.)

These uniform regulations will be strictly adhered to.

1048.7 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur every six to eight months, to enhance the career development for each cadet, as determined by the Cadet Coordinator. Department needs and concerns will take precedence over individual considerations.

1048.8 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor.

1048.9 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed by the cadet's immediate supervisor every three months (quarterly).
1050 POLICY
All members shall avoid situations which give rise to an actual or apparent conflict of interest between their professional responsibilities and their relationships with other members.

1050.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between members of the Department.

1050.2 DEFINITIONS
Relative – A member’s “relative by blood or marriage within the third degree” includes parents, children, siblings, grandparents, grandchildren, uncles/aunts, nieces/nephews, first cousins, great grandparents, and great grandchildren, as well as the spouses or domestic partners of each.

Personal Relationship – Includes marriage, dating, cohabitating, or any other intimate relationship beyond mere friendship.

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 member’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 member’s action, inaction, or decisions are or may be influenced by the member’s personal or business relationship.

Supervisor – A member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate member.

Subordinate – A member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1050.3 RESTRICTED DUTIES AND ASSIGNMENTS
While the Department will not prohibit personal or business relationships between members, the following reasonable restrictions shall apply [Government Code §12940(a)]:

(a) Members are prohibited from directly supervising, or being directly supervised by, any other member 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 involving the involved member to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department however, reserves the right to transfer or reassign any member to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative, or with whom they are involved in a personal or business relationship.
(c) Police Training Officer’s (PTO’s) will not be assigned to train relatives, members with whom they have (or had) a personal relationship, and/or members with whom they have a business relationship.

Members who are relatives or otherwise involved in a personal relationship, should not be assigned to work together in a specific unit or team. When they are assigned within the same Bureau, District, or shift, they shall not be assigned together as a double-unit.

1050.3.1 MEMBERS RESPONSIBILITY
Prior to entering into any personal or business relationship or other circumstance which the member knows or reasonably should know could create a conflict of interest or other violation of this policy, members shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any member is placed in circumstances which would require the member to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the member is involved in a personal or business relationship, the member shall promptly notify his/her uninvolved, immediate supervisor.

1050.3.2 SUPERVISORS RESPONSIBILITY
Upon being notified of or becoming aware of any circumstance which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to resolve the conflict. Supervisors shall also promptly notify their division commander of such actual or potential violations through the chain of command.

1050.3.3 AUTHORITY TO TRANSFER
Division Commanders, or their designee, shall have the authority to transfer involved members should their relationship impair their ability to do their job, or involve potential conflicts of interest. In the case of any such transfer the Department will, to the extent reasonably possible, attempt to accommodate the affected members by maintaining their respective workdays and assigned hours.