

# VOLUME 3

## Management Rules and Procedures

### SUPERVISION

**105. SUPERVISORY TERMINOLOGY.** The following terminology shall be used in describing the levels of supervision within the Department:

- "Staff Officer" shall be used to describe an officer above the rank of captain;
- "Commanding Officer" shall be used to describe an employee in charge of a bureau, a group, an Area, or a division of the Department;
- "Director" shall be used to describe a commanding officer of an Office;
- "Field Commander" shall be used to describe an officer who takes command of an emergency situation or who is in command of field details at planned special events. A field commander may establish a field command post;
- "Watch Commander" shall be used to describe an employee having charge of a specific watch in a division or geographic Area;
- "Supervisor" shall be used to describe an employee engaged in field supervision or in general supervision of a section or unit; and,
- "Officer in Charge" shall be used to describe an officer having charge of a section or unit.

### 108. COMMAND POSTS

**108.20 THE DEPARTMENT COMMAND POST.** The Office of the Chief of Police is the Department Command Post. When the Office of the Chief of Police is closed, the Department Command Post is Department Operations Center (DOC).

**108.40 FIELD COMMAND POST.** A Field Command Post is a location established by a field commander for the purpose of:

- Directing operations in the field during emergency incidents;
- Collecting information pertinent to the incident and relaying it to the Department Operations Center;
- Requesting emergency personnel, equipment, and supplies from the Department Operations Center to assist the field forces;
- Requesting assistance from other agencies when needed through the Department Operations Center, to assist the field forces; and,
- Directing operations in the field at planned special events.

**108.50 FIELD COMMAND POST DIVISION.** During a serious or major unusual occurrence, the Chief of Police, or his/her representatives, or the Commanding Officer, Emergency Services Division, may activate the Field Command Post Division as a temporary division to direct operations in the field. The Area Field Command Post Cadre shall staff a field command post until relieved, by personnel assigned to the Field Command Post Division.

**108.60 DEPARTMENT OPERATIONS CENTER.** During a major or serious unusual occurrence, upon direction of the Department Commander, the Department Operations Center shall be activated as a temporary division. It shall be concerned with the following:

- Coordinating the Department's emergency control activities;
- Collecting and disseminating information from the Field Command Post, hospitals, and other concerned agencies;
- Determining the needs for, and providing, emergency personnel, equipment, and supplies to the Field Commander and the field forces;
- Maintaining chronological logs, situation maps, and situation reports; and,
- Completing necessary reports regarding the emergency incident and preparing a final report for submission to the Chief of Police.

Deactivation of the Department Operations Center (DOC) for purposes of the City's Emergency Operations Organization (EOO), shall be at the direction of the EOO. Deactivation for Department purposes remains with the Department Commander.

**108.70 DEPARTMENT OPERATIONS CENTER - EMERGENCY OPERATIONS ORGANIZATION - ACTIVATION.** The Commanding Officer, Department Operations Center (DOC), upon receiving notification of the activation of the Emergency Operations Organization (EOO), shall be under the line supervision of the Emergency Operations Board (EOB) as delineated in the City Emergency Operations Master Plan and Procedures, and shall:

- Staff the positions necessary in the DOC to meet the demands of the emergency;
- Forward the appropriate EOO policy directives received from the Department's representative on the EOB's Emergency Management Committee to the Department Commander; and,
- Coordinate the functions of the various EOO Division representatives located in the Coordination Room of the Emergency Operations Center (EOC).

**Note:** DOC when activated under the EOO, remains under the functional supervision of the Chief of Police or the designated Department Commander.

## **110. SUCCESSION OF COMMAND**

**110.20 OFFICER OF SENIOR RANK ASSUMING COMMAND.** An officer of senior rank may take command of a situation by identifying himself/herself and informing the officer then in charge of his or her intent. Such assumption of command shall be undertaken whenever the situation appears to the senior officer to be beyond the control of the officer then in charge, when jurisdiction is concurrent over a particular duty, or for disciplinary purposes.

**110.40 OFFICER OF EQUAL OR JUNIOR RANK OR PAYGRADE ASSUMING COMMAND.** An officer of equal or junior rank or paygrade may take command by identifying himself or herself and informing the officer then in charge of his or her intent. Such assumption of command shall only be undertaken when the officer then in command is unable, because of physical or mental inability, to perform his or her duties. An officer, regardless of rank or paygrade, shall assume command of a situation when so instructed by an officer of superior rank or paygrade then in command. An officer placed in command of an operation shall maintain that responsibility until relieved by competent authority.

**115. RECOGNITION OF COMMAND.** In the normal performance of routine duties, or at the scene of a police problem, employees shall recognize and respect the position of the officer in charge by effectively and efficiently carrying out all lawful orders that may be issued by the commanding authority.

**120. BREVET RANKS PROHIBITED.** Brevet (acting) ranks shall not be used to designate the officers discharging the functions and duties of the various levels of supervision of the Department. An officer,

regardless of the level of supervision to which he or she is assigned, shall be described by his/her Civil Service rank, indicating the acting position held.

**Example:** Lieutenant John Doe, Acting Commanding Officer.

**125. SENIOR OFFICER - DETERMINATION.** The senior officer at a police incident shall be determined by rank, then by paygrade assignment within rank, then by seniority within paygrade assignment within rank.

**Note:** The rank of detective is of a specialized-nature and shall normally be considered separate from line command. When an incident is the result of investigative activity, when an incident has reached the stage where the remaining functions are investigative in nature, or when the concerned detective or specialized unit desires to take over the investigation and complete the necessary reports, the senior concerned detective shall be in command.

A senior officer assuming command shall do so by identifying himself or herself and informing the officer then in command.

**130. SENIORITY - CIVILIAN EMPLOYEES.** Seniority of civilian employees shall be determined in the following order:

**Civil Service Classification.** In accordance with the Civil Service rating, whereby one position is classified as being higher in grade than another.

**Length of Service.** By length of continuous service in the classification.

**By Designation.** When designated as being in charge of a particular situation or group by competent authority.

**135. LINE SUPERVISION - DEFINED.** A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues.

**140. FUNCTIONAL SUPERVISION - DEFINED.** Functional supervision is the temporary supervision of employees not normally under the command of one designated to furnish specialized or technical knowledge necessary to the accomplishment of Department objectives.

**150. GENERAL SUPERVISORY DUTIES.** A supervisor shall be responsible for the performance of general supervisory duties (Manual Sections 3/152, 3/154, and 3/156), in addition to having the technical skills and knowledge necessary to the performance of the duties particular to his/her specific assignment.

**152. SUPERVISORY PLANNING.** A supervisor shall initiate, or receive and consider, proposals for changes in policy affecting activities within the scope of his or her jurisdiction.

**152.20 SUPERVISORY KNOWLEDGE OF DEPARTMENT ORDERS.**

A supervisor shall be familiar with the contents of Department manuals, procedural orders and instructions, directives, teletypes, and Police Bulletins, and shall disseminate such information to his/her subordinates. Information shall be disseminated in such a manner as to achieve Department objectives.

**152.40 ORGANIZATION OF ACTIVITIES - SUPERVISORS.** Supervisors shall organize their own work and that of their subordinates to insure the adoption and practice of the best principles and procedures to meet current, unusual, and changing conditions.

**152.60 KNOWLEDGE OF OTHER SUPERVISORY POSITIONS.** A supervisor shall acquaint himself/herself with the duties and responsibility of other supervisory positions which, in the normal course of operations, he/she may have to discharge.

**152.80 MAJOR DISASTER AND EMERGENCY OPERATIONS ORGANIZATION PLANS - SUPERVISORS.** A supervisor shall be familiar with the role of the Department and with his/her own responsibility and duties, and shall maintain plans for his/her activities in the event of a major disaster or the activation of the Emergency Operations Organization Plans.

## **154. SUPERVISORY COMMAND AND COORDINATION**

**154.20 DELEGATION OF DUTIES.** Supervisors may delegate to their subordinates appropriate portions of their responsibilities, together with equivalent authority; but they may not delegate or relinquish their overall responsibility for results nor any portion of their accountability.

**154.40 DIRECTION OF SUBORDINATES.** A supervisor shall exercise the control over his or her subordinates necessary to the accomplishment of Department objectives. He or she shall analyze and evaluate the personality, temperament, traits, and capabilities of each subordinate in order to realize from every employee the maximum degree of service commensurate with his or her abilities and limitations.

**154.60 TRAINING OF SUBORDINATES.** Training shall be considered the process of aiding employees to gain effectiveness in their present or future assignments through the development of appropriate habits of thought, action, skill, knowledge, and attitude. Emphasis shall be placed on respect for the personality and human dignity of each employee, in order to allow maximum development of his/her natural capacity.

**154.80 GUIDANCE OF SUBORDINATES.** A supervisor shall take a personal interest in the welfare and problems of subordinates and shall make himself or herself available to employees seeking guidance and counseling. The supervisor shall give appropriate advice and personal instructions to immediate subordinates for the development of administrative and supervisory skills.

## **156. SUPERVISORY CONTROL**

**156.20 PERFORMANCE EVALUATION.** A supervisor shall be responsible for the appraisal and analysis of the work accomplishment of subordinates coming within the scope of his/her supervision. Such evaluation shall be based on continuous observation and inspection and shall take into consideration the quality of the employee's work accomplishment and those personal traits that are related to his or her duty performance. Commanding officers shall ensure that supervisory personnel provide a Training Evaluation and Management Systems II (TEAMS II) summary report to each employee in conjunction with the service of the employee's annual (post-probationary) performance evaluation report.

**156.40 SUPERVISORY REPORTS.** Supervisory reports shall be made in a prompt and effective manner. All pertinent facts shall be incorporated, and the welfare of the Department shall be of primary consideration. Supervisors shall reflect the feelings of subordinates to supervisors by permitting information to flow up, as well as down, the channels of authority.

**156.60 TECHNIQUES OF SUPERVISION.** A supervisor must frequently command the actions of subordinates by orders and directions in order to carry out proper police operations. This must be done forcefully and effectively and is essential to the control of the most critical police situations. A supervisor shall make use

of positive disciplinary techniques, such as the following, to promote satisfactory supervisor-subordinate relationships:

**Inspiration.** The ideals and objectives of public service in the police field shall be developed and exemplified by the conduct and actions of supervisory members of the Department.

**Explanation.** Department policies and objectives shall be presented to the employee by means of reasoned consideration of issues. Supervisors shall adopt an attitude of guiding employees by sound logic and clear thinking, rather than by arbitrary orders and commands and shall strive for willing response and cooperation from subordinates.

**Encouragement.** Supervisors shall be aware that recognition of good work is an indispensable need in the employee's relationship with the Department and shall make certain that meritorious acts and accomplishments are rewarded, either by personal encouragement and praise, or by formal commendation.

**156.80 NEGATIVE DISCIPLINARY ACTION.** The negative disciplinary procedures available to supervisors (Manual Section 3/800) shall be used only after determining that the correction of delinquency by positive disciplinary means is not feasible.

## **GENERAL MANAGEMENT PROCEDURES**

### **201. ADMINISTRATIVE REVIEW AND ADJUDICATION OF A VEHICLE PURSUIT.**

**Pursuit Initiation and Involvement/Pursuit Tactics Adjudication Classifications.** The pursuit adjudication classifications require separate adjudications for each officer involved in the pursuit regarding initiation and involvement/pursuit tactics. The classifications for the adjudications of pursuit initiation and involvement/pursuit tactics are the following:

#### **Initiation Findings:**

- In Policy:
  - No Further Action Taken; or,
  - Training.
- Administrative Disapproval (Out of Policy):
  - Formal Training;
  - Notice to Correct Deficiencies (Form General 78); or,
  - Personnel Complaint (Form 01.28.00).
- Out of Statute

**Note:** "Out of Statute" is when the adjudication occurred after statute date (one-year limitation).

**Note:** In general, the initiation findings should only be done for the primary unit initiating the pursuit. Reasons for initiation shall be considered in adjudicating this section as delineated in Department Manual Section 1/555.10, Initiation of a Vehicle Pursuit. Officers shall not initiate a pursuit based only on an infraction, misdemeanor evading (including failure to yield), or reckless driving in response to enforcement action taken by Department personnel, or when the driver fails to yield.

## **Involvement/Pursuit Tactics Findings:**

For the purposes of this section, “involvement” includes any ground unit actively pursuing the suspect vehicle; which can include the primary, secondary, or third unit, or supervisor, or any additional units that join the pursuit, whether they are requested by the primary unit or supervisor.

- Administrative Approval:
  - No Further Action Taken; or,
  - Training.
- Administrative Disapproval (Out of Policy):
  - Formal Training;
  - Notice to Correct Deficiencies (Form General 78); or,
  - Personnel Complaint (Form 01.28.00).

**Note:** “Administrative Disapproval” is defined as unjustified, substantial deviation from Department policy, procedure, or training.

- Out of Statute

**Note:** “Out of Statute” is when the adjudication occurred after statute date (one-year limitation).

The Involvement/Pursuit Tactics Findings should address the vehicle pursuit procedure as delineated in Department Manual Section 4/205.01 through 4/205.55, including but not limited to:

- Command and Control;
- Tactical Planning;
- Tactical Communication;
- Use of Resources such as Air Unit and Tracking;
- Continuation and Termination of a Pursuit;
- Driving Tactics;
- Use and Request of Equipment;
- Vehicle Intervention Techniques used;
- Pursuit Discipline; and,
- Driving.

**Area/Division Commanding Officer’s Responsibilities.** The Area/division commanding officer (CO) shall review the Vehicle Pursuit Report (VPR), relevant audio and video, related reports, and the Watch Commander Insight, and complete the “Recommended Classification” section. The Area/division CO shall forward all related reports to their bureau/group CO within 45 calendar days of the pursuit.

Following a pursuit, the Area/division CO shall ensure that a supervisor at the Area/division conducts a debrief with the involved officers as soon as practicable, but no later than 30 calendar days after the incident. The debrief as it relates to a pursuit, is a review of the incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved.

**Note:** If the Area/division CO is recommending training, the training shall be completed

within 90 calendar days from the date of the pursuit as part of the adjudication. If this cannot be completed within the 90 calendar days, the CO shall send written correspondence to the Department Traffic Coordinator (DTC) with an explanation of the inability to complete the recommended training (i.e., Injury on Duty or pre-approved vacation), and a request for an extension of the deadline.

If a pursuit has received a final adjudication of Administrative Disapproval for tactics or Administrative Disapproval - Out of Policy for pursuit initiation by the DTC or their authorized designee, the CO shall serve their respective employee(s) the rationale and final classification within 30 calendar days, using the Pursuit Findings Internal Process Receipt, Form 01.14.03.

**Bureau/Group Commanding Officer's Responsibilities.** The concerned bureau/group CO shall review the VPR, relevant audio and video, related reports, and the Area/division CO Insight, and complete the "Recommended Classification" section within 90 calendar days of the pursuit. When there is a difference in recommendation between the bureau/group CO and Area/division CO, then the bureau/group CO shall submit an Intradepartmental Correspondence, Form 15.02.00, to the DTC, detailing the Bureau CO's rationale for the disposition, with a copy sent to the Area/division CO.

**Department Traffic Coordinator's Responsibilities.** The DTC, has the final review and adjudication authority of all vehicle pursuits. Should the final classification of a pursuit differ from the classification by the bureau/group CO, the DTC shall provide a rationale for that final classification on an Intradepartmental Correspondence and forward that to the concerned bureau/group and to the employee's CO.

**Note:** The DTC may, at their discretion, delegate final review and adjudication authority for some or all pursuits to an authorized staff officer.

The DTC, or authorized designee, shall make the final determination on the classification of the pursuit within 180 calendar days from the date of the pursuit. An additional 30 calendar days shall be granted to determine the final pursuit classification if additional information or investigation is needed and shall be documented in the pursuit case file maintained by the Pursuit Review Unit (PRU).

**Training - Documentation as a Result of a Vehicle Pursuit.** When training is required, the Area/division CO shall ensure that training is completed within 90 calendar days from the date of the pursuit. Upon completion of the directed training by the involved officer, the Area/division CO shall ensure that the training is entered into the Learning Management System (LMS) along with the corresponding reference number [i.e., a Division of Records (DR) number], and forward a copy of the officer's LMS report to the PRU. If the training cannot be completed within 90 calendar days, the CO shall send a written correspondence to the DTC with an explanation of the inability to complete the recommended training (i.e., Injury on Duty or vacation), and a request for an extension of the deadline.

**Pursuits Classified as Administrative Disapproval.** If the DTC or authorized designee determines that a vehicle pursuit is classified as Administrative Disapproval for tactics or Administrative Disapproval - Out of Policy for pursuit initiation, they shall ensure that a copy of the VPR and attached Intradepartmental Correspondence are forwarded to the bureau/group for further action, to include either formal training, a Notice to Correct Deficiencies, or a Personnel Complaint, within 45 calendar days of the final adjudication. Upon completion of the action taken, the bureau/group shall notify the DTC or authorized designee, of the disposition within 90 calendar days.

**201.35 MULTIPLE RISK MANAGEMENT INCIDENTS.** When multiple risk management issues are involved as a result of more than one related incident (i.e., pursuit, traffic crash, use of force, and/or a personnel

complaint) **and** adjudication is interdependent, the reviewing authority shall ensure any relevant information from the multiple incidents is considered when completing the adjudication of each incident.

**202. TRAFFIC CITATIONS (TRAFFIC NOTICE TO APPEAR) - SUPERVISORY RESPONSIBILITY.**

Commanding officers who are assigned the responsibility for issuance of Traffic Notice to Appear (citation) books (Manual Section 3/202.10) shall establish control over the issuance and the return of such books and shall cause a supervisory check to be made of completed citations.

**202.10 UNITS ISSUING CITATION BOOKS.** The commanding officers, all geographic uniformed divisions, shall cause an adequate supply of Traffic Notice to Appear books and absentee parking citation books to be maintained in their respective divisions for issuance to authorized employees.

**202.20 ISSUANCE OF TRAFFIC CITATION BOOKS.** Employees will normally draw their citation books from the uniformed division in which they will perform their duties. However, an employee requiring a citation book may draw it from any of the divisions listed in Manual Section 3/202.10 when circumstances make it impractical for the employee to obtain one from his or her normal source of supply. Such citation books shall, upon completion, be returned to the source from which they were drawn.

Commanding officers listed in Manual Section 3/202.10 shall cause a Record of Traffic Citation Books, Form 04.15.00, to be maintained, tracking the issuance and the return of citation books in their respective divisions.

**202.24 REISSUANCE OF CITATION BOOKS.** Citation books which have not been completed within three months after issuance shall be recalled by the issuing unit and shall be reissued to more enforcement-active employees. Employees returning such citation books may be issued replacements.

**202.26 DISPOSITION OF TRANSFERRED EMPLOYEES' CITATION BOOKS.** When employees are transferred from one division to another, all traffic citation books in their possession shall be returned to a supervisor of the division from which the books were obtained. The supervisor shall record on the Record of Traffic Citation Books, Form 04.15.00, the date of the return of the books and the numbers of the unused citations. The books shall then be available for reissuance.

**Exception:** When employees are transferred from a unit or division to another unit or division housed in the same building, they may retain their citation books.

**202.30 CITATION REVIEW BY SUPERVISORS.** Each officer issuing a Traffic Notice to Appear, Form 04.50.00, shall submit the original to the designated supervisor or if not available, to the on-duty watch commander (Department Manual Section 4/318.80).

If a Continuation of Notice to Appear, Form 04.50.05, is involved, the citing officer shall also submit the original of the Continuation of Notice to Appear stapled to the Traffic Notice to Appear to the supervisor. The designated supervisor shall check the following items on the citation:

**Completeness.** Each blank space on a citation shall be filled in. If the item is not applicable to the violation charged, a dash may be placed in the space.

**"Cannabis,"** as used herein includes all cannabis products that can be smoked, vaporized, eaten, or otherwise consumed or ingested.

**For Combined Cannabis/Traffic Arrests.** A citation may be issued under California Vehicle Code Section 23222(b)(1) only if the possessor of the open receptacle containing cannabis or cannabis products is the driver of



the vehicle. A citation may be issued under California Vehicle Code Section 23220(a) if the driver is smoking or ingesting cannabis or a cannabis product. If the passenger is smoking or ingesting cannabis or a cannabis product, cite under California Vehicle Code Section 23220(b).

**Note:** The supervisor shall ensure that officers have not issued both a Release From Custody (RFC) for 11357(b)(2), 11359, or 11360 Health and Safety (H&S) Code violations and issued a Traffic Notice to Appear for the Vehicle Code violations.

**Legibility.** Citations should be legible. Information listed in Department Manual Section 4/320.25 shall be printed; other portions of the citation may be printed or written.

**Tampering.** There shall be no erasures on the citation. There shall be no changes on the citation other than corrected errors (Department Manual Section 4/320.80).

**Errors.** In as much as an error or omission in certain items may invalidate the citation, a positive check shall be made of the:

- Date of offense;
- Correct section cited;
- Correct location of offense;
- Cited speed and speed zone in speed cases;
- Signature of defendant; and,
- Valid court appearance date, or juvenile check.

Supervisors reviewing citations written by Department employees shall print their last name and serial number or use a stamp with the printed information on the lower right corner of the reverse side of the citation.

**202.40 ERROR OR OMISSION NOTED ON CITATION.** A supervisor who observes an uncorrected error or omission other than in the vehicle identification, notes, location of violation, or diagram sections on Traffic Notice to Appear submitted for review shall withhold the original of the citation and obtain a Notice of Correction and Proof of Service, Form 04.07.00, from the citing employee. A supervisor shall review and complete the Notice of Correction and Proof of Service form in accordance with Manual Section 4/320.80. Form 04.07.00 shall be stapled at the lower left corner on top of the original of the citation and forwarded in accordance with Manual Section 3/202.70.

A supervisor who observes an uncorrected error or omission in the vehicle identification or violation fields on an **absentee citation** submitted for review shall withhold the citation and obtain a Citation Cancellation Request, Form 04.45.00, from the citing employee. The Form 04.45.00 shall be stapled to the original citation and forwarded to Traffic Court Liaison Unit as provided by Manual Section 3/202.70.

**Note:** A supervisor who observes an error in the vehicle identification, notes, location of violation, or diagram sections on a Traffic Notice to Appear or Continuation of Notice to Appear shall inform the citing employee of the error and ensure that the employee records the correct information on the reverse side of the last copy of the citation in the officers citation book to use as reference for court proceedings.

**202.50 TAMPERING OBSERVED ON CITATION.** A supervisor who observes any indication of tampering (Manual Section 3/202.30) on a Traffic Notice to Appear or Continuation of Notice to Appear submitted for review shall withhold the citation and Continuation and obtain an Employees Report, Form 15.07.00, from the citing employee, setting forth the facts in the case. The Employee's Report shall be attached to:

- The original of the citation when it is a Traffic Notice to Appear; or,

- The original when it is an absentee citation.
- The forms shall be submitted to the commanding officer for consideration and action.

**202.60 ERRORS NOTED BY TRAFFIC COURT LIAISON UNIT DETAIL.** When an uncorrected error is discovered by an employee at the Traffic Coordination Section in a citation issued by an employee, it should be reported to the citing employee's commanding officer. The commanding officer shall determine the cause for the error and shall take necessary steps to prevent recurrences.

**202.70 FORWARDING CITATIONS - SUPERVISOR'S RESPONSIBILITY.** A supervisor having checked citations (Manual Section 3/202.30) shall:

- Cause the originals of Traffic Notices to Appear, Form 04.50.00, (with the original Continuation of Notice to Appear, Form 04.50.05, stapled to them, when appropriate) to be forwarded daily to Traffic Court Liaison Unit, 1945 South Hill Street, Room 107, Mail Stop 420.

**Note:** Citations with correction slips attached shall be grouped together.

- Cause a photocopy of juvenile Traffic Notices to Appear to be forwarded daily to Information Technology Division, Data Entry, Mail Stop 447.
- Cause the originals of absentee citations to be bundled and forwarded daily to Traffic Court Liaison Unit, 1945 South Hill Street, Room 107, Mail Stop 420.

**Exception:** Citations issued to juvenile traffic violation arrestees shall be approved by a supervisor but not forwarded in the normal manner. The court copy and the defendant's copy of the citation shall be attached to the investigating officer's copy of the arrest report (Manual Section 4/346.40).

**202.80 CITATION CORRECTION - TRAFFIC COURT LIAISON UNIT RESPONSIBILITY.** Upon receipt of a Traffic Notice to Appear with a Notice of Correction and Proof of Service, Form 04.07.00, Traffic Court Liaison Unit (TCLU) shall submit the citation and attached request to the appropriate court.

**Note:** Whenever TCLU is notified that the court has denied the Department's request to correct a citation, TCLU shall process the citation as directed by the court.

## **203. PROCESSING REPORTS - SUPERVISORY RESPONSIBILITY.**

**203.10 FIELD INTERVIEW REPORT PROCEDURES.** Approving supervisors shall be responsible for ensuring completeness of the Field Interview (FI) Report, Form 15.43.00 and that the FI is forwarded daily to the Area Watch Commander.

All original FIs shall remain at the Area of occurrence for two years, and then three additional years in records retention storage from the date of origination.

**Note:** The number of FIs an officer produces should not be used as the sole measure of the officer's productivity.

## **204.20 APPROVING REPORTS (Manual Sections 5/030.60 and 5/030.61).**

**204.50 PREPARING INVESTIGATIVE REPORTS OF ROBBERY OR RAPE FOR TELETypING.** A supervisor receiving an Investigative Report of a robbery or rape, Form 03.01.00, for approval shall:

- Underline in red those details in the body of the report which shall be teletyped;
- Ensure that on IR's of rape, only the victim's description is teletyped, without making any reference to the victim's name; and,
- Cause the report to be delivered to a record clerk for immediate teletyping.

A supervisor approving a report of a robbery or attempted robbery of major importance, or in which a gun was used or simulated by the suspect, shall cause the abstract to be sent as an All Points Bulletin (Manual Section 4/150.12) in addition to the regular local broadcast.

**Exception:** No teletype shall be sent when all suspects are in custody (investigating officers shall be responsible for causing the appropriate teletypes to be sent). At the discretion of the approving supervisor, unusual circumstances of the rape may preclude the need for a teletype.

**Note:** Supervisors may initiate a teletype on any felony crime when the crime or series of crimes provides a description of the suspect(s), vehicle(s), or the modus operandi is so distinctive as to afford a strong probability of identification or recognition.

**205. FLEET SAFETY PROGRAM - RESPONSIBILITIES.** Bureau/Area/division commanding officers are responsible for fleet safety and establishing a Fleet Safety Program which provides for:

- A reduction in employee-involved traffic crashes;
- Training those employees with deficient driving skills; and,
- A systematic and timely review of employee-involved traffic crashes. A Fleet Safety Report (FSR), Form 01.13.00, will be generated by the Department Fleet Safety Coordinator (DFSC), Traffic Coordination Section (TCS), Emergency Operations Division (EOD), and must be completed by the concerned employee's commanding officer, when a traffic crash occurs involving the following:
  - The operator of a vehicle or conveyance is owned, leased, or rented by the City;
  - The operator of a non-City vehicle or conveyance that is either loaned to the Department or is the responsibility of another law enforcement agency;
  - A passenger in a vehicle or conveyance (as described above) whose actions directly result in a crash; or,
  - The last operator of a vehicle or conveyance (as described above), which was involved in a crash while illegally or improperly parked on a highway or on private property.

**206. TRAFFIC CRASHES INVOLVING DEPARTMENT VEHICLES OR EMPLOYEES.** Any on-duty or off-duty Department employee (or Specialist Volunteer, Police Cadet, or Reserve Officer) while acting within the scope of his or her duties, who becomes involved in a traffic crash or becomes aware of a traffic crash involving a Department vehicle, shall report the traffic crash to his or her watch commander or officer in charge and comply with procedures in Department Manual Section 4/440.10.

**Note:** If an unassigned Department vehicle parked at a police parking lot or garage displays evidence of traffic crash damage which has not been reported, the watch commander of the division to which the vehicle is assigned shall cause an investigation to be completed and a Traffic Crash Report (TCR), Form CHP 555, prepared if warranted.

**Supervisor's Responsibilities – Traffic Crashes Involving Department Vehicles.** A supervisory employee dispatched to the scene of a traffic crash shall conduct an investigation to determine whether the involved employee followed Department policies and procedures when the crash occurred.

The investigating supervisor shall then notify the on-duty watch commander in the division of assignment of the involved employee and, if different, the Area patrol division watch commander for the division of occurrence, of the circumstances of the crash and the findings and actions taken by the supervisor. The notification may be made by telephone and shall be made as soon as practicable after arriving at scene.

When a traffic crash involving the following circumstance is broadcast, the supervisor shall immediately respond to the scene, evaluate the circumstances of the incident and notify the traffic division watch commander: The occurrence involves on-duty Department personnel, or off-duty personnel while acting in the scope of their duties, and results in death or serious injury to any involved person

**Communications Division's Responsibilities.** When an on-duty employee is involved in a traffic crash in the City, which results in any party being transported to a medical facility by a rescue ambulance, Communications Division shall dispatch a traffic division supervisor **along with a supervisor from the involved employee's command.**

**On-Scene Traffic Division Supervisor's Responsibilities.** When a traffic division supervisor is assigned to an employee-involved traffic crash involving a City vehicle whether within or outside the City, he or she shall:

- Determine if the incident meets the criteria for a notification to the Multi-Disciplinary Collision Investigation Team (MCIT), Traffic Coordination Section, Emergency Operations Division, and notify the concerned traffic division watch commander;
- Ensure that all witnesses are identified, their statements are obtained verbatim when feasible and all evidence, including, but not limited to, the Digital In-Car Video and/or Body Worn Video cameras, traffic cameras, etc., have been identified and/or obtained by the traffic unit handling the investigation; and,
- Review the TCR, to ensure the report is thorough and complete prior to submission to the traffic division watch commander for approval.

**Traffic Division Watch Commander's Responsibilities.** Traffic division watch commanders shall ensure that a traffic division supervisor is assigned and responds to the crash. The traffic division watch commander shall then verify if the incident meets the criteria for the MCIT to respond, and shall contact the Officer in Charge, TCS, for approval prior to requesting the MCIT when: The occurrence involves on-duty Department personnel or off-duty personnel while acting in the scope of their duties, and results in death or serious injury to any involved person (MCIT notification required).

**Note:** When TCS is closed, Department Operations Center (DOC) shall be notified and requested to contact the on-call MCIT supervisor assigned to the TCS. Upon notification of an MCIT incident, DOC is responsible for initiating the MCIT notification process. In the event of an MCIT call-out, the MCIT supervisor is responsible for requesting that DOC coordinate the response of the aforementioned personnel. The MCIT supervisor may call upon resources of a geographic traffic division, as needed, to assist in various aspects of the investigation.

In the event that an employee is involved in a traffic crash outside the City limits, the traffic division watch commander nearest to the traffic crash shall evaluate the circumstances and determine the feasibility of assigning a traffic division supervisor to respond; and, if so, ensure that a supervisor is in fact assigned and responds to the scene.

**Note:** Department Operations Center shall be notified telephonically on all fatal traffic crashes, noteworthy crashes that result in extensive property damage to Department equipment, and death or hospitalization of Department employee(s).

**Traffic Division/Multi-Disciplinary Collision Investigation Team's Responsibilities.** For all Department employee-involved traffic crashes, the traffic division watch commander shall ensure a traffic collision investigation unit or MCIT (Department Manual Section 4/412) responds and a TCR is taken, if required. Additionally, the traffic division watch commander or the MCIT supervisor shall notify the DFSC, as soon as practical, via an e-mail to FleetSafetyCoord@lapd.online, with the following information:

- Involved employees' names, serial numbers and division of assignment;
- Incident or Division of Records number;
- Date, time and location of the traffic crash;
- Shop number;
- Brief description of the traffic crash, including type of injuries; and,
- Person completing the notification.

The crash investigation follow-up unit of the traffic division investigating an employee-involved traffic crash shall:

- Forward two copies of the employee-involved TCR, which has been audited and approved for distribution to Traffic Coordination Section, Emergency Operations Division, within 30 business days of the incident;
- Forward a copy of the employee-involved TCR, which has been approved for distribution to the involved employee's commanding officer within 30 business days of the incident; and,
- Forward all original reports to Records and Identification Division.

## **206.60 DIRECT REFERRAL TO BEHAVIORAL SCIENCE SERVICES FOR ANY DEPARTMENT EMPLOYEE INVOLVED IN A TRAFFIC CRASH IN A CITY VEHICLE RESULTING IN DEATH OR SUBSTANTIAL POSSIBILITY OF DEATH.**

**Note:** Nothing in this section prevents a commanding officer from referring an employee to Behavioral Science Services (BSS) as governed by Manual Section 3/799.

The commanding officer of a Department employee (driver or passenger) involved in a traffic crash in a City vehicle resulting in death or substantial possibility of death shall:

- Immediately remove the employee from field duties;
- Notify BSS within two administrative working days of the incident;
- Schedule an appointment for the employee(s) with BSS for a psychological evaluation by a licensed mental health professional as soon as possible to assess if the individual's reactions and coping to this incident are within normal limits;
- Notify the involved employee of the appointment and discuss the process that will occur; and,

**Note:** An employee's attendance at a BSS session resulting from a direct referral is mandatory and shall be conducted on an on-duty basis.

- Consult with BSS after the involved employee's mandated appointment to obtain their feedback regarding whether or not to return the employee(s) to field duty. Other than the feedback of BSS, matters discussed during the BSS evaluation shall be strictly confidential.

**Note:** Employees directed to BSS shall be noted in the Deployment Planning System as assigned to "Non-Field Certified" to formally track/audit the employee's assigned duties from the date of the incident; until returned to normal field duties.

**Return to Field Duty.** Prior to returning an employee to field duty, approval is required from the Chief of Police. After obtaining feedback from BSS regarding whether or not to return an involved employee to field duty (if applicable), the involved employee's commanding officer shall:

- Meet with the employee(s) and discuss the "return to field duty" process;
- Meet the employee(s) to assess the employee's readiness and suitability to return to field duty;
- Obtain concurrence from the bureau commanding officer, who will then obtain approval from the assistant chief within their chain of command and the Chief of Police regarding the involved employee's readiness to return to field duty;
- Notify the involved employee(s) of the determination to return or not return the employee to field duty status;
- Complete an Intradepartmental Correspondence, Form 15.02.00, to the Department Traffic Coordinator containing the following information:
  - Date of Incident;
  - Date of BSS visit;
  - Date of commanding officer 's consultation with BSS;
  - BSS feedback regarding the employee's readiness to return to field duty;
  - Commanding officer recommendation.
  - Date of approval for return to field duty;
  - Date of employee's return; and,
  - Employee's assignment prior to being returned to duty.
- Continue to assess and monitor the involved employee(s) upon their return to field duty to ensure the welfare of the involved employee considering liability factors, work products, subsequent interviews, and complaint or work history; and,

**Note:** If the involved employee has not returned to field duty within 30 calendar days of the incident **due to non-approval by the Chief of Police**, an additional Intradepartmental Correspondence shall be submitted and every 30 days thereafter indicating specific assignment(s) of the involved employee pending his/her return to field duty until approved for return to full duty.

- Attach any duty restrictions to the return to field duty determination.

**Bureau Commanding Officer's Responsibilities.** Upon notification by the involved employee's commanding officer of BSS feedback regarding the employee's readiness to return to field duty, the bureau commanding officer shall:

- Discuss the involved employee's readiness and suitability to return to field duty with the involved employee's commanding officer and consider his/her recommendation for approval or disapproval;

- Consult with the assistant chief within the employee's chain of command and the Chief of Police or his/her designee, **within seven days** of the feedback from BSS regarding whether or not to return the employee to field duty; and,

**Note:** It is the responsibility of the involved employee's bureau commanding officer to ensure concurrence is obtained from the Chief of Police or his/her designee through the bureau commanding officer's chain of command in a timely manner. This shall be accomplished telephonically, if necessary.

- Advise the involved employee's commanding officer of the decision by the Chief of Police.

## **207. EMPLOYEE-INVOLVED TRAFFIC S – ADMINISTRATIVE REVIEW PROCESS.**

**Department Traffic Coordinator's Responsibilities.** The Commanding Officer (CO), Counter-Terrorism and Special Operations Bureau (CTSOB), is the Department Traffic Coordinator (DTC) and has the final review and adjudication authority of all employee-involved traffic crashes, except those adjudicated by the Executive Fleet Safety Committee (EFSC). The authority for the review and adjudication of minor traffic crashes is exercised through the CO, Emergency Operations Division (EOD). The DTC will:

- Convene the EFSC for all traffic crashes involving "A" or "K" injuries, consumption of alcohol or drugs or which may result in a criminal filing, or traffic crash(s) resulting in an employee accruing eight or more points or four preventable traffic crashes within 36 months;
- Adjudicate all traffic crashes involving an employee's gross negligence or reckless disregard for safety (action creates a high risk of death or serious bodily injury);
- Adjudicate all minor traffic crashes involving differing adjudications by the bureau and Area/division by completing the DTC section of the Fleet Safety Report (FSR). If the points assigned to the traffic crash differ from the employee's CO's recommendations, recalculate the accrued point totals and determine if any of the point remediation thresholds have been met and take appropriate action. If the DTC adjudication differs with the bureau recommendation, the DTC must consult with the concerned Office Director prior to making the final adjudication; and,
- Examine the employee's appeal documentation, make a recommendation, including a rationale, and forward to the Chief of Police for final adjudication.

**Emergency Operations Division's Responsibilities.** The CO, EOD, will:

- Provide staff support to the DTC;
- Maintain the Department's Fleet Safety database including all dates associated with the timelines listed in these procedures and retain files of all Traffic Crash Reports (TCRs);
- Upon notification of an employee-involved traffic crash, update and maintain the tracking system to properly document the completion of each step in the review process;
- Send a copy of the TCR to Training Division (TD) for all traffic crashes involving injuries (visible, "A" or "K") within 20 business days of receipt of the TCR for TD to coordinate the Traffic Crash Debrief;
- For minor traffic crashes, forward the FSR package for adjudication to the employee's bureau CO within 20 business days of receipt of the TCR;
- For all traffic crashes involving an employee's gross negligence or reckless disregard for safety (action creates a high risk of death or serious bodily injury), forward the FSR package within 20 business days to the DTC for adjudication;
- For all traffic crashes involving "A" or "K" injuries or traffic crashes that resulted from the consumption of alcohol or drugs or which results in a criminal filing, forward the FSR package within 20 business days to the DTC for the EFSC;

- For all traffic crashes resulting in an employee accruing eight or more points or four preventable traffic crashes within 36 months, forward the FSR package within 20 business days of receipt from the bureau to the DTC for the EFSC;
- Upon receipt of the final FSR package and related documents, review the adjudication to ensure compliance with Department guidelines, update the points in the Fleet Safety Database and on the involved employee's Training Evaluation and Management System (TEAMS) Report;

**Note:** If the adjudication does not comply with Department guidelines, the package will be submitted to the DTC for final adjudication.

- Notify the employee and the employee's CO of the classification recommendation by the EFSC, or if the DTC changes the adjudication in any way (i.e., preventable or non-preventable, crash level or corrective action) within 20 business days of the decision;
- Where the DTC has, as a result of a Preventable Traffic Crash appeal, changed the point value or the determination of a "preventable" traffic crash, update the employee's TEAMS Report and advise the employee and the employee's CO, via an Intradepartmental Correspondence, Form 15.02.00, within 20 business days of the DTC decision;
- Initiate a complaint investigation within ten business days of final adjudication for all preventable Level Four Crashes or for each employee wherein the final adjudication includes a personnel complaint;
- Receive all written appeals and forward them to the DTC;
- Compile a monthly report on all overdue FSRs and provide it to all Area/division/bureau COs of involved employees; and,
- Provide additional information regarding employee-involved traffic crashes to Risk Management and Legal Affairs Division and the Department Risk Manager, as needed.

**Administrative Review of Minor Traffic Crashes Not Resulting in Severe or Fatal Injuries.** The DFSC will compile the FSR package, which consists of the FSR, a point history, a crash history, and a copy of the completed Traffic Crash Report, CHP Form 555. For minor traffic crashes except those involving "A" or "K" injuries, or traffic crashes that resulted from an employee's gross negligence or reckless disregard for safety, consumption of alcohol or drugs or which may result in a criminal filing, the DFSC will forward the package to the involved employee's bureau CO (or to the Chief of Staff for crashes involving Direct Reports) within 20 business days.

The bureau CO must forward the FSR package to the employee's CO within ten business days. The employee's CO will complete the adjudication, advise the employee of the recommended adjudication, and submit the package to the bureau within 45 business days. The bureau must forward the FSR package to the DFSC for final review within 20 business days of receipt from the Area/division. If the traffic crash involves a Direct Report, the adjudication will be handled by the Chief of Staff. The bureau/Area/division COs must comply with the FSR completion guidelines.

If the employee's CO determines a Complaint, Form 01.28.00, should be generated, the CO should initiate the complaint prior to submitting the FSR to the bureau for review. The statute date for the personnel complaint, as it pertains to the traffic crash, shall be one year from the date the crash occurred, or one year from the date of the discovery of the crash.

If the traffic crash meets the criteria for submission to the EFSC, no complaint will be generated by the employee's CO and the necessity for a complaint will be determined by the EFSC. The statute date will remain as one year from the date of the crash, or one year from the date of the discovery of the crash. For both



scenarios, the statute date for misconduct other than crash factor, will be one year from the date the misconduct was discovered by a supervisor.

**Note:** Adjudications of employee-involved traffic crashes must be conducted by command staff of at least one civil service rank above the concerned employee and within their chain of command.

**Administrative Review of Traffic Crashes Involving Employee's Gross Negligence or Reckless Disregard for Safety.** For traffic crashes involving an employee's gross negligence or reckless disregard for safety when such action creates a high risk of death or serious bodily injury, the DFSC will forward the FSR package to the DTC within 20 business days of receipt.

**Administrative Review of Traffic Crashes Resulting in Severe or Fatal Injuries/Reviewed by the Executive Fleet Safety Committee.** For traffic crashes involving "A" or "K" injuries, consumption of alcohol or drugs or which may result in a criminal filing; or traffic crash(s) resulting in an employee accruing eight or more points or four preventable traffic crashes within 36 months, the DFSC will compile the FSR package and forward it within 20 business days to the DTC. The DTC will convene the EFSC within 60 business days of receipt of the FSR package from the DFSC. The Committee's recommendation will be submitted to the Chief of Police for final adjudication.

**207.20 TRAINING DIVISION, RESPONSIBILITIES.** Training Division will coordinate the Traffic Crash Debrief for all traffic crashes involving injuries (visible, "A" or "K"). When directed training is required, the Commanding Officer (CO), Training Division, must ensure the corresponding Division of Records (DR) number and the reason for the training (e.g., Traffic Crash Debrief, three points accrued within 24 months) is entered into the Training Evaluation and Management System for the involved employee.

**207.30 EMPLOYEE-INVOLVED TRAFFIC CRASH POINT SYSTEM CRITERIA.** The criteria for the point system lies in the following four levels of preventable traffic crashes:

**Level One Crash.**

- Disregard for safety, not an issue; and,
- Complained of injuries or no injuries.

**Level Two Crash.**

- Disregard for safety, not an issue; and,
- Traffic crashes with visible injuries not amounting to "A" or "K."

**Level Three Crash.** A Level Three Crash involves any of the following:

- Unauthorized Code Three;
- Unsafe speed for conditions;
- Failure to yield/stop; and/or,
- Other unsafe driving.

**Level Four Crash.** Preventable Level Four Crashes will result in a personnel complaint, directed driver training, and other action deemed appropriate by the Executive Fleet Safety Committee (EFSC) or Department Traffic Coordinator (DTC). A Level Four Crash involves any of the following:

- Traffic crashes with "A" or "K" injuries or that result from the consumption of alcohol or drugs, or which result in a criminal filing against the employee; or,

**Note:** Level Four Crashes (preventable and non-preventable) with "A" or "K" injuries or which result from the consumption of alcohol or drugs, or which result in a criminal filing against the employee will be reviewed by the EFSC and recommendation(s) submitted to the Chief of Police for final adjudication.

- Traffic crashes involving an employee's gross negligence or reckless disregard for safety (action creates a high risk of death or serious bodily injury).

**Note:** All traffic crashes involving the employee's gross negligence or reckless disregard for safety will be adjudicated by the DTC.

**Point Count Criteria and Guidance and Remediation Thresholds.** A preventable traffic crash that meets the criteria of any of the four levels must be assigned a number of points according to the schedule below. Points accrue for each traffic crash on the date of the crash and remain countable for 36 months from the date of the crash. After 36 months, the point or points are no longer countable toward the total.

Non-Preventable Crashes:	0 points
Level One Crash:	1 point
Level Two Crash:	2 points
Level Three Crash:	3 points
Level Four Crash:	4 points

When three points are accrued in 24 months, the CO must direct the employee to a formal standardized driver improvement training course conducted by Training Division (Directed Driver Training) and take any additional action deemed appropriate. This training does not reduce the point count.

When an employee accrues five to seven points in 36 months, the CO must prohibit the employee from driving a City vehicle for six months (Driving Restriction) and take any additional action deemed appropriate, which may include, but is not limited to, formalized driver training, a loan to a Traffic Division, a written safe driving course, or an appearance at roll calls to explain occurrence.

**Note:** If an employee with a six-month driving restriction is promoted or transferred to a position which requires driving, the decision to rescind the driving restriction will be made by the DTC. If the driving restriction remains, then the employee's probationary period must be extended for the remaining period of the driving restriction.

When an employee accrues eight or more points or four preventable traffic crashes within 36 months, the DFSC will forward within 20 business days the Fleet Safety Report (FSR) package to the DTC. The DTC will convene the EFSC for appropriate action, which may include the administrative transfer of the concerned employee after the final adjudication of the latest preventable traffic crash appeal. The employee will be transferred to another geographic division and will not be permitted to drive a City vehicle or return to the prior division for one year. The current administrative transfer process will be applied and the employee may submit three choices for a transfer location. The new division of assignment will be determined by the Department, and the employee may or may not be transferred to a division of their choice. The Chief of Police retains the final authority to approve or disapprove administrative transfers pursuant to this policy.

**Point Count Reduction.** If an employee attends formal driver improvement training of at least four hours in length conducted by a bona fide traffic school on a voluntary, off-duty basis without compensation, the

Department will remove one point from the employee's point count. The voluntary training is acquired by the employee for the employee's own benefit. This may be done no more than once in any 24-month period. The employee must forward a copy of the certificate of completion to the DFSC to be filed with the FSR Package.

#### **207.50 APPEAL OF PREVENTABLE TRAFFIC CRASH FINDING OR INCIDENT POINT**

**VALUE.** Whether an employee does or does not respond orally or in writing to the commanding officer (CO) or Department Traffic Coordinator's (DTC) determination or to the Executive Fleet Safety Committee (EFSC), if the employee wishes to appeal the CO or DTC's findings or EFSC's recommendations, the employee will have only one appeal per incident as follows:

- Within 30 business days of receiving the CO or DTC's findings or the EFSC recommendations, the employee must submit a written appeal on an Employee's Report, Form 15.07.00, to the Department Fleet Safety Coordinator (DFSC);
- The appeal must be forwarded to the DFSC with a copy of the Traffic Crash Report, the CO or DTC's findings or EFSC's recommendations, a statement of the disposition the employee wants, and the reasons the employee believes the requested disposition should ensue; and,
- The employee may submit other documents or evidence relevant to the appeal with the Employee's Report. The appeal shall only concern the point-value assigned to the crash and/or the finding of "preventable." The employee may request additional discovery items through their chain of command which will be provided in allowance by using the same guidelines used in a Board of Rights. A request will be forwarded to the DTC for approval. The employee will only be entitled to copies and materials used to substantiate the decision as to the matter being appealed.

Previous preventable traffic crashes which were not appealed in a timely manner or which have already been otherwise adjudicated will not be the subject of this preventable traffic crash appeal.

**Exception:** If an employee accrues eight or more points or four preventable traffic crashes within 36 months and is going to be administratively transferred, the employee may contest the finding of "preventable" on the current traffic crash and the point-count value of any of the counted traffic crashes. If as a result of the Preventable Traffic Crash Appeal, it is determined that the total number of points does not exceed the 8 point count, the employee shall have the right of first refusal to be immediately transferred back to the division from which he/she was administratively transferred subject to the approval of the Chief of Police (COP).

Employees will be entitled to an employee representative to assist in formulating a written appeal in accordance with the provisions of the applicable Memorandum of Understanding. The DFSC will forward the appeal documentation to the DTC. If the employee and their representative elect to, they may do an in-person appeal to the EFSC. This request should be submitted with their written appeal and the DTC will schedule the employee for an in-person appeal before the EFSC. The EFSC will either uphold or reject the initial finding of "preventable."

The DTC will review the employee's written appeal, and findings of the EFSC if applicable, and make a recommendation to the COP within 30 business days. The COP will render a written decision, including rationale, within 30 business days. The written decision and rationale by the COP will be sent to the CO, Emergency Operations Division, to distribute to the employee, the employee's CO and the DFSC.

The decision of the COP is final and binding. If no written appeal as described in this policy is filed by the employee within 30 business days of receiving the CO or DTC's findings or the EFSC recommendations, the matter is closed and final. All timelines in this Order, not covered by law, statute, or charter, may be extended

when due to articulable, exigent circumstances, with the approval of the DTC. Exigent circumstances include, but are not limited to, analysis of evidence, employee injury, and/or criminal prosecution.

## **208. MOTORIZED POLICE ESCORTS.**

**208.10 REQUESTING MOTORIZED ESCORTS.** All requests for Department personnel and equipment for escort service shall be referred to the Commanding Officer, Emergency Operations Division. When the office of the Commanding Officer, Emergency Operations Division, is closed, requests for motorized escorts shall be referred to the Commanding Officer, Detective Support and Vice Division. A request for escort service shall not be granted except with the permission of the Commanding Officer, Emergency Operations Division, or a delegated authority, subject to approval of the Chief of Police.

**208.20 AUTHORIZING MOTORIZED ESCORTS.** Motorized police escorts may be granted under the following circumstances:

- For the personal safety of individuals or groups, such as the President, the Vice President, and Cabinet members of the United States, or ambassadors of foreign nations when their safety can be assured in no other manner and the protection is requested by an official government agency;
- For the personal safety of individuals or groups about whom revolve controversial issues of such significance that the threat of violence or disorder is imminent;
- For a private or public event, such as a street parade, officially approved, when circumstances threaten public safety or indicate a serious disruption of normal traffic flow; and,
- At the discretion of the Commanding Officer, Emergency Operations Division, when safety of the public, an individual, or a group is of concern to the Department.

Normally, requests for escorts shall not be granted to any person for the purpose of expediting his/her journey or to provide publicity or personal convenience. Police escorts operating under emergency conditions shall confine their activities to those emergencies within the meaning of the California Vehicle Code.

**209. PULL NOTICE PROGRAM.** All employees who have commercial driver's licenses (defined as Class A or Class B driver's licenses, or Class C driver's licenses with a commercial endorsement as defined in Section 1808.1 of the California Vehicle Code) **and** who have been proficiency tested by the Emergency Vehicle Operation Course (EVOC) Unit, Training Division, to operate Department vehicles or equipment that require these classes of licenses shall be registered in the Pull Notice Program.

**Note:** Only Department employees who have commercial driver's licenses **and** have been proficiency tested by the EVOC Unit may operate Department vehicles or equipment for which commercial driver's licenses are required. Employees with commercial driver's licenses who have not been proficiency tested by the EVOC Unit are prohibited from operating such Department vehicles and equipment.

**Employee's - Responsibility.** Employees with commercial driver's licenses who have been proficiency tested by the EVOC Unit to operate Department vehicles or equipment that require a commercial driver's license shall notify their commanding officer when they obtain the license and whenever their commercial driver's license changes classification.

**Commanding Officer's - Responsibility.** Commanding officers shall ensure that:

- All personnel in their commands who operate vehicles or equipment requiring a commercial driver's license are properly licensed and proficiency tested by the EVOC Unit prior to operating the vehicles or equipment;

**Note:** Commanding officers may request Department proficiency testing of employees for commercial driver's licenses by forwarding an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Training Division.

- A request to register employees in the Pull Notice Program is forwarded to Traffic Coordination Section whenever employees obtain commercial driver's licenses **and** the employees;
- Are proficiency tested by the EVOC Unit, Training Division;
- Will be operating Department vehicles or equipment for which a commercial driver's license is required;

**Note:** A copy of the request shall be forwarded to the EVOC Unit, Training Division.

- Appropriate certification records for employees operating commercial vehicles or equipment are on file in the employees' Area/division of assignment; and,
- Traffic Coordination Section and the EVOC Unit are notified whenever an employee with a commercial driver's license reports a change in driver's license classification or is transferred to another command.

**Note:** Commercial driver's license certification records shall be forwarded to the new command when an employee transfers.

**Traffic Coordination Section - Responsibility.** Traffic Coordination Section shall be responsible for the following duties:

- Coordinating and administering the Department's Pull Notice Program;
- Maintaining Pull Notice Program records;
- Making additions to and deletions from the Pull Notice Program as required;
- Reviewing all pull notices received from the Department of Motor Vehicles;
- Forwarding pull notices that indicate action taken against an employee's driver's license to the employee's commanding officer; and,

**Note:** A copy of the pull notices shall also be forwarded to the EVOC Unit, Training Division.

- Updating Department Pull Notice Program records when pull notices are returned by commanding officers after appropriate action has been taken.

**Training Division - Responsibility.** Training Division shall be responsible for the following duties:

- Conducting driver proficiency testing and certification for every sworn and civilian Department employee who operates vehicles or equipment that require a commercial driver's license;
- Conducting periodic on-site inspections of commercial driver certification records to ensure that records are being properly maintained at Areas/divisions; and,
- Ensuring that Training Management System records are updated to include commercial driver's license information for each employee at the time the license is issued or whenever notification is received that the status of a license has changed.

**Officers in Special Assignments.** Commanding officers of employees with Department-certified commercial driver's licenses who are transferred into special assignments which require having employee records removed from Department files shall ensure that the employees are also removed from the Pull Notice Program. This can

be accomplished by adding Pull Notice Program records to the Personnel Division copy of the hand-delivered Form 15.02.00 which removes other records. Commanding officers of employees in special assignments shall ensure that the employees who have Department-certified commercial driver's licenses are re-registered in the Pull Notice Program upon their transfer from the special assignment by submitting an Intradepartmental Correspondence, Form 15.02.00, to the Officer in Charge, Traffic Coordination Section.

**209.10 INVESTIGATING REPORTS OF DMV ACTION AGAINST EMPLOYEES WITH COMMERCIAL DRIVER'S LICENSES.** Upon receiving a pull notice from Traffic Coordination Section, commanding officers shall:

- Ensure that the affected employee takes the appropriate action to clear his or her driving record, as necessary;
- After the employee takes the appropriate action, cause a statement to be made on the notice that the matter has been corrected (or that no action was appropriate), have the commanding officer's signature block placed on the notice, sign the notice, and return it to Traffic Coordination Section. All DMV, court, or other documentation relating to clearance of the pull notice shall be forwarded with the notice as attachments; and,

**Note:** A copy of completed pull notices shall also be forwarded to the EVOC Unit, Training Division.

- Where the information in the pull notice could be construed as misconduct, ensure that the appropriate investigation is conducted.

**209.20 NOTIFICATION OF AN EMPLOYEE'S LICENSE RESTRICTION.** All Department employees who are required to possess a valid California driver's license as a condition of their employment shall immediately notify their commanding officer whenever their driver's license is or is about to be revoked, suspended, restricted or limited in **any** way. This notification may be made directly to the commanding officer through an employee's supervisor. The employee shall provide the supervisor or commanding officer with a copy of any related paperwork. Failure to make this notification in a timely manner is considered misconduct. An employee shall notify the commanding officer when his/her license is reinstated.

**Note:** This includes all sworn employees and some non-sworn employees regardless of their current assignment. Civilian Personnel Services Section, Personnel Division, can assist in determining which non-sworn classifications require a valid driver's license.

**Supervisor Responsibility.** Upon being notified that an employee's driver's license has been revoked, suspended, restricted, or limited, a supervisor shall evaluate the circumstances and, if appropriate, immediately modify the employee's assignment to ensure the employee does not violate the restriction(s). The supervisor shall document the incident on an Employee Comment Sheet, Form 01.77.00, and forward the form, along with any paperwork, to the employee's commanding officer.

**Commanding Officer Responsibility.** Upon being notified of any DMV action against an employee's driver's license, the commanding officer shall ensure that the employee's assignment is modified to comply with the restrictions. The commanding officer shall consult with the Commanding Officer, Internal Affairs Division and his/her bureau commanding officer or equivalents. In cases where administrative discipline is appropriate, the commanding officer shall cause an investigation to be initiated. Upon return of a valid license, the commanding officer shall evaluate the employee's assignment and may allow the employee to reintegrate into an assignment requiring the operation of a Department vehicle.

**Bureau Commanding Officer.** Bureau commanding officers shall ensure that an investigation is conducted and appropriate action is taken with respect to any restrictions to an employee's driver's license.

**210. SUBPOENAS.** The duties of investigating officers in connection with the handling of subpoenas are listed in Manual Section 4/745. The duties of other employees in connection with the handling of subpoenas are established by this section.

**210.02 DEPARTMENT ELECTRONIC MAIL DISTRIBUTION AND SERVICE OF SUBPOENAS.** The Los Angeles Office of the City Attorney (CA) and the Los Angeles County District Attorney's Office (DA) will electronically forward all subpoenas to the Electronic Subpoena System. The subpoenas will then be automatically forwarded to the subpoenaed employee served via electronic mail (e-mail). When an employee opens an e-mail containing an electronic subpoena, this constitutes acknowledgment of service and receipt of the subpoena. Electronic subpoenas convey the same responsibilities as a personally served (paper) subpoena.

**Note:** During the initial phase of implementation of the Electronic Subpoena System the electronic subpoena sent via e-mail will contain a "link" directing the subpoenaed employee to "click" the link in order to acknowledge receipt of the electronic subpoena. Upon receiving an electronic subpoena, employees **shall** acknowledge receipt of the electronic subpoena by clicking the appropriate link.

The Electronic Subpoena System will document the service of subpoenas. Subpoena Control Officers (SCO) and designated supervisors will have access to the Electronic Subpoena System and be able to monitor the subpoena service status by utilizing the Electronic Subpoena System.

**Note:** All subpoenas not issued by the DA and CA will continue to be served via personal service of a paper original.

**SUBPOENA CANCELLATIONS.** If it is determined that an employee is not needed for a court proceeding and the employee can be cancelled, the SCO shall change the status of the Electronic Subpoena to "called-off" and cause a notification to be sent to the employee via e-mail. Subpoena cancellations will be delivered to employees in the same manner as electronic subpoenas. Employees are required to open and acknowledge electronic subpoena cancellations in the same manner as required by the original subpoena. An employee opening and acknowledging the electronic subpoena cancellation constitutes service of the cancellation to that employee and supersedes the sent subpoena.

**Note:** It is anticipated that in a second phase of Electronic Subpoena System implementation, the DA will be able to directly initiate the cancellation or "call-off" of a subpoenaed employee.

**EMPLOYEE'S RESPONSIBILITIES.** Employees receiving electronic subpoenas are subject to the same responsibilities as with a personal subpoena service. The employee will be considered personally served via e-mail and shall appear in court or be placed on-call for court, as directed by the subpoena. Employees subject to electronic subpoena service shall:

- Check the Electronic Subpoena System at least once during each workday and open all electronic subpoenas and subpoena cancellations;

**Note:** During the initial phase of implementation, employees **shall** acknowledge the electronic subpoena or cancellation by clicking the appropriate reply link.

- If for any reason, an employee is unable to access the Electronic Subpoena System during a workday, the employee shall contact his or her SCO or supervisor and ensure that he or she is served with subpoenas that have been sent to his or her e-mail account;
- Immediately advise the SCO and a supervisor if he or she does not have e-mail access;
- Notify the SCO if the DA or CA notifies him or her directly of a change in the status of the court proceeding (e.g., placed on-call, excused, etc.) and provide the SCO with the case number and the District Attorney's or City Attorneys name and contact information;
- Comply with the procedure delineated in Department Manual Section 3/210.25, *Requesting Release from Court Appearance (Vacation)*; and,
- Immediately notify the SCO upon receiving a subpoena that was sent to them in error.

**SUBPOENA CONTROL OFFICER'S RESPONSIBILITIES.** In addition to the duties delineated in Department Manual Sections 3/210.10, 3/210.22, and 3/210.45, SCOs shall:

- Monitor the status of subpoenas in the Electronic Subpoena System throughout the workday to ensure that employees are opening them in a timely manner;
- Check the Electronic Subpoena System for employees who request assistance in accessing electronic subpoenas;
- Print subpoenas for officers who do not have e-mail access;
- Cause any employee without e-mail access to be personally served with a paper subpoena and the service recorded in the Employee Subpoena Record, Form 15.29.00;
- Maintain Employee Subpoena Records in the Area/division court book for service of those employees without e-mail access;
- Maintain Employee Subpoena Records and the Area/division court book as needed (i.e., to record dispositions, personally serve DA or CA subpoenas for those employees who do not have e-mail access, and personally serve all other types of subpoenas);

**Note:** Dispositions may be recorded in the Electronic Subpoena System comments section.

- Ensure employees are notified of any changes in the status of a court proceeding (e.g., "be-there" changed to "on-call");

**Note:** Notification of employees may be in person, telephonically, or via e-mail as is appropriate to ensure prompt service.

- Contact the DA or CA when multiple officers are subpoenaed for the same case and attempt to obtain a cancellation for employees who are not needed for the court proceeding;
- Ensure the status of cancelled employees is changed in the Electronic Subpoena System from "served" to "called-off," and the employee is subsequently notified;
- Ensure a subpoena sent to an employee in error is immediately resent to the correct employee;
- Subpoena Control Officers shall cause employees without e-mail access to be notified of any cancellation in a court proceeding;
- Notify the employee's supervisor if the employee does not have e-mail access;
- Notify the employee's supervisor if the employee has not opened a "sent" subpoena within (3) working days;
- Notify the employee's supervisor when a subpoena is "sent" less than (3) working days prior to the date of the court proceeding;
- Notify the DA or CA of the service by telephonic or electronic means;
- Notify the DA or CA, as required by the court, when an employee cannot be served (e.g., vacation, days off, Electronic Subpoena System status, "Sent – Out of Office," etc.); and,



- Forward subpoenas from the DA or CA to the appropriate Area/division via the Electronic Subpoena System when a subpoena is received for an officer assigned to another Area/division.

**SUPERVISOR'S RESPONSIBILITIES.** Supervisors shall ensure the following:

- Employees check the Electronic Subpoena System (e-mail) at least once per workday;
- Employees who are sent subpoenas within (3) days of the court proceeding are appropriately notified;
- New employees or employees who do not have e-mail access obtain access as soon as practicable;
- Employees who, for any reason, are unable to access e-mail obtain assistance with subpoena service from the SCO or a supervisor;
- Employees who do not have e-mail access shall be personally served with a paper subpoena; and,
- The Employee Subpoena Record is maintained in the Area/division court book for service of those employees without e-mail access.

**WATCH COMMANDER'S RESPONSIBILITIES.** Area/division watch commanders shall ensure:

- Employees access their Electronic Subpoena System (e-mail) and acknowledge subpoenas and/or cancellations at least once per workday;
- New employees and employees without e-mail access, obtain access as soon as practicable; and,
- Subpoena Control Officers or supervisors personally serve DA or CA subpoenas to those officers without e-mail access.

**COMMANDING OFFICER'S RESPONSIBILITIES.** Commanding officers shall ensure the following:

- Employees are aware of Department policy regarding court overtime;
- Subpoena Control Officers and employees utilize the Electronic Subpoena System and e-mail for the delivery, service, and cancellation of DA or CA subpoenas;
- New employees and employees without e-mail access are able to obtain access as soon as practicable;
- Ensure all SCOs have access to a designated Local Area Network computer;
- Supervisors are appropriately trained to access the Electronic Subpoena System and able to assist employees in the absence of the SCO;
- Information Technology Division is advised immediately via e-mail or Intradepartmental Correspondence, Form 15.02.00, of the name and serial number of the SCO, alternate SCO, and subsequent SCO in the event of a reassignment;
- Subpoena Control Officers and alternates receive training on the Electronic Subpoena System;
- Alternate SCO and/or supervisors are appropriately designated to obtain full access to the Electronic Subpoena System during the absence of the SCO (e.g., holidays, vacations, etc.); and,
- Employee Subpoena Records and court books are maintained, as needed.

**OFFICER IN CHARGE, DETECTIVE SUPPORT SERVICES, DETECTIVE SUPPORT AND VICE DIVISION.** The Officer in Charge, Detective Support Services, Detective Support and Vice Division shall designate a Master SCO. The Master SCO shall have supervisory oversight of the duties and training of all SCOs, oversee the operations of the Electronic Subpoena System, and be responsible for reconciling sent subpoenas when the Area SCO is unable to determine the Area/division of the respective employee.

**210.05 SUBPOENA CONTROL OFFICERS - DESIGNATION.** Each Area commanding officer shall designate an officer in his or her command as Area subpoena control officer. Each specialized detective or

traffic division commanding officer **may**, when the volume of subpoenas indicates the necessity, designate a divisional subpoena control officer. Subpoena control officers shall be assigned to a duty schedule that will ensure their presence during normal court hours.

**210.10 SUBPOENA CONTROL OFFICER'S - RESPONSIBILITIES.** The subpoena control officers (or the designee) shall be responsible for:

- Ensuring that subpoenas and court notices are prepared on a timely basis;
- Receiving and recording subpoenas and court notices in the Employee Subpoena Record, Form 15.29.00 as soon as practicable after receipt in the Area/division;

**Note:** To ensure strict accountability for subpoenas and to ensure that current information pertaining to subpoenas is readily available, the subpoena control officer responsibilities shall not be decentralized within the Area/division.

- Arranging for, and verifying service of, subpoenas and court notices for all watches;
- Ensuring that the watch commander is promptly notified of any subpoena (private person or employee) requiring immediate service;
- Monitoring the subpoena service status by utilizing the Electronic Subpoena System;
- Forwarding control copies of served subpoenas and court notices to the courts or issuing jurisdictions;
- Notifying the city attorney or district attorney when an employee cannot be served before the date set for the court appearance;

**Exception:** When an investigating officer requests service of a subpoena for a preliminary hearing, it shall be returned to the investigating officer as soon as it is served. If a private person cannot be served before the date set for court appearance, the investigating officer shall be notified as soon as practicable by telephone.

- Forwarding subpoenas and court notices to the proper division when a subpoena or court notice is received for an officer assigned to another division. When there is insufficient time to forward the subpoena or court notice before the date of court appearance, the watch commander on-duty at the subpoenaed employee's division of assignment shall be notified as soon as practicable by telephone;
- Reviewing all Declarations for Continuance, Forms 15.51.00 placing a notation in the Employee Subpoena Record that the declaration was completed. The subpoena control officer shall maintain the file of these requests for two years;
- When notified that an employee's on-call status in Superior Court has been continued to another date, conduct the following;
  - Input the necessary information following the new date in the Employee Subpoena Record;
  - Notify the employee of the continuance of on-call status; and, have the employee to initial the new entry in the Employee Subpoena Record;

For Narcotics Evidence Photographs:

- Upon receipt of the narcotics evidence photographs from Forensic Science Division (FSD), maintain a file of the photographs by Division of Records (DR) number;

- Check each subpoena for a narcotics case to ensure that the photograph(s) is on file and so mark the Subpoena Control Book. If the photograph cannot be located, the subpoena control officer shall contact FSD, Narcotics Analysis Unit immediately and request a copy of the photograph;
- Provide the photograph(s) to the officer when requested for court purposes and mark the Subpoena Control Book to indicate the photograph(s) was provided to the officer;
- Re-file any returned photograph(s) and mark the Subpoena Control Book; and,
- Store all photographs until notified by the Property Disposition Coordinator (PDC) that the photograph(s) can be destroyed.

For City Attorney's Discovery Questionnaire:

- Log the questionnaire in the Employee Subpoena Record by entering:
  - The Office of the Los Angeles City Attorney's (CA) due date;
  - The case number;
  - The officer's name; and,
  - Give the questionnaire to the officer's supervisor without delay.

Upon receipt of the completed questionnaire from the officer's supervisor, the subpoena control officer (or the designee) shall:

- Record the date of return in the Employee Subpoena Record; and,
- Immediately return the questionnaire to the CA's Office.

Geographic Area commanding officers shall ensure that the Area subpoena control officer or the designee:

- Maintain a file of **all** Restraining Orders [e.g., Domestic Violence Restraining Orders (DVRO's), Emergency Protective Orders (EPO's), Workplace Harassment Orders (WHO's,) etc.];
- Maintain a Restraining Order Control Log, Form 15.40.00, of all Restraining Orders received from the courts; and,

**Note:** Only Areas are required to use this form. Records and Identification Division (R&I) may use its own Restraining Order Log.

- Compile all Restraining Order Control Logs in a three-ring, loose-leaf binder and place the binder in a location accessible to Area uniformed desk personnel and the on-duty watch commander.

Geographic Areas shall retain purged Restraining orders for two years from date of expiration. According to the Records Retention Schedule, Restraining Orders are to be kept on site for two years. Then the Restraining Orders may be destroyed.

**For Digital In-Car Video System (DICVS) and Body Worn Video (BWV) Footage:**

- Log the subpoena into the Electronic Subpoena System (eSubpoena);
- Create an Evidence.com Case Folder with all DICVS and BWV evidence of the traffic stop; and, share the case folder with the citing officer.

**Note:** Subpoena Control Officers may select the option to have the DICVS produced on removable media when the circumstance of the evidence request is best suited for that delivery format.

**210.12 OFFICER RESPONSIBILITY WHEN NOTIFIED OF A COURT APPEARANCE.** When Department employees receive a subpoena or are notified that their presence is required at a legislative, judicial or administrative proceeding, regardless of the jurisdiction, employees shall immediately:

- Ensure that the necessary information is entered in the Employee Subpoena Record, Form 15.29.00;
- Notify their supervisor who shall complete the service information, examine the Employee Subpoena Record for completeness and initial the Form 15.29.00; and,
- Sign and date the subpoena and cause the original to be returned to the court.

**210.15 CLERICAL EMPLOYEE'S DUTIES - SUBPOENAS.** A record clerk shall:

- Complete a Court Notice, Form 15.57.00, for each employee named in a subpoena teletype and each employee named in a subpoena received with insufficient copies; and,
- Deliver all subpoenas and completed court notices to the subpoena control officer *immediately*.

**Note:** When the subpoena control officer is unavailable, subpoenas and court notices shall be delivered to the watch commander on-duty. The watch commander shall ensure that those subpoenas and court notices which require immediate service are served and the control copies of these and all other subpoenas and court notices are delivered to the subpoena control officer.

**210.20 WATCH COMMANDER'S RESPONSIBILITY - SUBPOENAS.** A watch commander, upon receiving a subpoena or Court Notice, Form 15.57.00, shall ensure that it is served promptly.

**Note:** Subpoenas requiring *immediate* service shall be given special attention.

Additionally, the watch commander shall ensure that the following subpoena procedures are followed:

**Officer-Criminal.**

- The subpoenaed officer shall sign the subpoena or court notice and initial the Employee Subpoena Record signifying that service has been made;
- The subpoena or court notice shall be signed and dated at the time it is served; and,
- The original of the subpoena or court notice shall be returned to the subpoena control officer.

**Officer-Civil.**

- The subpoenaed officer shall initial the Employee Subpoena Record;
- The officer shall complete the Declaration of Receipt/Expenditure of Funds, Form 15.24.00, as required (Manual Section 3/780.50); and,
- The record clerk shall forward the Declaration of Receipt/Expenditure of Funds to the Police Accountant.

**Private Person.**

- The subpoena shall be assigned to the subpoena control officer for service; and,
- The subpoena's final disposition "Served" or "Unserved," shall be indicated on the subpoena itself.

**City Attorney's Discovery Questionnaire.**

- The officer shall be served during his/her next regularly scheduled tour of duty;
- The Employee Subpoena Record, Form 15.29.00, shall be dated and initialed by the serving supervisor;
- The serving supervisor shall ensure that the officer initials the Employee Subpoena Record, Form 15.29.00, signifying that service has been made;
- The serving supervisor shall ensure that the questionnaire is returned directly to him/her upon completion; and,
- The supervisor shall examine the questionnaire for completeness and return it to the subpoena control officer.

**210.22 RETURN OF SUBPOENAS TO ISSUING COURT.** The subpoena control officer of each Area/division shall be responsible for the return of all subpoenas as soon as they have been served or noted as. Subpoenas shall be returned via Department mail and Los Angeles County messenger service as follows:

- Municipal Court subpoenas signed by the District Attorney;  
District Attorney's Office Trials  
Secretarial Unit 171138  
Criminal Courts Building  
Los Angeles
- Municipal Court subpoenas signed by the City Attorney;  
City Attorney's Office  
1700 City Hall East  
200 North Main Street  
Los Angeles
- Juvenile Court subpoenas,  
Metropolitan Area,  
Division 201 through 206;  
  
District Attorney's Office  
Juvenile Division  
560 Hall of Records  
320 West Temple Street  
Los Angeles
- Superior Court subpoenas for cases being heard in the Criminal Courts Building;  
District Attorney's Office  
Witness Assistance Section  
12514 Criminal Courts Building  
Los Angeles
- Superior Court subpoenas for cases being heard in the Branch Offices, such as Van Nuys, Sylmar or Santa Monica must be addressed to those branches.
- Public Defender subpoenas;  
Public Defender's Office  
19513 Criminal Courts Building  
Los Angeles

**Note:** Private defense attorney subpoenas shall be returned to the individual attorney via U.S. Mail.

## **210.23 RETURN OF CIVIL SUBPOENAS (Manual Section 3/780.40)**

### **210.25 EMPLOYEE'S DUTIES - REQUESTING RELEASE FROM COURT APPEARANCE.**

**(Vacation).** A subpoenaed employee who wishes to be excused from appearing in court in order to go out of the County of Los Angeles on vacation shall proceed as follows:

**Traffic Court.** Immediately upon receipt of a Court Notice, Form 15.57.00, for their appearance in traffic court, related to a traffic citation which does not involve a City Attorney subpoena or juvenile court case, an officer may request to be excused by completing a Request to be Excused from Traffic Court Appearance, Form 04.70.00, and submitting it to their commanding officer for approval or disapproval.

#### **Misdemeanor Cases.**

- Immediately upon receipt of the subpoena, complete two copies of the Declaration for Continuance, Form 15.51.00, containing;
- All facts to which the employee can testify;
- General information as to address of officer while out of the County, and dates of absence;
- Submit the Form 15.51.00 to the watch commander for approval;
- Forward one copy of the Form 15.51.00 to the Area/division Subpoena Control officer; and,
- Forward original to the deputy city attorney (Manual Section 3/210.45).

**Preliminary Hearings and Felony Trials.** Request permission from the deputy district attorney of the concerned court.

If permission is granted, complete two copies of the employees Report, Form 15.07.00, containing:

- Defendant's name;
- Court division or department number;
- Case number;
- Date of trial;
- Name of deputy district attorney excusing officer from court appearance; and,
- Submit the Form 15.07.00 to the watch commander for approval and forward one copy to the investigating officers and the original to the Area/division subpoena control officer.

**Note:** Vacations shall include regular and special days off taken in conjunction with the vacation period.

**210.28 EMPLOYEE'S DUTIES – REQUESTING RELEASE FROM COURT APPEARANCE ON TRAFFIC CITATIONS.** An officer may request to be excused from Traffic Court, related to a traffic citation, when all of the following are met:

- The officer's traffic court appearance does not involve a City Attorney subpoena or a juvenile court case;

**Note:** A traffic citation subject to a City Attorney subpoena is a case where the City Attorney's Office has filed charges and issued a subpoena for the appearance of the officer. A juvenile court case is a case involving a juvenile "violation" and a subpoena has been issued by the Superior Court requiring the appearance of the officer.

- The reason to be excused is deemed necessary and outweighs Department needs and the severity of the charges/offenses involved; and,

- The officer's request to be excused is listed on the Request to be Excused from Traffic Court Appearance form (e.g., family bonding leave, essential Department training).

**Note:** "Essential Department Training" is defined as training of a unique nature that cannot be re-scheduled within an immediate time frame, multi-day training wherein a single court appearance would jeopardize completion of the course of instruction, or out-of-the-area training where pre-paid fees would be forfeited as a result of the officer's failure to attend the training.

**Officer's Responsibility.** Officers who receive a Court Notice, Form 15.57.00, for their appearance in traffic court, related to a traffic citation, may request to be excused from Traffic Court. Officers requesting to be excused shall:

- Complete a Request to be Excused from Traffic Court Appearance, (Form 04.70.00);
- Submit the Request to be Excused from Traffic Court Appearance form to their commanding officer for approval or disapproval; and,
- If the request is denied, the officer shall appear in traffic court as notified.

**Note:** An officer is not excused from his/her traffic court appearance until the request has been approved by his/her commanding officer (or bureau commanding officer when applicable) and the officer has received a signed copy of the approved Request to be Excused from Traffic Court Appearance form.

**Commanding Officer's Responsibility.** Upon review of the Request to be Excused from Traffic Court Appearance form, the commanding officer shall:

- Approve or deny the Request to be Excused from Traffic Court Appearance form;
- Forward the original completed Request to be Excused from a Traffic Court Appearance form to the Area/divisional Subpoena Control Officer (SCO) and forward a copy to the bureau commanding officer; or,
- If bureau approval is required, forward the original Request to be Excused from Traffic Court Appearance form to the bureau commanding officer for approval or disapproval; and,
- Provide a copy of the completed Request to be Excused from a Traffic Court Appearance form to the officer after approval or disapproval by the bureau commanding officer, when applicable.

**Bureau Commanding Officer's Responsibility.** Upon review of the Request to be Excused from a Traffic Court Appearance form, the bureau commanding officer shall:

- When bureau approval is required, approve or deny the Request to be Excused from Traffic Court Appearance form;
- Forward the original Request to be Excused from Traffic Court Appearance form to the applicable court liaison unit; and,
- Forward a copy of the Request to be Excused from Traffic Court Appearance form to the Area/divisional commanding officer of the requesting officer.

**Note:** When bureau approval is not required, the bureau commanding officer shall review requests to ensure proper compliance.

**Subpoena Control Officer's Responsibility.** Area/divisional SCO's upon receiving the original Request to be Excused from Traffic Court Appearance form shall:

- Record the commanding officer's/bureau commanding officer's determination on the Officer Subpoena Record, Form 15.29.00, adjacent to the traffic court case; and,
- Forward the original Request to be Excused from Traffic Court Appearance form to the applicable court liaison unit.

**Court Liaison Unit's Responsibility.** Upon receiving an approved Request to be Excused from Traffic Court Appearance form, personnel assigned to the applicable court liaison unit shall:

- Record the determination of the Request to be Excused from Traffic Court Appearance form on the related court calendar; and,
- Retain the Request to be Excused from Traffic Court Appearance form pursuant to Records Retention requirements.

**Note:** Court Liaison Unit personnel shall utilize the Court Notice, Form 15.57.00, when notifying Department employees of a court appearance related to a traffic citation.

**210.30 EMPLOYEE'S DUTIES - UNABLE TO APPEAR IN RESPONSE TO SUBPOENA.** A subpoenaed employee, who will be unable to appear in court or at a parole revocation hearing on time for any valid reason (such as illness or injury), shall notify the subpoena control officer or, in his or her absence, the concerned watch commander as soon as practicable.

**210.45 SUBPOENA CONTROL OFFICER - UNABLE TO SERVE SUBPOENA ON EMPLOYEE, OR UNABLE TO APPEAR IN COURT.** A subpoena control officer, when unable to arrange for the service of a subpoena on an employee before the date set for court appearance, or when notified that a subpoenaed employee will be unable to appear in court for any valid reason, shall proceed as follows:

**In All Cases.**

- Record the reason for non-service and obtain his watch commander's signature on the subpoena; and,
- In the case of a subpoena teletype, the watch commander of the division from which the teletype was sent shall be immediately notified by telephone.

**Misdemeanor Cases.**

Complete three copies of the Declaration for Continuance, Form 15.51.01, containing:

- Defendant's name;
- Court division number;
- Case number;
- Officer's name and serial number;
- Date of trial;
- Facts to which the employee can testify (obtained from the subpoenaed employee or by summarizing narrative portion of arrest report);
- Reason for inability to serve employee (when on vacation out of County, state location and dates of absence-when on military leave, state location of reporting for military duty and dates of absence); and,
- The degree of impairment, and the approximate length of time for recovery.

**Note:** The above explanations shall also be included for injured-on-duty illnesses or injuries.



- Date employee will be able to appear;
- His or her watch commander's signature, indicating approval; and,
- Forward the original and one copy of the subpoena as follows:
  - For Municipal Court (except traffic) in the metropolitan area, to the Master Calendar Court Deputy, Room 1700, City Hall East, 200 North Main Street, Los Angeles, California 90012.
  - For misdemeanor traffic cases in the metropolitan area, to the deputy city attorney, 1945 South Hill Street.
  - For misdemeanor cases in outlying divisions, to the deputy city attorney of the concerned court.
  - Retain one copy in the Area/division subpoena control officer's files for two years.

**Note:** When time does not permit the use of interdepartmental mail, divisions having officers scheduled for appearance in court in the metropolitan area shall send a teletype Declaration for Continuance to the Warrant Section, Records and Identification Division. The teletype shall contain the information required on the Form 15.51.01. The Warrant Section, upon receiving the teletype, shall transcribe the information contained therein on a Form 15.51.01. This form shall then be executed and delivered to the concerned court.

#### **Preliminary Hearings and Felony Trials.**

- If the subpoena service was requested by an investigating officer, he or she shall be immediately notified by telephone; and,
- For preliminary hearings and felony trials, notify by telephone the deputy district attorney of the concerned court.

**City Attorney's Discovery Questionnaires.** If an officer named on a City Attorney's Questionnaire is scheduled to be off duty for a period of time extending beyond the city attorney's due date, the concerned supervisor shall:

- Initial the questionnaire and indicate the date the officer is scheduled to return; and,
- Immediately return the questionnaire to the subpoena control officer who shall forward it *without delay* to Detective Support and Vice Division.

**Defense Subpoenas.** When unable to arrange for the service of a defense subpoena upon an employee prior to the specified appearance date, or when notified that a defense-subpoenaed employee is unable to appear on the specified appearance date, the subpoena control officer shall:

- Immediately notify the prosecuting and defense attorneys; and,
- Notify the clerk of the court on the date of the scheduled appearance.

**210.46 SUBPOENA CONTROL OFFICER'S DUTIES - JUVENILE COURT HEARINGS - UNABLE TO APPEAR IN COURT.** The subpoena control officer shall cause immediate notification to be made to the concerned section of the Juvenile Division of the District Attorney's Office when:

- He or she is unable to serve a Juvenile Court subpoena or a Juvenile Court Traffic Notice on an officer. The reason for non-service, or why the officer is unable to appear, shall be given; and,
- He or she is notified that a subpoenaed officer will be unable to appear. Notifications shall be made prior to the time set for court appearance.

**Exception:** Notification shall be made directly to the Long Beach Juvenile Court and all traffic divisions of the Juvenile Court.

**210.60 DEPARTMENT EMPLOYEES APPEARING AS DEFENSE WITNESSES.** A Department employee shall notify his or her commanding officer as soon as possible prior to giving testimony as a defense witness in a criminal case, either by personal appearance or by deposition. The notification shall be made on an Employee's Report, Form 15.07.00, and shall contain the following items if applicable:

- Type of case;
- Names of investigating officers;
- Name of concerned government agency (City Attorney's Office, District Attorney's Office, etc.);
- Name of defendant (or plaintiff);
- Court number of case;
- Location where the hearing is to be held (court division or street address); and,
- Date and time of appearance.

Commanding officers, upon receipt of the notification, shall immediately notify the investigating officers and the attorney for the concerned government agency.

**210.63 DEPARTMENT EMPLOYEES APPEARING AT GOVERNMENTAL ADMINISTRATIVE HEARINGS.** A Department employee must notify his or her commanding officer upon receipt of a request to appear at an administrative hearing, conducted by another governmental agency, which may result in disciplinary action against an employee of the concerned agency. The notification must be made on an Employee's Report, Form 15.07.00, and must contain the following information:

- Type of case;
- Governmental agency involved;
- Date, time, and location of hearing;
- Nature of hearing;
- Name of accused employee involved; and,
- Nature of the Department employee's involvement.

Upon receipt of such notification, the employee's commanding officer will determine whether the information which the employee is likely to divulge may be confidential in nature or has a potential for personal or City liability in a civil lawsuit. When there is a possibility that such information may be divulged, the commanding officer will notify his or her superior officer at the bureau level. The staff officer must evaluate the information and, if appropriate, notify the Commanding Officer, Risk Management and Legal Affairs Division. The Commanding Officer, Risk Management and Legal Affairs Division, must make arrangements with the City Attorney's Office to provide advice to, and if necessary appear with, the employee.

Additionally, the commanding officer must cause the concerned agency to be notified of the employee's intended appearance.

**Employees Appearing Off-Duty at Governmental Administrative Hearings.** An employee who will be appearing off-duty at a governmental administrative hearing as a character witness or representative must complete an Employee's Report, Form 15.07.00, to the employee's commanding officer advising the commanding officer of the appearance. The Form 15.07.00 must contain the following information:

- Type of case;

- Governmental agency involved;
- Date, time, and location of the hearing;
- Name of the applicant or organization involved; and,
- Nature of the employee's involvement.

Whenever an employee's affiliation with the Department is disclosed during an off-duty appearance at an administrative hearing, the employee must advise the hearing officer that the employee is appearing as a private person and is not representing the Department.

Supervisors reviewing Form 15.07.00 notifications of off-duty appearances at governmental administrative hearings must discuss the appearance with the employee and ensure that the employee is aware that he or she is appearing as a private person and does not represent the Department.

Commanding officers notified of off-duty appearances at governmental administrative hearings will review the Form 15.07.00 notification to ensure that no conflict of interest exists. If it is determined that a conflict may exist, the commanding officer must ensure that the employee is appropriately counseled prior to the appearance date.

**Note:** Employees have a right to appear at hearings as private persons. Counseling will be limited to ensuring that the employee understands his or her private person status, that the employee understands the requirement to advise the hearing officer of that status if his or her affiliation with the Department is disclosed during the hearing, and the nature of any conflict of interest that may exist.

**210.80 COURT COORDINATORS - DUTIES.** Detective division watch commanders designated as court coordinators shall:

- Telephonically receive from the Trial Liaison Section, District Attorney's Bureau of Investigation, all notifications for officers "on-call" in Superior Court when the employees are needed in court, or when their on-call status has been extended or continued to another date; and,
- Immediately relay the information to the employee's watch commander.

## **211. DISCOVERY MOTIONS.**

### **211.40 DISCOVERY PROCEDURES FOR PERSONNEL RECORDS.**

**211.45 COMMANDING OFFICER, RISK MANAGEMENT AND LEGAL AFFAIRS DIVISION-RESPONSIBILITY.** Upon receipt of a discovery motion for a police officer's personnel records, the Commanding Officer, Risk Management and Legal Affairs Division, must:

- Determine which officers are affected by the discovery motion and complete a Notification of Pretrial Discovery Motion for each affected officer; and,
- Direct the completed forms for Notification of Pretrial Discovery Motion to the commanding officer of the officer's division of assignment notifying him or her that a motion for pretrial discovery has been filed.

**211.47 AREA/DIVISION COMMANDING OFFICER-RESPONSIBILITY.** Upon receipt of a Notice of Pretrial Discovery from Risk Management and Legal Affairs Division, the commanding officer must:

- Notify the affected officer of the discovery motion and record the fact that the notification was made on the appropriate section of the Notice of Pretrial Discovery; and,

- Return the completed Notice of Pretrial Discovery to the Commanding Officer, Risk Management and Legal Affairs Division.

## **212. ON - CALL STATUS COURT.**

**212.10 ON-DUTY DAY - WATCH EMPLOYEE'S - RESPONSIBILITIES.** An employee assigned to day watch who receives a subpoena for "on-call" court and who is on-duty on the date of the court appearance shall:

- Report for his/her normal duty assignment;
- Advise his/her supervisor of the "on-call" status for that date; and,
- Cause the subpoena control officer to place a check mark in the "on call" column opposite the employee's name on the concerned entry in the Employees Subpoena Record, Form 15.29.00.

**Note:** The "on-call" status shall terminate at 1300 hours unless an employee is notified that it has been extended.

**212.20 ON CALL STATUS AND OFF - DUTY EMPLOYEE'S - RESPONSIBILITIES.** An employee must report to court or remain on-call, as directed by the subpoena. When a subpoena includes a statement that the concerned employee has been placed "on-call," the off-duty employee must not report to the designated court, unless directed to do so by the concerned court liaison personnel, Area/division subpoena control officer, designated supervisor or the assigned prosecuting attorney. An off-duty employee who is on call for court must:

- Ensure that the Area/division subpoena control officer has a valid telephone number where the employee can be reached;
- Be available to appear in court within one hour after receiving notification to report to the concerned court; and,
- Remain on-call until 1600 hours that day, unless notified earlier of the termination of the employee's on-call status.

**212.30 OVERTIME COMPENSATION FOR COURT.** Court overtime compensation for sworn personnel shall be administered according to the current administrative order on overtime provisions.

**212.40 COURT APPEARANCE NOTIFICATIONS - RESPONSIBILITY.** When notified by a member of the District Attorney's Office that an on-call employee is needed in court, the watch commander shall be responsible for ensuring that the employee is notified immediately.

When notified by a member of the District Attorney's Office that an employee is needed in court in conjunction with a Superior Court subpoena for which the employee was previously on-call, the watch commander shall make a concerted effort to notify the employee of the date and time to appear in court. When the employee cannot be contacted, the requesting deputy district attorney shall be notified without delay and shall be informed of the date the employee is next scheduled to report for duty.

## **214. COURT CONTINUANCES**

**214.50 COURT CONTINUANCES - EMPLOYEE'S DUTIES.** An employee who receives notice of a court case continuance shall:

- Cause the notation "Continued to (date), Div. (number)" and his or her initials to be entered in the Officer Subpoena Record, Form 15.29.00;
- Cause an entry to be made in the Officer Subpoena Record, Form 15.29.00, under the date to which the case was continued; and,

- Cause the person scheduled for court appearance to be notified of the continuance.

## **216. SUMMONS**

**216.50 CITY ATTORNEY'S SUMMONS TO OFFICER.** An employee who receives a notice to appear at the City Attorney's Office concerning a traffic citation or an arrest he/she has completed shall notify his/her commanding officer. The commanding officer shall assign a supervisor to attend the hearing with the employee.

**217. PAROLE REVOCATION HEARINGS.** A teletype from the California Department of Corrections requesting the appearance of an employee at a pre-revocation or revocation hearing shall be handled in the same manner as a subpoena teletype, in accordance with Manual Section 3/210.

**217.50 SUBPOENA CONTROL OFFICER'S DUTIES-UNABLE TO SERVE PAROLE REVOCATION HEARING TELETYPE ON OFFICER, OR OFFICER UNABLE TO APPEAR AT HEARING.** The subpoena control officer shall notify the Region III Administration Office, Community Services Division, of the California Department of Corrections when an employee is unable to appear at a pre-revocation or revocation hearing. If possible, notification shall be made at least three days prior to the date of the hearing.

**Note:** When the subpoena control officer is unavailable, the watch commander shall make the notification.

## **218. REQUESTS FOR LEGAL SERVICES.**

**218.30 GENERAL LEGAL INFORMATION.** Department personnel desiring information of a general legal nature may telephonically contact RMLAD to request the information. During off-hours, personnel desiring this information shall seek the advice of a supervisor. In cases when a Department supervisor is unable to determine an appropriate course of action, he/she may contact RMLAD through the Department Command Post.

**218.60 FORMAL LEGAL OPINIONS.** Risk Management and Legal Affairs Division will process all request by Department entities for legal opinions from the Office of the City Attorney. Department entities requiring opinions will forward their request to the Commanding Officer, RMLAD, through their bureau commanding officer or equivalent for review and approval.

**Exception:** Entities conducting staff research or preparing directives on behalf of the Office of the Chief of Police may submit requests for formal legal opinions directly to RMLAD.

**Bureau Commanding Officer's Responsibility.** Bureau commanding officers, or their equivalent, must review the request for appropriateness and, upon approval, forward the request to the Commanding Officer, RMLAD.

**Risk Management and Legal Affairs Division Responsibility.** The Commanding Officer, RMLAD, must:

- Maintain a repository of previous City Attorney opinions;
- Review the request and determine if a City Attorney opinion is appropriate or required;
- When necessary, research and review previous City Attorney opinions on the issue;
- Forward the request to the Office of the City Attorney for the opinion; and,
- Establish and designate a RMLAD employee to respond to emergency requests for legal information from Department employees through the Department Command Post during off-hours.

**219. REQUESTS FOR CHANGES OF REPORTING DISTRICTS.** Commanding officers desiring changes of reporting districts shall forward an Intradepartmental Correspondence, Form 15.02.00, containing

justifications for the requested changes, through channels, to the Commanding Officer, Information Technology Division. Information Technology Division shall research the requests to ensure that the requested changes are consistent with established criteria based on work load, census tracts, and natural physical boundaries.

## **220. STAFF RESEARCH.**

**220.01 STAFF RESEARCH - DEFINED.** Staff research is any study which will be reported in a formal writing endorsed by a command or staff officer.

**220.02 ORIGINATING STAFF RESEARCH.** The originator of a staff research project shall ensure that the original of the Staff Research Control Form, Form 01.15.00, is forwarded through channels to the unit that will be conducting the staff research.

**Note:** Requests for staff action requiring Policy Analysis and Development Unit to conduct legal or forms development research or to publish Special Orders, Memoranda, Notices or other formal directives which will be distributed Department-wide shall be made on the Intradepartmental Correspondence, Form 15.02.00, and forwarded through the chain of command to the Bureau Commanding Officer of the requesting employee. If approved, the request shall be forwarded to the Office of Constitutional Policing and Policy.

**220.12 PRIMARY AUTHOR - DEFINED.** The primary author of a staff research report is the Department employee who did more of the research and writing than any other employee. If there are co-authors who make any equivalent contributions, the primary author shall be the employee designated by the immediate supervisor of all co-authors assigned to the staff research project.

**220.13 PRIMARY AUTHOR OF THE STAFF RESEARCH REPORT - RESPONSIBILITY.** The primary author of each staff research report shall:

- Complete the Staff Research Index Form, Form 01.15.01, when the staff research report is completed; and,

**Note:** Confidential information shall not be included on the Staff Research Index Form.

- Forward the completed Staff Research Index Form, with the completed staff research report through channels to the commanding officer responsible for the staff research report.

**220.16 COMMANDING OFFICER IMMEDIATELY RESPONSIBLE FOR THE STAFF RESEARCH REPORT - RESPONSIBILITY.** The commanding officer immediately responsible for each staff research report shall:

- Sign the completed Staff Research Index Form, Form 01.15.01, after approving the completed staff research report; and,
- Forward the completed Staff Research Index Form without delay to the Director, Office of Constitutional Policing and Policy.

**Note:** If later revisions substantially alter the subject matter, not merely the contents, of the staff research report, OCPP staff shall be contacted by telephone to make changes in the SRI.

**220.17 Director, OFFICE OF CONSTITUTIONAL POLICING AND POLICY - RESPONSIBILITY.** The Director, OCPP, shall:

- Cause the appropriate information to be entered in the SRI from all completed Staff Research Index Forms received in OCPP; and,
- Cause information from the SRI to be disseminated to Department employees upon request.

**220.50 PARTICIPATION IN SURVEYS INITIATED BY OUTSIDE ORGANIZATIONS.** When a request for the Department to participate in a survey or research project is received from an agency, organization or individual outside of this Department, it shall be forwarded to the appropriate staff unit for evaluation. The employee who is assigned to evaluate the request shall determine:

- The anticipated cost to the Department, and whether any such cost is reimbursable;
- What benefits the Department would gain by participating and whether the benefits would be sufficient to justify the costs incurred in participating;
- Whether the Department would be permitted to review the final report before publication, and if so, whether the Department would be permitted to offer comments; and,
- What legal ramifications are involved.

When a request to participate in a survey or research project has been evaluated, the commanding officer shall be responsible for review of the staff evaluation and approval or disapproval of the request.

In evaluating requests, the following criteria shall apply:

- The survey or project would benefit law enforcement;
- The anticipated cost to the Department is \$ 1,500.00 or less;
- The project will have no impact on future operations of the Department;
- Preparing and forwarding through channels a recommendation for consideration and review by the Chief of Police when the staff evaluation reveals;
- The anticipated cost to the Department is more than \$1,500.00; and,
- The project will have an impact on future operations of the Department.

**Note:** The Chief of Police will forward approved recommendations regarding such requests to the Board of Police Commissioners for review and approval. When the anticipated costs incurred by participation in a survey or research project will exceed \$5,000.00, the Board of Police Commissioners will forward the request to the City Council for its review and approval.

**220.51 EXTERNAL (NON-DEPARTMENT) AUDITS/INSPECTIONS.** Area/division commanding officers and the Commanding Officer, Audit Division (AD), will have the following responsibilities when an external audit/inspection is requested to be completed by the Department:

**AREA/DIVISION COMMANDING OFFICER'S RESPONSIBILITIES.** The Area/division commanding officers will be responsible for the following:

- Upon receiving a request for documents or notification by an outside entity (e.g., FBI, DOJ, POST, etc.) of their intent to conduct an audit/inspection, the commanding officer must immediately forward a notification via Intradepartmental Correspondence, Form 15.02.00, through their designated chain-of-command, to the Commanding Officer, AD;
- When made aware by an outside entity that an audit/inspection was conducted remotely, via a correspondence/report, the commanding officer of the concerned Area/division must immediately forward the correspondence/report, along with an Intradepartmental Correspondence, through their designated chain-of-command, to the Commanding Officer, AD;

- If an outside entity arrives unannounced to conduct an audit/inspection or advises any Department entity of its intention to conduct an audit, the commanding officer of the concerned Area/division must immediately telephonically notify the Commanding Officer, AD, and then forward a notification via Intradepartmental Correspondence, through their designated chain-of-command, to the Commanding Officer, AD;
- If an outside entity provides a final report upon completion of an audit, the commanding officer of the concerned Area/division must immediately forward the final report to the Commanding Officer, AD; and,
- If an audit or source document cannot be completed or provided within the time frame specified by AD, the commanding officer of the concerned Area/division must immediately notify the Commanding Officer, AD. The immediate notification may include a telephonic communication to the Commanding Officer, AD.

**Note:** The concerned bureau chief **must always** be included when routing an Intradepartmental Correspondence through the chain-of-command. Any communication between the Department and an outside entity must be treated as official correspondence and requires the concerned bureau commanding officer's signature.

**Audit Division's RESPONSIBILITIES.** Audit Division will be responsible for the following:

- Submit each notification to the Office of Constitutional Policing and Policy for approval/denial and direction as to whether a Department entity should conduct an audit or gather source documents for the external request;
- Evaluate and respond to any request from the Department to conduct an audit for an external source;
- Monitor and track data sent to outside entities;
- Maintain copies of all completed audits/inspections, pursuant to external requests; and,
- Obtain a copy of the requesting outside entity's final report.

**Note:** The Commanding Officer, AD, **must** consult Risk Management and Legal Affairs Division when it is deemed that an audit may involve sensitive material.

**220.55 CONDUCTING INTERNAL SURVEYS.** Department personnel shall obtain the approval of the Employee Relations Administrator **prior** to conducting an internal survey.

**Employee - Responsibility.** An employee who intends to utilize a survey instrument to obtain information from Department personnel shall prepare an Intradepartmental Correspondence, Form 15.02.00, with supporting documentation. The Form 15.02.00 shall contain the following information:

- The rationale for conducting the employee survey;
- Whether the employee response will be anonymous or identify the respondent;
- Whether participation is voluntary or required; and,
- A description of the method used to communicate the results of the employee survey.

The Form 15.02.00 and a **copy of the proposed employee survey instrument** shall be forwarded via the chain of command to the Employee Relations Administrator, Employee Relations Group.

**The Employee Relations Administrator - Responsibility.** The Employee Relations Administrator shall review and evaluate any request for approval to use an employee survey. The Employee Relations Administrator shall approve or disapprove the request and shall ensure that the following criteria are met:



- The employee survey is not in conflict with the right of employee organizations to represent the interests of their members;
- The employee survey is appropriate in content and methodology; and,
- The employee survey would benefit the Department and/or law enforcement.

**222. CHANGE OF WATCH.** Change of watch is that time at which the responsibility for the operation of a police division passes from one watch to another. It is normally preceded by a roll call period for the watch coming on-duty.

**222.02 STANDARDIZED CHANGE OF WATCH PROCEDURES FOR PATROL AND TRAFFIC DIVISIONS.** Specified patrol and traffic division employees shall be assigned to divisional watches at the beginning of each deployment period (DP). For the purpose of applying watch assignment procedures, there are three primary watches: AM, Day, and PM watches. All mid-watches are included within a primary watch for purposes of watch assignment. Once assigned to a primary watch, an employee may indicate a preference for the primary or mid-watch, but may be assigned to either watch during any deployment period based on Department needs and/or the employee's request.

**Definitions.**

**Discretionary Watch Assignment Pools.** The five discretionary watch assignment pools are comprised of, respectively, Lieutenants I/Watch Commanders, Sergeants II/Assistant Watch Commanders, probationary Sergeant I, traffic trainees, and Police Officers I.

**Primary Watch Assignment Pools.** The five primary watch assignment pools are comprised of, respectively, Police Officers II, Police Officer II+2, Police Officers III, Sergeant I+2, and non-probationary Sergeants I.

**Exempt Positions.** Community Traffic Services, subpoena control, other specialized task forces or details, traffic loanees, and light-duty personnel are exempt positions.

**Senior Officers.** As determined by service as sworn members of the Department, the most senior employees within each non-supervisory primary watch assignment pool, not to exceed fifteen percent of each pool, are designated "senior officer," for watch assignment purposes only. Police Officers II and III with 20 years or more of service as sworn Department employees, not to exceed four percent of the total Police Officers II and III in the division of assignment, will be awarded their choice of watch. The balance of the Police Officers II and III in the division with 20 or more years of service as sworn Department employee shall be exempt from working one watch of their choice. These officers must not represent more than 50 percent of any given watch.

The top five Sergeant I's in the division of assignment with 20 years or more of service shall be afforded watch seniority. The top two will have their choice of watch and the remaining three will be exempt from working one watch of their choice.

Eligible officers shall submit an Employee's Report, Form 15.07.00 to their commanding officer requesting to be awarded or exempt from a specific watch. Those employees eligible to choose or exempt a specific watch will change as seniority within the division changes.

**Exception:** Officers assigned to specialty assignments such as Special Problem Units (SPU), Gang Impact Teams (GIT), subpoena control officers, complaint officers, and special task forces, shall be exempt from the change of watch policy and their hours shall be set by their commanding officers.

**Eligibility for Department Schools.** Officers with 20 or more years of service as a sworn Department employee shall be allowed to attend a Department school of their choice, annually, provided that the officer meets the criteria to attend the school and the school is within his or her scope of normal responsibility. Requests to attend the school shall be made on an Employee's Report and submitted to their commanding officer for approval.

**Watch Seniority.** Watch Seniority is established by the number of consecutive deployment periods an employee has been assigned to the same watch, and is used to determine an employee's ability to request a change of watch *and* be bumped from a watch. Watch seniority continues to accrue during periods of absence such as sick, injured on duty, leave of absence, and vacation. Watch seniority **does not** accrue, at any time, during activation to military duty in excess of one DP.

**Bumping.** Bumping is the involuntary movement of an employee from their current assigned watch. Employees who have completed a minimum of six full consecutive DPs on the same watch are eligible to be bumped from the watch. No employee shall be bumped from a watch unless an eligible employee has properly requested a transfer to that watch and no vacancy exists to accommodate the requesting employee.

#### **Watch Assignment Criteria.**

**Discretionary Area Watch Assignment Pools.** Employees are assigned to watches at the discretion of the Area/division commanding officer. Generally, these employees will remain on a watch for a minimum of three deployment periods before becoming eligible for a change of watch.

**Primary Watch Assignment Pools.** Employees shall be assigned to watches in accordance with the following criteria:

- An employee shall complete a minimum of three consecutive full DPs on the same watch before becoming eligible for an *employee-requested transfer* to another watch;
- If more than one employee requests a change of watch and there are not enough available positions on the desired watch to accommodate all requesting employees, priority will be given to the requesting employee with the most watch seniority;
- If no more than one employee has the same watch seniority, seniority as a sworn member of the Department will be the deciding factor;
- When more than one employee is eligible to be bumped from a watch, the employee with the most watch seniority will be bumped first;
- If there is more than one employee with the same watch seniority, the employee with the least seniority as a sworn member of the Department will be bumped first;
- If the bumped employee has submitted a change of watch request **prior** to being bumped, the employee's request will be considered, provided a vacancy exists on the requested watch;
- An employee desiring to remain on one watch for as long as possible may submit a request indicating a secondary watch preference should the employee be bumped;
- At the discretion of the commanding officer, personnel may be temporarily "loaned" to another watch to meet deployment needs;
- Employees assigned to a Basic Car shall rotate within their assigned Basic Car to ensure car integrity. However, the commanding officer may assign officers from one Basic Car to another to meet the needs of the employee, the Department, and/or the community;

**Note:** Officers assigned to the same Basic Car for a period of two years or more shall have the option to switch to another Basic Car.

- When an employee is loaned to another watch to meet the division's needs, the loan period shall not be counted as time on the original watch;
- In the best interest of the Department and its employees, the commanding officer may prohibit changing watches during the deployment periods containing Thanksgiving, Christmas, and New Year designated holidays; and,
- An employee who has a personal hardship and would be significantly affected by a change of watch, may, at the discretion of the commanding officer, be temporarily exempt from being bumped until such time that the hardship is resolved. The determination as to the existence of such hardship will be at the sole discretion of the commanding officer, whose decision shall be final.

**Exception:** Within each eligible pool, the designated senior officers will be assigned to their watch of choice, not to exceed 50 percent assigned to the same watch. **Eligible officers must request a seniority exemption assignment to their watch of choice.** Those eligible to choose a specific watch will change as seniority within the division changes.

**Exempt Position.** Employees in exempt positions are assigned at the discretion of the commanding officer. Watch hours for exempt positions are at the discretion of the commanding officer.

**Employee Responsibilities.** An employee requesting a change in watch assignment shall be guided by the following criteria:

- All requests for a watch assignment shall be submitted to their commanding officer via an Employee's Report no later than **0800 hours on the second Monday** of the DP prior to the requested effective date;
- An employee may submit a change of watch request at any time, but the requested effective DP or date shall be **after** three or more DP's on the employee's current watch;
- Officers requesting a seniority exemption must submit an Employee's Report to their commanding officer requesting to be assigned a watch of choice;
- An employee may submit a request on an Employee's Report indicating a secondary watch preference, should the employee be eligible to be bumped, at any time. In such cases, there is no need to indicate an effective date or DP; and,
- An employee may request a watch change or exemption from being bumped, due to a personal hardship, at any time via an Employee's Report.

**Commanding Officer's Responsibilities.** The commanding officer shall update Area/divisional watch seniority information each DP and make the information available to Area/division personnel.

**Note:** The commanding officer may make exceptions to the change of watch procedure when it is in the best interest of the Department, the division and/or the individual employee. In addition, the commanding officer may temporarily modify the change of watch policy to provide for unexpected contingencies, such as unusual occurrences, mobilizations, etc.

**222.05 HOURS OF WATCH.** Each commanding officer shall establish the hours of duty for the watches of his/her division, subject to review by the bureau commanding officer.

**222.10 ROLL CALL PERIOD.** Roll call period for a watch shall normally commence forty-five minutes prior to the time established for the watch to start its tour of duty. If necessary to meet operating conditions, a group commanding officer or a bureau commanding officer may direct a division commanding officer to establish a daily roll call period of greater or lesser length.

**222.15 ROLL CALL REQUIRED.** Each watch commander of the following divisions shall conduct a roll call period each day prior to the time established for his watch to start its tour of duty:

- All geographic uniformed divisions;
- Metropolitan Division;
- Communications Division; and,
- Traffic divisions.

**222.20 PREPARATION FOR ROLL CALL.** Watch Commanders (WC) may adjust their work hours to begin their watch 15 minutes prior to their start of watch in order to prepare for roll call. Any additional time requires commanding officer's approval. If a supervisor other than the WC believes he/she needs to report to work early to prepare for roll call, he/she shall obtain prior approval from their immediate supervisor. If a supervisor receives approval to report early for a shift, his/her work hours should be adjusted, so that they remain consistent with his/her total number of scheduled work hours that day, barring exigent circumstances. If an employee adjusts their start of watch but is unable to adjust their end of watch for that day, he/she shall obtain approval to work overtime and complete an overtime report for any overtime worked. Adjusted time shall not be carried over to a different work day. All employees shall comply with overtime procedures established in Department Manual Section 3/708.02.

**222.25 SUPERVISION OF THE DIVISION DURING ROLL CALL.** The division commanding officer shall establish a procedure for ensuring that field supervision of division operations is maintained for the off-going watch during the time that roll call is being conducted for the oncoming watch. Whenever practicable, one supervisor of the watch then in the field shall remain available in the station during the roll call period of the succeeding watch.

If a supervisor of the preceding watch is not available for duty in the station during the roll call period, or if there has been no preceding watch, a supervisor of the oncoming watch shall remain available in the station during roll call, if practicable.

**222.30 ROLL CALL ATTENDANCE.** All officers of divisions listed in Manual Section 3/222.15 shall attend the roll call for their watch, except as provided in Manual Section 3/222.25. The watch commander shall conduct the roll call and remain present during the entire roll call period. Supervisors and station personnel shall attend roll call, but may be dismissed early by the watch commander to assume their assigned duties.

**222.35 ROLL CALL UNIFORM REQUIREMENTS.** Each employee assigned to uniformed duty shall appear for roll call dressed in a proper uniform and wearing Department approved body armor and an authorized police equipment belt.

When directed by a supervisor, employees attending roll call shall stand inspection, dressed in a complete basic uniform, and with field equipment.

**222.40 ROLL CALL PROCEDURE.** Roll call shall be conducted as follows:

- Roll call of the employees of the watch. A notation shall be made of those who are present, absent, or tardy;
- Assignment of duties to each employee of the watch. If desired, the assignment of duty and call of the roll may be accomplished together;
- A training period, issuance of instructions, dissemination of information, and discussion of problems and special duties;

- Dismissal of certain employees to perform specific duties;
- Inspection of the employees of the watch (Manual Section 3/226.88); and,
- Dismissal of the remainder of the watch to assume their assigned duties.

The supervisor conducting the roll call may direct a deviation from this procedure in unusual circumstances.

**222.45 READING OF ORDERS TO WATCH.** A supervisor shall read, or cause to be read, to the employees of his or her watch for five consecutive days during the roll call period, all Area/division, Department and other orders which might affect employees of the watch. The employee reading an order to the watch shall indicate on the face of the order the following information:

- Watch;
- Last name and serial number of the person reading the order; and,
- Date the order is read.

**Example:** "PM-Jones, 1234, 6-26-68."

**222.50 EMPLOYEES TO REMAIN ON DUTY UNTIL RELIEVED.** Department employees, regardless of their duty assignment, shall work the full time assigned for their tour of duty, and shall not leave their assigned duty until such time as they are properly relieved.

An employee assigned to a duty requiring continuity of assignment may be relieved prior to the time established for the change of watch, provided the employee relieving accepts full responsibility for the assigned duties of the employee relieved, e.g., an on-duty watch commander (WC) may be relieved from WC responsibilities by the WC of the following watch. The relieved employee must remain until his/her actual end-of-watch, or if approved, leave prior to EOW by using available time off (compensatory time off, vacation time, etc.).

**Note:** An employee whose duties require him/her to remain on-duty past his/her scheduled end-of-watch shall notify his/her WC or commanding officer to obtain approval to work overtime. Additionally, an employee who works overtime shall complete an Overtime Report, Form 02.24.00. Employees shall comply with overtime procedures established in Department Manual Section 3/708.02.

An employee assigned duties not normally requiring continuity of assignment into the succeeding watch shall remain on-duty until the time established as end of watch, but need not be replaced in his or her duties by another employee in order to go off duty.

**222.55 OFFICERS TO HANDLE ASSIGNED CALLS.** An officer assigned to a unit which is dispatched on calls via radio shall not pass on to the succeeding watch any unanswered radio dispatches without prior permission of the watch commander.

**222.60 WATCH INSPECTION OF VEHICLES AND EQUIPMENT.** An inspection of vehicles and equipment being released by a watch going off duty shall be made by a supervisor. The supervisor shall cause his or her watch commander to be notified of any defects observed in vehicles or equipment.

**222.70 RECEIPT OF TELETYPE MESSAGES.** A watch commander shall cause all messages transmitted over the Department teletype system to his or her station to be read promptly upon receipt. Messages requiring action shall be acted upon without delay. Messages which should be read to the next watch shall be so marked.

**222.75 SUPERVISION OF MID-WATCHES.** Mid-watches, special traffic details, and other details which do not report at one of the regular times for change of watch shall be under the supervision of the watch commander

on-duty at the time the detail reports for duty. The responsibility for supervision of such detail is transferred at the change of watch to the watch commander coming on-duty.

**222.80 SUPERVISION OF SPECIAL DETAILS.** Supervision of special police details for premieres, parades, football games, or similar assignments shall be as directed by the officer in charge of the detail. The time for roll call and end of watch will be established by the officer in charge of the detail.

**223. REQUESTS FOR UNDERCOVER DRIVER LICENSES.** Commanding officers of Department entities requiring undercover driver licenses shall submit an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Vice Division. Commanding officers of Department entities possessing undercover driver licenses shall be responsible for their return to the Commanding Officer, Vice Division, when they are no longer needed for Department business. If an undercover driver license is stolen, lost or destroyed, the circumstances shall be documented immediately by the employee on the appropriate Investigative Report (IR) Form 03.01.00 or Employee's Report, Form 15.07.00. The employee's commanding officer shall evaluate the incident and forward a copy of the Employee's Report, Form 15.07.00, or IR, and a Form 15.02.00, to the Commanding Officer, Vice Division.

**Exception:** Major Crimes Division (MCD) shall assume corresponding responsibilities for MCD personnel. In addition, the Commanding Officer, IAD, shall have the sole responsibility for coordinating, procuring, returning, and maintaining undercover driver licenses for Ethics Enforcement personnel.

**223.05 TRAINING REQUIREMENT FOR SWORN PERSONNEL ASSIGNED TO UNDERCOVER OPERATIONS.** All sworn personnel assigned to undercover operations (i.e., undercover operator, undercover support, close-cover operator, and surveillance operator) must complete the Undercover Operations/Tactical Response Course **prior** to working in an undercover capacity.

Personnel assigned prior to January 1, 2013, must have completed either the two-hour or eight-hour Undercover Operations/Tactical Response Course. Personnel who have not completed the training or who are appointed or loaned (regardless of the duration of the loan) to undercover operations on or after January 1, 2013, must complete the eight-hour Undercover Operations/Tactical Response Course **prior** to working in an undercover capacity.

**Exception:** Bureau commanding officers may approve an extension to the training requirement due to operational necessity; however, that extension must be obtained prior to the employee working in an undercover assignment.

**Commanding Officer's Responsibilities.** Commanding officers must ensure that personnel within their commands who are assigned to undercover operations are in compliance with the training requirements. Commanding officers must notify Training Division via Intradepartmental Correspondence, Form 15.02.00, within 20 calendar days of an employee's assignment/loan to an undercover assignment.

Commanding officers may request an extension due to operational necessity, via Intradepartmental Correspondence, Form 15.02.00, to the bureau commanding officer, and must obtain bureau approval prior to allowing the employee to work in an undercover assignment. The commanding officer must ensure that the involved officer receives a safety briefing from the Area/division Training Coordinator prior to working in an undercover assignment, and the undercover officer must complete the eight-hour course within six months of assignment/loan. The commanding officer must ensure the Training Coordinator documents that the employee attended the safety briefing in the Training Management System.

## **224. TRANSMITTING LINE - UPS**

**224.10 TRANSMITTING LINE - UPS FOR AREAS AND TRAFFIC DIVISIONS.** The watch commander of the watch coming on-duty shall ensure that deployment information is transmitted to Communications Division on the appropriate Deployment Teletype Format, no later than 30 minutes prior to clearance time.

Scheduled changes in deployment which will occur prior to the sending of the next line-up shall be included on the Teletype Format. If unscheduled changes become necessary during a watch, the watch commander shall notify Communications Division. Extensive changes in the line-up shall be reported on a Teletype Format; minor changes may be telephonically reported.

**226. DRILL AND CEREMONIES.** Drill consists of certain movements by which a group of persons is moved in an orderly manner from one formation to another or from one location to another. Ceremonies consist of formations and movements in which an individual is given, or receives, honors or in which a group of persons exhibits equipment or state of training.

**226.05 DRILL AND CEREMONIES GUIDE.** The basic guide for drill and ceremonies for the Department is Field Manual 225, "Drill and Ceremonies," Department of the Army. In recognition of the requirements of the police service, the Chief of Police may direct that certain modifications to the drill prescribed by Field Manual 225 be made for the drill and ceremonies of the Department.

**226.10 DRILL AND CEREMONIES FORMATION.** The basic formation for drill and ceremonies of the Department is the platoon. A platoon may consist of one, two, three, or four ranks of employees. As many employees may be formed into each rank as is convenient with respect to the issuance of commands and the available area. A watch consisting of a considerable number of employees, or any other large group, may be formed into several platoons for convenience in command.

**Daily Inspections.** The watch commander shall indicate the formation to be used in performing a routine daily inspection of a watch.

**Special Inspections.** The division commanding officer or other commanding officer shall indicate the formation to be used in a special or formal inspection.

**Ceremonies.** The formation and drill to be used in ceremonies in which employees of the Department participate shall be indicated by the person in charge of the ceremony.

**226.15 FORMING RANKS FOR DRILL OR CEREMONIES.** Employees assembling into ranks for the purpose of drill or ceremony shall arrange themselves in descending order according to height so that the tallest employees occupy the right of each rank and the shortest employees occupy the left of each rank.

**226.20 DRILL COMMANDS.** Commands shall be given in a loud and distinct voice so as to be clearly understood by each employee being commanded.

**Note:** In this Chapter, preparatory commands are indicated by lower-case italics; commands of execution are indicated by upper-case italics.

**226.25 SALUTING DURING INSPECTIONS.** The salute need not be rendered during a routine inspection of a watch or other formation. The salute shall be rendered during formal ceremonies.

**226.30 REPORTS OF INSPECTIONS.** In the event of a personnel inspection by an officer of the rank of commander or higher, the watch commander (or other employee in charge of employees inspected) shall make a written report on the correction of any deficiencies noted. The report shall be addressed to the immediate superior of the employee submitting the report and shall be substantially in the following form:

"Sir:

At (time) on (date), an inspection of the (PM, Day, AM) watch was conducted by (name and rank). Deficiencies noted by the inspecting employee, and action taken as a result, are indicated below.

(Employee's name, serial number, deficiency, action, date).

(Signed by the watch commander or other person accompanying the inspecting employee)."

An original and two copies of the report shall be completed. The original and first copy are forwarded to the division commanding officer. The division commanding officer shall retain the first copy for his or her files. The division commanding officer shall endorse the original and forward it to the inspecting officer. The second copy of the report shall be retained by the watch commander or other employee in charge of the employees inspected.

**226.35 TYPES OF INSPECTION.** Inspection procedures utilized by the Department fall into two classes: formal and informal. The formal inspection procedure is intended for use during a ceremony or during an inspection conducted by a visiting dignitary. It may also be utilized during a formal inspection conducted by an officer of the rank of captain or higher.

The informal inspection procedure may be followed during a routine inspection of a watch by a watch commander or on other similar occasions such as an informal inspection of a group of employees by a staff officer.

**226.40 INSPECTION COMMANDS AND PROCEDURES.** An employee conducting an inspection shall proceed from the right of the line to the left of the line for the front of the first rank and then from left to right for the rear of the first rank. Successive ranks in each platoon shall be inspected in the same manner.

Ranks awaiting inspection may be given *Parade, REST* by the employee in charge of the platoon. The employee shall call each rank to attention prior to their being inspected. A rank which has been inspected may be given *Parade, REST* while other ranks are being inspected. At the conclusion of the inspection of the last employee in a platoon, equipment shall be returned and employees of the platoon-called to attention before the departure of the inspecting officer. The platoon may be given *Close Ranks, MARCH* and *Parade, REST* following the departure of the inspecting officer if other platoons are to be inspected.

**226.45 INSPECTION PARTY.** An employee conducting an inspection of a group of employees assembled in formation may be accompanied during the inspection by such persons as he or she may designate:

- If the inspection is being conducted by another person, the commanding officer of the unit being inspected shall place himself or herself to the left rear of the inspecting officer during the inspection tour; and,
- An employee may be designated by the inspecting employee to join the inspection party and to take notes on discrepancies observed by the inspection party. The notes may form a basis for the report made (Manual Section 3/226.30).



**226.60 HANDGUN INSPECTIONS.** The commands for semi-automatic pistol inspection and revolver inspection are the same, but the procedures differ.

**Revolver Inspection.** The commands and procedures for revolver inspection are as follows:

- The initial command is **Inspection, ARMS**. At the preparatory command, **Inspection**, each officer shall unfasten the flap or strap of his/her holster and grasp the handle of the revolver. A left-handed officer wearing his or her holster on the left side may use the left hand in the preparatory move;
- At the command of execution, **ARMS**, the revolver shall be drawn and held in the right hand. Left-handed officers wearing their holster on the left side may draw the revolver with their left hand and pass it to their right hand;
- The revolver shall be held initially in the right hand with the muzzle pointed downward. The right index finger shall be laid along the frame just below the cylinder. The right forearm and the revolver shall make an approximate angle of forty-five degrees with the ground, pointed neither straight ahead nor held parallel to the body, but at an approximate middle position convenient to the unloading of the weapon by the individual officer. The upper right arm shall be held vertically, close to the body;
- The left hand shall be brought up from the side and used to assist in unloading the revolver. The cylinder shall be opened, then the muzzle elevated so as to cause the ammunition to drop from the cylinder into the cupped left hand held below the cylinder. Any ammunition which is dropped while unloading the revolver shall be retrieved immediately;
- The left forearm and hand holding the ammunition shall be brought to a horizontal position, forearm and hand straight to the front, elbow close to the side. The ammunition shall be exhibited in the cupped palm of the left hand, thumb and fingers curled and joined to form a cup with the palm;
- The right hand holding the revolver shall be brought up to the inspection position simultaneously with the movement of the left hand to the inspection position;
- The revolver shall be held in the right hand for inspection. The thumb and the middle, ring, and little fingers shall grasp the gun in the normal grip of a right-handed shooter. The index finger shall be laid straight along the frame of the revolver just above the trigger guard and below the cylinder opening. The open cylinder shall be held four inches from the chest. The right forearm and the revolver shall be pointed at a forty-five-degree angle above the horizontal and parallel to a plane fronting the body; and,
- The command to return the revolver to the holster is **Return, ARMS**. At the preparatory command, **Return**, the revolver shall be lowered so that the muzzle points downward. The ammunition held in the left hand shall then be replaced in the cylinder. The officer may use both hands, shall look at what he or she is doing, and shall immediately retrieve any ammunition which is dropped during the reloading of the revolver. After reloading, the officer assumes a position of "Attention," with the revolver still held in the right hand and pointed downward at a forty-five-degree angle in front of the body with the cylinder open. At the command of execution, **ARMS**, the cylinder shall be closed by the left hand and the revolver replaced in the holster; the free hand shall be used to assist.

**Semi-Automatic Pistol Inspection.** The commands and procedures for semi-automatic pistol inspection are as follows:

**Note:** Prior to Inspection-Unloading the Semi-Automatic Pistol. A supervisor shall ensure that each officers' semi-automatic pistol which is to be inspected is unloaded, i.e., the chamber is emptied with the magazine removed at the Departmental loading/unloading barrel immediately prior to the inspection. The magazine shall

then be reinserted into the weapon and the cartridge previously removed from the chamber of the pistol shall be retained in a pocket of the officer's clothing until the inspection is over.

- The initial command is ***Inspection, ARMS***. At the preparatory command, ***Inspection***, officers shall remove the magazine from the holstered pistol and place it in the front waistband behind the equipment belt. Officers shall then unfasten the strap of their holster and grasp the weapon by the pistol grips (officers utilizing flap-holstered pistols shall unfasten the flap prior to removing the magazine). Left-handed officers wearing holsters on their left side may use their left hand in the preparatory moves;
- At the command of execution, ***ARMS***, pistols shall be drawn and officers shall lock the slides rearward. Officers armed with pistols which are equipped with a decocking lever shall place the lever in the downward position. Pistols shall be held in the right hand for inspection. Left-handed officers wearing holsters on their left side may draw their pistols with their left hand and pass it to their right hand;
- The thumb and the middle, ring, and little fingers shall grasp the pistol in the normal grip of a right-handed shooter. The index finger shall be laid straight along the frame of the pistol just above the trigger guard and below the slide. The pistol shall be held six inches from the chest. The right forearm and the pistol shall be pointed at a forty-five degree angle above the horizontal and parallel to a plane fronting the body;
- The magazine shall be removed from the waistband with the left hand. The left forearm and hand shall be brought to a horizontal position, forearm and hand straight to the front, elbow close to the side. The magazine shall be exhibited in the flat open palm of the left hand, with the top of the magazine pointed to the front and the magazine cartridges pointed to the left; and,
- The command to return the pistol to the holster is ***Return, ARMS***. At the preparatory command ***Return***, the magazine in the left hand shall be returned to the waistband, and the pistol shall be held forward and downward at a forty-five degree angle to the ground, at the command of execution, ***ARMS***, the slide shall be released by depressing the slide stop with the right thumb. The decocking lever shall be placed in the upward position and the pistol replaced in the holster. With the strong hand, the magazine shall be removed from the waistband and replaced into the holstered pistol; the officer shall then assume a position of attention.

**Note of Caution:** Supervisors shall admonish officers that immediately **after** the inspection is concluded, they shall ensure that a live cartridge is chambered in their pistols utilizing the Departmental loading/unloading barrel, and that the magazines loaded into the pistols are filled to capacity.

**226.64 HANDCUFF INSPECTION.** The commands and procedures for handcuff inspection are as follows:

- The initial command is ***Handcuffs, DRAW***. At the preparatory command, ***Handcuffs***, the handcuff case shall be unfastened and the handcuffs loosened in the case. An officer wearing a holster on the right side may use the left hand in the preparatory move;
- At the command of execution, ***DRAW***, the handcuffs shall be removed from the case. An officer wearing a handcuff case on the left side may remove the handcuffs with his or her left hand and pass them to the right hand. The index and middle fingers of the right hand shall be placed through the wrist openings in the handcuffs. The ring and little fingers shall be folded back to the palm of the right hand and held in place by the thumb. The upper right arm shall be held vertically, close to the side of the body. The right forearm shall be held straight to the front of the body and slightly above the horizontal;
- The key ring shall be unsnapped from the key holder and placed in the palm of the left hand. The upper left arm shall be held vertically and close to the side of the body. The left forearm shall be extended horizontally and straight to the front of the body;

- The command to return the handcuffs to their case is ***Handcuffs, RETURN***. There is no motion at the preparatory command ***Handcuffs***; and,
- At the command of execution, ***RETURN***, the officer shall replace the handcuffs in the handcuff case and fasten the flap. He/she shall replace the key ring on the key holder and then resume the position of "Attention."

**226.68 NOTEBOOK INSPECTION.** The commands and procedures for notebook inspection are as follows:

- The initial command is ***Notebooks, DRAW***. There is no motion at the preparatory command, ***Notebooks***;
- At the command of execution, ***DRAW***, the notebook shall be drawn and placed in the palm of the right hand. The upper right arm shall be held vertically and close to the body. The right forearm shall be extended horizontally and straight to the front of the body. The notebook shall be held in the right palm, with the right thumb holding the book open at the place of the last entry. The notebook shall be in proper position for the inspecting officer to read;
- The command to return notebooks is ***Notebooks, RETURN***. There is no motion at the preparatory command, ***Notebooks***; and,
- At the command of execution, ***RETURN***, the notebook shall be replaced in the officer's pocket. He/she shall then resume the position of "Attention."

**226.72 RESERVE AMMUNITION INSPECTION.** The commands and procedures for inspection of reserve ammunition are as follows:

- The initial command is ***Reserve Ammunition, DRAW***. There is no motion at the preparatory command, ***Reserve Ammunition***;
- At the command of execution, ***DRAW***, the reserve ammunition of the officer shall be drawn and placed in the palm of the right hand. Both hands may be used to draw the reserve ammunition. Any ammunition which is dropped shall be retrieved immediately. The upper right arm shall be held vertically and close to the body. The right forearm shall be extended horizontally and straight to the front of the body. The palm of the hand may be cupped slightly to hold the ammunition;
- The command to return ammunition is ***Ammunition, RETURN***. There is no motion at the preparatory command, ***Ammunition***; and,
- At the command of execution, ***RETURN***, the ammunition shall be placed in the right trouser pocket of the officer.

**226.76 MISCELLANEOUS ITEM INSPECTION.** In the case of identification cards, driver's licenses, pencils, or other miscellaneous items, the name of the item to be inspected shall constitute the preparatory command. There is no motion at such a preparatory command. The command of execution, ***DRAW***, shall constitute the signal to locate the item and place it in the right palm in inspection position.

**Example: *Identification Cards, DRAW*.** There is no motion at the preparatory command, ***Identification Cards***. At the command of execution, ***DRAW***, the officer shall take out the identification card and place it in his/her right hand ready for inspection. If necessary, an officer may use both hands to withdraw the item for inspection.

- To return the item, the preparatory command used shall consist of the name of the item being inspected. For simplicity in command, the name may be shortened. The command of execution shall consist of the word ***RETURN***. At this command, the item shall be placed in the right trouser pocket of the officer.

**Example: Cards, RETURN.** There is no motion at the preparatory command, *Cards*. At the command of execution, *RETURN*, the officer shall drop his or her right hand to the side and place the identification card in the right trouser pocket.

**226.80 INSPECTION OF PLAIN - CLOTHES OFFICERS.** Officers dressed in plain clothes and assembled in formation shall, as smartly as possible, execute commands issued, although exact precision may not be possible and modification of methods may be necessary.

**Example:** Officers in plain clothes may be commanded, *Reserve Ammunition, DRAW*. The ammunition may be withdrawn for inspection in the manner most convenient to the individual plainclothes officer, although finally exhibited in the prescribed manner (Manual Section 3/226.72).

**226.84 INSPECTION GUIDES.** An employee conducting an inspection of a group of uniformed employees shall be guided by Chapter 3/600 of the Department Manual and "The Department Uniform and Personal Equipment Specifications" and should check each item specified therein for appearance and condition. He or she shall inspect each employee for compliance with the personal appearance regulations. The inspecting employee may use the Uniform Inspection Record, Form 01.41.00, as a guide in detailed inspections.

Specific points about the appearance of the individual employee, either good or bad, may be commented on to the employee being inspected. An inspecting employee may direct the accompanying employee to make a note as to a superior or deficient appearance.

If necessary to comment on the appearance of an employee while conducting an inspection from behind the employee, the inspecting employee should preface his/her remarks with the employee's name. If the inspecting employee is unaware of the employee's name, the inspecting employee shall place his/her hand lightly on the employee's shoulder or back at the time he/she speaks to the employee. This will ensure that the employee is aware he/she is being addressed.

**226.88 INFORMAL INSPECTION.** An informal inspection procedure may be used by a watch commander to accomplish the daily inspection of a watch during roll call. The procedure may also be used by a supervisor in charge of a detail at a special event or at the direction of a supervisor during any formation other than a formal ceremony. The procedure is as follows. A sergeant of the watch commands, in sequence:

- ***At Close Interval, FALL IN.*** Officers of the watch shall arrange themselves in the formation indicated by the sergeant. Supernumerary sergeants, unless dismissed by the watch commander, shall fall in behind the last rank (of the first platoon) dressed on the right flank, or may fall in at another convenient place in proximity to the group, depending upon space limitations. Officers dressed in plain clothes shall fall in as a group so located that they will be inspected last. They may fall in behind the last rank (of the first platoon) dressed on the left flank, or may take positions in the last rank;
- ***At Close Interval, Dress Right, DRESS.*** The watch sergeant shall move informally to the right flank of the rank to check the alignment of the rank. He or she shall give the necessary instructions to adjust the alignment. After completing the alignment, the watch sergeant shall command, ***Ready, FRONT;***
- ***Open Ranks, MARCH.*** This command need not be given unless there are at least two ranks to be inspected and the space in which the platoon is formed is adequate to permit the rank to be opened. The normal distance between ranks at inspection will be two paces. The rear rank shall stand fast. Each rank in front of it shall take a sufficient number of paces forward to permit the

two-pace distance to be taken. In a three-rank platoon, the rear rank shall stand fast, the center rank shall take one pace forward, and the front rank shall take two paces forward. Each officer shall execute "At Close Interval, Dress Right, DRESS" without command after securing the proper distance between ranks;

- The watch sergeant shall move informally along the right flank of the platoon to check the alignment of the ranks. He or she shall give the necessary instructions to adjust the alignment. The watch sergeant shall then move to a position to the right of the right flank officer of the front rank of the platoon and command, **Ready, FRONT**; and,
- The sergeant shall then report to the watch commander, **Sir, the watch is ready for inspection**. The watch commander may request any other supervisor present to assist him/her in the inspection, or the watch commander may assist a senior officer in conducting the inspection.

The inspecting officer shall:

- Inspect the sergeant forming the watch; and,
- Instruct a supervisor to assist in the inspection.

If the inspecting officer informs the sergeant that he or she wishes to inspect a specific item of officers equipment, the sergeant shall then issue the necessary commands to prepare the equipment for inspection.

If there is more than one rank to be inspected, the sergeant may prepare each rank individually for inspection as the inspection progresses. The ranks not being inspected may be given, **Parade, REST**.

The supervisor accompanying the inspecting officer during the inspection shall make notes of deficiencies indicated by the inspecting officer.

- Inspect the officers of the watch;
- Make such comments to the watch as he or she may deem appropriate; and,
- Instruct the sergeant to dismiss the watch.

If **Open Ranks** has not been given, the watch need not be given, **Close Ranks, MARCH**, although equipment shall be returned and the watch called to attention before dismissal. The sergeant shall then command, **FALL OUT**.

**226.92 FORMAL INSPECTION.** The following procedure shall be used in conducting a formal inspection of a group of officers:

- The officer in charge of the formation shall instruct the platoon sergeants of the time, place, formation, and equipment requirements of the inspection;

**Example:** A weapons' inspection shall be held in the parking lot at 0830 hours. The watch shall be formed into two platoons of two ranks each. The platoons shall face east with the first officer opposite the garage entrance. Sergeant Bruce shall command the first platoon; Sergeant Nelson, the second.

- The officer in charge of the formation shall take a position six paces in front of the point where the center of the formation is to be, face that point, and command, **FALL IN FOR INSPECTION**;
- Each platoon sergeant shall take a position in front of, and facing, the location where his/her platoon is to form. Each platoon sergeant shall then command, **FALL IN**, or **At Close Interval, FALL IN**;

- The officers of the formation shall arrange themselves in the formation indicated by the platoon sergeant. Sizing shall be accomplished without command. Ranks to the rear of the first rank shall form with forty inches between ranks, covered from front to rear. Individual officers may execute a momentary "DRESS" without command to secure the proper interval. Supernumerary sergeants, unless dismissed by the officer in charge of the formation, shall fall in behind the last rank (of the first platoon) dressed on the right flank, or shall fall in at another position, if so directed by the officer in charge of the formation;
- Officers dressed in plain clothes shall fall in as a group so that they will be inspected last. They may fall in behind the last rank (of the first platoon) dressed on the left flank, or may take positions in the last rank;
- If the officer in charge of the formation indicates that more than one platoon should be utilized, one sergeant shall give the command, **FALL IN**, although each of several platoon sergeants shall assume a position in front of the place where his/her platoon is to form. Subsequent commands shall be issued by the individual sergeant with each platoon;
- When a platoon formation has been completed, its sergeant shall execute, "About Face." As soon as the sergeant of the first platoon is aware that each sergeant in charge of a platoon has executed "About Face," the sergeant shall turn his/her head toward the officer in charge of the formation, and salute, and report, **Sir, the first platoon is present**. Other platoon sergeants, in succession from right to left, shall salute and report in like fashion;
- The officer in charge of the formation shall return the salute of each platoon sergeant. After the last report has been made, he/she shall command, **Prepare for inspection** or, if he/she wishes to inspect a particular item of equipment, **Prepare for inspection of** (item);
- Each platoon sergeant shall salute and, by means of a series of movements and facings, move to a position on the right flank of his/her platoon, one pace to the right and in prolongation of the position at which the front rank shall halt after opening ranks. The sergeant shall face in the direction necessary to align the ranks and command, **Open Ranks, MARCH**. Open ranks shall be executed (Manual Section 3/226.88). However, the platoon sergeant shall use a more formal method of aligning the ranks than during an informal inspection. He/she shall maintain a military bearing, and shall not weave from side to side to correct the alignment, but shall take short side steps. After aligning the first rank, he/she shall face to the left in marching, halt on the prolongation of each succeeding rank, face right, and align the rank. After verifying the alignment of the last rank, the sergeant shall face to the right in marching and move forward to a position one pace to the right of the first officer in the first rank, and three paces in front of the first rank;
- Each platoon sergeant shall execute "About Face" and command, **Ready, FRONT**. Sergeants of platoons other than the first shall command, **Parade, REST**, if simultaneous inspections of the platoons are not to be made. They shall then execute "About Face" and assume a position of "Parade, Rest" until such time as it is necessary to prepare their platoon for inspection;
- If an inspection of equipment is to be made, the sergeant of the first platoon shall command, **Second, (Third), (Fourth) Ranks Only, Parade, REST**. He/she shall then prepare the first rank for inspection, causing such equipment to be exhibited as is necessary. He/she shall prepare succeeding ranks for inspection as the inspection progresses;

**Example:** Second Rank Only, ATTENTION. Second Ranks Only, Inspection, ARMS. First Rank Only, Return, ARMS. First Rank Only, Parade, REST. Second Rank Only, Return, ARMS. Platoon, ATTENTION.

- The platoon sergeant shall salute the inspecting officer when his/her platoon has been inspected. After the departure of the inspecting officer from the platoon area, the platoon sergeant shall command, Close Ranks, MARCH, and Parade, REST;

- Each platoon sergeant shall issue necessary commands as the inspection progresses. If a simultaneous inspection is made of the formation by several inspecting officers, each platoon sergeant shall issue his/her commands accordingly;
- At the conclusion of the inspection of the last man, the officer in charge of the formation shall resume the position from which he/she commanded the platoon sergeants to prepare for inspection. Each platoon sergeant shall call his/her platoon to attention. The inspecting officer may make such comments as are applicable, and take his/her leave of the officer in charge of the formation; and,
- The officer in charge of the formation shall make such comments as are applicable to the members of the formation and then command, **FALL OUT** (or other command).

**228. PARTICIPATION OF CHAPLAINS AT DEPARTMENT EVENTS.** A Department chaplain shall be used to give the prayer/invocation for all recruit graduation ceremonies, or any other Department event as requested, subject to availability. Prior to representing the Department as a chaplain, each participant shall contact the Chief Police Psychologist, Behavioral Science Services, who serves as the Department Chaplain Corps Coordinator. Participants shall meet with the Chaplain Corps Coordinator or his/her designee and review and sign the *Chaplain Corps Guidelines for General Prayer* for Department functions and civic occasions.

These guidelines shall include the following provisions:

- General prayer/invocation is inclusive and non-sectarian;
- General prayer/invocation uses wording and vocabulary that are not offensive to persons of different faiths; and,
- General prayer/invocation shall remain faithful to the principle of acknowledging divine presence and seeking blessing, and not be an opportunity to preach, testify or argue.

Prior to each Department event, the selected chaplain will contact the Chaplain Corps Coordinator or his/her designee to receive relevant information and direction regarding an upcoming event.

**228.10 DEPARTMENT CHAPLAIN CORPS COORDINATOR'S RESPONSIBILITY.** The Department's Chaplain Corps Coordinator shall:

- Ensure that each participant meets with the Chaplain Corps Coordinator or his/her designee prior to the participant's assignment as a Department chaplain, and ensure each participant has read and signed the *Chaplain Corps Guidelines for General Prayer*;

**Note:** Only one meeting/signing is required per chaplain. In the interest of uniformity and efficiency, these meetings may be conducted as a group.

- Liaison with the appropriate Department entity (e.g., Training Division for recruit graduations) to coordinate chaplain participation at selected Department events;
- Maintain a list of representative faiths and seek to recruit members from those faiths not represented by corps members; and,
- To the greatest extent possible, ensure chaplains are assigned on a rotating basis.

**Note:** Individual chaplains may request (or be requested for) a particular Department event, subject to approval by the Chaplain Corps Coordinator or his/her designee.

**228.20 INVOLVEMENT OF OUTSIDE CLERGY.** When a Department employee or a family member belongs to the clergy and wishes to participate in a recruit graduation ceremony or other Department event, he or she may

serve as "Honorary Clergy." An individual serving in this capacity may accompany the Department chaplain; however, the designated Department chaplain shall deliver the actual prayer/invocation. Only members of the Department's Chaplain Corps are authorized to provide prayer/invocation services at Department events.

**230. DESIGNATING ACTING STAFF AND COMMAND OFFICERS.** When a staff or command officer or a captain who is not a division commanding officer, is to be absent for more than six hours during an administrative working day, he or she shall designate a qualified subordinate to act in his or her stead.

**Note: An administrative working day** is defined as any day other than a Saturday, Sunday, or a legal holiday.

**230.10 DUTIES OF ACTING STAFF AND COMMAND OFFICERS.** An officer designated as an acting staff or command officer shall locate himself/herself in the office of the staff or command officer he/she is replacing. Such officer shall assume the full duties and responsibilities of the position, and shall designate a qualified subordinate to assume the duties and responsibilities of his/her regular position.

**230.30 OFFICERS REQUIRED TO REPORT ABSENCE.** When a staff or command officer, or a captain who is not a division commanding officer, is to be absent for four or more hours during an administrative working day, he or she shall cause his/her absence and the required information (Manual Section 3/230.90) to be reported to his or her commanding officer.

**230.90 INFORMATION REPORTED - ABSENCE FROM POST OF COMMAND.** The following information shall be furnished in reporting the absence of an employee from his or her post of command:

- Reason for absence;
- Expected duration of absence; and,
- Location at which employee may be reached.

**230.95 DESIGNATING ACTING WATCH COMMANDERS.** When a watch commander is to be absent or unavailable, he or she shall designate a qualified subordinate to assume the duties and responsibilities of the watch commander.

## **234. DISPLAY OF FLAGS**

**234.10 WHERE AND WHEN FLAGS DISPLAYED.** The Flags of the United States and the State of California shall be displayed prominently outside of each facility of the Department daily, weather permitting, from sunrise to sunset. When the National and State Flags are used, they shall be of the same size. When only one flag pole is used, the National Flag shall be above the State Flag, and the State Flag shall be hung in such a manner as not to interfere with any part of the National Flag. The National Flag shall be placed in the position of first honor at all times.

**234.30 UNITED STATES FLAG.** Display of the Flag of the United States at facilities of the Department and by individuals representing the Department shall be in accordance with provisions of the National Flag Law. (1) The National Flag shall be folded in the proper manner. Whenever practicable, the flag shall be folded outdoors immediately after it is removed from the pole.

[ (1) "National Flag Law" is the short title for Public Law 829, 77th Congress, Chapter 806, Second Section, H. J. Res. 359, Joint Resolution to amend Public Law No. 623, approved June 22, 1942, titled "Joint Resolution to Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United States of America". ]



**234.40 DISPLAY OF THE AMERICAN FLAG ON DEPARTMENT VEHICLES.** Motor Transport Division (MTD) shall affix the American Flag decal on all black and white police vehicles, motorcycles, unmarked vehicles and other vehicles with Department markings.

**Note:** Prior to placing the American Flag decal on unmarked vehicles, MTD shall ensure that prior approval has been obtained from the commanding officer responsible for those vehicles.

**Marked Department Vehicles.** All black and white police vehicles, motorcycles, and any other vehicle with Department markings, will be supplied with an American Flag decal. The decal shall be installed uniformly on all vehicles by MTD.

**Unmarked Department Vehicles.** For unmarked vehicles, the commanding officer that is responsible for those vehicles shall determine whether the display of the American Flag on those unmarked vehicles is appropriate, considering the assignment and responsibilities of the personnel assigned to his/her command. The decal shall be installed uniformly on all vehicles by MTD.

**Note:** If the commanding officer responsible for unmarked vehicles approves the display of the American Flag decal, an Intradepartmental Correspondence, Form 15.02.00, shall be forwarded to MTD specifying the vehicle authorized for the display.

**234.90 FLYING NATIONAL FLAG AT HALF - STAFF.** The Flag of the United States shall be flown half-staff at a Department facility:

- Until sunset on the day of the funeral when a Department employee or a Los Angeles City Firefighter or Paramedic is killed in the line of duty;
- At the direction of the President of the United States, the Mayor of the City of Los Angeles, or the Chief of Police; and,
- On Memorial Day from sunrise to noon.

When the National Flag is lowered to half-staff, all other flags flown at Department facilities shall also be flown at half-staff.

**Communications Division's Responsibility.** The Department of General Services will notify Communications Division when the Mayor's Office orders the National Flag to be lowered to half-staff. Upon being notified by the Department of General Services that the Mayor's Office orders the National Flag to be lowered to half-staff, Communications Division shall:

- Notify the Office of the Chief of Police of the reason, dates and times the Flag is to be lowered to half-staff; and,
- Send a Department-wide message via the Network Communications System (NECS) directing all Areas and other Department facilities which fly the Flag to lower the Flag to half-staff.

**Note:** The message shall include the reason for lowering of the Flag and indicate the dates and times that the Flag is to be lowered to half-staff.

Central Area shall be responsible for the lowering of the Flag at Parker Center and the Police Administration Building.

## **238. SALUTING REGULATIONS**

**238.20 SALUTING AT A PARADE.** A uniformed officer at a parade need salute only the massed National Colors at the head of the parade. When the Flag is six paces from the employee, he or she shall face it and render a hand salute until the Flag is six paces beyond him. Other groups of colors that follow may be saluted if the employee's immediate attention to duty is not necessary.

**238.40 SALUTING DURING PLAYING OF THE NATIONAL ANTHEM.** When the National Anthem is played at any ceremony, an employee in full uniform, including cap, shall assume the position of attention, face the National Colors, if present, and render the prescribed hand salute. If there are no National Colors present, he or she shall face the band and render the salute. Employees who are in uniform, except for a cap, shall stand at attention; employees who are in civilian dress shall uncover and stand at attention.

**238.60 SALUTING DURING FLAG CEREMONIES.** During the ceremony of hoisting or lowering the United States Flag, those employees present and in uniform shall render the prescribed hand salute.

**238.80 FUNERAL PROCESSIONS.** When duty requirements permit, an employee who is on a fixed post at an intersection through which a funeral procession passes shall stand at attention facing the procession. This position should be maintained until at least the hearse and the portion of the procession that contains the immediate family have passed.

## **240. COMMUNITY MEETINGS.**

**240.20 COMMUNITY MEETING – DEFINITION.** A community meeting is defined as “any formal meeting with members of the community, where there are discussions regarding the quality of life, crime trends, or other topics that affect the community or the Department.” Community meetings include both Department and non-Department sponsored meetings (i.e. local schools, business groups, clergy, neighborhood groups, etc.).

### **240.25 REQUESTS FOR COMMUNITY MEETINGS.**

**Employee’s Responsibility.** Upon notification of a request for a community meeting, the employee shall:

- Document the request on the Community Meeting Request/Critique, Form 01.83.01;
- Forward the form to the Senior Lead Officer (SLO);
- Attend community meetings as directed by the Watch Commander or SLO Supervisor; and,
- Complete the Community Meeting Request/Critique form for each meeting attended and forward it to the SLO Supervisor.

**Note:** In the event an employee assigned to a community meeting cannot attend, that employee shall immediately notify the watch commander and/or SLO Supervisor.

**Senior Lead Officer Supervisor's Responsibility.** Upon notification of a request for a community meeting the SLO Supervisor shall:

- Ensure the request is documented on a Community Meeting Request/Critique form;
- Ensure the form is forwarded to the Officer in Charge, Area CRO;
- Coordinate with the watch commander to assign an officer(s), preferably within the Basic Car, to handle the meeting. The officer(s) assigned the meeting shall be given a copy of the Community Meeting Request/Critique Form;
- If notified by officer(s) assigned to a pre-scheduled community meeting of their inability to attend the meeting, the SLO Supervisor shall attempt to assign a nother officer(s) to attend;

- If unsuccessful, the SLO Supervisor shall notify the contact person (i.e., the person requesting the community meeting) in a timely manner regarding the unforeseen circumstances for non-attendance;
- Ensure the officers who attended the meeting complete a Community Meeting Request/Critique form and submit the form to the SLO Supervisor for review;
- Complete a SLO Supervisor Area Community Meeting Summary form at the end of each calendar month; and,
- Forward the completed SLO Supervisor Area Community Meeting Summary and Community Meeting Request/Critique forms, to the Officer in Charge, Area CRO Unit.

**Note:** In the event Department personnel did not attend a community meeting, or the meeting was cancelled for any reason, the SLO Supervisor shall document on the Community Meeting Request/Critique form the reason for non-attendance and/or cancellation.

**Officer in Charge, Area Community Relations Officer's Responsibility.** Upon notification of a community meeting, the Officer in Charge, Area CRO, shall:

- Ensure the request is documented on the Community Meeting Request/Critique form;
- Forward a copy of the Community Meeting Request/Critique to the respective SLO Supervisor and Watch Commander;

**Note:** The original shall be retained by the Officer in Charge, Area CRO, for statistical purposes in the event the meeting was not attended by Department personnel.

- Complete the Area Community Meeting Summary form at the end of each calendar month; and,
- Submit the Area Community Meeting Summary forms, SLO Supervisor Area Community Meeting Summary forms and Community Meeting Request/Critique forms, to the Area commanding officer.

**Watch Commander's Responsibility.** Upon notification that a community meeting is scheduled during his/her watch, the watch commander shall:

- Coordinate with the SLO Supervisor and assign an officer(s), preferably within the Basic Car area, to attend the meeting. The officer(s) assigned the meeting shall be given a copy of the Community Meeting Request/Critique form;
- Upon being notified an officer(s) assigned to a community meeting is unable to attend, the watch commander shall assign another officer(s); and,
- Ensure that the contact person be notified of the non-attendance, if unable to assign replacement officer(s) to attend the community meeting.

**Area Commanding Officer's Responsibility.** The Area commanding officer shall:

- Review the Area Community Meeting Summary form, SLO Supervisor Area Community Meeting Summary forms, and the Community Meeting Request/Critique forms;
- Ensure all personnel are trained in the proper procedures to document community meetings;
- When a community meeting is scheduled, the Area commanding Officer shall notify the Media Relations and Community Affairs Group and Information Technology Division (ITD) at least two weeks in advance to ensure the posting of the meetings on the Department's and city's websites; and,

- Forward copies of the Area Community Meeting Summary forms, Basic Car Coordinator Community Meeting Summary forms and any Community Meeting Request/Critiques that indicate a meeting was not attended by Department personnel or was cancelled to the geographic bureau commanding officer by the fifth calendar day of each month.

**Geographic Bureau Commanding Officer's Responsibility.** The geographic bureau commanding officer shall:

- Review the completed forms; and,
- Forward copies of the Area Community Meeting Summary form, SLO Supervisor Area Community Meeting Summary forms and any Community Meeting Request/Critique forms that indicate non-attendance or cancellation of a Community Meeting to the Assistant to the Director, Office of Operations, prior to the tenth calendar day of each month.

**The Assistant to the Director, Office of Operations' Responsibility.** The Assistant to the Director, Office of Operations, shall ensure the information contained in the Area Community Meeting Summary form is compiled and summarized in a quarterly report for distribution.

**Media Relations and Community Affairs Group's Responsibility.** Media Relations and Community Affairs Group shall be responsible for ensuring that each meeting is posted on the Department's website at least two weeks prior to the meeting by the MCG Online Unit.

**Information Technology Division's Responsibility.** Information Technology Division shall be responsible for posting each meeting on the City's website as the information is received from each Area.

**Community Meeting Coordinator Responsibility.** Community Outreach and Development Division, under the Director, Office of Constitutional Policing and Policies, is designated as the entity responsible for coordinating community meetings and shall be responsible for:

- Consolidating Area community meeting schedules into a master calendar, initially by month in which the meetings are scheduled and then with the date, time, and location of each meeting, as the dates are made available;
- Maintaining liaison with bureaus for updates on revisions to master calendar (e.g., date, change, location change, etc.); and,
- Forwarding the master calendar of community meetings to the CO, Emergency Services Division, inclusion in the Department Special Events Calendar no later than the 10th of February, May, August and November of each year for meetings to be held during the upcoming quarter.

**243. REPORTING SPEAKING ENGAGEMENTS.** When any member of the Department, other than a staff or command officer, makes a public appearance wherein the employee is identified as a member of the Department and speaks, either formally or informally, before a group on any subject in the field of law enforcement, he or she shall, when possible, obtain prior approval from his/her commanding officer.

## **245. DEPARTMENT - CADET PROGRAM**

**245.50 POLICE CADET PROGRAM.** Each geographic Area shall sponsor a police cadet post. Any major group/division within the Department may also sponsor a police cadet post with the approval of the Youth Programs Unit, Office of Operations, as outlined in the Department's Youth Programs Manual (Volume III, Chapter 1, Section 130.20).

**Los Angeles Police Cadet Academy – Defined.** The Los Angeles Police Cadet Academy is composed of academics, physical training, and military drill provided by Los Angeles Police Officers.

**Recruit Police Cadet – Defined.** A recruit police cadet is any youth member of the Police Cadet Program who has not graduated from the Police Cadet Academy.

**Police Cadet – Defined.** A police cadet is defined as any youth member of the Police Cadet Program, regardless of rank, who has graduated from the Police Cadet Academy.

Police cadets may be utilized in many Department operations, thus allowing sworn personnel to handle other critical functions.

**Police Cadet Post Advisor’s Responsibility.** A Police Cadet Post Advisor is a sworn officer designated by the Area commanding officer to oversee and direct the activities of the cadet post. The Police Cadet Post Advisor, generally a Youth Services Officer, is responsible for providing training in accordance to the Los Angeles Police Cadet Program curriculum, in addition to planning, organizing, and supervising cadet activities.

Additional responsibilities and the criteria of a Police Cadet Post Advisor are outlined in the Department’s Youth Programs Manual (Volume III, Chapter 1, Section 160.25).

**Area Community Relations Unit’s Responsibility.** The Area Community Relations Unit is responsible for the operations of the Area Police Cadet Post. The officer in charge of the Area Community Relations Unit, under the direction of the Area commanding officer, shall supervise the Police Cadet Post Advisors and ensure the Area Police Cadet Post is operating to standard.

**Exception:** If a bureau, group, Area, or division does not have a Community Relations Unit and has a police cadet post, the commanding officer shall designate a supervisor to perform the responsibilities of the Community Relations Unit.

**Commanding Officer’s Responsibilities.** Commanding officers shall exercise line control over cadet activities at the respective bureaus, groups, Areas, or divisions and ensure that activities conform to both the Department’s Police Cadet Program. Within policy guidelines and legal constraints, commanding officers have the authority to coordinate and direct assigned personnel and other allocated resources in achieving organizational objectives. It is incumbent upon commanding officers to ensure that the Police Cadet Program under their command is well rounded, productive, and operates consistently with the Department's Police Cadet Program objectives.

Commanding officers **shall** appoint two (2) sworn Youth Services Officers (YSO), one male and one female, to serve as Police Cadet Post Advisors. Commanding officers should consider the following when selecting YSO's to serve as a Police Cadet Post Advisor:

- Tenure;
- Maturity;
- Work history;
- Administrative skills;
- Oral and written communication skills;
- Flexibility; and,
- Commitment.

A commanding officer may delegate the necessary authority for the efficient operation and administration of the Area Police Cadet Program to the Officer in Charge, Community Relations Unit. However, ultimate responsibility for the Area Police Cadet Post rests with the Area commanding officer.

**Youth Programs Unit Responsibilities.** The Youth Programs Unit, Office of Operations, is responsible for the following:

- Exercising functional supervision over all Department personnel participating in the Police Cadet Program by providing information, training, evaluation, and auditing of policies and procedures including civilian volunteers;
- Updating the Youth Programs Manual;
- Maintaining a database of current and former police cadets;
- Developing Police Cadet Program promotional material and opportunities;
- Coordination and line supervision of the Police Cadet Academy;
- Conducting the monthly YSO Meeting; and,
- Coordinating activities involving Police Cadet Posts from more than one geographic bureau.

**Note:** The level of coordination will depend upon the nature and complexity of the event. Coordination may vary from providing liaison and information between Police Cadet Program personnel and event sponsors to actual deployment and line supervision of Police Cadet Program personnel assigned to work a particular event. The level of coordination required at specific events will be decided by the Officer in Charge, Youth Programs Unit.

**Fiscal Group's Responsibility.** Fiscal Group (FG) shall be responsible for the proper accounting of Police Cadet Post funds and Youth Programs Funds. All funds donated to a Police Cadet Post and Youth Programs shall be submitted to FG for deposit to the Department Trust Fund, while the approval and acceptance process is handled by the accepting division.

Fiscal Group shall set up separate sub-checking accounts within the Department's trust fund, one for each Police Cadet Post and one for each Youth Programs Unit. These sub-accounts are to be maintained by each division.

Fiscal Group is responsible to process the replenishment request submitted by the requesting division specified in the Guidelines for Accounting of Cadet Funds and Youth Programs Funds.

Fiscal Group is responsible to forward the monthly bank reconciliation report for each account prepared by the division to the City Controller's and City Treasury's Office.

## **246. POLICE HONOR GUARD.**

**246.40 REQUESTS FOR APPEARANCE OF POLICE HONOR GUARD.** Requests or invitations for the appearance of the Police Honor Guard shall be referred to the Employee Assistance Unit, Behavioral Science Services.

**246.80 POLICE HONOR GUARD APPEARANCE AS DUTY ASSIGNMENT.** Police Honor Guard members designated to participate in an approved function shall normally be assigned to the watch hours which will cover the event in which they shall appear. The appearance shall be considered as their primary duty assignment. Upon the completion of the detail, Police Honor Guard members shall report to their respective divisions for deployment for the balance of the watch.

## 252. POLICE RESERVE CORPS

### 252.15 CLASSIFICATIONS OF RESERVE OFFICERS

**Non-Designated Level I Officer - Defined.** A reserve police officer who has not completed a one-year probationary period, including a minimum of 200 hours worked in a patrol assignment, are classified as Non-Designated Level I officers. These probationary officers have full police officer status **only** while on duty and are **not** allowed to carry a firearm off-duty.

**Designated Level I Officer (DL-I) - Defined.** A Designated Level I (DL-I) reserve police officer is defined as a reserve officer who has successfully completed the Peace Officer Standards and Training (POST) basic course and has qualified for the POST Reserve Police Officer Certificate. A DL-I reserve police officer may work with a non-probationary full-time police officer or a Certified Designated Level I (CDL-I) reserve police officer. A DL-I reserve police officer has 24-hour peace officer authority and may carry a concealed firearm. All DL-I reserve police officers shall:

- Complete the POST 400-hour probationary field training program;
- Complete 32-hours of duty per two deployment periods; and,
- Maintain the POST mandated Professional Training (CPT) hours.

**Note:** Certified Designated Level I Reserve Police Officer (CDL-I) is defined as a reserve police officer who has completed 2,000 hours in a patrol assignment and received approval from his/her involved commanding officer and the Department Reserve Coordinator. Certified Designated Level I reserve police officers may work alone or with a non-probationary reserve police officer or full-time police officer. A CDL-I reserve police officer has 24-hour peace officer authority and may carry a concealed firearm.

**Level II Reserve Police Officer – Defined.** A Level II reserve police officer is defined as a reserve police officer who has successfully completed the POST Module II academy course. Level II reserve police officers have peace officer authority **only** while on-duty. A Level II reserve police officer may carry a concealed firearm off-duty with a Carry Concealed Weapon permit issued at the successful completion of the POST certified Module II Reserve Academy. A Level II reserve police officer, upon completion of their probation, may be assigned to work with a non-probationary full-time police officer or a CDL-I reserve police officer.

Level II reserve police officers shall be assigned to a POST certified field training officer until completion of their probationary training. All Level II reserve police officers shall:

- Complete the Department's 300-hour probationary field training program;
- Complete 32-hours of duty per two deployment periods; and,
- Maintain the POST mandated CPT hours.

**Note:** Levels I and II reserve police officers shall complete 24 hours of CPT every two years. Area/divisional training coordinators are responsible for ensuring that this requirement is met and tracked.

**Level III Armed/Unarmed Reserve Police Officers – Defined.** Level III reserve police officers are appointed after they have successfully completed the POST Module III academy course consisting of 245 hours. Qualified Level III reserve police officers may be armed, provided they have met Department eligibility requirements and may be allowed to carry weapons while on-duty. These reserve police officers have peace officer authority only while on-duty. Level III reserve police officers are limited to those duties that are not likely to result in a physical arrest. Level III reserve police officers may be supervised by a full time non-probationary police officer or a CDL-I reserve police officer. Level III reserve police officers may work in plain clothes or in uniform.

**Armed Level III Reserve Police Officers.** Armed Level III reserve police officers shall not be assigned general law enforcement duties but may be assigned limited duties including, but not limited to the following:

- Administrative duties to include Area/divisional front desk;
- Communications;
- Community Relations Office;
- Detective non-enforcement assignments;
- Special task forces;
- Traffic control;
- Security at parades and sporting events;
- Report car (investigative field reports where suspects are not likely present);
- Evidence transportation;
- Arrestee/Inmate transportation;
- Parking enforcement; and,
- Subpoena service.

**Note:** Level III reserve police officers assigned to work a plain-clothes assignment may carry their weapons concealed while on-duty. Armed Level III reserve police officers may use a marked black and white vehicle in the performance of their duties.

**Unarmed Level III Reserve Police Officers.** Unarmed Level III reserve police officers shall not be assigned general law enforcement or patrol duties but may be assigned limited duties including the following:

- Administrative duties to include Area/divisional front desk;
- Communications;
- Community Relations Office;
- Detective non-enforcement assignments; and,
- Special task forces.

**Note:** Commanding officers shall ensure that the requirements of the assignment shall in no case exceed the training and abilities of the reserve police officer.

**Continuing Professional Training Requirement.** All Level III reserve police officers must complete 16 hours of in-service training every two years. This training can be in any job-related area that is deemed appropriate and necessary. Area/divisional reserve coordinators and/or the reserve police officer are responsible to ensure this requirement is met and tracked on the reserve police officer's TEAMS report.

**Specialist Reserve Officer-Defined.** Specialist reserve officers are volunteers who have special talents which may be utilized by the Department when there is a need for their services. These reserve officers do not have peace officer status. A City identification card, distinct from those issued to peace officers, will be furnished to specialist reserve officer. While Specialist reserve officers are not required to work a specified number of hours, they shall be available if called upon.

**252.20 ASSIGNMENT OF POLICE RESERVES.** While on-duty, and at the direction of their commanding officer, police reserve officers shall be deployed as follows:

**Certified Designated Level I Status.** Reserve police officers having Certified Designated Level I status may be assigned any duties normally performed by a full-time police officer, including, but not limited to, the following:



- Uniformed Patrol;
- Crash Investigation;
- Vice; and,
- Any additional assignments as determined by the Chief of Police.

**Level II and Designated Level I Status.** Reserve police officer having **Level II** or Designated Level I Status and under the supervision of a full-time police officer may be assigned any duties normally performed by a full-time police officer, including, but not limited to, the following:

- Uniformed Patrol;
- Crash Investigation; and,
- Any additional assignments as determined by the Chief of Police.

**Note:** Non-field certified Reserve Officers are limited to non-enforcement duties.

**Armed Level III Reserve Officers.** Armed Level III reserve police officers shall not be assigned general law enforcement duties, but may be assigned limited duties including, but not limited to the following:

- Administrative duties to include Area/divisional front desk;
- Communications;
- Community Relations Office;
- Detective non-enforcement assignments;
- Special task forces;
- Traffic control;
- Security at parades and sporting events;
- Report car (investigative field reports where suspects are not likely present);
- Evidence transportation;
- Arrestee/Inmate transportation;
- Parking enforcement; and,
- Subpoena service.

**Note:** Level III reserve police officers assigned to work a plain-clothes assignment may carry their weapons concealed while on-duty. Armed Level III reserve police officers may use a marked black and white vehicle in the performance of their duties.

**Unarmed Level III Reserve Officers.** Unarmed Level III reserve police officers shall not be assigned general law enforcement or patrol duties, but may be assigned limited duties including the following:

- Administrative duties to include Area/divisional front desk;
- Communications;
- Community Relations Office;
- Detective non-enforcement assignments; and,
- Special task forces.

**Note:** Commanding officers shall ensure that in no case shall the requirements of the assignment exceed the training and abilities of the reserve police officer.

**Specialist Status.** A reserve police officer having specialist status shall function primarily as a consultant and perform special assignments, including, but not limited to, the following:

- Chemist;
- Physician;
- Teacher;
- Advertising Artist;
- Photographer;
- Statistician;
- Computer Systems Analyst;
- Computer Programmer;
- Technical Writer;
- Criminalist; and,
- Chaplain.

**Riot, Disaster, or Civil Defense.** Reserve police officers may be deployed for riot, disaster, or civil defense operations at the discretion of the Department Commander.

**Note:** In no case shall the requirements of the assignment exceed the training and abilities of the police reserve officer.

**252.25 OFF - DUTY RESERVE POLICE OFFICERS - RESPONSIBILITY.** Designated Level I reserve police officers and Certified Designated Level I reserve police officers shall have full peace officer status and shall be guided by Department policies and procedures when engaging in police action on or off duty.

**Note:** A CDL-I and DL-I reserve police officer has 24-hour peace officer authority and may carry a concealed firearm.

Off-duty reserve police officers who do not have DL-I or CDL-I status **do not** have full peace officer status or powers and shall **not** identify or represent themselves to be police officers under any circumstances.

**Note:** A Level II reserve police officer may carry a concealed firearm off-duty with a Carry Concealed Weapon permit issued at the successful completion of the POST certified Module II Reserve Academy.

**252.30 DEPARTMENT RESERVE COORDINATOR.** The Commanding Officer, Personnel Division, shall be designated as the Department Reserve Coordinator and shall be responsible for:

- Ensuring adherence to established procedures and standards of the Police Reserve Corps to achieve Department-wide uniformity;
- Reviewing all recommendations for adjudication of sustained complaints of misconduct involving Reserve Corps members after it has been reviewed by the reserve officer's bureau commanding officer; and,
- Forwarding the complaint to Internal Affairs Division indicating concurrence or militarily endorsing the recommended adjudication.

**252.40 BUREAU POLICE RESERVE COORDINATOR.** When reserve police officers are assigned to a bureau, the bureau commanding officer shall designate a member of his or her command as the Bureau Police Reserve Coordinator. The coordinator shall be responsible for coordinating the activities of the police reserve officers within the bureau and for processing requests for services of its members within the bureau.

**252.50 AREA POLICE RESERVE COORDINATOR.** Each uniformed division commanding officer shall designate an officer as the Area Police Reserve Coordinator. The coordinator shall be responsible for

coordinating the activities of police reserve officers assigned to the Area and for initial processing of applications for membership, including oral examinations. In addition, he/she shall be responsible for the timekeeping of the police reserve officers (Manual Section 3/705.80).

**252.55 POLICE RESERVE OFFICERS - DETERMINING DUTY SHIFTS.** The following guidelines shall be used in determining what constitutes a duty shift:

- A police reserve officer scheduled and assigned to regular duties shall work the same number of hours as worked by the regular officer with whom he/she is assigned;
- A police reserve officer scheduled and assigned to special event duties shall be credited with one shift at the completion of the assignment, regardless of the number of hours worked;
- A police reserve officer who, without prior notice, is summoned to report for duty, shall be credited with one shift, regardless of the number of hours worked;
- A police reserve officer working two tours of less than eight hours each may be credited with one shift provided that the two combined duty tours are worked during the same calendar month, AND the two combined duty tours total a minimum of eight hours present on-duty, AND the needs of the division are effectively served by such abbreviated tours; and,

**Note:** Such abbreviated tours of duty may be scheduled in advance or may result from the voluntary appearance of the police reserve officer. The determining factor shall be the needs of the division at the time the police reserve officer appears for duty.

- A police reserve officer shall not be credited with working a shift when his or her presence is voluntary, unscheduled, and not essential under the conditions then existing.

#### **252.60 RESERVE POLICE OFFICERS - NON-ATTENDANCE**

**AREA/DIVISIONAL RESERVE COORDINATOR'S RESPONSIBILITIES.** Area/divisional Reserve Coordinators shall be responsible for the following:

- Ensuring reserve police officers in their Area/division, excluding specialist reserves, complete a minimum one hour tour of duty per shift equaling 32-hours per two deployment periods;
- Complete an Employee's Report, Form 15.07.00, if he/she determined the reserve officer(s) failed to meet the minimum required attendance;
- Forward the completed Employee's Report to the Officer in Charge, Reserve Coordination Section, Personnel Division; and,

**Note:** Absences are acceptable when the reserve officer(s) are ill, or extenuating circumstances arise.

- Requiring all CDL-I, DL-I, Level II, and Level III reserve officers attend Area/divisional monthly reserve meetings.

**Reserve Police Officer-Responsibility.** A reserve police officer who is unable to complete the required shifts in a deployment period due to illness, vacation, or other legitimate reasons, shall notify the concerned Area/division Reserve Coordinator prior to the non-attendance.

**252.62 DEFICIENT PERFORMANCE.** Deficient performance, **not amounting to misconduct**, by a member of the Police Reserve Corps shall be documented on a Form General 78, Notice to Correct Deficiencies.

**252.65 TERMINATION FOR UNSATISFACTORY PERFORMANCE.** When recommending that a reserve officer be terminated because of unsatisfactory performance, the commanding officer shall **personally** meet with and inform the officer of the recommendation. The commanding officer shall submit an Intradepartmental Correspondence, Form 15.02.00, containing the termination request and a history of the reserve officers work performance to the bureau commanding officer for review. The authority for the final review and adjudication of a misconduct complaint involving a reserve police officer shall be the Chief of Police.

**Note:** Once the Chief of Police has made the final determination, the commanding officer shall again meet with and notify the reserve officer of his/her status. When the Chief of Police approves a recommendation for termination, the commanding officer shall arrange for the return of all City-owned property.

**252.68 RESIGNATION.** A reserve officer may submit his/her resignation to his/her commanding officer. The commanding officer shall approve acceptance of the resignation pending final acceptance by the Chief of Police or acknowledged by the signature of the Commanding Officer, Personnel Division. Two copies of the Resignation, Form 01.50.00, shall be forwarded to the Commanding Officer, Personnel Division. When an investigation by the commanding officer of a reserve officer prompts resignation, the Form 01.50.00 shall be accompanied by a copy of the report of the investigation. The commanding officer shall be responsible for securing the return of City-owned items issued to the reserve officer.

## **252.70 POLICE RESERVE OFFICERS - CHANGE OF EMPLOYMENT**

**Police Reserve Officer-Responsibility.** A police reserve officer who changes his or her employment, or acquires any additional employment, shall report the change or addition by submitting an Employee's Report to the officer's watch commander during his or her next regular duty assignment. The Employee's Report, Form 15.07.00, shall contain the name of the new employer, the type of business, and the specific duties of the police reserve officer.

**Watch Commander-Responsibility.** Watch commanders shall forward the Employee's Report, via the Area or division commanding officer, to the Officer in Charge, Reserve Coordination Section, Personnel Division.

**252.80 REQUESTS FOR POLICE RESERVE CORPS PERSONNEL.** Commanding officers requesting the services of Police Reserve Corps personnel shall, not less than ten days prior to the event, direct an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Personnel Division, indicating the:

- Type of event;
- Date, time, and location;
- Number of personnel requested; and,
- Reporting time and location and the name of the person to whom reserves shall report.

The bureau police reserve coordinator shall, not less than twenty-four hours prior to the requested reporting time, direct a teletype to the requesting commanding officer listing the names and badge numbers of police reserve officers assigned. If substitutions occur subsequent to the sending of the teletype, notification of these substitutions may be made to the requesting commanding officer by telephone.

Commanding officers to whom Police Reserve Corps personnel have been assigned shall, subsequent to the event, direct a Form 15.02.00 to the Coordinator consisting of a general critique of Reserve Corps performance, including punctuality, appearance, and execution of assignment.

**258. SHOOTING QUALIFICATION.** All officers, required reserve police officers, and security officers shall qualify in the prescribed manner as required in Manual Section 3/258.02. This qualification shall take place at a range under the supervision of the Los Angeles Police Department.

**Ear Protectors.** All Department personnel who are on the firing line of any Department range when live firing is taking place shall wear ear protectors provided by the Department, or personal ear protectors of a type approved by the Department Armorer.

**Lieutenants and Below with Less than 20 Years of Service.** Sworn personnel of the ranks of lieutenants and below with less than 20 years of service shall qualify during each cycle with their primary duty handguns and during Cycle 1 with their duty shotguns.

**Lieutenants and Below with 20 to 29 Years of Service.** Lieutenants and below with 20 to 29 years of service shall qualify during Cycle 1 with their duty shotguns, and during Cycles 2 and 5 with their primary duty handguns.

**Captains and Above with Less than 30 Years of Service.** Sworn personnel of the ranks of captains and above with less than 30 years of service shall qualify during Cycles 2 and 5 with their primary duty handguns and are exempt from shotgun qualification.

**Sworn Personnel with 30 Years or More of Service.** All sworn employees (regardless of rank) with 30 years or more of service are required to qualify one time per calendar year at their convenience during Cycles 2, 3, 5, or 6. This qualification requirement shall be met with their primary duty handguns and duty ammunition. Sworn personnel with 30 years or more of service are exempt from the required shotgun qualification.

**Note:** Years of service applies to the years served with the Department and service with a prior law enforcement agency that the department has entered into a service contract or hiring agreement.

**Security Officers.** Security officers shall qualify in accordance with the department's Firearms Qualification Schedule and are exempt from shotgun qualification during Cycle 1. Security officers shall follow the same qualification schedules and protocols as sworn officers.

**Reserve Police Officers.** Level I reserve police officers, Level II reserve police officers, and Armed Level III reserve police officers shall follow the same qualification schedules as full-time sworn officers. The years of service may be cumulative (e.g., if a full-time officer retires after 25 years of active service and serves as a reserve officer for five years, that officer will follow the same qualification requirements as that of a full-time officer with 30 years or more of service). Level III reserve police officers are exempt from the required shotgun qualification.

Each sworn officer, reserve officer, or security officer must present his/her identification card to the range officer prior to qualification.

**258.01 FAILURE TO MEET QUALIFICATION REQUIREMENT.** When notified that an officer, reserve officer, or security officer under his or her command fails to meet the qualification requirement and the officer does not have a valid exemption (Manual Section 3/258.02), the concerned commanding officer may initiate a Complaint, Form 01.28.00. Commanding officers shall be responsible for the administration of disciplinary action resulting from failures to qualify.

**258.02 EXEMPTIONS TO REQUIREMENT TO QUALIFY**

**Medical Exemptions.** All sworn personnel, armed reserve police officers, and security officers are subject to this policy. Sworn personnel who are unable to qualify due to an injury shall be examined by a physician. Sworn personnel shall obtain a statement from the physician imposing the medical restriction and an estimate of the length of time for which the officer should be exempted from qualification requirements. The statement shall be reviewed and verified by the Area/division's Sick/Injury on Duty (IOD) Coordinator. After it is determined valid for the purpose of exemption from firearm qualification the Area/division's Sick/IOD Coordinator shall process the statement in the divisional tracking system and forward the original to Medical Liaison Section.

**Note:** Officers are reminded that temporary medical restrictions are valid for 30 days only. If a medical condition persists past 30 days and continues to inhibit an officer from meeting Department qualification standards, the officer must obtain a subsequent doctor's statement every 30 days until the restriction is rescinded or is classified permanent and stationary.

**Note:** An officer or security officer who is off duty for a period of time comprising the last seven calendar days of a qualification period due to illness or injury shall be exempt from the qualification requirements for that qualification period.

**Vacation Exemptions.** Officers will no longer be exempt from qualification requirements due to vacation. Exemptions for qualification requirements may be granted for approved extended absences at the discretion of the concerned commanding officer.

### **258.03 MEDICAL INABILITY TO MEET DEPARTMENT FIREARM QUALIFICATION**

**STANDARDS.** If an officer who has a medical exemption has not qualified with his or her duty firearm within one calendar year, whether the reason is based on a temporary or permanent medical restriction, the officer's authority to carry a firearm, on or off-duty, shall be rescinded, and the officer's powers of arrest shall be restricted to on-duty only.

Furthermore, the officer shall relinquish his or her City-issued firearm and police identification (ID) card to the Department and receive a restricted police ID card. The officer shall retain the restricted peace officer status until the medical restriction has been rescinded and the officer meets the shooting qualification standards. The officer may then have the right to carry a firearm and full powers of arrest reinstated.

**Note:** Female officers medically exempt due to restrictions associated with pregnancy and childbirth, and officers who are medically exempt from shotgun qualification only, are not affected by this policy.

### **RELINQUISHING A FIREARM AND OBTAINING A RESTRICTED POLICE IDENTIFICATION**

**CARD.** An officer with a medical exemption who has not qualified with his or her duty firearm within one calendar year, shall be served with an Intradepartmental Correspondence, Form 15.02.00, titled Notice to Meet Firearm Qualification Requirements within 30 Calendar Days (30-Day Notice). Once served, the officer shall have 30 days to determine if he or she is medically fit to qualify and successfully pass the minimum firearm qualification standards.

**Note:** If an officer with either a temporary or permanent restriction believes that he or she is medically fit to meet Department firearm qualification standards, the officer is encouraged to make an appointment with his or her doctor and have the restrictions re-evaluated and possibly rescinded.

If the officer is unable to qualify with his or her duty firearm by the expiration of the 30-Day Notice, the officer shall be served with an Intradepartmental Correspondence, titled Order to Relinquish City-Issued Duty Firearm

and Police Identification Card, and Restriction of Peace Officer Powers (Order to Relinquish).

**OFFICER'S RESPONSIBILITY.** Upon receipt of an Order to Relinquish, the officer shall:

- Respond to MLS to turn in his or her City-issued firearm and police ID card; and,
- Respond to Personnel Records Section (PRS), Personnel Division, to be issued a restricted police ID card, which shall indicate that the officer is not authorized to carry a firearm on or off-duty and is restricted to on-duty powers of arrest only.

**Note:** If the officer is off on long-term Injury On Duty (IOD) or medical leave of absence and is physically unable to respond to MLS, an Area Training Coordinator (ATC) or supervisor will respond to the officer's location to serve the Order to Relinquish. The officer shall relinquish his or her firearm and police ID card to the ATC or supervisor, who will provide the officer with a restricted police ID card issued by PRS.

**AREA TRAINING COORDINATOR/SUPERVISOR'S RESPONSIBILITIES.** The ATC or supervisor shall accompany the officer to MLS and PRS and oversee the process of relinquishing the firearm and police ID card and obtaining a restricted police ID card.

In instances in which an officer is off on long-term IOD or medical leave, the ATC or supervisor shall:

- Receive the officer's Order to Relinquish, signed by the commanding officer;
- Respond to PRS and obtain a restricted police ID card for the officer;
- Respond to the officer's location and serve the Order to Relinquish to the officer;
- Take possession of the officer's City-issued firearm and police ID card;
- Issue a restricted police ID card to the officer;
- Submit a copy of the Order to Relinquish with the firearm and police ID card to MLS; and,
- Send the officer a copy of the Order to Relinquish and file the original in the officer's Division Employee Folder, Form 01.01.00.

**COMMANDING OFFICER'S RESPONSIBILITIES.** Upon notification from MLS that an officer has not qualified within a calendar year, the commanding officer shall:

- Serve the officer with a 30-Day Notice; and,
- Ensure that the officer is given reasonable opportunity to meet the requirements.

If the officer does not meet Department qualification standards by the expiration of the 30-Day Notice, the commanding officer shall:

- Serve the officer with an Order to Relinquish;
- Instruct the officer to respond to MLS to relinquish his or her City-issued firearm and police ID card; and,
- Instruct the officer to respond to PRS to be issued a restricted police ID card.

**Note:** The commanding officer may designate a supervisor to serve an officer who is on long-term IOD or medical leave at the officer's location.

**MEDICAL LIAISON SECTION'S RESPONSIBILITIES.** Two months from the date of this Order, MLS shall conduct an initial audit in order to ascertain all sworn employees who have not qualified within one calendar year. Medical Liaison Section shall notify the officers' commanding officers via an Intradepartmental

Correspondence from the Commanding Officer, Personnel Division.

When an officer reports to MLS with an Order to Relinquish, MLS personnel shall:

- Take receipt of the officer's City-issued firearm and police ID card;
- Submit the police ID card to PRS for safe-keeping;
- Submit the officer's City-issued firearm to the Department's armory at the Davis Training Facility for storage; and,
- Retain a copy and submit the original Order to Relinquish for filing in the officer's Division Employee Folder.

**PERSONNEL RECORDS SECTION'S RESPONSIBILITIES.** When an officer responds to PRS with an Order to Relinquish, PRS shall:

- Issue the officer a restricted police ID card, which shall indicate that the officer is not authorized to carry a firearm on or off-duty and is restricted to on-duty powers of arrest only;
- Obtain the officer's regular police ID card from MLS or a supervisor; and,
- File the police ID card with a copy of the Order to Relinquish.

**258.04 REINSTATEMENT OF THE RIGHT TO CARRY FIREARM AND PEACE OFFICER POWERS.** All sworn personnel, armed reserve police officers, and security officers are subject to this policy. An officer on restricted status may have his or her right to carry a firearm and full powers of arrest reinstated once the officer's medical restriction has been rescinded and the Department firearm qualification standards have been met.

**OFFICER'S RESPONSIBILITIES.** The officer must submit a physician's note rescinding the medical restriction to the Area/division's Sick/IOD Coordinator, for processing into the divisional tracking system. Once the physician's note is processed, it shall be forwarded to Medical Liaison Section (MLS). Medical Liaison Section personnel will review the physician's note to determine if the officer's medical restrictions have been rescinded by the doctor. Once MLS has determined the officer's medical restrictions have been rescinded, they will notify Training Division (TD), Firearms and Tactics Section (FTS), and the officer's Area/division Sick/IOD Coordinator of the determination. After receiving verification from MLS, the officer's Area/division Sick/IOD Coordinator will notify the officer that his or her medical restriction has been rescinded, and direct the officer to meet with the Area/division's Training Coordinator. The Area/division's Training Coordinator will arrange the appropriate training and qualification with TD, FTS, and oversee the officer's firearm qualification and reinstatement process.

**Note:** If the officer's City-issued firearm is his or her duty firearm, the officer shall check out the firearm from the armory to qualify. If the officer fails to qualify, the firearm shall be returned to the armory.

Once the officer successfully qualifies with his or her duty firearm, the officer shall:

- Sign out his or her City-issued firearm from the Department's armory;
- Respond immediately to MLS and present the qualification receipt to the Officer in Charge (OIC), MLS or his or her designee;
- In return, receive documentation from MLS addressed to Personnel Records Section (PRS), Personnel Division; and,
- Respond to PRS to turn in his or her restricted police identification (ID) card and be re-issued his or her regular police ID card.



Once an officer's right to carry a firearm and police powers have been reinstated, the officer shall continue to maintain compliance with Department firearm shooting qualification standards.

Area/division's Training Coordinator/Supervisor's Responsibilities. The Area/division's Training Coordinator or supervisor shall oversee the officer's firearm qualification and reinstatement process.

If the officer fails to pass the firearm qualification course in his or her initial attempt, the TD, Firearms Training Unit, shall arrange remedial firearms training for the officer and ensure that the officer successfully qualifies at the completion of the training.

**Sick and Injury on Duty Coordinator Responsibilities.** Upon receiving medical documentation from the officer stating that the officer is no longer medically exempt for the purpose of meeting the Department's firearm shooting qualification, the Area/division's Sick/IOD Coordinator shall assign an Area/division's Training Coordinator or supervisor to oversee the officer's qualification and reinstatement process

**Commanding Officer's Responsibilities:** Commanding officers (CO) shall ensure that the Area/division's Sick/IOD Coordinator forwards the document to MLS for review and approval.

**Medical Liaison Section's Responsibilities.** Medical Liaison Section personnel shall review the doctor's statement rescinding the officer's medical restriction to ensure that it is valid. Upon validation, MLS shall notify TD, FTS, that the officer is no longer medically exempt from meeting Department firearm qualification standards.

Once the officer has successfully qualified and presents his or her qualification receipt, the OIC, MLS, or his or her designee, shall complete documentation addressed to PRS to re-issue the officer's regular police ID card.

**Personnel Records Section's responsibilities.** When an officer responds to PRS with documentation from MLS, PRS shall take the officer's restricted police ID card and re-issue the officer's regular police ID card. Personnel Records Section shall destroy the restricted police ID card.

**258.08 METHOD OF QUALIFICATION.**

**Qualification Cycles.** The new schedule creates two-month periods of qualification that will be referred to as "qualification cycles." The schedule below provides qualification cycles for **all** Department personnel. The qualification cycles are as follows:

CYCLE	MONTH	Sworn (Lieutenants and Below), Reserve Officers, and Security Officers with Less than 20 Years of Service	Sworn (Lieutenants and Below), Reserve Officers, and Security Officers with 20 to 29 Years of Service	Captains and Above (Less than 30 Years)
1	January	Shotgun (Security Officers and Level III A Reserves are Exempt)	Shotgun (Security Officers and Level III A Reserves are Exempt)	None

2	February/March	Primary Duty Handgun with Duty Ammunition	Primary Duty Handgun with Duty Ammunition	Primary Duty Handgun with Duty Ammunition
3	April/May	Primary Duty Handgun Practice Ammunition	None	None
4	June/July	FOS	None	None
	August	None	None	None
5	September/October	Primary Duty Handgun with Practice Ammunition	Primary Duty Handgun with Practice Ammunition	Primary Duty Handgun with Practice Ammunition
6	November/December	Primary Duty Handgun with Practice Ammunition	None	None

**Note:** There is no qualification cycle during the month of August.

Officers with odd or even serial numbers may qualify in either month during the designated qualification cycles (e.g., Cycle 3 – April/May).

Officers are required to qualify **prior** to the last week for qualification Cycles 2, 3, 4, 5 and 6, unless exempted by their commanding officers. The last week for qualification Cycles 2, 3, 4, 5 and 6 are reserved for remediation and for qualifications by officers with approved exemptions.

**Force Options Simulator.** The FOS will be used for qualifications during Cycle 4 – June/July. Lieutenants and below with less than 20 years of service **shall** qualify with the FOS.

**Note:** The FOS qualifications will **not** meet the qualification requirements for officers with 30 years or more of service who are required to qualify only once per year at their convenience with their primary duty handgun and duty ammunition.

**“Live-Fire” Divisional Training.** Qualification cycles allow for more flexibility in managing the qualification requirements of personnel within each command. When scheduling the required “live-fire” divisional training, Area or divisional commanding officers shall request approval from the Commanding Officer, Training Division. The approved “live-fire” divisional training can replace the required qualification during Cycles 3, 5 or 6 (e.g., an Area conducts “live-fire” training days in April. With approval, personnel who attend and complete the divisional training would meet the qualification requirements for Cycle 3 – April/May).

**Note:** Personnel who do not qualify during the divisional training must qualify at a Department range.

**258.12 COMBAT AND NIGHT - COMBAT COURSES, REQUIRED SCORE.** To qualify on the combat course, officers, reserve officers, and security officers shall meet the minimum qualification requirements. Those personnel failing to attain a qualifying score shall repeat the course until the minimum score for each target is attained in one relay.

When sufficient daylight exists, the minimum passing score is 210 with a minimum of 105 on each target. During the hours of darkness, the minimum passing score is 180, with a minimum of 90 on each target.

**258.13 SHOTGUN COURSE.** Officers below the rank of Captain, and concerned reserve officers, shall shoot the shotgun course during those months designated in Manual Section 3/258.08.

The shotgun course will not be scored; however, officers must demonstrate proficiency with the shotgun to satisfy the qualification requirement.

**258.14 FIREARMS AND EQUIPMENT USED FOR QUALIFYING.** The firearm and equipment used by an officer or reserve officer to fulfill his or her qualification shooting requirements shall be the same firearm and equipment items the officer carries on-duty in his or her current assignment.

Security officers shall use the firearms provided for their use at the range at which they qualify.

**Exception:** An on-duty officer, when practicable, shall use a shotgun assigned to his or her division when qualifying on the shotgun range.

**258.18 CITY-PAID AMMUNITION USED FOR QUALIFYING AND REPLACEMENT OF AMMUNITION.**

**Ammunition Used During Qualification.** All ammunition used during required qualifications shall be issued by the Department and is new, factory-loaded ammunition. In order to alleviate confusion about ammunition used during qualifications and/or bonus qualifications, ammunition issued by the Department shall be referred to as either “duty” ammunition or “practice” ammunition.

Duty ammunition is authorized by the Department for on-duty use. Practice ammunition is used during qualification cycles or other on-duty shooting approved by the Department.

Reloaded or remanufactured ammunition is **not** authorized for use in any City-owned handgun or in any other handgun while qualifying on Department ranges or during **any** qualification.

Each officer, reserve officer and security officer shall be entitled to thirty rounds of City-paid ammunition per period for qualification and, if failing to qualify, shall be provided with additional City-paid ammunition necessary to successfully qualify.

Any officer, reserve officer, or security officer who fails to qualify after several attempts may be required to complete remedial firearms training.

**Replacement of Ammunition.** All required duty ammunition shall be replaced with new duty ammunition during Cycle 2. Sworn personnel with 30 years or more will receive their new duty ammunition when they qualify with their duty handgun and duty ammunition during Cycles 2, 3, 5 or 6.

**Shotgun Ammunition.** All ammunition used during shotgun qualification shall be issued by the Department. Divisional Armorsers are responsible for replacing damaged or missing duty shotgun ammunition. Replacement duty shotgun ammunition shall be obtained from the Department Armory.

**258.24 MULTIPLE USE OF CITY AMMUNITION.** When a commanding officer is notified that an officer under his or her command has used City-paid ammunition more than once in any qualification period without authorization, the commanding officer shall direct the officer to report to the Accounting Section, Fiscal Group, within fourteen (14) days for payment of the appropriate fees. The officer shall report on any weekday, between the hours of 0830 and 1700, and shall pay a fee equal to the purchase price of the extra ammunition used. The

officer shall obtain a receipt from the Police Accountant, which shall be presented to his or her commanding officer as evidence of compliance.

**258.28 RECORDS AND REPORTS OF DEPARTMENT RANGES.** Shooting scores, including marksmanship scores attained during bonus shootings, are recorded in the Shooting Qualification and Bonus (SQUAB) system. The SQUAB system allows for the issuance of qualification receipts in lieu of qualification cards. The range officer shall enter each officer's information into the SQUAB system. Qualification receipts are issued to officers as records of their qualification. It shall be the responsibility of the person qualifying to obtain the qualification or bonus shooting receipt upon completion of firing and verify the accuracy of the receipt before leaving the range.

**258.32 RESPONSIBILITY OF COMMANDING OFFICER, TRAINING DIVISION.** The Commanding Officer, Training Division, shall be responsible for keeping a progressive record of the bonus qualification scores made by all officers, reserve officers, and security officers. Such reports shall be maintained for a period of one year.

**258.33 RESPONSIBILITY OF DIVISION COMMANDING OFFICERS.** Commanding officers of divisions to which shotguns are assigned shall:

- Ensure that the training coordinator maintains the Shotgun Maintenance/Test fire Log, Form 11.50.00; and,
- Ensure duty shotguns are inspected and test fired during the month of January.

**Duty Shotgun.** A duty shotgun is defined as a shotgun that is issued on a routine/daily basis. Duty shotguns shall be inspected and test fired during the normal shotgun qualification month of January by officers assigned to an Area/division.

**Reserve Shotgun.** A reserve shotgun is defined as a shotgun that is not issued on a routine/daily basis, however, is a fully functioning shotgun kept in stand-by. Reserve shotguns shall be inspected and test fired once annually by officers assigned to an Area/division. An effort should be made to periodically rotate shotguns between duty and reserve status.

**Note:** Less lethal shotguns are excluded from this process.

**Exception:** Shotguns stored in reserve which are not in normal use shall be tagged, "Reserve", by the divisional armorer after initial test firing and thereafter be test fired at one-year intervals. Any shotgun maintained in reserve which is subsequently placed into normal use shall be fired twice annually in compliance with requirements of this Section.

- Ensure that each officer has received four shotgun shells. Thereafter, officers shall not be issued additional ammunition when signing out a shotgun. The issuance of shotgun shells shall be recorded on the individual Uniform and Equipment Division and Inspection Record, Form 01.41.00;
- Designate divisional armorers who shall be responsible for the inspection of all Department shotguns assigned to their divisions at least once every thirty days. A shotgun shall be cleaned or repaired when inspection reveals deficiencies; and,

**Note:** All repairs shall be made by the Department Armorer.

- Ensure that divisional armorers obtain the replacement of damaged or missing shotgun ammunition through, Ordnance Unit, Training Division.

**258.34 AREA/DIVISION TRAINING COORDINATOR'S RESPONSIBILITY.** Area/division training coordinators shall:

- Maintain the Shotgun Maintenance/Test Fire Log, Form 11.50.00, in a three-ring binder;
- Ensure duty shotguns are inspected and test fired during January and July;
- Ensure reserve shotguns are inspected and test fired once annually; and,
- Monitor the Shotgun Maintenance/Test Fire Log and place his/her name and serial number at the end of each record as it occurs.

**258.36 SUPERVISORY RESPONSIBILITY.** Supervisors shall ensure that subordinates qualify while on-duty, whenever practicable, and at such times as will prevent congestion on the ranges at the end of the month.

**259. BONUS QUALIFICATION SHOOTING.** Officers are entitled to receive compensation upon attaining certain scores in the bonus qualification shoots. Following is the schedule of compensation and qualifying scores:

**Marksmanship.** Eight dollars a month; 300 out of a possible 400 points.

**Sharpshooter.** Sixteen dollars a month; 340 out of a possible 400 points.

**Expert.** Thirty-two dollars a month; 380 out of a possible 400 points.

**Distinguished Expert.** Sixty-four dollars a month; 2,310 out of a possible 2,400 points in any consecutive six-month period.

**Note:** Revolvers shall be fired double-action.

**259.10 PERIOD OF COMPENSATION.** Compensation for shooting shall be continued for a period of one year following the date of qualification. At the end of the one-year period, officers must requalify in the bonus shoot to continue to receive compensation. An officer who receives compensation in a given schedule may requalify in a higher schedule at any scheduled bonus qualification shoot and receive additional compensation accordingly. However, an officer shall not, at any time, receive compensation for more than one schedule.

**259.14 BONUS QUALIFICATION COURSE.** The bonus-shoot course will consist of six phases on the firing range.

Phase I	7 Yards	4 shots / 3 sec 2 shots / 1.5 sec
Phase II	7 Yards	6 shots / 3.5 sec
Phase III	10 Yards	4 shots / 3 sec 2 shots / 1.5 sec
Phase IV	10 Yards	2 shots / 2 sec 2 shots / 2 sec 2 shots / 2 sec
Phase V	17 Yards	10 shots / 30 sec
Phase VI	25 Yards	2 shots / 4 sec 2 shots / 4 sec 2 shots / 4 sec

Total rounds fired: 40  
Total possible score: 400

The bonus silhouette target with superimposed scoring rings shall be used for the bonus qualification course.

Additionally, designated head shots are scored 10 points each. Firing out of sequence and/or failure to follow other procedures will result in a disqualification.

When shooting on the bonus qualification course, an officer shall fire only one relay in one day. The firing of the first round during Phase I shall constitute "firing" for this purpose. The rangemaster shall cause a copy of the Bonus Qualification, Form 13.04.00 (individual target score), to be made available, without delay, to the officer after completion of firing a bonus qualification course.

**259.22 BONUS QUALIFICATION SHOOT - SUPERVISION.** For the purpose of inspection and control, the Commanding Officer, Training Division, shall designate a qualified observer to be present at all bonus qualification shoots.

## **260. HOME - GARAGING OF DEPARTMENT VEHICLE.**

**A Home-Garaging Vehicle Authority** is a Police Commission authorization to drive one City vehicle off-hours and garage that vehicle away from the regular work location. For home-garaging purposes, a City vehicle is any motor vehicle that is under the direction and control of the Police Department and is not owned by a City employee. The "regular work location" is where the Department usually requires the home-garaging employee to report for work at the beginning of each tour of duty. A Home-Garaging Vehicle Authority is assigned to a position or group of positions having the same specific duties and responsibilities within the same command. A vehicle authority is not assigned to an employee who holds a valid Home-Garaging Employee Authorization, Form 11.35.01, for that vehicle authority.

**A Home-Garaging Vehicle Authority Application, Form 11.36.00,** is used to apply for a Home-Garaging Vehicle Authority. Each new and renewal Home-Garaging Vehicle Authority Application, Form 11.36.00, shall briefly describe the specific duties that require the authority. Each new Home-Garaging Vehicle Authority Application shall state: (1) Whether or not the position is an increase in the table of organization (TO); (2) if not an increase in TO, where the position came from and why; (3) position responsibilities, including changed conditions, which now require a Home-Garaging Vehicle Authority; and (4) and how those responsibilities were carried out without such an authority.

Only those Home-Garaging Vehicle Authority Applications that meet one or more of the following criteria will be approved. Each new or renewal Home-Garaging Vehicle Authority Application shall include a justification based on the applicable criteria.

- Employees whose duties regularly subject them to emergency call-outs and/or are on stand-by status where time is a critical factor and direct response serves the public interest and/or employees who, because of their individual expertise, use of specialized equipment or assignment of a specially equipped vehicle, are regularly required to respond, without prior notice, directly to a crime scene;
- Captains and above and civilian equivalents;
- Crime task force employees whose duties require direct reporting to locations other than their assigned headquarters; and,
- The Chief of Police will have discretion in assigning home-garaging.

**Note:** Captains and above and civilian equivalents are exempt from completing the Home-Garaging Vehicle Authority Application for Department vehicles to which they are personally assigned. For purposes of this Section, the term Captains and above include civilian equivalents.

**A Home-Garaging Employee Authorization, Form 11.35.01,** is a contract in which an employee and his/her commanding officer certify that the employee is assigned to a position for which the given Home-Garaging Vehicle Authority has been approved by the Police Commission. Each employee who uses a Home-Garaging Vehicle Authority shall hold a valid Home-Garaging Employee Authorization prior to such use. Any change in garaging location or other certified condition of use invalidates the concerned Home-Garaging Employee Authorization. A new Home-Garaging Employee Authorization shall be completed, approved by the Home-Garaging Review Committee, and forwarded to Administrative Services Bureau prior to home-garaging after such change. All Home-Garaging Employee Authorizations for a given fiscal year become invalid on the first day of the next fiscal year.

The Boards of Police Commissioners will grant approval of a specific employee or team of employees to regularly home garage a Department vehicle only when they are subject to a high frequency of emergency call-outs or inspections.

The use of all home-garaged vehicles, excluding transportation to and from work, will be restricted to the performance of official duties. Personal use of home-garaged vehicles is prohibited.

All home-garaged vehicles must be assigned in a manner that will provide the maximum use and availability of the vehicles and equipment.

When not in use, all home-garaged vehicles must be properly sheltered in a locked garage or other approved secure location and provided with adequate security to safeguard the vehicle and its contents.

Persons riding as passengers in home-garaged vehicles shall be limited to Department personnel, other City employees when it can be demonstrated that such riding is in the best interest of the City or the Department, and other persons accompanying the permittee in his/her capacity as a Department employee representing the Department; and the permittee must be available for immediate response. Only Department personnel shall be permitted to operate a home-garaged vehicle.

Each commanding officer shall maintain a list of positions under his/her immediate command for which the Board has authorized home-garaged vehicles.

**260.01 HOME - GARAGING OUTSIDE THE COUNTY.** Officers of the rank of lieutenant and below and civilian equivalents, authorized to home-garage an emergency response vehicle, including motorcycles, shall home-garage their assigned vehicle within the County of Los Angeles or within 60 miles of the Los Angeles City limits when outside the County. Employees home-garaging an emergency response vehicle outside the County should refer to their current MOU to determine if they are required to pay an associated parking fee.

**Note:** The monthly parking fee is set by the City of Los Angeles and managed by Commute Options and Parking Section.

When a parking fee is to be assessed, the specified amount will be collected through automatic payroll dues deduction.

**Officer's Responsibility.** Officers currently authorized to home-garage an emergency response vehicle shall complete a new Home-Garaging Employee Authorization, Form 11.35.01, if the vehicle is or will be home-

garaged outside the County, and complete a Payroll Deduction Card, City Form 66CS17, if a parking fee is applicable.

**Note:** The parking fee assessment applies only to officers who are regularly assigned emergency response vehicles. The fee assessment will not apply to temporary home-garaging.

When officers will no longer home-garage their emergency response vehicle outside the County of Los Angeles, they shall complete a new Home-Garaging Employee Authorization, Form 11.35.01, with a Cancellation of Employee Parking Payroll Deduction Card, City Form 66CS16, and submit them to their commanding officer. A Cancellation of Employee Parking Payroll Deduction Card shall also be completed when an employee is no longer authorized to home-garage a vehicle.

## **260.02 HOME-GARAGING EMPLOYEE'S RESPONSIBILITY.**

**Annual Home-Garaging Responsibilities.** Each employee who is assigned to a position with a home-garaging vehicle authority shall:

- Complete and obtain his or her commanding officer's approval of a Home-Garaging Employee Authorization, Form 11.35.01, prior to home garaging under that vehicle authority each fiscal year;
- Complete and obtain approval of a new Home-Garaging Employee Authorization prior to home garaging under a new vehicle authority (usually necessary when an employee is temporarily or permanently reassigned from one home-garaging position to another); and,
- Complete and obtain approval of a new Home-Garaging Employee Authorization prior to any home garaging at a new garaging location.

**Note:** Each position approved for home garaging is assigned a Home-Garaging Vehicle Authority code number. Each employee who is assigned to such a position, even for a single tour of duty, must obtain approval of a Home-Garaging Employee Authorization **for that position** prior to home garaging. This Home-Garaging Employee Authorization shall bear the same code number as the position. A Home-Garaging Employee Authorization may be used for more than one Home-Garaging Vehicle Authority with the approval of the Chair, Home-Garaging Review Committee.

**Monthly Home-Garaging Responsibilities.** Each employee (captains and above and civilian equivalents, Metropolitan Division officers and two-wheel motorcycle officers exempted) authorized to home garage a Department vehicle shall document on the Home-Garaging Vehicle Log, Form 11.35.00, all off-hour emergency call-outs, off-hour inspections, other off-hour uses, and on-duty enroute activities, as defined below. No other driving shall be logged. A single log shall be maintained for each Home-Garaging Vehicle Authority (one vehicle per authority), regardless of the number of drivers.

A "**driver**" is an employee who (1) holds a valid Home-Garaging Employee Authorization, Form 11.35.01, and (2) uses that authorization to drive any City vehicle off-hour and/or to garage that vehicle away from the regular work location.

"**Off-hour**" means (1) off-duty and (2) prior to the beginning of the employees next normal tour of duty.

An "**off-hour emergency call-out**" occurs when a home-garaging employee who is (1) off-duty; (2) not at a Department facility; (3) receives previously unknown facts or instructions; (4) based on those facts or instructions, drives immediately and directly to a designated location; and (5) because time is a critical factor in service of the public interest. At least 10 emergency call-outs per vehicle authority per calendar year are required



for receiving and retaining a Home-Garaging Vehicle Authority except authorities for employees at or above the command level, two-wheel motorcycle officers, and Metropolitan Division officers.

An "**off-hour inspection**" occurs when (1) a home-garaging employee (2) at or above the supervisory level (3) initiates any necessary inspectional or supervisory activity.

An "**other off-hour use**" occurs when a home-garaging employee who is (1) off-duty (2) initiates necessary City business which is (3) neither an off-hour emergency call-out (4) nor an off-hour inspection. Commuting is not City business and shall not be documented on this log.

An "**on-duty enroute activity**" occurs when a home-garaging employee (1) conducts any City business (2) at the beginning or at the end of a normal tour of duty (3) at a location other than the regular work location.

**Senior Home-Garaging Employee.** The senior employee (captains and above and civilian equivalents, Metropolitan Division officers and two-wheel motorcycle officers exempted) authorized to home garage under each vehicle authority shall submit a completed Home-Garaging Vehicle Log, Form 11.35.00, for that authority to his or her commanding officer no later than 10 days after the end of each month.

#### **260.04 STAFF AND COMMAND OFFICERS RESPONSIBILITY.**

**Annual Home-Garaging Responsibility.** Each staff and command officer shall:

- Review and approve all Home-Garaging Employee Authorizations, Form 11.35.01, submitted by all immediate subordinate staff and command officers and by all other employees within his or her command who are not also within a subordinate command;
- Forward each Home-Garaging Employee Authorization directly to Administrative Services Bureau immediately upon approval;
- Complete a Home-Garaging Vehicle Authority Application, Form 11.36.00, for each vehicle (staff and command officers and two-wheel motorcycles excepted), requested to be home garaged by employees within his or her command who are not also within a subordinate command;
- Complete a Home-Garaging Approval Summary, Form 11.36.01, (staff and command officers excepted), to summarize and convey for approval these Home-Garaging Vehicle Authority Applications and to apply directly for these authorities for two-wheel motorcycles;
- Review and approve all Home-Garaging Approval Summaries and Home-Garaging Vehicle Authority Applications received from subordinate officers; and,

**Note:** Each staff and command officer shall be responsible for a careful review to ensure both the completeness of each Home-Garaging Vehicle Authority Application and the necessity for the home garaging of a City vehicle.

- Forward all Home-Garaging Approval Summaries and Home-Garaging Vehicle Authority Applications through channels to the Chair, Home Garaging Review Committee for approval no later than February 1 prior to the fiscal year of the applications.

**Note:** A Home-Garaging Vehicle Authority Application and Home-Garaging Approval Summary for a new vehicle authority may be submitted whenever the need for the new authority is identified. A new authority is one not requested or not approved the previous fiscal year.

**Monthly Home-Garaging Responsibility.** Each staff and command officer shall:

- Review and approve all Home-Garaging Vehicle Logs, Form 11.35.00, for vehicle authorities within his or her command which are not also within a subordinate command; and,
- Ensure that Home-Garaging Vehicle Logs are submitted to Administrative Services Bureau at the end of each month.

**Commanding Officer's Responsibility.** The commanding officer of each employee who is authorized to home-garage an emergency response vehicle shall:

- Review all current and new Home-Garaging Employee Authorization(s), Form 11.35.01, in his/her command and determine which officers will home-garage vehicles outside the County;
- Provide a Payroll Deduction Card, City Form 66CS17, to officers if a parking fee is to be assessed;
- Collect the completed Payroll Deduction Cards, City Form 66CS17, and forward them to the Department's Home-Garaging Coordinator, Administrative Services Bureau, in conjunction with the completed Home-Garaging Employee Authorization, Form 11.35.01;
- Maintain a list of all officers who will be home-garaging emergency response vehicles outside the County;
- Forward all the received Cancellation of Employee Parking Payroll Deduction Card(s), City Form 66CS16, to the Department Home-Garaging Coordinator; and,
- Maintain a copy of all current completed Home-Garaging Employee Authorization(s), Form 11.35.01.

**Department Home-Garaging Coordinator's responsibility.** The Commanding Officer, Administrative Services Bureau, is designated as the Department's Home-Garaging Coordinator. The Department's Home-Garaging Coordinator shall:

- Collect all Home-Garaging Employee Authorization (s), Form 11.35.01, and Payroll Deduction Cards, City Form 66CS17, from commanding officers;
- Forward all obtained Payroll Deduction Cards, City Form 66CS17, and Cancellation of Employee Parking Deduction Cards, City Form 66CS16, to City Employee Benefits Division, Commute Options and Parking Section;
- Maintain a file of Home-Garaging Employee Authorizations, Form 11.35.01, for emergency response vehicles that are home-garaged outside the County of Los Angeles, within 60 miles from the City limits; and,
- Provide a list of all officers who will be home-garaging emergency response vehicles outside the County of Los Angeles, within 60 miles from the City limits, to the City Employee Benefits Division, Commute Options and Parking Section, on a semi-annual basis per fiscal year.

**260.06 CHAIR, HOME GARAGING REVIEW COMMITTEE RESPONSIBILITY.** The Chair, Home Garaging Review Committee shall cause all Home-Garaging Approval Summaries, Form 11.36.01, and Home-Garaging Vehicle Authority Applications, Form 11.36.00, to be reviewed and, if approved, forwarded to the Commanding Officer, Administrative Services Bureau, no later than March 1 prior to the fiscal year of the applications.

**260.08 ADMINISTRATIVE SERVICES BUREAU, COMMANDING OFFICER'S RESPONSIBILITY.**

- Cause all Home-Garaging Approval Summaries, Form 11.36.01, and Home-Garaging Vehicle Authority Applications, Form 11.36.00, to be reviewed for accuracy and completeness and presented to the Chairperson, Home-Garaging Committee, no later than May 1 prior to the fiscal year of the applications; and,

- Notify all staff and command officers of the approval or disapproval of Home-Garaging Vehicle Authorities by the Board of Police Commissioners.

**260.10 LIABILITY INSURANCE REQUIREMENTS.** Each Police Department employee who is authorized to home garage a City motor vehicle shall be named insured on a standard automobile liability insurance policy for the employee's personally-owned motor vehicle or, alternatively, shall be a named insured on a non-owned automobile insurance policy. This insurance policy shall provide at least the minimum coverage prescribed by the City.

**Exception:** Officers assigned to two-wheel motorcycle duty are exempted from liability insurance requirements.

**Note:** Current insurance requirements are:

- Bodily injury Liability-\$25,000 each injury/\$50,000 each accident; and,
- Property Damage Liability-\$5,000.

**261. DISPERSAL PARKING AND TEMPORARY HOME GARAGING.** A Department employee may dispersal park or temporarily home garage a Department vehicle away from the employee's regular work location only when such parking is an operational necessity. Employees shall obtain prior written approval to dispersal park or temporarily home garage a vehicle in accordance with the procedures outlined in this section.

No single dispersal-parking period shall exceed **seven** consecutive calendar days. Any continuation of the authorization will require a new request. No employee may dispersal park or temporary home garage in an excess of 60 days, within any 12 consecutive months.

**Note:** Employees who utilize a Special Parking Authorization due to stand by status or being subject to emergency call outs shall submit a Home-Garaging Vehicle Log, Form 11.35.00, to document usage. A copy of the Special Parking Authorization Form shall be attached to the vehicle log. In the upper left hand corner of the Home-Garaging Vehicle Log, Form 11.35.00, is a box "Vehicle Authority Code," the letters "SPA" will be written to identify the log as a Special Parking Authorization attachment. The log will not be required for emergency situations.

### **Definitions.**

**Dispersal Parking.** Dispersal parking is the authorized temporary off-duty parking of a Department vehicle at a Los Angeles Police Department facility away from the regular work location.

Dispersal parking refers exclusively to a named employee authorized to park at a specifically designated location for a specified period of time.

Dispersal parking is not warranted by virtue of rank, position, use of a particular vehicle, association with an authorized employee, or any other condition or circumstances apart from the operational considerations providing the basis for the authorization. Any employee qualified to drive a Department vehicle may either request such authorization on his or her own initiative or be required to do so by his or her immediate supervisor.

Authorization for dispersal parking shall be requested by completing a Special Parking Authorization, Form 11.37.00. Any change in dispersal-parking location or other certified condition of use invalidates the Special Parking Authorization. In such cases, a new Special Parking Authorization shall be completed and approved prior to further dispersal parking.

**Temporary home garaging.** Temporary home garaging is the authorized temporary off-duty parking of a Department vehicle at a location other than a Los Angeles Police Department facility. *Temporary home garaging is authorized only at locations within Los Angeles County or within 60 miles of the Los Angeles City limits when outside the County.*

**Note:** Guidelines for who may request approval to temporarily home garage, how to request approval, and validity of the Special Parking Authorization are the same as for dispersal parking.

Personnel at the Police Administration Building may use Motor Transport Division's motor pool vehicles for temporary home garaging with the appropriate authorization. Use of motor pool vehicles will be monitored by Motor Transport Division to ensure that Special Parking Authorization forms are completed on all vehicles checked out overnight.

**Department vehicle.** A Department vehicle is any motor vehicle which is under the direction and control of the Police Department and is not owned by a Department employee. This includes budgeted, hold-harmless, seized, Rule 11, leased, donated, and court-awarded cars, vans, pick-up trucks, and utility vehicles.

**Regular work location.** A regular work location is where the Department usually requires the employee to report for work at the beginning of each tour of duty.

**Department facility.** A Department facility is any one of the 21 geographic Area Community Police stations, Parker Center, Police Administration Building, the Police Academy, or any Department-controlled parking area.

**Employee's Responsibility.** Each employee requesting to dispersal park or temporarily home garage a Department vehicle shall:

- Complete the "Requesting Employee" portion of the Special Parking Authorization, Form 11.37.00;
- Forward this form to his or her immediate supervisor; and,
- Begin dispersal parking or temporarily home garaging only after confirming that the Authorization has been approved in writing by his or her commanding officer.

**Exception:** An employee may temporarily dispersal park or temporarily home garage a vehicle with the approval of his or her immediate supervisor when the employee's commanding officer is not available and the parking is of immediate necessity. This temporary approval shall be documented in the "Justification" box of the Special Parking Authorization by the approving supervisor prior to any such parking.

**Immediate Supervisor's Responsibility.** The immediate supervisor of an employee who submits a Special Parking Authorization shall:

- Determine whether the proposed dispersal parking or temporary home garaging is an operational necessity;
- Complete the "Immediate Supervisor" box and forward the form without delay through channels to the requesting employee's commanding officer;
- Permit dispersal parking or temporary home garaging to begin only after confirming that the Authorization has been approved in writing by the requesting employee's commanding officer;
- Verify that the employee submits a Home-Garaging Vehicle Log, Form 11.35.00, with a copy of the Special Parking Authorization, Form 11.37.00, after the allotted time, when applicable; and,

**Exception:** A supervisor may approve temporary dispersal parking or temporary home garaging when the employee's commanding officer is not available and the parking is of immediate necessity. This temporary approval shall be documented in the "Justification" box of the Special Parking Authorization by the approving supervisor prior to any such parking.

- Ensure the Sign Out Sheet is properly completed and filed.

**Commanding Officer's Responsibility.** The commanding officer of an employee who submits a Special Parking Authorization shall:

- Certify that the proposed dispersal parking or temporary home garaging is an operational necessity;
- Approve or disapprove the Authorization;
- Without delay, forward the original of each approved Authorization to the next higher level of command or to the concerned bureau, whichever is higher; and,
- File a copy of the Authorization, whether or not approved.

**Bureau Commanding Officer's Responsibility.** In the following description of responsibilities, the term "bureau" means the command one level above that to which the employee is assigned or the employee's bureau, whichever is higher. Each bureau commanding officer shall:

- Review and sign each Special Parking Authorization;
- All bureau commanding officers shall forward copies of the Special Parking Authorization (SPA), Form 11.37.00, and Home-Garaging Vehicle Authority Application (HGVA), Form 11.36.00, to the Commanding Officer, Administrative Services Bureau, at Mail Stop 400; and,
- File the original.

**Administrative Services Bureau's Responsibility.** Administrative Services Bureau is responsible for monitoring and tracking of all dispersal parking and temporary home-garaging use of Department vehicles.

**270. PRODUCT EVALUATION PROCEDURES.** The Product Evaluation Manual shall be maintained by Office of Constitutional Policing and Policy. Only the product evaluations requiring an approval from the Uniform and Equipment Committee shall be approved, directed, and coordinated by Office of Constitutional Policing and Policy. All other product evaluations shall be handled by the product's subject matter experts in accordance with their respective offices' and/or bureaus' guidelines.

**270.10 PRODUCT EVALUATION REQUESTS.** All requests, approved or disapproved, for product evaluation of items approved by the Uniform and Equipment Committee shall be forwarded to Office of Constitutional Policing and Policy. When Department employees originate the requests, they shall submit an Employee's Report, Form 15.07.00, to their commanding officer containing the following information:

- Available preliminary data on the product;
- A description of the need for the product; and,
- Any history of contact by a Department employee, on or off duty, with the product, its manufacturer, or its distributor.

Upon receipt of the request, the employee's commanding officer shall review the request and forward it through channels along with an Intradepartmental Correspondence, Form 15.02.00 to Office of Constitutional Policing and Policy. The Intradepartmental Correspondence shall contain any additional information known to the commanding officer, including an opinion, if any, as to the desirability of the product.

All other product evaluation requests for items not governed by the Uniform and Equipment Committee (i.e., technology, specialized equipment) shall be handled in accordance with the guidelines established by the respective office or bureau of the item's concerned Department Subject Matter Expert.

**272. DEPARTMENT VIDEOGRAPHY OF DEMONSTRATIONS, UNUSUAL OCCURRENCES, AND CIVIL UNREST.** Each geographic bureau is responsible for video recording pre-planned events and spontaneous incidents within its respective Areas which will likely affect public safety and/or result in City liability. Such incidents may include demonstrations, unusual occurrences, or incidents of civil unrest (e.g., unlawful assemblies). A request for videographers should be made based on the scale and scope of the incident, and when feasible.

The Department shall maintain a cadre of videographers. The Department Videographer Cadre shall be comprised of sworn personnel - for which participation shall be an ancillary duty. The Film Unit, Office of Operations (OO), shall maintain a roster of videographers for the Department. The Department's policies and protocols for videography, video equipment, and all digital evidence related thereto, are further outlined in the Department's Videographer Guide.

**Officer's Responsibilities.** If an officer is selected for the Videographer Cadre, or assigned videography responsibilities at an incident, the officer shall:

- Adhere to this policy and the procedures outlined in the Videographer Guide;
- Make every effort (to the extent possible) to place themselves in a position of tactical advantage and be mindful of their surroundings when assigned to capture video during an incident;
- Only deploy in two-person teams, consisting of a videographer officer and a cover officer; and,
- Notify the Bureau Special Events Coordinator when their primary duty assignment changes (e.g., promotion, Injured on Duty Status, Temporary Total Disability Status, or transfer to another command).

**Note:** The Department recognizes that Videographer Cadre officers are assigned to record incidents which are dynamic in nature and thus the entirety of footage captured on video may not always be personally observed by the recording officer or cover officer.

**Supervisor's Responsibilities.** Any supervisor assigned Videographer Cadre duties shall:

- Ensure that assigned personnel comply with this policy as well as the procedures outlined in the Videographer Guide; and,
- Continually monitor the incident and update the Incident Commander or the Department Operations Center (DOC), Communications Division, of any notable developments.

**Bureau Commanding Officer's Responsibilities.** The commanding officer (CO) of a bureau affected by a spontaneous incident, or anticipated to be affected by a pre-planned event, shall:

- Ensure that the Film Unit is notified, when feasible;
- Evaluate the event for appropriate deployment of the Videographer Cadre. Such instances may include, but are not limited to:

- Spontaneous Incidents (e.g., an impromptu rally in front of the Immigration Building);
  - Unusual Occurrences (e.g., Department mobilization due to civil unrest);
  - Incidents with potential City liability (e.g., Occupy L.A.'s eviction from City Hall grounds);
  - Incidents with civil disobedience or arrests expected (e.g., a preplanned protest with intersections to be blocked for dramatic emphasis);
  - Incidents with large numbers of participants expected (e.g., Safe LA 2020 demonstrations);
  - Incidents impacting Public Safety (e.g., Civil Unrest of 2020); or,
  - Instances when the Incident commander or command staff requests videography.
- Ensure that there are a sufficient number of on-duty Videographer Cadre personnel assigned to address the anticipated scale and scope of the incident;
  - Continually monitor the incident to determine if additional videography resources are needed (e.g., the Film Cadre of another bureau); and,
  - Make appropriate training or equipment request(s) through the Film Unit to adequately prepare for events.

**Bureau Special Events Coordinator's Responsibilities.** The Bureau Special Events Coordinator shall:

- Notify the Film Unit of pre-planned events and spontaneous incidents which will likely affect public safety and/or City liability, when feasible;
- Maintain a Videographer Cadre roster for the bureau;
- Initiate requests for Film Unit training for all bureau Videographer Cadre personnel;
- Ensure bureau-wide Videographer Cadre coverage for A and B watch during Department mobilizations;
- Ensure sufficient Videographer Cadre deployment for all pre-planned and spontaneous incidents, including coverage on A and B watches for the affected Area(s);
- Maintain inventory of all videography equipment assigned to the bureau;
- Notify the Film Unit of any damaged or inoperable videography equipment via an Employee's Report, Form 15.07.00, and/or Intradepartmental Correspondence, Form 15.02.00, from the bureau commanding officer; and,
- Make equipment available for audits and inspections when requested by the Film Unit.

**Note:** The incident commander or their designee shall assume the Bureau Special Events Coordinator's responsibilities for all incidents requiring use of the Videographer Cadre during after-hours and/or weekends and holidays.

**Film Unit's Responsibilities.** The Film Unit, OO, shall:

- Liaise with each Bureau Special Events Coordinator to ensure adequate procurement and maintenance of videography equipment, as well as resource allocation for incidents;
- Ensure each bureau has functional videography equipment (e.g., procurement of replacement memory cards and batteries) for incident deployment;
- Ensure each Videographer Cadre's readiness for incident deployment;

- Schedule and provide each Videographer Cadre with training on the use and care of video equipment;
- Assist Bureau Special Events Coordinators with personnel selection and attrition management within their Videographer Cadre;
- Maintain a master file of the Videographer Cadre of each geographic bureau;
- Liaise with each Bureau Training Coordinator to ensure training compliance and TEAMS II documentation of Videographer Cadre personnel; and,
- Assist, when feasible, in providing additional Department videographers during critical incidents as requested by a Bureau Special Events Coordinator, an incident commander, or the DOC.

**273. MOTION PICTURE/TELEVISION FILMING LOCATION AUDITS.** When auditing a filming location, the auditing supervisor shall:

The Film Unit, Contract Services Section (CSS), Emergency Operations Division (EOD), is the Department entity responsible for auditing commercial filming locations. Additionally, the Film Unit has oversight over all active and retired police officers working filming locations in uniform, with a valid Motion Picture/Television Filming Work Permit.

**Filming Location Audit.** Geographic Area supervisors must conduct a filming location audit, when there is reason to believe commercial filming or still photography is occurring:

- Without a valid permit;
- In violation of the filming permit conditions; or,
- When complaints related to filming activity are reported or observed (e.g., neighbor disputes, crowd and/or traffic problems).

During normal business hours, the Film Unit will respond to filming locations upon request. The Film Unit's telephone number is accessible from the Motion Picture/Television Filming Location Audit, Form 01.47.03, and the Department's telephone directory.

**Auditing Supervisor's Responsibilities.** When auditing a filming location, the auditing supervisor shall:

- Complete the Motion Picture/Television Filming Location Audit, Form 01.47.03;
- Determine who is in charge at the filming location (e.g., Location Manager or Producer);
- Request and review a copy of the filming permit;
- Ensure the production company is physically located at the location stated in the filming permit;
- Ensure the production company is conducting only authorized road/lane closures and filming activities on the specified date(s), time(s), and location(s), as delineated on the permit;
- If the production company does not possess a valid filming permit, or is filming at a location not authorized on the permit [violation of Los Angeles Municipal Code (LAMC) Section 41.20(a), Commercial Filming Without a Permit-Misdemeanor], order the person in charge to immediately shutdown the production and remove all filming from the location.

**Note:** The person in charge is required to maintain a copy of the filming permit at the filming location at all times. If the person in charge claims the filming is permitted, but is not in possession of the filming permit, the auditing supervisor must call the telephone number for FilmLA Inc., as listed on the Motion Picture/Television Filming Location Audit form to verify if a filming permit had or had not been issued. The results of such verification should be included in any report(s). The person in charge may be warned or arrested for the violation. If arrested, a Non-Traffic Notice to Appear, Form 05.02.02, may be considered in lieu of booking.



- Forward the completed audit to the Area watch commander for approval; and,
- Upon approval, fax or send an electronic (scanned) copy of the completed Motion Picture/Television Filming Location Audit form and all related report(s) to the Film Unit, CSS, EOD, or to FilmUnit@lapd.lacity.org.

If the production is shut down, a reasonable amount of time should be provided for the film crew to pack and load equipment. Cameras or other key pieces of filming equipment may be booked as evidence. However, this should be done only as a last resort if the production fails to comply with the order to immediately cease filming and leave the location.

**Documenting Violations of the Filming Permit Conditions/Restrictions.** The auditing supervisor documenting a violation(s) of the filming permit conditions/restrictions shall:

- Advise the person in charge of the filming location that the violation(s) must be corrected immediately;
- Ensure that filming ceases until the violations are corrected; and,
- Document the violation(s) on the Motion Picture/Television Filming Location Audit, Form 01.47.03.

**Note:** FilmLA Inc. can provide details concerning any requirements of the filming permit. The person in charge may be warned or arrested for violating LAMC Section 41.20 (a)(Violating Conditions of a Film Permit-Misdemeanor). In some cases, filming may resume once the violation(s) is corrected. However, FilmLA Inc. must be contacted for assistance regarding a request from the production to amend the filming permit.

Under certain conditions, FilmLA Inc. may issue a "Rider" enabling a production to add/delete a location or activity to an existing permit. However, a Rider should not be considered and filming must not be allowed to resume if the violation(s) were egregious in nature, created significant hazards or created any public safety concerns.

- If active or retired officers are employed at the filming location, include the officer's name(s), serial number(s), and a telephone number where he/she may be contacted regarding the audit;
- If the person in charge refuses or cannot correct the violation(s), order the film crew to immediately shutdown and remove all filming equipment from the location;
- The Film Unit will respond during normal business hours to the filming location upon request;
- During normal business hours, the Film Unit must be contacted anytime a film company has been ordered to shutdown filming. During non-business hours, the involved Area watch commander, or his/her designee (sergeant or above), must approve the shutting down of any filming location. Involved watch commanders/supervisors must contact the FilmLA Inc., on-call representative for assistance and advice prior to shutting down a location;
- If it is determined that an active or retired officer allowed permit violations to occur, or does not meet the criteria listed on the audit, ensure the officer takes immediate action to correct any deficiencies; and,
- For active officers the audit shall list the officer's name, serial number, and division of assignment. For retired officers, the audit must list the officer's name, serial number, home address and telephone/cell phone number.

**Area Watch Commander's Responsibilities.** The Area watch commander shall:

- Remain aware of significant filming locations within the Area and ensure a supervisor responds to filming complaints or violations;

- Ensure a field supervisor is dispatched to conduct an audit when there is reason to believe a violation is occurring;
- Ensure auditing supervisors correctly document any violation(s) of the filming permit, conditions/restrictions, rules/regulations, applicable LAMC sections, Department policy concerning active/retired officers and that appropriate action has been taken;

**Note:** Retired or active officers who fail to comply with the rules and regulations of their Motion Picture/Television Filming Work Permit, Form 01.47.01, may be subject to suspension or revocation of that work permit. Active officers may also be subject to disciplinary action by the Department (Manual Section 3/744.08).

- Give approval, before a filming location may be shut down by the auditing supervisor, during non-business hours;

**Note:** Area watch commanders or their designee (sergeant or above) must contact the FilmLA Inc., on-call representative for assistance and advice prior to shutting down a filming location.

- Review and approve the completed Motion Picture/Television Filming Location Audit form;
- Make an entry in the Watch Commander's Daily Report, Form 15.80.00, briefly explaining the outcome of the audit, and noting any violations observed and/or corrective action taken; and,
- Attach the completed audit to the Watch Commander's Daily Report and forward to the Area/patrol commanding officer.

**Area/Patrol Commanding Officer's Responsibilities.** Upon receiving an audit, the Area/patrol commanding officer shall;

- Review the completed Motion Picture/Television Filming Location Audit form;
- Identify any active/retired officer's violation(s) of Department rules and regulations;
- Take appropriate action, if needed; and,
- Ensure the original signed Motion Picture/Television Filming Location Audit form and all related report(s) are forwarded to the Film Unit, CSS, EOD, Mail Stop 400.

**Emergency Operations Division Commanding officer's Responsibilities.** The Commanding Officer, EOD, shall;

- Ensure personnel from the Film Unit respond during normal business hours, to the film location upon request by geographic Areas or auditing supervisors;
- Review, approve, modify or deny all requests for City filming permits according to the City's filming ordinances, contracts, policies and regulations;
- Maintain a file on all completed audits; and,
- Ensure the Department's central repository and database of filming location audits is maintained.

## **275. OCCUPATIONAL SAFETY PROCEDURES.**

### **275.10 DEFINITION OF TERMS - CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT.**

The following definitions apply to the terms contained within the provisions of the California Occupational Safety and Health Act (Cal/OSHA):

Safety Violations:

- **Serious** (other than carcinogen). A violation which presents substantial probability that an employee will suffer death or serious physical harm.
- **Serious** (carcinogen). A violation of any standard, order, or special order regarding the use of a carcinogen.
- **General**. A violation which is specifically determined not to be of a serious nature but has a relationship to occupational safety and health of employees.
- **Regulatory**. One that pertains to permits, posting, record keeping, or reporting requirements.
- **Imminent Hazard**. Any conditions or practices in a place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated.
- **Hazard Correction**. The elimination or control of a workplace hazard in accordance with the requirements of applicable Federal or State statutes, regulations, or standards.
- **First Aid**. The one-time treatment and follow-up visit for the purpose of observation of a minor injury which does not ordinarily require medical care.

**Serious Injury or Illness** (immediately reportable to the Division of Occupational Safety and Health). Any occupationally related injury or illness which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement. Serious injuries or illness shall not include any death, injury, or illness resulting from a traffic crash on a public street or highway or caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code (which refers to the operation of heavy equipment adjacent to high-voltage overhead conductors).

**Recordable Occupational Injuries or Illnesses**. Any occupational injuries or illnesses which result in:

- Fatalities, regardless of the time between the death, or the length of the illness; or,
- Lost workday cases, other than fatalities, that result in lost workdays; or,
- Nonfatal cases without lost workdays which result in transfer to another job or termination of employment; or,
- Require medical treatment (other than first aid); or,
- Involve loss of consciousness; or,
- Restriction of work or motion;
- Any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

**Work Location**. Any office, bureau headquarters, Area headquarters, division, or section not directly under the command of a division.

**Commanding Officer**. Any commanding officer or officer in charge of a work location.

**275.20 COMMANDING OFFICER, PERSONNEL DIVISION-RESPONSIBILITY**. The Commanding Officer, Personnel Division, is designated as the Department Safety Coordinator and, through the Safety Unit, Medical Liaison Section, shall ensure that:

- The Department complies with the California Occupational Safety and Health Act of 1973;
- All safety violations are corrected in accordance with the requirements of applicable Federal or State regulations or standards;
- When a citation is issued by a State Compliance Safety Engineer or Industrial Hygienist, the Employer's Report of Corrected Conditions of Alleged Serious, General and Regulatory Violations, is completed and returned to the Division of Occupational Safety and Health, upon

correction of the violation and a copy of the citation is forwarded to the City Personnel Department, Occupational Safety Office, Mail Stop 517;

- When applicable, the citation is contested in 15 working days after receipt, following the Occupational Safety and Health Appeals Board procedures. Appeals shall be coordinated with the City Safety Administrator;
- Employer's Report of Occupational Injury or Illness, State Form 5020, are examined and marked recordable, or non-recordable, and appropriate copies are returned to the commanding officer of the work location or origin;
- A chronological file of all recordable State Forms 5020 is maintained within the Medical Liaison Section. These forms shall be retained for five years following the year to which they relate.
- An accident prevention program is being maintained in all Department facilities;
- The completed annual summaries of occupational Injuries and Illnesses for each work location, Cal/OSHA Form 200, are collected for the Department for each calendar year;
- An Occupational Injuries and Illnesses Survey Form, Cal/OSHA No. 200, is completed upon receipt in accordance with the instructions contained there in, and returned in accordance with the aforementioned instructions;
- An officer under his or her command is immediately dispatched to any location when any of the following is occupational related:
  - An employee is killed or critically injured.
  - Five or more employees are seriously injured at the same time.
  - An alleged imminent hazard is reported.
- A roster of Medical Liaison Section personnel to be notified during other than normal business hours is submitted to Detective Support and Vice Division; and,
- The Police Facilities Unit, Facilities Management Division, is notified regarding any alterations or improvements deemed necessary by Cal/OSHA.

**275.30 SUPERVISORY RESPONSIBILITY.** Each commanding officer or officer in charge of a work location shall ensure that:

- City of Los Angeles notices regarding "Treatment and Reporting of On-Duty Injuries to Sworn and Civilian Employees" are posted at all times on official bulletin boards or in prominent location for all employees to view;
- The Log of Occupational Injuries and Illnesses, Cal/OSHA Form 200, and related Employer's Report of Occupational Injury or Illness, State Form 5020, are maintained at the work location;
- The Summary of Occupational Injuries and Illnesses, Cal/OSHA Form 200, is compiled, certified, and posted for all employees to view from February 1 to March 1 of each year; and,
- A completed copy of Cal/OSHA Form 200 is forwarded to the Medical Liaison Section, Personnel Division, no later than February 1 of each year.

When supervisors are notified that a safety violation exists, they shall:

- Immediately correct the hazard, if practicable;
- During normal business hours, contact the Safety Unit, Medical Liaison Section. When the notification is received during other than normal business hours, the supervisor shall take any possible action to prevent an injury and notify the Safety Unit as soon as practicable during normal business hours; and,
- Submit an Employee's Report, Form 15.07.00, to the commanding officer prior to end of watch. The Form 15.07.00 shall indicate the nature of the hazard and list the corrective action taken or

any requests made for corrective action. The commanding officer shall review and forward a copy of the Employee's Report to the Commanding Officer, Personnel Division, within one working day.

When a supervisor becomes aware that an imminent hazard exists at any Department facility, the supervisor shall:

- Cause all personnel who may be threatened by the imminent hazard to leave the affected area. Take all practicable corrective measures;
- Allow no one, other than repair personnel, to enter the area of the hazard;
- During normal working hours notify the Safety Unit, Medical Liaison Section, Personnel Division. When that unit is closed, notify the City Safety Administrator, Occupational Safety Office, Personnel Department, via the City Hall telephone operator supervisor, and notify the Safety Unit, Medical Liaison Section, Personnel Division, as soon as practicable during normal business hours; and,
- Submit a Form 15.07.00, to the commanding officer prior to end of watch. The commanding officer shall review and forward a copy of the Form 15.07.00 to the Commanding Officer, Personnel Division, within one working day.

When a supervisor is informed that a State Compliance Safety Engineer or Industrial Hygienist (Cal/OSHA representative) arrives to conduct a safety inspection or investigation, and presents proper identification, the supervisor shall:

- Notify the Personnel Department Occupational Safety Office immediately and a Safety Engineer or Industrial Hygienist will be dispatched to accompany the Cal/OSHA representative on an inspection and to assist a supervisor during a closing conference;

**Note:** The inspection **shall** be delayed pending the notification and arrival of personnel from the Medical Liaison Section and Occupational Safety Office.

- During normal business hours, notify the Safety Unit, Medical Liaison Section, immediately. When the inspection commences during other than normal business hours, contact the Administrative Information Unit, Detective Support and Vice Division, who shall notify an on-call officer from the Medical Liaison Section;
- Provide free access to any premises and Cal/OSHA records related to the inspection, after the arrival of personnel from Medical Liaison and Occupational Health and Safety; and,

**Note:** Any confidential Department reports, papers, photographs, etc., shall be removed or secured prior to the inspection.

- Invite an employee representative to accompany the State representative and you during the inspection, throughout which employees may be interviewed, photographs may be taken, tests may be made, and environmental samples may be taken. Take notes and be prepared to discuss the Cal/OSHA representatives findings during the closing conference.

When a citation is issued by the Cal/OSHA alleging a safety violation, the supervisor of the concerned location shall:

- Immediately correct the alleged hazard, if practicable; and,

- Submit a Form 15.07.00 indicating the results of the Cal/OSHA representative inspection to the concerned commanding officer prior to end of watch. The commanding officer shall review and forward a copy of the Form 15.07.00 to the Commanding Officer, Personnel Division, within one working day.

**Note:** No copy of the citation is given to the supervisor at the time of the inspection. The citation and Employee's Report of Corrected Conditions of Alleged Serious, General, and Regulatory Violations will be mailed via certified mail or directly delivered to the inspection location with reasonable promptness, but not after six months have elapsed since the inspection.

When the violations noted on a citation have not been corrected prior to the arrival of the citation at the work location, a copy of the citation shall be permanently posted upon receipt at or near the location of each violation until the unsafe condition is corrected or for three working days, whichever is longer. Upon correction of the violation, a copy of the citation shall be filed at the work location. The original citation and the Employer's Report of Corrected Conditions of Alleged Serious, General, and Regulatory Violations shall be forwarded to the Commanding Officer, Personnel Division. When violations noted on a citation have been corrected prior to the arrival of the citation at the work location, a copy of the citation shall be made and filed at the work location. The original citation and the Employer's Report shall be forwarded to the Commanding Officer, Personnel Division.

When a Safety Deficiency Report, Form PDESV11, is issued by a City Safety Engineer alleging a safety violation or hazardous condition, the supervisor of the location shall:

- Immediately correct the alleged hazard, if practicable;
- Indicate corrective measures taken in the "Supervisors Reply," section of the Deficiency Report;
- Submit the completed Form PDESV11 to his/her commanding officer for review;
- Ensure that the **green** copy of the Form PDESV11 is forwarded to the Medical Liaison Section, Personnel Division, within one day after it is reviewed by the commanding officer; and,
- File the pink copy of the Form PDESV11 at the work location.

**275.40 FIELD OFFICER RESPONSIBILITIES - TELEPHONIC NOTIFICATION.** An officer who responds to the scene of an occupationally related death or life threatening injury at a workplace or serious environmental incident must immediately notify the Area watch commander of the following.

- Call back number where they can be reached;
- Basic information about the incident, including the name and location of the employer or potential responsible party;
- Description of the incident;
- Name and age of any deceased or injured person(s); and,
- Severity of the injuries, and manner by which the injury was sustained.

**Area Watch Commander's Responsibilities.** The Area watch commander must immediately notify Department Operations Center (DOC) of any occupationally related death or life threatening injury at a workplace or serious environmental incident.

**Department Operations Center's Responsibilities.** Immediately after being notified of any occupationally related death or life threatening injury or serious environmental incident, DOC must notify the Los Angeles District Attorney Command Center and relay the information provided by the field officer. Additionally, DOC

must notify California Occupational Safety and Health Administration (Cal/OSHA) and any other appropriate entity (e.g., Media Relations Section or the Hazardous Material Unit).

**Department Employee Killed or Seriously Injured in the Line of Duty.** When a Department employee is killed or seriously injured in the line of duty the following notifications must be made:

- During normal business hours, the Medical Liaison Section (MLS), Personnel division, must be immediately notified and MLS must immediately notify the CAL/OSHA; and,
- During other than normal business hours, DOC must be immediately notified and DOC must immediately notified and shall immediately notify the on-call officer from the MLS.

#### **275.50 RECORD KEEPING - PROCEDURES AND RESPONSIBILITY.**

**Employer's Report of Occupational Injury or Illness, State Form 5020.** For each occupational injury or illness reported to a supervisor, a completed State Form 5020 shall be forwarded to Medical Liaison Section within 24 hours.

**Exception:** If an injury or illness is initially determined to be "recordable" under Cal/OSHA, one copy of the State Form 5020 shall be retained at the work location with the Log and Summary of Occupational Injuries and Illnesses, Cal/OSHA Form 200, prior to forwarding the other six copies to the Medical Liaison Section.

Upon verification by the Medical Liaison Section that an injury or illness is "recordable," one copy of the State Form 5020 marked "recordable," shall be returned to the work location of origin and filed with the Form Cal/OSHA 200. The originally retained copy shall be appropriately marked and filed in the employee's divisional package.

**Note:** The returned copy will not bear a Workers' Compensation case number.

**Log and Summary of Occupational Injuries and Illness, Cal/OSHA Form 200.** All "recordable" illnesses, injuries, or deaths shall be recorded on this form. Each entry shall be made as early as practicable but no later than six working days after receiving information that a recordable case has occurred.

When an injury or illness is initially determined to be "recordable" and entered on the Cal/OSHA Form 200, and, upon verification by Medical Liaison Section that it is "nonrecordable," a single line shall be drawn through the entire entry on the Form Cal/OSHA 200.

When an injury or illness is initially determined to be "nonrecordable," and upon final verification by the Medical Liaison Section that it is "recordable," an entry shall be made on the next vacant line on the Cal/OSHA Form 200, and a copy of the State Form 5020 filed with the log.

Summary of Occupational Injuries and Illnesses, Cal/OSHA Form 200. An annual summary of occupational injuries and illnesses shall be compiled for each work location. Each annual summary shall be based on the information contained in the log of occupational injuries and illnesses and entered in the "Totals" column. Even though there were no occupational injuries or illnesses in the work location during the year, zeros must be entered on the totals line.

The summary shall be completed no later than one month after the close of each calendar year and shall cover the occupational injury and illness experience in that calendar year.

The commanding officer or officer in charge at each work location shall certify that the annual summary is true and complete by affixing the signature to the certification line at the bottom of the Cal/OSHA Form 200.

A completed copy of the Form Cal/OSHA 200 shall be posted adjacent to the Cal/OSHA Poster "Safety and Health Protection on the Job" in each work location. The summary, covering the previous calendar year, shall be posted no later than February 1, and shall remain in place until March 1.

A copy of the completed Form Cal/OSHA 200 shall be forwarded to the Medical Liaison Section, Personnel Division on February 1 of each year.

Log and Summary of Occupational Injuries and Illness, Cal/OSHA Form 200 and Employer's Report of Occupational Injury or Illness, State Form 5020 shall be retained in each work location for five years following the year to which they relate. Cal/OSHA Forms 200 and State Forms 5020 shall be available for inspection and copying by authorized representatives of the United States Department of Labor, the Department of Health, Education and Welfare, or the State of California.

The Cal/OSHA Form 200 shall, upon request, be made available to any employee, former employee, and to their representative for examination and copying in a reasonable manner and at reasonable times. The employee, former employee, and their representatives shall have access to the log and summary for any work location in which the employee is or has been employed.

**279. BUILDING EMERGENCY COORDINATOR PROGRAM.** This Program is designed to provide for the safe and orderly evacuation of employees from the workplace in the event of an emergency. Under the Program, every worksite housing more than 10 personnel must have a Building Emergency Coordinator (BEC), or a Floor Emergency Coordinator (FEC), and a disaster plan.

**Note:** The title "Floor Emergency Coordinator" was created to identify a specific assignment for the Police Department only. For purposes of the Departments Building Emergency Coordinator Program, Floor Emergency Coordinators have the same responsibility as those outlined in the City's Emergency Procedures Manual for Building Emergency Coordinators.

Generally the BEC/FEC is the Commanding Officer of the entity assigned to the facility. At the Geographic Areas the BEC/FEC shall be the Area Commanding Officer. For those entities in leased space and those entities housed in other City buildings i.e., City Hall East, the senior officer shall act as the BEC/FEC.

**Exception:** The BEC for the Piper Technical Building (Piper Tech) is determined by the Department of General Services.

The BEC/FEC's are encouraged to delegate the routine BEC responsibility to a supervisor under their command. To maintain knowledge of the facility within the location, the expected duration of the supervisor's assignment should be considered prior to delegating the BEC responsibility. Although the responsibility for the BEC program is delegated to an individual at each facility, it may be necessary for another individual to assume the BEC responsibility during non-business hours.

Disaster plans shall be completed by each BEC/FEC in accordance with the City's Emergency Procedures Manual. Disaster plans may include more information than is included in the Emergency Procedures Manual guidelines. Minimum operating force, mobilization plans, station or asset security, or any other concern specific to the facility may be included in the plan. In order to ensure that each BEC program is effective, the facility Evacuation Plan shall be a part of each entity's Standing Plans.



**Commanding Officer, Detective Support and Vice Division - Responsibilities.** The Commanding Officer, Detective Support and Vice Division (DSVD) is designated as the BEC for the Police Administration Building. Emergency Operations Section (EOS) will provide staff support to assist with the selection of Floor Wardens, scheduling Floor Warden training and will coordinate with DSVD an annual BEC exercise for the Police Administration Building. The Commanding Officer, DSVD, shall:

- Maintain the the Police Administration Building disaster plan and conduct the duties of the BEC Program applicable to the Police Administration Building;

**Officer in Charge, Emergency Operations Section, - Responsibilities.** The Officer in Charge, EOS, shall be responsible for overall coordination of the Department's BEC Program. The Officer in Charge, EOS, shall:

- Review facility disaster plans submitted by Department BEC's and FEC's Department-wide;
- Ensure that annual audits of all facility disaster plans are conducted to ensure that plans are complete and accurate;
- Maintain an up-to-date list of all BEC/FEC and Floor Warden assignments Department-wide; and,
- Ensure that BEC/FEC and Floor Warden assignment lists are forwarded to the Emergency Planning Unit, Department of General Services (DGS), in January of each year for scheduling of annual training;

**Note:** Changes in BEC/FEC or Floor Warden assignments shall be forwarded to DGS immediately upon receipt.

- Cause audits to be conducted to ensure that annual training and fire drills required under the City's BEC Program are being conducted;
- Review Fire Drill Reports and occupant training rosters received from BEC's and FEC's and forward them to the Emergency Planning Unit, DGS; and,
- Ensure that new and leased space facilities have a BEC or FEC assigned when the facilities are occupied.

**Responsibility of Building Emergency Coordinators and Floor Emergency Coordinators.** Building Emergency Coordinators and Floor Emergency Coordinators (FEC) shall:

- Maintain the facility disaster plan and the City's Emergency Procedures Manual in a readily accessible location within the facility;
- Ensure that all personnel within the facility are aware of the procedures contained in the disaster plan;
- Ensure that the "Occupant Instructions" portion of the City's Emergency Procedures Manual is posted on the facility's Official Bulletin Board;
- Ensure that all personnel within the facility receive training on the "Occupant Instructions" annually;
- Ensure that the disaster plan is updated as needed and forwarded to EOS for review and approval;
- Perform BEC/FEC duties as described in the City's Emergency Procedures Manual;
- Designate Floor Wardens and other Program positions, as needed;
- Forward a list of BEC/FEC and Floor Warden assignments through channels to EOS during December of each year;

**Note:** Annual training is required for all BECs, FECs, and Floor Wardens regardless of whether or not they have previously attended the training.

- Immediately notify EOS in writing, of any changes in BEC/FEC or Floor Warden assignments during the year;
- Ensure that personnel assigned to positions under the BEC Program are familiar with their duties; and,
- Conduct a fire drill each year in accordance with the provisions of the City's Emergency Procedures Manual, and forward the Fire Drill Report through channels to EOS.

## **280. MEMORANDUM OF AGREEMENT PROCEDURES.**

**280.10 MEMORANDUM OF AGREEMENT - DEFINED.** A Memorandum of agreement is a written agreement, signed by the Chief of Police, between the Department and an outside entity.

**280.20 STAFF AND COMMAND OFFICER'S RESPONSIBILITY.** All staff and command officers shall:

- Initiate, negotiate, re-negotiate, and write all outside agency agreements under their command;
- Forward copies of completed agreements through the chain of command to the Director, Office of Constitutional Policing and Policy, for review and coordination of Chief of Police approval and signature; and,
- Forward completed and signed agreements to Office of Constitutional Policing and Policy.

## **280.30 DIRECTOR, OFFICE OF CONSTITUTIONAL POLICING AND POLICY, RESPONSIBILITY.**

The Director, Office of Constitutional Policing and Policy, shall provide advice on the negotiation and completion of agreements and coordinate Chief of Police approval and signature on all agreements.

**280.40 OFFICE OF CONSTITUTIONAL POLICING AND POLICY RESPONSIBILITY.** Office of Constitutional Policing and Policy shall:

- Coordinate assignment of request for formal agreements received from outside agencies;
- Provide exemplars of previously approved agreements to negotiators upon request;
- Maintain a repository of all approved agreements;
- Track expiration dates of agreements; and,
- Notify the appropriate staff or command officer when an expiration date is approaching.

## **PLANNING AND ACCOUNTING**

### **301. NON-BUDGETED TEMPORARY SPECIALIZED UNITS.**

The primary strategy for addressing police-community problem solving is to involve the affected basic car(s) and specialized units authorized in the Department's budget. Prior to forming a specialized unit outside the budget process, commanding officers shall obtain approval according to the following procedure.

**Area Commanding Officer's Responsibility.** An Area commanding officer shall obtain prior approval from his/her bureau commanding officer. That approval shall be in writing and include submission of an Intradepartmental Correspondence, Form 15.02.00, to the bureau commanding officer containing the following information:

- The unit's specific mission;
- Number of employees needed by specific rank and paygrade;
- Method of personnel selection;
- Method of deployment (e.g., uniformed or plain clothes, hours, and days of the week); and,
- Duration the unit will be needed.

If an Area commanding officer determines that a non-budgeted specialized unit will be needed beyond the originally approved time limit, he/she shall request an extension by submitting a Form 15.02.00 to the bureau commanding officer. This request shall include the reason for the unit's extension and its revised duration.

**Bureau Commanding Officer's Responsibility.** Bureau commanding officers shall ensure that prior approval is obtained for all non-budgeted specialized units and that these units are disbanded upon completion of their stated mission.

If a bureau commanding officer elects to form a specialized unit outside the budget process, he/she shall comply with the requirements stated above and obtain approval from the Chief of Police.

### **303. THE DEPARTMENT BUDGET.**

**303.05 BUDGET GUIDE.** The Budget Guide, which contains budget definitions and detailed procedures, is updated and distributed by Fiscal Group.

**303.10 BUDGET-DEFINITIONS.** Department budget requests shall be classified according to the following categories:

**Operating Budget** (Personnel, Expense, and Equipment.) Personnel requests are those made for additional officers or civilians and/or upgrading of existing positions.

Expense requests are those made for:

- Contractual services, including lease items;
- Travel and Training Expense;
- Any operating budget item not included in the definition of equipment; and,
- Office Supplies.

Equipment requests are those made for any article in the following categories which are capable of sustained use over a significant period of time:

- A complete vehicle, chassis or body;
- Any item of electronic communications equipment for stationary or vehicular use;
- Any item of electric or electronic office equipment valued over \$5,000;
- Any item of office furniture costing more than \$5,000; and,
- Any item or shop tool used for the purpose of automotive or machinery repair (not including repair parts or field tools), or any other operating equipment item costing more than \$100.00.

**Alterations and Improvements.** These are requests for minor modifications to existing buildings or grounds, either interior or exterior, such as installation or removal of partitions, heating, plumbing, and lighting.

**Capital Projects.** These are requests which require acquisition of land, construction of buildings, or significant additions to buildings having an estimated life of ten years or more.

**303.20 BUDGET-DUTIES OF COMMANDING OFFICERS.** Commanding officers shall submit annual requests for needed budgetary items. A budget memorandum shall be published prior to the beginning of each fiscal year indicating the dates the budget requests are due. The memorandum will include a general statement of the fiscal policy and any other information necessary for proper completion of budget requests for the

forthcoming year. Commanding officers desiring additional procedural information may contact the Budget and Review Section, Fiscal Group.

**Note:** When practicable, bureau commanding officers may consolidate division, Area and/or group requests into a bureau request.

### **303.30 BUDGET-ORIGINAL SUBMISSIONS.**

**Capital Projects.** Capital projects shall be submitted on the city form, Alteration and Improvement Request, CAO 42. One set of plans or maps shall be attached to the original form.

**Alterations and Improvements.** Alterations and improvement requests shall be submitted on CAO Form 42. One set of plans shall be attached to the original form and shall be submitted to the Commanding Officer, Facilities Management Division.

**Building Maintenance and Repair.** Normal maintenance, or upkeep and repair work as the need arises, shall be requested on an Intradepartmental Correspondence, Form 15.02.00, through the Officer in Charge, Facilities Section, Facilities Management Division.

**Personnel.** Personnel requests shall be submitted on the Personnel Budget Request, Form 01.91.03. A separate form is required for each position requested, except in those cases where personnel are of the same civil service class title and will have identical work assignments. Budget requests shall not be submitted to fill vacancies in the authorized strength.

**Expense.** Expense requests shall be submitted on the Equipment/Expense Budget Request, Form 01.91.00. Requests should not be submitted for expense items used to maintain normal operation of the division unless unusual needs are anticipated. Examples of normal expense items are office supplies, Department forms, duplicating paper, and fuses.

In computing travel expenses, the total cost of the trip should be included on one form. Compute and itemize expenses such as fares, living expenses, registration, and tuition. Estimate living expenses at the current rate, which may be obtained from Fiscal Group. Indicate the number of persons for whom funds are being requested.

**Equipment.** Equipment requests shall be submitted on the Equipment Budget Request, Form 01.91.00. Any quantity of the same specific item shall be submitted on one request. Items not of identical description shall be submitted on a separate request.

**Exception:** When a vehicle is being requested, a separate request is not required for accessories. Accessories such as radio, red lights, and siren shall be included in the description.

**Note:** Replacement of worn equipment with new equipment of the same specifications shall be requested through the Officer in Charge, Supply Section. *Telephonic* equipment shall be requested through the Commanding Officer, Information Technology Bureau (Manual Section 3/564.10). Requests for these items may be submitted as the need arises.

**303.50 BUDGET-PRIORITY NUMBERS.** The space for Division Priority numbers on Forms 01.91.00 and 01.91.03 shall be utilized to consecutively number each request in priority order.

**303.60 BUDGET-RESUBMISSIONS.** Requests which were denied in the past may be resubmitted. Resubmission of items (personnel, expense, equipment, alterations and improvements, capital projects) denied in the preceding year shall be submitted on the proper form in the manner of a new request.

**Note:** The fact that a budget request is a resubmission shall be indicated by marking "yes" in answer to question number 2 on the form, "Was this item a denied request in the last budget?" Renewals or continuances of items approved in the previous budget shall be submitted as new requests. Examples are requests to attend annual conventions or requests for subscriptions to newspapers.

**325. GRANT FUND APPLICATIONS.** Applications for grant funds shall be directed to Information Technology Bureau.

**Note:** Assistance may be obtained from the Grants Unit, Information Technology Bureau, prior to application.

### **340. ESTABLISHMENT OF CHECKING ACCOUNTS**

#### **340.10 REQUEST FOR ESTABLISHMENT OF A CHECKING ACCOUNT.**

**Requesting Entity - Responsibility.** Anytime a Department entity wishes to establish a checking account with monies received from **any** source, (e.g., contributions, Secret Service funds, non-budgetary funds, etc.), the entity shall submit an Intradepartmental Correspondence, Form 15.02.00, to Fiscal Group (FG) containing the following:

- Request for approval to establish a checking account;
- Source of funds;
- Intended use of funds; and,
- Anticipated yearly deposits.

The Form 15.02.00 shall be submitted through the requesting entity's chain of command.

**Fiscal Group - Responsibility.** Upon receipt of the Form 15.02.00, FG shall:

- Review the request;
- Determine if the account is subject to the City's financial controls;
- If yes, establish a new account with the City contracted bank; and,
- If not, advise the requesting entity of the appropriate means to handle the monies.

**350. NON-BUDGETARY FUNDS.** Non-budgetary Department funds are those funds established for the control and accounting of monies and other resources obtained that are not included in the City's budget. In all reports and statements concerning these funds, the notation non-budgetary shall be made. Unless specifically exempted, all non-budgetary funds shall be administered as set forth in the subsections of Department Manual Section 3/350.

**350.10 FUND COMMITTEES.** Each non-budgetary Department fund shall be administered by a fund committee. Each fund committee shall establish and publish a statement of the purposes of the fund, a list of election procedures, membership eligibility requirements, and other specific rules pertaining to the administration of the fund. The chairperson of the committee shall delegate to the committee members such authority necessary to ensure the proper accounting and expenditure of the funds resources. The committee chairperson shall also designate an alternate from among the committee members to act as chairperson in his or her absence.

**350.11 DEVIATION FROM ESTABLISHED FUND COMMITTEE MEMBERSHIP.** When the nature of a particular fund requires a deviation from the fund committee membership set forth in the subsections of Manual Section 3/350, the commanding officer shall submit two copies of an Intradepartmental Correspondence, Form 15.02.00, through channels to Administrative Services Bureau. The Form 15.02.00 shall contain:

- The reason a deviation is necessary;
- The proposed committee membership;
- A request for approval; and,
- Signature blocks for each level in the chain of command, including a signature block for the Commanding Officer, Administrative Services Bureau.

One copy of the Form 15.02.00 shall be retained at Administrative Services Bureau. The original shall be returned to the chairperson of the fund committee and shall indicate approval or denial of the request.

**350.12 FUNDS CONTROL COMMITTEES.** Funds control committees may be established in order to coordinate and to standardize the administration of two or more divisional funds of similar nature.

**350.14 BOOKKEEPING SYSTEM.** The chairperson of a non-budgetary Department fund committee shall appoint an accounting officer who shall be responsible for maintaining a bookkeeping system. The accounting officer shall:

- Deposit all currency and checks in a federally insured checking or savings account in the name of the fund (the Los Angeles Police Federal Credit Union may be used as the financial institution);

**Exception:** A petty cash fund, not to exceed one hundred dollars, may be established within the non-budgetary fund.

- Record each transaction in a physical or electronic journal listing the date, check number when applicable, source or purpose, and the amount received or expended, and the running account balance;

**Exception:** Contributions which consist of services or other resources, on which a monetary value cannot be placed with reasonable accuracy, shall be treated in accordance with Department Manual Section 3/350.20.

- Obtain authorization from the fund committee for all disbursements; however, the fund committee may authorize routine disbursements from the petty cash fund without prior approval;
- Account for each disbursement with an itemized receipt, invoice, or voucher, and maintain a file of these documents for five years;
- Checks must be signed by an authorized staff member and countersigned by the chairperson of the fund committee or his or her designee;
- Make disbursements of less than ten dollars, including tax, from the petty cash fund. Disbursement of ten dollars or more shall be made by check when the fund has a checking account; Expenditures from petty cash shall be accounted for with receipts, invoices, or vouchers;
- Reconcile the fund journal with the fund bank account and petty cash each month and report any discrepancies to the fund committee chairperson; and,
- Complete a Receipts and Disbursements Report, Form 15.47.00, at the end of each month. Reports shall be kept on file and available at the Area/division for internal or external auditing purposes. One copy of the report shall be forwarded to the Chief Accounting Employee for certification purposes to the Office of Finance. Reports shall be posted in a conspicuous space for review by the fund members.

**Note:** These procedures do not apply to station funds.

**350.16 AUDITS OF NONBUDGETARY DEPARTMENT FUNDS.** A detailed annual audit of each non-budgetary Department fund shall be conducted by two Department employees designated by the fund committee chairperson. Persons who are responsible for the accounting of a particular fund shall not be assigned to audit that same fund.

Each month, two Department employees designated by the chairperson shall verify the correctness of the Receipts and Disbursements Report by comparing each entry in the books with invoices, vouchers, and receipts. They shall also compare balances with receipts, expenditures, and bank deposits.

The results of monthly and annual audits shall be submitted in writing to the chairperson of the fund committee and to the commanding officer(s).

**350.17 INCOME TAX RETURNS.** The chairperson of each non-budgetary fund shall be responsible for ensuring the fund's compliance with Federal and State tax laws.

**350.18 FUND EXPENDITURES.** Each fund committee shall conduct its affairs in a manner beneficial to the majority of its constituents and to the Department as a whole. Whenever practicable, goods and services shall be paid for with existing resources; the incurring of debts shall be prohibited, unless prior approval is obtained from the Office of the Chief of Police. When expending non-budgetary funds, the committee members shall recognize the limitations of resources and the transiency of fund constituents.

**350.20 ACCEPTANCE OF DONATIONS.** All donations, as that term is used within this section shall be formally accepted by the Board of Police Commissioners (BOPC), or the City Council, as appropriate, before the donation may be used by the Department. Formal acceptance of a donation shall be pursuant to the process and procedures set forth in this section.

Commanding Officers (including bureau and offices), shall generate a request to accept a donation and shall forward supporting documentation to the Commanding Officer, Administrative Services Bureau (ASB), via Intradepartmental Correspondence, Form 15.02.00. The Commanding Officer, ASB, will determine, based on the nature, value and purpose of the donation, if all requirements have been met under this section, and if so, the appropriate level of approval required in accordance with the Los Angeles Administrative Code.

**Department Donations – Defined.** Donations subject to the requirements of this section include the following: gifts of money; real property; use of real property (e.g., use of building space); personal property (e.g., supplies and equipment including loaned equipment and equipment transferred from other City departments); services; supplies and anything else of value that may benefit:

- Individual employees or their families;
- Groups of employees;
- The Department;
- Department entities (e.g., station funds), or Department-sponsored activities (e.g., Department employee athletic teams and youth activities).

**Note:** Items are considered to be donations when they are received from any source, including but not limited to individuals whether employed or not by the Department; another City department; a City elected official, the Parker Foundation, the Los Angeles Police Department (LAPD) Memorial Foundation, and Area booster associations.

**Exception:** The following items are exempt from the definition of “Donation” and therefore not subject to the requirements of this section:

- Proceeds from vending machines and fundraising events (such as bake sales) on Department premises that are limited in participation to Department employees and volunteers;
- Perishable food items meant to be consumed at Department facilities for Department employees and volunteers;
- food and drink intended to be consumed by department employees, volunteers and guests during informal meetings or gatherings; and,
- Items collected for Department-sponsored toy drives and similar events for needy children and other members of the community.

Catered food donated for large scale formal events (i.e., holiday parties, recognition ceremonies) is a donation for purposes of this section and must comply with the requirements of this section.

Questions regarding whether donated food items are subject to this section should be directed to the Chief of Staff.

**Commanding Officer’s Responsibilities.** Commanding officers are responsible for **all** donations received by and used within their command. Commanding officers shall submit a Form 15.02.00, via their chain of command, to the Commanding Officer, ASB, requesting approval to accept a donation. A copy of the Intradepartmental Correspondence shall be retained for record keeping purposes by the submitting entity. The donated items shall not be placed into use until either the BOPC or the City Council, as appropriate, formally accepts the item or directs the Department to accept the item. The submitted Intradepartmental Correspondence shall:

- Itemize the donation, including item description, make, model, serial number, quantity and value, and estimates of continuing costs for supplies, service charges or fees, and maintenance of operation, as applicable;
- When applicable, document the inspection and written approval from Information Technology Bureau to accept computer equipment and accessories, from Motor Transport Division for vehicles or transportation-related equipment (e.g., electric vehicles, trailers, generators, fuel storage containers, items requiring mechanical maintenance and or requiring fuel to operate;
- When applicable, include other approvals required for specialized items, such as Electronics Unit, Technical Investigation division (TID), if the donation is in reference to digital voice recorders or Photographic Unit, TID, for digital cameras;

**Note:** Items received from military, federal or state surplus are not exempt from these requirements.

- Fully identify the donor, reason for the donation and indicate whether the donation was solicited by or on behalf of the Department, its employees or their families, or whether the donor sought out the Department to make the donation;
- Describe the relationship the donor has with the Department and/or financial interests with the City to include, but not limited to, the following:
  - Has entered into, performs under, or seeks a contact with the department;
  - Has attempted to influence the department in the past year that would have a direct financial effect on the person or entity;



- Has a license (e.g., Alcohol Beverage Control), permit (e.g., Conditional Use Permit, or Police Commission Permit), or other entitlement for use that the Department has influence over;
- Owns or operates a business within the Area/division receiving the donation; and/or,
- Any other potential factors that may give the appearance that there may be a conflict of interest in accepting the donation.

**Note:** None of the above factors would automatically disqualify a person or entity from donating to the Department. Notation of these factors merely ensures transparency and that the BOPC has complete understanding of the source of the donation. For example, many local businesses can appropriately support the Department through a donation; however, commanding officers should be mindful of any actual or perceived conflicts of interest if the Department were to accept the donation. Commanding officers (or any department employee) shall immediately contact the Office of Constitutional Policing and Policy if they have reason to believe a prospective donor is attempting to influence the Department, a Department employee, or a Department entity, or there is any other appearance of impropriety.

- Include any correspondence or memoranda regarding the donation from the donor and/or the Department division as an attachment;
- Document that the donor was advised that there will be no expressed or implied commitment or promise made by the Department in exchange for the donation and that the donor will not receive any tax advantage, preferential treatment (including use of any LAPD patent), endorsement, or recommendation in exchange for a donation; and,
- If a donation requires support such as monthly service fees, lease or rental charges, supplies, telephone lines, cabling or non-City standard equipment maintenance or installation, identify the complete details and anticipated source of funding for those fees/charges.

Facilities Management Division shall give approval for any donation that involves structural changes to Department facilities (e.g., painting walls, mounting items to walls, installing flooring, installing locks). Depending on the item(s) being donated, additional approval may be required.

Internal funds established for fallen officers and their families and other catastrophic events that seek donations from other than Department employees shall be reported to ASB via an Intradepartmental Correspondence.

Upon the initial approval for a donation that requires continuing support, such as telephone line charges, cellular telephone service, lease or rental costs, or supplies which come from an outside source, the commanding officer shall submit a new request to accept the donation before the service or contact expiration date of an existing donation.

Small recurring donations of items such as office supplies shall be documented in the initial request to accept the donation. Such documentation shall include the expected duration of the recurring donation and actions the receiving entity will take when donations cease.

**Commanding Officer, Administrative Services Bureau Responsibilities.** Upon receiving a request to accept a donation, the Commanding Officer, ASB shall:

- Determine if the request to accept the donation complies with the requirements of this section;
- Determine if the donation requires acceptance via the Department Trust Fund;
- Determine the appropriate level of approval needed (BOPC, City Council, etc.);
- Prepare necessary correspondence transmitting the request form the Office of the Chief of Police to the BOPC;

- Maintain a database of all request to accept a donation submitted to ASB by Department entities, including requests to accept donations that are ultimately denied; and,
- Include the number and total dollar amount of the donation accepted by the BOPC year to date, for the past three years, for each individual donor.

Unless otherwise indicated, the contact person listed on the Intradepartmental Correspondence is responsible for responding to any questions the BOPC may have regarding the donation and for monitoring the status of the request.

Administrative Services Bureau will notify Fiscal Group directly when a monetary donation to a Department Cadet Post is accepted.

Audit division shall have the responsibility for auditing the uses of approved donations to ensure the items or monetary donation were used for the intended purpose.

**Appeal of Denied Requests.** When a request for the acceptance of a donation is denied by the Commanding Officer, ASB, the applicable commanding officer may submit an appeal via his or her chain of command to the Chief of Staff (COS). The COS shall review the appeal and render a decision. The COS shall then notify the appealing commanding officer via the commanding officer's chain of command of the decision.

**350.30 OFFICE, BUREAU, AREA, DIVISION, SECTION, UNIT, AND JOINT FUNDS.** Office, Bureau, Area, division, section, unit, and joint funds (e.g., station fund) shall consist of all monies received from vending machines, ranges, coffee rooms, or other sources which are intended to benefit the members of certain employee groups or the Department as a whole. Dues paid by Department employees or volunteers are not considered Department donations. Funds, or items received into an office, bureau, Area, division, section, unit or joint funds from sources outside of the Department shall be reported in accordance with department Manual Section 3/350.20.

Office, bureau, Area, division, section, unit and joint funds are established for the morale and welfare of the employees. The funds shall not be used to purchase Department uniforms, office supplies or law enforcement equipment.

**Office, Bureau, Area, Division, Section, Unit Funds.** The membership of an Office, Bureau, Area, division, section, or unit fund committee (e.g., station fund) shall consist of the commanding officer or Officer in Charge and a minimum of four elected employees of non-supervisory rank. The committee shall contain an odd number of members.

The chairperson of an Office, Bureau, Area or division fund committee shall be the commanding officer. The chairperson of a section or unit fund committee shall be the Officer in Charge.

**Joint Funds.** The membership of a joint fund committee shall consist of the commanding officer and a minimum of one elected member of non-supervisory rank for each participating division or Area, and officer in charge and a minimum of one elected member of non-supervisory rank from each participating section or unit which is not a part of a participating Office, Bureau, Area or division.

The chairperson of a joint fund committee involving two or more divisions, or an Area and one or more divisions which are not part of the organizational structure of the Area, shall be one of the participating commanding officers, to be selected by the members of the committee.

**350.32 AREA BOOSTER FUNDS.** Area booster funds shall be administered by members of the community selected by the concerned booster organizations. The commanding officer and the community relations officer of the Area shall participate in the administration of Area booster funds in an advisory capacity only.

**350.40 INMATES WELFARE FUND.** The Inmates Welfare Fund shall consist of all non-budgetary money received by Custody Services Division intended for the welfare of inmates.

**Responsibility.** The Commanding Officer, Administrative Services Bureau, is responsible for the proper administration and accounting of this fund.

**350.48 DEPARTMENT-SPONSORED YOUTH ACTIVITY FUNDS.** The Department-sponsored Youth Activity Funds (Area level) shall consist of all monies received for the benefit of the members of each youth activity sponsored by the Department.

**Responsibility.** Area commanding officers shall be responsible for the proper administration and accounting of these funds and may appoint the membership of the fund committees.

**Bookkeeping System.** A permanent journal record of cash receipts and disbursements for each Youth Activity Fund shall be kept under the supervision of an officer designated by the Area commanding officer. An itemized invoice shall be obtained or voucher made for each expenditure.

**Note:** Contemplated youth programs incurring expenditures up to \$2500 shall be approved at the Area level. Expenditures over \$2500, not exceeding \$5000, shall be approved at the bureau level.

**350.50 FUND RAISING ACTIVITIES.** Non-budgetary fund committees, if not otherwise directed by the provisions of Manual Section 3/350, shall establish written policy for fund raising activities. This policy shall be submitted to the bureau commanding officer for approval. In addition, all fundraising activities shall be approved by the committee and bureau commanding officer prior to the activity.

**Note:** Employee benefited fund raising activities shall not be conducted by on-duty personnel, unless approved by the Chief of Police.

**350.52 FUND RAISING ACCOUNTING.** An item for item accounting in the form of a profit and loss accounting system shall be maintained for all fundraising activities. This accounting shall be available for review by the non-budgetary fund committee members during the fundraising activity. At the completion of the activity, the accounting report shall be submitted to the committee, which will conduct a detailed audit. The audit shall be forwarded to the bureau commanding officer.

## **355. SECRET SERVICE FUNDS.**

**355.05 ADMINISTRATION AND MANAGEMENT OF SECRET SERVICE FUNDS.** Each operational bureau that has been designated by the Chief of Police (COP) to receive Secret Service Funds shall designate a bureau Secret Service Funds Coordinator. The Bureau Secret Service Funds Coordinator may be the Bureau Vice Coordinator or the Commanding Officer (CO's) designee. Additionally, an Area/division that has been designated by the COP to receive Secret Service Funds shall designate a Secret Service Funds Coordinator and may be the Narcotic Enforcement Detail (NED) Officer in Charge (OIC), Vice Supervisor, or whoever the Area/division CO designates.

**Note:** Both the Bureau Secret Service Funds Coordinator and the Area/division Secret Service Funds Coordinator shall have direct supervisory control over the Secret Service Funds, but **not** the California Witness Relocation and Assistance Program (CAL WRAP) Funds.

**NARCOTICS ENFORCEMENT DETAIL SUPERVISOR'S RESPONSIBILITIES.** Area NED supervisors shall have the following responsibilities and ensure their subordinate personnel adhere to the following procedures and protocols:

- Submit the completed Expenditure of Secret Service Funds form and the Detective Activity Log (DAL) to the concerned officer's supervisor no later than the end of watch of the following work day;
- Review the Expenditure of Secret Service Funds form and all related reports for accuracy and then forward the signed/approved form to the next level of supervision; and,
- Maintain a Monthly Report of Secret Service Money, Form 15.37.00, for issued or expended Secret Service Funds.

**Note:** The bound Monthly Report of Secret Service Money shall include the following:

- Date, time, and location of Secret Service Fund expenditure;
- Amount;
- Type of expenditure or transfer of funds;
- Signature, printed name, and serial number of officer receiving and officer disbursing;
- A running balance of funds;
- Control numbers that correspond with the edits; and,
- Dates of reconciliation.

**AREA/DIVISION SECRET SERVICE FUNDS COORDINATOR'S RESPONSIBILITIES.** The Area/division Secret Service Funds Coordinator shall:

- Monitor that funds shall only be expended when necessary and in furtherance of criminal investigations that fall within the area of responsibility of the CO;
- Dispense Secret Service Funds to the Area NEDs, vice units, and other details as needed; and,
- Reconcile the Area vice and narcotics expenditures on the monthly Area report and submit it to the Bureau Secret Service Funds Coordinator by the third working day of the calendar month following the month reported.

**BUREAU SECRET SERVICE FUNDS COORDINATOR'S RESPONSIBILITIES.** The Bureau Secret Service Funds Coordinator shall:

- Conduct periodic audits of the Monthly Report of Secret Service Money and the Expenditure of Secret Service Funds;
- Maintain the Bureau Monthly Report of Secret Service Money and forward it to Fiscal Group; and,
- Review the monthly report submitted by the Area/division Secret Service Funds Coordinator.

**Note:** Witness relocation and assistance expenditures shall be reported separately from narcotics and vice expenditures.

**355.10 USE OF SECRET SERVICE FUNDS FOR OTHER THAN WITNESS RELOCATION AND ASSISTANCE PROCEDURES.** The Secret Service Fund is used for expenses incurred during criminal

investigations arising within the City of Los Angeles and for such expenses necessarily incurred in the detection of crime. The fund shall not be used for any of the following:

- To supplement the income of any Department employee;
- To procure any fixtures, equipment, or supplies for the general use of the Department; or,
- To employ any personnel from established civil service classifications.

**Disbursement and Expenditures.** Each Area commanding officer, and division commanding officers designated by the Chief of Police, shall be allotted Secret Service funds. The funds shall be used as follows:

- The funds shall be expended only when necessary in the furtherance of criminal investigations that fall within the area of responsibility of the commanding officers; and,

**Note:** Officers may use their own money for investigations, subject to reimbursement by an assigned supervisor. When it is known in advance of an operation that a specific expenditure will be required, the Officer in Charge may provide Secret Service Funds.

- After an expenditure, the officer shall submit an Expenditure of Secret Service Funds, Form 15.37.01, to his or her supervisor for approval and reimbursement no later than the following workday.

**Note:** Expenditures over \$250 for narcotics investigations, \$50 or more for vice investigations, and \$150 or more for vehicle rentals require approval of the commanding officer prior to the expenditure.

**Exception:** Entities may submit a request through channels to the Chief of Police for approval of higher routine expenditure limits when specific, ongoing operational needs are identified.

**Obtaining Additional Funds.** Additional funds may be provided when the following conditions exist:

- When Secret Service funds have been depleted by necessary expenditures;
- When a specific investigation requires an inordinate amount of funds; or,
- When an immediate investigation is essential.

Entities needing additional monies shall first contact their bureau for any reserve funds. If reserve funds are not available, the requestor shall:

- Complete an Intradepartmental Correspondence, Form 15.02.00, from their commanding officer to the Director, Office of Support Services (OSS), which describes in detail the purpose and need for the additional funds.

The Form 15.02.00 shall include the following:

- A signature block for the Director, Office of Operations (OO), if the entity requesting the additional funds falls under the chain of command of OO;
- A signature block for the Director, Office of Special Operations (OSO), if the entity requesting the additional funds falls under the chain of command of OSO; and,
- A signature block for the Commanding Officer, Professional Standards Bureau (PSB), if the entity requesting the additional funds falls under the chain of command of PSB.

All other entities shall include their bureau commanding officer's signature block.

- Ensure that the Form 15.02.00 includes a signature block for the Director, OSS, as well as any special circumstances pertaining to the investigation (e.g., the possibility and manner of reimbursement). Confidential information that would compromise the investigation shall not be included in the request.

**Note:** If appropriate, a fact sheet may accompany the Form 15.02.00.

Upon completion of the Form 15.02.00 by the requesting commanding officer, the Form 15.02.00 shall be distributed as follows:

- Submit the Form 15.02.00 to the appropriate bureau commanding officer for review;
- After review and approval, the bureau commanding officer shall forward the Form 15.02.00 to the Director, OO, the Director, OSO; the Commanding Officer, PSB or whichever entity is applicable;
- After review and approval, the Director, OO, the Director, OSO, or the Commanding Officer, PSB, or the appropriate entity shall forward the request to the Director, OSS; and,
- The Director, OSS will conduct the final review of the request and if approved, additional funds will be made available from the Office of the Chief of Police Reserve Fund.

**Recovery of Secret Service Funds.** In order to protect the integrity of the Department and the credibility of the involved officers, the following procedures have been established for recovering Secret Service funds.

- The Arrest Report, Form 05.02.00, shall list in detail all monies expended and the disposition of the money involved;
- Money shall be recovered only when it can be identified by serial numbers or other markings; and,
- Other operating expenses incurred in the investigation shall not be taken from the person arrested.

**Note:** When winnings have been received in bookmaking investigations, the original bet shall be taken from the winnings, returned to the Secret Service Fund, and the remainder booked as evidence.

**Exception:** Entities may submit a request through channels to the Chief of Police for approval of higher routine expenditure limits when specific, ongoing operational needs are identified.

**355.20 MONTHLY REPORT OF SECRET SERVICE FUNDS AND CALIFORNIA WITNESS RELOCATION AND ASSISTANCE PROGRAM EXPENDITURES.** Each bureau, Area, division, or unit that has been issued, or has expended, secret service funds shall complete the Monthly Report of Secret Service Money, Form 15.37.00. This report shall be submitted by the third working day of the calendar month following the month reported.

**Note:** This report shall be considered confidential and copies shall be filed in a locked compartment.

Additionally, the officer responsible for disbursing Secret Service Funds shall maintain a bound ledger with the following items included for each transaction:

- Date (and time and location if Area Secret Service Fund expenditure);
- Amount;
- Type expenditure of transfer of funds;
- Signature of officer receiving;
- Signature of officer disbursing; and,

- A running balance of funds.

Witness relocation and assistance expenditures must be reported to the bureau at the end of each month. The bureau shall review the Monthly Report of Secret Service Money and forward the original to Fiscal Group and a copy to the Office of the Chief of Police (OCOP). This process shall be completed by the third workday of each month.

Witness relocation and assistance expenditures shall be reported separately from the vice expenditures report and the narcotics expenditures report. However, all California Witness Relocation and Assistance Program (CAL WRAP) cases occurring in the same month shall be documented in one report.

The events requiring submission of a Monthly Report of Secret Service Money are delineated on the reverse side of the Form. Additionally, a Form 15.37.00 is required:

- When CAL WRAP funds are received from the bureau or the OCOP, even if there are no expenditures; and,
- Each month a balance of funds exists; that is, if a balance of money appears at the end of one month's report, a report is required for the following month.

When Secret Service funds are received for Witness relocation and assistance purposes, an original and six copies of the Form 15.37.00 shall be prepared with the following additional information:

- All CAL WRAP cases listed on the report shall be identified by case number; and,
- Any unused funds returned to the OCOP or bureau shall be listed in the "Transferred Out" section.

**355.30 CALIFORNIA WITNESS RELOCATION AND ASSISTANCE PROGRAM.** The California Witness Relocation and Assistance Program (CAL WRAP) is a County program designed to increase successful criminal prosecutions through the protection of witnesses and their families. The following criteria must be met in order to obtain funds from the CAL WRAP:

- A witness or family member has been threatened, or an actual threat to the safety of a witness or family member exists;
- Criminal charges have been filed, or there is a strong likelihood charges will be filed by the District Attorney's (DA's) Office against a defendant; and,
- The witness will be called or has been called to testify against the defendant.

**Disbursement.** The Office of Support Services will make an annual allocation of Secret Service funds to all geographic bureaus for the purpose of administering the CAL WRAP at the bureau level. This allocation shall occur at the beginning of each fiscal year.

**Procedures for Obtaining Funds.** When a witness relocation case develops and the established criteria for obtaining funds are met, the investigating officer (I/O) shall complete a DA's CAL WRAP request. The investigating officer shall then discuss the case with an immediate supervisor (Detective III or above) and obtain approval from the commanding officer.

**Note:** The DA's CAL WRAP request has been revised to include a signature block for the commanding officer.

The investigating officer shall then telephonically contact the Program Coordinator at the DA's Office for initial approval to use the funds.

Upon telephonic approval, the I/O shall make an appointment to appear in person at the DA's Program Coordinator's office for written approval. Once written approval has been obtained, the I/O shall transport the approved CAL WRAP request to the Bureau Detective Coordinator (BDC) to obtain the fund.

Once the funds have been disbursed, the I/O shall be responsible for obtaining all necessary receipts. These receipts and a letter to the County Business Office shall be mailed to the concerned bureau immediately after the funds have been expended. A copy of all original receipts shall be maintained in division files.

**Note:** The required letter to the County Business Office shall include the name, serial number, and phone number of the I/O. The letter shall also indicate which bureau is to be reimbursed and the mailing address.

**Investigating Officer's Responsibilities.** When a witness relocation case develops, and the criteria for obtaining funds are met, the I/O shall:

- Complete a DA's CAL WRAP request;
- Contact the DA's Office for approval;
- Submit the request to the I/O supervisor;
- Hand-carry the CAL WRAP forms, with the case number, to the respective BDC for review and approval;
- Ensure that a detective supervisor is present when CAL WRAP cash money is provided to witnesses;
- Submit all **original** receipts and documents to the BDC within 30 calendar days; and,
- Extensions beyond 30 calendar days may be granted based on approval by the concerned bureau commanding officer.

**Note:** Investigating officers shall not pick up reimbursement checks from the DA's Office.

**An investigating officer having a need to relocate an endangered witness or family member during non-business hours shall:**

- Contact the Department Operations Center with the approval of his/her immediate supervisor;
- On the next workday, bring a copy of the Request for Immediate Disbursement of California Witness Relocation and Assistance Program Funds form to their BDC; and,
- Submit receipts and money to the concerned BDC the following day.

**Unit OIC/Supervisor's Responsibilities.** The unit OIC/supervisor, upon receipt of a DA's CAL WRAP request, shall:

- Review the request for completeness and accuracy;
- Determine if the criteria for obtaining funds are met; and,
- Forward it to the commanding officer for approval.

**Detective Supervisor's Responsibility.** A detective supervisor **shall** be present with an I/O when CAL WRAP money is provided to witnesses.

**Commanding Officer's Responsibilities.** The commanding officer receiving Secret Service funds for CAL WRAP purposes shall ensure that:

- A secure location is established for control of the funds;



- Proper accounting procedures are followed, including the completion of the Monthly Report of Secret Service Money, Form 15.37.00; and,
- Personnel are properly trained in CAL WRAP Program procedures.

The commanding officer, upon receipt of a DA's CAL WRAP request, shall:

- Review the request and determine if the criteria for obtaining funds are met;
- If approval is granted, make an approval notation on the request and forward it to the DA's Office for approval;
- After obtaining approval from the DA, contact the bureau to determine if there is sufficient bureau Secret Service Funds to fulfill the request. If so, the commanding officer shall forward the request to the bureau for disbursement of funds; and,
- If the bureau does not have sufficient funds, cause the request to be forwarded to the Commanding Officer, Fiscal Group (FG). The commanding officer shall also cause a copy of the request to be forwarded to the bureau with the words "NOTIFICATION ONLY" printed in red across the top.

The commanding officer, upon receipt and expenditure of Secret Service Funds, shall:

- Retain a copy of the completed DA's CAL WRAP request form, an itemized list of expenditures, and all related receipts for the file;
- Forward the originals of the above listed documents to the DA's Accountant, Room 54037, Hall of Records, 320 West Temple Street, Los Angeles, California 90012;

**Note:** Only expenditures substantiated by receipts will be reimbursed.

- Cause the Secret Service Fund transaction to be recorded in the appropriate Secret Service Ledger, and,

**Note:** The transaction shall not be recorded in the bureau Secret Service Ledger if the funds are received from FG.

- Upon receiving the reimbursement from the DA's Office, immediately return the funds to the appropriate Secret Service Fund. If funds were obtained from FG, a telephonic notification of the reimbursement shall be made to the concerned bureau; and,
- Extensions beyond 30 calendar days may be granted based on approval by the concerned bureau commanding officer.

**Bureau Commanding Officer's Responsibilities.** The bureau commanding officer, upon receipt of a DA's CAL WRAP request, shall:

- Review the request and determine if the DA's Office approved the request; and,
- Disburse the funds if the balance of the bureau Secret Service Fund will cover the request.

**Bureau Detective Coordinator's Responsibilities.** The Bureau Detective Coordinator shall:

- Hand-carry the CAL WRAP forms, with the case number to FG;
- Deposit the check into the bureau's CAL WRAP account and disburse funds to the I/O as necessary;
- Give a check made payable to the I/O or the party involved in the witness relocation;

- Retain a copy of all CAL WRAP documents and forward **originals** to the DA's Office;
- Pick up the CAL WRAP reimbursement checks from the DA's Office; and,
- Oversee witness relocation activities.

**Commanding Officer, Fiscal Group (FG), - Responsibility.** The Commanding Officer, FG, upon receipt of a DA's CAL WRAP request, shall review the request and issue funds (check) for the approved amount to the bureau's CAL WRAP account.

**Note:** The Assistant Commanding Officer, Chief of Detectives, is designated as the Department CAL WRAP Coordinator. Employees having any questions regarding this program should direct their inquires to the Department CAL WRAP Coordinator.

**355.35 OFF-HOURS EMERGENCY WITNESS RELOCATION.** Sworn personnel having the need to relocate an endangered witness during non-business hours shall follow the pertinent guidelines delineated in the Department's Detective Operations Manual.

**355.40 CALIFORNIA WITNESS PROTECTION PROGRAM (CWPP).** Department employees in need of obtaining State funds from the CWPP shall contact the Department Witness Protection Program Coordinator for advice and assistance.

**370. REIMBURSEMENT OF OFFICER RELOCATION EXPENSES.** In order for an officer to be reimbursed for relocation expenses, the threat must be deemed as credible. The determination shall be made by the Director, Office of Operations (OO). Section 832.9 PC mandates that an employer reimburse an officer for certain relocation expenses when the officer has been the subject of a credible threat as a result of the officer's employment. Section 832.9 PC defines a credible threat as, "a verbal or written statement or a threat implied by a pattern of conduct or a combination of verbal or written statements and conduct made with the intent and the apparent ability to carry out the threat so as to reasonably fear for his/her safety or the safety of his/her immediate family."

**Officer's Responsibility.** When an officer learns that he/she is the subject of a threat(s) against him/her or a member of his/her family **AND** the threat is a result of the officer's employment as a Los Angeles Police Officer, the officer shall:

- Immediately notify his/her commanding officer or immediate supervisor; and,
- If the officer chooses to relocate, request relocation reimbursement on an Employee's Report, Form 15.07.00, and submit it to his/her commanding officer.

**Note:** As such a threat invariably includes a criminal investigation and contains personnel issues, the Employee's Report is considered to be and shall be handled as a confidential document.

If an officer chooses to relocate and wishes to be reimbursed, prior approval is required from the Director, Office of Operations. However, under exigent circumstances, approval can be obtained telephonically. Additionally, if the threat is determined to be credible and falls within Section 832.9 PC, documentation will be needed for reimbursement, if approved.

**Note:** If telephonic approval is given, the required documentation must be submitted within five business days.

**Commanding Officer's Responsibility.** Upon learning that an officer under his/her command is subject of a threat, a commanding officer shall make appropriate notifications including the Commanding Officer, Robbery-

Homicide Division (RHD), so an investigation into the threat can begin immediately. If the threat has been deemed credible and the officer wishes to relocate, the commanding officer shall:

- Review the officer's Employee's Report; and,
- Forward Intradepartmental Correspondence, Form 15.02.00, (also a confidential document), to the Director, Office of Operations, via the chain of command, requesting approval for reimbursement of relocation expenses with the Employee's Report attached.

**Note:** If telephonic approval is received from the Director, Office of Operations, the required documentation shall follow within five business days.

**The Director, Office of Operations - Responsibility.** When the Director, Office of Operations, is notified that an officer is requesting reimbursement for relocation expenses, the commanding officer shall:

- Verify from the appropriate entity, usually Robbery-Homicide Division, the circumstances of the threat against the employee and determine if the officer is the subject of a credible threat;
- Forward all reimbursement related documents to FG;
- Ensure that FG has reviewed and approved the amount to be reimbursed prior to the final approval for reimbursement;
- Either approve or disapprove the request for reimbursement of relocation expenses; and,
- Notify the officer via the chain of command of the decision.

**Fiscal Group's Responsibility.** Fiscal Group shall:

- Review the request for payment of relocation expenses for conformance with Section 832.9 PC;
- Liaison with the City Controller, if necessary, in determining if the recommended expenditure is legal and appropriate;
- If approved, determine the amount to be reimbursed as governed by Section 832.9 PC; and,
- If approved, arrange for the payment of the relocation expenses to the involved officer.

### **375. REIMBURSEMENT FOR EMPLOYEE-FURNISHED EQUIPMENT.**

**375.25 EQUIPMENT FURNISHED BY EMPLOYEE-REIMBURSEMENT.** Employee furnished tools or personal property which are **damaged, destroyed, lost, or stolen** in the performance of an employee's duties may result in reimbursement, providing the employee had taken reasonable care to protect the property against damage, destruction, loss, or theft.

**Tools.** Items **required by the nature** of an employee's duties and which are **furnished** at the employee's own expense.

**Personal Property.** Items normally carried or worn by employees to satisfactorily perform their duties.

**375.50 CALCULATION OF REIMBURSEMENT.** When an employee is entitled to reimbursement, the reimbursement shall be calculated by subtracting the sum of five dollars and any other amount the employee may be entitled to receive from other sources from the lesser of the following:

- The cost of repair of the property or tool;
- The cost of replacement of the property or tool; and,
- The market value of the property or tool immediately prior to loss or damage.

**Note:** A damaged or destroyed wrist watch will be reimbursed up to a maximum amount of fifty dollars. Claims exceeding \$50.00 will be reviewed on an individual basis to determine the amount to be reimbursed.

Reimbursement shall not be given:

- For damage caused by the fault of the employee;
- For tools lost by the fault of the employee;
- For damage or loss of vehicles or jewelry (other than watches);
- To the extent to which the employee may be entitled to reimbursement for other sources;
- When the employee does not file his claim within the proper time period; and,
- When the employee's claim is denied.

### **375.75 INITIATING AND PROCESSING CLAIMS.**

**Claimant's Responsibility.** An employee claiming reimbursement for lost or damaged property or tools shall:

- Submit the claim on a Claim for Reimbursement, Form General 139, in triplicate, through channels to the employee's commanding officer for verification;

**Note:** When the employee requesting reimbursement is a commanding officer or higher, the claim shall be submitted to the employee's immediate superior.

- Submit such claim within five working days after the employee becomes aware, or should have been aware, of the damage or loss of the property or tool;

**Note:** The date the damage or loss was first reported should be documented in Section IV of the Claim For Reimbursement where the employee certifies the authenticity of the claim. The facts explaining why the employee was not aware of the damage or loss when the claim is filed more than five working days after the damage or loss shall, when applicable, be included in the statement.

- Attach to the claim a copy of all documents which substantiate the claim, such as:
  - Receipts showing actual purchase price of items;
  - Estimates for repairs or replacement of items;
  - Receipts for repairs;
  - A detailed list of lost or stolen items; and,
  - Accident reports, arrest reports, and formal or informal incident reports.

**Note:** Presentation of claims should not be delayed beyond five working days merely because estimates for repairs or replacement have not been obtained.

- Submit the damaged article, when practicable, with the claim. When the damaged article is not submitted, the reason shall be indicated on the claim; and,
- Retain any article returned to the employee until a final determination is made on the claim.

**Supervisor's Responsibility.** A supervisor upon receiving a Claim for Reimbursement from an employee shall:

- Ensure that the forms are properly filled out;

- Complete Section V Supervisor's Investigation, and make an approval notation in the left margin adjacent to the signature line; and,

**Note:** Supervisors shall ensure that the facts explaining why an employee was not aware of the damage or loss when a claim is filed more than five working days after the incident occurred are included in Section II, Narrative Description of Incident and Damage or Loss.

- Forward the completed forms, with the damaged article, when practicable, to the employee's commanding officer.

**Commanding Officer's Responsibility.** A commanding officer upon receiving Claim for Reimbursement, Form General 130, from an employee, shall:

- Ensure that the circumstances of the loss or damage fall within the provisions of the ordinance;
- Review Section V, Supervisor's Investigation, and sign on the "Supervisor's Signature" line;
- Inspect the damaged article, when practicable, to ensure that the claim accurately describes the damage;
- When deemed necessary, retain the damaged article pending a final determination of the claim; otherwise return the article to the claimant who shall retain the article until the claim is finalized;
- Upon the request of the City Purchasing Agent, forward the damaged property to: City Purchasing Agent, 200 N. Main Street, Room 1430, by Department mail service ensuring the claimant's name, rank, serial number, division, and the date are marked on the outside of the package;
- Forward an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Administrative Services Bureau with the Claim for Reimbursement only when additional information is necessary to supplement the supervisor's investigation or property is being held as evidence or for investigation; and,
- Cause firearms to be delivered to the Purchasing Agent by the claimant or at the direction of the commanding officer. A receipt shall be obtained from the Purchasing Agent accepting the firearm.

**Commanding Officer, Administrative Services Bureau-Responsibility.** The Commanding Officer, Administrative Services Bureau, upon receiving a Claim for Reimbursement, Form General 130, shall:

- Ensure that all claims for reimbursement have been thoroughly investigated and that they fall within the provisions of the ordinance;
- Complete Section VI, Endorsement by Department Head;
- When the claim is denied, enter the reason for denial on all three copies of the form in the remarks section, return the property to the claimant's commanding officer, and distribute as follows:
- Original-Returned to claimant;
- Duplicate and supporting documents-File in Department's Personal Property Claim File;
- Triplicate-Claimant's divisional personnel file; and,

**Note:** The same distribution shall also be used when the claim is denied by the Purchasing Agent.

- When the claim is approved forward the original and all copies of the claim with all supporting documents to Fiscal Group.

**Commanding Officer, Fiscal Group - Responsibility.** The Commanding Officer, Fiscal Group, upon receiving an approved Claim for Reimbursement, Form General 130, shall:

- Forward the original and duplicate copy of the claim with all supporting documents to the Purchasing Agent. The triplicate copy shall be retained pending final disposition of the claim;
- When an approved claim is finalized, draw a demand on the fund established for reimbursement for lost or damaged property or tools; and,
- Maintain a file of all approved and paid claims for a period of two years.

**376. REPLACEMENT OR REPAIR OF CITY-OWNED EQUIPMENT.**

**376.05 REQUESTING REPLACEMENT/REPAIR-CRITERIA.** Whenever a City-owned personal or safety equipment item is lost or stolen, or damaged, or worn, to the point of being unserviceable, the employee shall request replacement or repair of the item.

**376.10 SAFETY EQUIPMENT.** The ownership of all safety equipment shall remain with the City. Safety equipment is divided into two classifications as follows:

\* **General Safety Equipment.** Safety equipment issued to all sworn employees upon appointment:

**Location  
Replacement Obtained**

Item	Location Replacement Obtained
*Ammunition	Training Division
*Handcuffs	Training Division
*Service Weapon	Training Division
*Baton	Supply Section
*Body Armor	Supply Section
*Hobble Restraint Device	Supply Section
*Equipment Belt and Accessories	Supply Section
*Helmet (General Duty)	Supply Section
*Large Chemical Irritant Control Device	Supply Section
* Reflective Safety Vest	Supply Section

\* **Specialized Safety Equipment.** Safety equipment issued to employees upon transfer to certain specialized assignments.

Item	Location Obtained
*Helicopter flight suit, boots, helmet	Authorized Vendor
*Motorcycle boots, breeches, gloves, wind glasses	Authorized Vendor
*Motorcycle Helmet	Supply Section
*Small Chemical Irritant Control Device	Supply Section

**Note:** Commanding officers shall cause an entry to be made on an employee's Uniform/Equipment Issuance and Inspection Record, Form 01.41.00, when a chemical irritant control device and/or holster is issued. The serial number and expiration date of the device shall be entered on the Form 01.41.00.

**376.15 CITY-ISSUED PERSONAL EQUIPMENT.**

City-issued personal equipment is divided into two classifications as follows:

\* Permanently City-Owned.

Item	Location Replacement Obtained
* Badge	Personnel Division
* Buttons	Personnel Division
* Cap Piece	Personnel Division
* Identification Card	Personnel Division
* Keys (999 gamewell)	Personnel Division
* Name Tag	Authorized Vendor
* Rain boots, coat, hat (civilian)	Supply Section
* Reflective Safety Vest	Supply Section

\* **Temporarily City-Owned.** Temporarily City-owned personal equipment is issued to employees upon appointment. Ownership of this equipment transfers from the City to the employee after a specified length of time.

Item	Length of City Ownership	Location Obtained
*Books (Penal Code, First Aid, Street Guide, Training Bulletins, Vehicle Code)	One Year	Training Division
*Flashlight	One Year	Training Division
*Blouses (blue/white)	One Year	Authorized Vendor
*Cap/Hat	One Year	Authorized Vendor
*Rain boots, coat hat (sworn)	One Year	Authorized Vendor
*Trousers (blue/khaki)	One Year	Authorized Vendor

**Note:** The initial issuance of khaki uniforms is provided by the City for civilian employees upon assignment to jail or property duties.

*Bag Equipment (female Reserve Officer)	Five Years	Training Division
*Whistle	Five Years	Training Division

**376.18 PURCHASE OF CITY - OWNED PERSONAL EQUIPMENT BY RETIRING EMPLOYEES.**

Sworn employees retiring under honorable conditions may purchase the following City-owned equipment items:

- Official Police Badge;
- Service Weapon;
- Cap Piece; and,
- Call-box key.

**Retiring Police Reserve Officers.** Police reserve officers eligible for a retirement identification card will be permitted to purchase their Department-issued firearm.

**Purchase of Badge.** Officers, or persons acting in their behalf, who wish to purchase their badge shall submit a request to the Commanding Officer, Personnel Division, requesting approval. Upon approval of the request, the officer shall:

- Complete a Retention of Badge Agreement;
- Pay for the badge at Fiscal Group (FG) and obtain a receipt;
- Pay the Los Angeles Police Revolver and Athletic Club (LAPRAAC) in advance for the cost of badge mounting and obtain a receipt; and,
- Deliver copies of the receipts received from FG and LAPRAAC to the Retirement Counseling Unit, Personnel Division.

Personnel Division shall retain the badge, pending pick-up by LAPRAAC, and issue a receipt to the employee.

Badges prepared for presentation as a memorial to a police officer killed in the line of duty will be mounted in a shadow box acrylic holder and presented to the deceased officer's immediate family.

**Service Weapon.** Officers wishing to purchase their Department issued 9mm semi-automatic pistol or .38 caliber revolver shall present their weapon to the Retirement Counseling Unit and obtain a Weapon Certificate. The officer shall hand-carry the Certificate to the Salvage Section, Department of General Services, and pay for the weapon.

**Note:** Only those officers who are eligible for an unrestricted retirement identification card will be permitted to purchase their weapon.

**Cap Piece and Call-Box Key.** Officers wishing to purchase their cap piece or call-box key shall pay for the items at Fiscal Group and obtain a receipt. A copy of the receipt shall be delivered to the Retirement Counseling Unit.

**Commanding Officer, Personnel Division-Responsibility.** The Commanding Officer, Personnel Division, prior to authorizing the sale of City-owned equipment to a retiring officer, shall verify that the officer's retirement status is "honorable" and:

- Ensure that officers purchasing revolvers are eligible to be issued unrestricted retirement identification cards;
- Ensure that a Weapon Certificate authorizing sale of the service weapon to the retiring officer has been completed;
- Ensure that a copy of the receipt for the purchase of the badge, cap piece, or call-box key has been received; and,
- Coordinate the mounting of badges for retiring officers.

## **376.20 SAFETY EQUIPMENT - ISSUANCE AND REPLACEMENT.**



**General Safety Equipment.** General safety equipment shall be issued to employees upon appointment and replaced according to procedures found in Manual Section 3/376.

**Specialized Safety Equipment.**

**Issuance.** Upon appointment to a detail necessitating specialized safety equipment, an employee shall:

- Obtain a Requisition, Form 15.11.00, for the equipment from the commanding officer of the division requiring the equipment; and,
- Present the Requisition to Supply Section.

**Replacement.** When specialized safety equipment is lost, stolen, damaged, or worn to the extent that it is no longer serviceable, the employee shall request replacement or repair according to existing procedures (Manual Section 3/376.).

**Return.** Upon leaving an assignment necessitating specialized safety equipment, an employee shall return the equipment to Supply Section.

**Note:** Unserviceable City-owned equipment shall be returned prior to issuance of serviceable equipment.

**376.25 CITY - ISSUED PERSONAL EQUIPMENT - REPLACEMENT OR REPAIR.** When a City-issued personal equipment item is lost, stolen, damaged or worn to the point of being unserviceable *during the period of City ownership*, and the loss or damage is not the result of negligence on the part of the employee, the employee may request replacement or repair according to current procedures (Manual Section 3/376).

After City-issued personal equipment has become the property of the employee, he/she shall continue to be responsible for maintaining it in a serviceable condition. However, if the equipment is *damaged, lost, or stolen* while the employee is acting within the course of his/her duties, the employee may request *reimbursement* according to current procedures (Manual Section 3/375).

**376.30 REQUESTING REPLACEMENT OR REPAIR - EMPLOYEE'S RESPONSIBILITY.** When City-owned personal or safety equipment items (Manual Section 3/376) are lost or stolen, or damaged or worn to the degree of being unserviceable, the employees shall:

- When the property is stolen or lost, complete the appropriate crime report or lost report, and an original and two copies of an Employee's Report, Form 15.07.00, requesting the replacement of the item;
- When the property is damaged or worn to the extent that it is unserviceable, complete an original and two copies of an Employee's Report, Form 15.07.00, describing the circumstances of the damage or wear, requesting repair or replacement of the item, and stating whether the employee is entitled to reimbursement from any other source (such as personal insurance);
- Submit the completed reports to their supervisor without unnecessary delay;
- When immediate replacement of the item is necessary, obtain a supervisor's approval and proceed to the appropriate division to obtain a temporary replacement. Temporary replacement items available through Supply Section shall be issued only upon presentation of a completed Requisition, Form 15.11.00; and,
- After review by the commanding officer, take the returned copy of the Employee's Report, Form 15.07.00, to the appropriate division and obtain the permanent item.

**Note:** A copy of the Form 15.07.00 shall be attached to the Requisition, Form 15.11.00, when submitting a request for replacement of City-owned equipment through Supply Section.

**376.32 REPLACEMENT - PRIVATE VENDOR.** Items available through a private vendor shall be obtained as follows:

- Upon receipt of an Employee's Report, Form 15.07.00, and Requisition, Form 15.11.00, from the employee's commanding officer, Supply Section shall order the item. Supply Section shall advise the employee of the time and place for any necessary fitting; and,
- Supply Section shall take delivery of the item from the vendor and notify the employee.

**Note:** Unserviceable items shall be surrendered prior to issuance of a permanent replacement.

**376.35 REPLACEMENT OR REPAIR OF CITY - OWNED PERSONAL AND SAFETY EQUIPMENT ITEMS - SUPERVISOR'S RESPONSIBILITY.** When a supervisor becomes aware of lost, stolen, damaged, or worn City-owned personal or safety equipment, he or she shall ensure the appropriate crime or lost reports are completed and:

- Ensure that an Employee's Report, Form 15.07.00, is completed requesting replacement of the item;
- Forward the completed Employee's Report and a copy of related reports to the employee's commanding officer; and,
- When immediate replacement is necessary, direct the employee to obtain a temporary replacement at the appropriate division.

**Note:** If the equipment is unserviceable due to wear, only the Employee's Report is required.

**376.40 REPLACEMENT OR REPAIR OF CITY - OWNED EQUIPMENT ITEMS - COMMANDING OFFICER'S RESPONSIBILITY.** Upon receipt of an Employee's Report, Form 15.07.00, requesting the repair or replacement of a City-owned personal equipment item (Manual Section 3/376), a commanding officer shall:

- Cause an investigation to be made into the circumstances of the incident to verify the information regarding the theft, loss, or damage;
- When negligence is indicated, cause the appropriate disciplinary action to be initiated;
- When the request is for repair or replacement of an item which has been damaged or worn, inspect the article to determine if repair or replacement is necessary;
- Direct the officer requiring replacement of City-owned equipment to take the Form 15.07.00 to the appropriate division and obtain the item;

**Note:** A copy of the Form 15.07.00 shall be attached to the Requisition, Form 15.11.00, when submitting a request for replacement of City-owned equipment through Supply Section.

- Forward the findings of his or her investigation on an Intradepartmental Correspondence, Form 15.02.00, with the related documents to the employee's bureau commanding officer for administrative review; and,

**Note:** When investigations are conducted at the bureau level, the findings are to be forwarded to the Chief of Police for review.

- Include in the Form 15.02.00 an explanation of any changes or additions to the original information presented by the claimant.

### **376.43 REPLACEMENT OR REPAIR OF CITY-OWNED EQUIPMENT ITEMS-BUREAU**

**COMMANDING OFFICER'S RESPONSIBILITY.** Upon receiving the findings of an investigation involving theft, loss or damage to City-owned personal equipment items, the bureau commanding officer shall:

- Review the investigation of the circumstances regarding the request for repair or replacement of a City-owned equipment item;
- Ensure the claim for reimbursement has been thoroughly investigated;
- When it is determined that the damage or loss was the result of employee negligence, ensure the appropriate disciplinary action has been initiated; and,
- Forward an informational copy of the Form 15.02.00, with the related documents, to the Commanding Officer, Administrative Services Bureau.

### **376.45 COMMANDING OFFICER, ADMINISTRATIVE SERVICES BUREAU - RESPONSIBILITIES.**

Upon receipt of an informational copy of the findings of an investigation involving theft, loss, or damage to City-owned equipment items, the Commanding Officer, Administrative Services Bureau, shall review the findings to ensure consistent handling of similar occurrences Department-wide and report to the Chief of Police, on developing trends.

### **376.50 LOST/STOLEN DEPARTMENT IDENTIFICATION CARDS/BADGES -TELETYPES.**

In addition to the above procedures, the following steps shall be taken when a badge or identification card is lost or stolen:

- The supervisor approving a lost or stolen report shall cause a teletype, indicating the missing property (e.g., lost badge) and listing the owner's name, serial number, rank, and badge number to be transmitted to all Department facilities, "Attention: Lost/Stolen Department Identification Card/Badge."
- Each Area headquarters team shall maintain a list of lost or stolen Department badges and identification cards. Prior to admittance to a Department facility, station security personnel may inspect any Department identification card displayed to verify the identity of the person. A badge or identification card may be checked against the list of lost or stolen badges and identification cards.

**377. RECOVERED CITY - OWNED EQUIPMENT ITEMS.** When City-owned personal equipment items are recovered, standard Department procedures for the booking, custody, and release of property shall apply.

## **380. INDIVIDUAL FINANCIAL STATEMENT.**

### **380.10 REPORTING.**

**Employee-Responsibilities.** Employees who receive financial reimbursement from other than the City of Los Angeles for any on-duty functions or who are summoned in response to an order, notice, subpoena or other written or verbal direction, in which their occupation as a Department employee was a factor and for which they received any monies, shall report all monetary compensation received and submit a Declaration of Receipt/Expenditure of Funds, Form 15.24.00, to their supervisor for review within 15 calendar days following their return to duty. Employees shall also submit receipts to substantiate any expenditure of funds.

**Exception:** A Declaration of Receipt/Expenditure of Funds form is not required when funds are distributed **directly** to the employee from private sources, such as the Parker Foundation.

**Note:** If funds are paid directly to the Department and then distributed to the employee, in whole or part, a Declaration of Receipt/Expenditure of Funds form must be completed.

Employees who respond to an order, notice, subpoena, or other written or verbal direction, and who received monetary compensation in the form of witness, per diem mileage or parking fees shall remit the fees based upon the following transportation:

- City vehicle-remit all witness and mileage fees, in addition to unused fees for per diem and parking; and,
- Private vehicle-remit all witness fees, in addition to unused fees for per diem, mileage, and parking.

**Note:** Employees may contact the Department Chief Accountant, FG, for further information regarding guidelines and form completion.

**Supervisor-Responsibilities.** Supervisors shall immediately review, and upon approval, forward the Declaration of Receipt/Expenditure of Funds form to the employee's commanding officer.

**Commanding Officer-Responsibilities.** Commanding officers shall review, and upon approval of documents submitted by an employee, forward the documents to FG within 15 calendar days following the employee's return to duty. If an employee requests reimbursement of mileage or parking expenses, forward the original Declaration of Receipt/Expenditure of Funds form with a copy of the subpoena to FG.

**Note:** The City Controller's Reimbursement travel guidelines shall be used as the basis for reimbursement.

**381 CONFIDENTIAL FINANCIAL DISCLOSURE POLICY AND PROCEDURES FOR GANG ENFORCEMENT AND NARCOTICS ENFORCEMENT PERSONNEL.** Sworn employees at the rank of lieutenant or below shall submit a completed Confidential Financial Disclosure Face Sheet, Form 01.74.00, and a Confidential Financial Disclosure Report, Form 01.74.01, to the Financial Disclosure Coordinator (FDC), Audit Division, within ten calendar days of being selected and prior to assignment to or for the retention of an existing position within any assignment or loan to:

- Gang Impact Team (GIT);
- Gang Enforcement Detail (GED);
- Narcotic Enforcement Detail (NED) positions;
- Community Law Enforcement and Recovery (CLEAR) Unit; or,
- Gang and Narcotics Division (GND). Any sworn personnel whose primary duty involves contact with or investigation of gang and/or narcotics.

**Note:** An assessment of units within GND which are subject to or exempt from the Confidential Financial Disclosure program will be provided on an annual basis to the Board of Police Commissioners or whenever there is a reorganization impacting GND.

Failure to complete a Confidential Financial Disclosure Face Sheet and a Confidential Financial Disclosure Report will prevent an employee from being loaned or transferred to a GIT, GED, NED, CLEAR or applicable GND position. Additionally, employees within any of these designated assignments who either fail or refuse to

fill out the forms as specified in this policy will not be allowed to continue in the assignment. An employee's refusal to fill out the required forms could impact their ability to work these assignments in the future.

- Officers will be required to fill out a new form every two years if they wish to remain assigned to a GIT, GED, CLEAR, NED, or applicable GND positions

**Note:** Gang Enforcement Detail officers requesting an extension for a fifth year do not need to complete the forms.

**Information to be Disclosed.** Employees subject to the Financial Disclosure process are required to disclose all information regarding sole and jointly owned assets, liabilities, income, and income sources as detailed in the Confidential Financial Disclosure Report.

**Employee Responsibilities.** Employees required to report will receive the Confidential Financial Disclosure Face Sheet and a Confidential Financial Disclosure Report from the officer in charge or commanding officer of GIT, GED, CLEAR, NED or GND prior to transferring or being loaned to the specialized unit, section, or division. The employee shall:

- Call the FDC and set an appointment for review of the forms;
- Complete and return the forms to the FDC within ten calendar days of being selected and prior to assignment to a Financial Disclosure required unit;
- Attend the FDC appointment and provide supporting documentation regarding assets, liabilities, and secondary employment (**only if there is a determination that the Confidential Financial disclosure form contained unexplained wealth**);
- Provide a self-generated credit report (**Only if there is a determination that the Confidential Financial Disclosure form contained unexplained wealth**) from a Department approved credit agency. If a cost is incurred by the employee to obtain a credit report the Department shall pay that cost;
- Cooperate with any official Department audit. If selected for such an audit, the employee shall provide a self-generated credit report. The Department shall pay the cost of the credit report if any is incurred; and,
- Retain all supporting documentation presented for review with the Financial Disclosure forms for two years or until they leave the assignment.

**Financial Disclosure Coordinator Responsibilities.** The Financial Disclosure Coordinator shall:

- Review each Confidential Financial Disclosure Face Sheet and the Confidential Financial Disclosure Report to ensure completeness;
- Review all supporting documentation submitted in accordance with Financial Disclosure Review/Audit Protocols;
- Initial the corresponding box to verify that the documentation was provided and reviewed;
- Sign and date the Confidential Financial Disclosure Face Sheet and the Confidential Financial Disclosure Report in the presence of the employee;
- Provide the employee an opportunity to respond in writing to any areas of concern; and,
- Provide the employee with a copy of the Receipt for the Original Confidential Financial Disclosure Packet, Form 01.74.02.

The Commanding Officer, Audit Division, shall then review and approve the completed work.

The FDC will report all findings to the Office of Constitutional Policing and Policy (OCPP) who will review and approve the completed forms. OCPP will review the forms with the Chief of Police who will make a “final determination” to approve or deny the application. Audit Division will be responsible for the audit of the Confidential Financial Disclosure Face Sheet and the Confidential Financial Disclosure Report.

**Note: OCPP and FDC shall not** keep or make copies of any supporting documents including the self-generated credit report.

### **Financial Disclosure Forms.**

**STORAGE.** All completed forms will be stored in a secured and locked location at the Office of the Chief of Police (OCOP);

**CONFIDENTIALITY.** All forms are considered confidential and shall remain on file at the OCOP during the course of the employee’s assignment to GIT, GED, CLEAR, NED or applicable GND position. The forms shall remain secured at the OCOP until their date for destruction;

**AUDIT OF FORMS.** An annual audit of forms will be conducted in accordance with standard audit guidelines; and,

**DESTRUCTION OF FORMS.** The Office of the Chief of Police is responsible for the destruction of forms. Upon the employee separating from the specialized assignment, the employee’s forms will be destroyed two years from the date of separation. The employee is responsible for notifying the FDC upon separation of assignment.

### **390. OFFICIAL TRAVEL BY DEPARTMENT EMPLOYEES.**

**390.01 TRAVEL - DEFINED.** Travel by Department employees is defined as a business trip or attendance at a convention or business meeting which:

- Has a public, municipal purpose, the aims of which are reasonably calculated to aid the Department in the attainment of its objectives;
- Requires expenses for transportation to a location farther than 50 miles both from the employee's place of assignment or primary residence;
- Requires expenses for overnight lodging and meals; and,
- Has been authorized.

Types of travel have been defined by the City Administrative Officer as follows:

**Conventions.** A convention is defined as a regularly recurring conference of the membership of a professional, technical, fraternal, or other organization in which the subject matter **broadly** relates to Department operations;

**Business Meetings.** A business meeting is defined as an advisory committee session or other gathering in which the subject matter is of specific concern to Department operations.

**Note:** This definition includes, but is not limited to training activities, conferences, panels, seminars, or workshops on specific City problems; and appearance before judicial, quasi-judicial, or legislative bodies.

**Business Trips.** A business trip is defined as travel for other than a convention or business meeting, the purpose of which is of immediate concern to Department operations.

**Note:** This definition includes investigative travel (e.g., criminal investigations, extraditions, and personnel investigations) and operations travel (e.g., recruiting, real estate and grant negotiations, and the observation of activities of other law enforcement agencies).

**Short Term Travel.** Short term travel is defined as:

- Not requiring prolonged absence (less than 24 hours travel time);
- The point of destination is outside the Los Angeles County area; and,
- It requires more than eight hours to complete a round trip to the point of destination from the employee's place of assignment.

**Exception:** Any Department employee or entity participating in any Department affiliated overnight activity involving any juvenile(s) shall comply with the Director, Office of Special Operations (OSO) rules and guidelines for such activity. This includes all Youth Program Overnight Outings with juvenile participants. Written approval is required for the activity from the Area commanding officer, bureau commanding officer, and the Director, OSO. The written request must include:

- The purpose of the trip;
- The identity of all participants including adults providing supervision;
- The destination and method of travel in detail;
- The source of funds and amount to be spent on the trip;
- The accounting procedures; and,
- Insurance guarantees.

**Note:** Generally, Youth Program Overnight Outings with juvenile participants are prohibited due to overtime and other personnel issues.

**390.17 TRAVEL AUTHORITY - REQUEST.** All requests for non-investigative travel, such as business meeting or convention, shall be submitted by completing the Request for Travel Authority, Form 15.72.00.

All requests for investigative travel shall be submitted on a Request for Investigative Travel, Form 15.70.00.

**390.20 TRAVEL AUTHORITY REQUEST FOR NON - INVESTIGATIVE TRAVEL.** When Department personnel (with the exception of the Chief of Police and the direct Reports) are required to travel out of the City limits but within the United States for training purposes or situations requiring an overnight stay, a travel authority request shall be completed and forwarded through the appropriate channels to the Commanding Officer, Training Bureau. All travel by the Direct Reports must be approved by the Chief of Police. Requests for travel by the Chief of Police must be approved by the Board of Police Commissioner's. Requests for international travel shall be completed and forwarded through the appropriate channels to the Office of the Chief of Police. All requests shall be submitted at least 45 calendar days prior to the date of departure.

**Exception:** A travel authority is not required if an employee is traveling within the Los Angeles **County**, and has been assigned by a training order, and will not receive a reimbursement for expenses.

**390.25 BUDGETED TRAVEL.** Budgeted travel is travel for which funds Under City control have been appropriated in anticipation of a particular event requiring a trip. Employees shall request authorization for all budgeted travel, *other than investigative*, in accordance with the requirement of the specific funding source as follows:

**Revolving Training Fund.** The Revolving Training Fund (RTF) was amended by City Ordinance No. 174756. The purpose of the fund shall be for the receipt, retention and disbursement of monies received from the California Commission on Peace Officer Standards and Training (POST) reimbursements and special service fees for the training of members of outside agencies by members of the Los Angeles Police Department (LAPD). Monies shall be expended for the payment of travel and expenses related to POST and non-POST-certified training, including tuition reimbursement.

**Note:** This fund is handled by Training Division (TD). Fiscal Group (FG) processes payment from the fund.

Employees shall not attend RTF-funded training unless prior written approval is obtained from TD. The Commanding Officer, TD, will determine the appropriateness of training, mode of transportation, relevant associated costs and whether funding is available in accordance with City policy. Policy requires that employees submit the Request for Travel Authority, Form 15.72.00, prior to attending the training. The Request for Travel Authority shall be forwarded in the following order: the employee's commanding officer, the bureau commanding officer, and the Commanding Officer, TD. Approval by the employee's commanding officer does not guarantee the requested training will be approved or that funding is available.

**Note:** Training coordinators facilitating travel authority approval shall ensure that all training requests are approved and signed by their bureaus and received by TD at least 45 calendar days prior to the start date of the travel.

**Note:** Commanding officers are requested to limit the number of employees attending a training course. A Request for Travel Authority listing more than two employees will be denied unless there is a critical operational need to send more than two employees. The justification of that need shall be stated on the travel request.

**Forfeited Assets Trust Fund (Includes the Supplemental Police Account and the Chief's Discretionary Travel Fund).** The Forfeited Assets Trust Fund includes Supplemental Police Account (SPA) monies. Travel using SPA funds is limited to specific Department entities with travel funds allocated in the SPA accounts in accordance with federal regulations.

The Chief's Discretionary Fund Travel requires travelers to submit a Request for Travel Authority with justification to the Office of the Chief of Police for approval prior to travel.

**Special Fund and Grant Fund.** These funds are designed for specific usage which is spelled out in the specific grant award(s) and/or specific funding requirements. Approval by the grant administrator is required prior to the travel. All travels using special funds must still comply with established City guidelines.

**390.33 BUDGETED INVESTIGATIVE TRAVEL.** All requests for investigative travel shall be submitted on the Request for Investigative Travel, Form 15.70.00, and forwarded through the employee's commanding officer to the bureau commanding officer for approval. Upon approval, the bureau commanding officer shall forward the approved request to Fiscal Group (FG).

**Note:** Employees assigned to entities within the Office of the Chief of Staff, shall submit the Request for Investigative Travel through the employee's commanding officer to the Chief of Staff. Upon approval, the Chief of Staff shall forward the request to FG.

Employees assigned to Office of Constitutional Policing and Policy (OCP) or Counter Terrorism and Special Operations Bureau (CTSOB) shall submit their request through the employee's commanding officer to the Director, OCP, or the Commanding Officer, CTSOB, for approval and sent to FG.



Requests for travel funds on a District Attorney's Authorization for out-of-state extradition (Agent's Nomination from) shall be submitted to the officer's commanding officer for approval. The request shall then be forwarded directly to FG prior to the date of the employee's departure.

**Return from Budgeted Investigative Travel.** An officer returning from travel which is funded by FG administered accounts shall within five business days, submit to his/her bureau commanding officer a Personal Expense Statement, Form General 16. An officer returning from *extradition related* travel shall, within five business days, personally furnish Travel and Revenue Unit, FG, with the information necessary for the Travel and Revenue Section to complete a Personal Expense Statement and the State of California Reimbursement Form.

**Exception:** Divisions conducting specialized investigations not funded by FG administered accounts are not required to comply with the provisions of this section.

When approving requests, bureau commanding officers and their equivalents should use current Department travel guidelines based on annually updated Federal rates. Current rates are available to assist travelers on the Local Area Network located under Fiscal Operations/Travel Policies/Maximum Lodging Rates, or at the Federal website: [www.gsa.gov](http://www.gsa.gov).

Any deviation from the standard rates shall be explained by the submitting officer on an Employees Report, Form 15.07.00, prior to providing the personal expense information to FG.

### **390.35 FOREIGN TRAVEL.**

**Investigating Officer-Responsibilities.** When an investigating officer (I/O) is required to conduct an investigation outside of the United States, he or she shall contact the Foreign Prosecution Liaison Unit (FPLU), Gang and Narcotics Division (GND), prior to completing a Request for Investigative Travel, Form 15.70.00. The I/O shall be guided by the advice of the FPLU.

If the I/O is injured, detained or arrested while abroad, the Department Operations Center (DOC) shall be notified. The DOC shall then contact the FPLU, GND, for further assistance.

**Gang and Narcotics Division Responsibilities.** Gang and Narcotics Division shall provide an investigating officer, or any Department personnel traveling abroad off-duty, with any advice which may be pertinent for the country in which he or she will be traveling. In addition, FPLU shall establish and maintain a Foreign Advisory Travel Log.

**Note:** Department personnel are medically covered while traveling abroad, only during the hours for which they are performing official duties (per City of Los Angeles Travel Policy).

### **390.36 REQUESTS FOR INTERNATIONAL EXTRADITIONS.**

**Investigating Officer's Responsibilities.** When an investigating officer (I/O) has information that a suspect is wanted for a felony arrest warrant and has fled to a foreign country to avoid prosecution, he or she shall contact the Foreign Prosecution Liaison Unit (FPLU), Gang and Narcotics Division. The case shall generally be discussed with an I/O assigned to the FPLU as to the feasibility of obtaining approval for international extradition. If there is a clear indication that the suspect is in a foreign country and can be returned to the United States, the investigation will then be referred to the Extradition Services Section (ESS), Los Angeles County District Attorney's (LADA) Office. The LADA's Office will then decide as to whether international extradition requirements have or can be met.

The FPLU shall assist I/Os throughout this process. If the LADA's Office approves international extradition and an arrest warrant is issued, the FPLU shall assist in locating and arresting the suspect in the foreign country.

Investigating officers pursuing suspects who are believed to be in foreign countries should exclusively utilize the FPLU in locating and arresting those suspects abroad; however, in the event that an I/O utilizes another law enforcement entity, the I/O **shall** immediately notify the FPLU and the ESS, LADA Office.

The FPLU shall maintain a Foreign Advisory Travel Log for **all** cases submitted to the ESS, LADA Office, requesting an international extradition. The log shall include the date of request to the LADA's Office, the name of the suspect, and the status of the request.

**390.37 EMERGENCY INVESTIGATIVE TRAVEL FUND.** The Emergency Investigative Travel Fund is administered under the control of the Commanding Officer (CO), Department Operations Center (DOC). The fund may be used when:

- The travel would normally be funded from the Investigative Travel Account;
- Fiscal Group (FG) is closed and will not be open in time to obtain advanced funds prior to the detective's departure;
- Immediate in-person investigation is essential and in the Department's best interest; and,
- The use of the fund is approved by the CO and a staff officer from the bureau to which the requesting detective is assigned. Approval of a staff officer from the Office of the Chief of Staff's shall be required for personnel assigned to Major Crimes Division, Detective Support and Vice Division, and Internal Affairs Division.

**Note:** If no staff officer is available, the CO, Detective Bureau, shall be contacted through DOC for approval. When a detective needs access to the Emergency Investigative Travel Fund, the detective shall complete a Request for Investigative Travel, Form 15.70.00; obtain approval for the travel request from his/her commanding officer and the appropriate staff officer; and present the travel request to DOC. Upon returning from the trip, the detective shall return to FG any unused portion of the money disbursed to him/her from the fund along with the appropriate receipts and expense reports (Department Manual Section 3/390.73).

Upon receiving an approved travel request, the Watch Commander, DOC, shall review the request for completeness; verify the use of the fund with the approving staff officer, if necessary; disburse the necessary amount to the requesting detective; ensure that the detective receiving funds signs a City of Los Angeles Receipt, Form General 30, acknowledging receipt; give the detective one copy of the receipt and keep one copy of the receipt for DOC records; and ensure that, on the next business day, the travel request and original copy of the City of Los Angeles Receipt, Form General 30, are delivered to FG.

**Note:** The CO, DOC, shall ensure that proper records are maintained to account for fund activity. The records shall be retained for a minimum of one year.

The CO, FG, shall ensure that the fund is reimbursed upon receipt of the Request for Travel Authority, Form 15.72.00, and the City of Los Angeles Receipt.

### **390.41 NON-BUDGETED TRAVEL.**

**City General Fund Rule 6 Travel.** The Rule 6 Travel authority approval is required for non-budgeted travel. Employees are required to submit an Intradepartmental Correspondence, Form 15.02.00, addressed to the Commanding Officer, FG, when requesting this type of travel.

Non budgeted travel is travel requiring a deviation from the City Administrative Officer's Approved Travel List. A deviation from the City Administrative Officer's Approved Travel List can require a transfer of funds between Department accounts, an appropriation of funds, use of funds budgeted for another trip, or an increase or decrease in the number of employees budgeted for the trip. Employees shall request authorization for non budgeted travel in accordance with the following procedures:

**Conventions:**

- When practicable, requests shall be submitted 60 calendar days prior to the date of departure. Such request may require approval by the City Council and the Mayor;
- The source of funds shall be determined prior to submitting requests. Information on financing may be obtained telephonically form the Commanding Officer (CO), Fiscal Group (FG), or his/her designee; and,
- Requests shall be forwarded to, and reviewed by, the CO, FG, or his/her designee, who shall prepare a Request for Adjustment of Appropriation of Funds, Form General 104, to provide for either an appropriation, transfer, or reallocation of budgetary funds. The request and attached forms shall be returned to the requesting employee;

**Business Meetings or Business Trips:**

- When practicable, requests shall be submitted 45 calendar days prior to the date of departure and forwarded through channels to the bureau to which the requesting employees are assigned;
- The CO of the concerned bureau shall review requests and, upon approval, forward them to FG;
- The CO, FG, or his/her designee, shall review requests as to the availability of funds only, and forward the requests to the Chief of Police or his/her designee for approval; and,
- One copy of all requests approved by the Chief of Police or his/her designee shall be forwarded to the CO, FG.

**390.49 TRAVEL REQUIRING NO EXPENDITURE OF CITY FUNDS.** Requests for travel requiring no expenditure of City funds shall be submitted 30 calendar days prior to the date of departure in accordance with the following procedures:

**Travel Financed by Another Governmental Agency or Private Institution.** Requests for travel financed by another governmental agency (except under Board-approved grants), an educational institution, private industry, or a private organization, when such travel is required and is necessary in the performance of legally assigned duties, shall be forwarded through channels to the CO, Training Bureau (TRB) for approval.

**Court Proceedings.** An employee subpoenaed by the prosecuting agency of another jurisdiction in a criminal proceeding where the other jurisdiction is paying all costs associated with the trip, shall complete a Request for Investigative Travel, Form 15.70.00, and forward it through the employee's bureau commanding officer or bureau equivalent for approval. Upon approval, the approved request shall be forwarded to Fiscal Group.

**Note:** The financing of such travel shall not create obligations, expressed or implied, between the City or the Department and the financing agency.

**Travel in Connection with Management Development Programs.** Requests for travel in connection with management development programs such as the Federal Bureau of Investigation National Academy require the approval of the CO, TRB.

**Travel Financed by Peace Officers' Associations.** Requests for travel financed by non-profit professional peace officers' associations which are established primarily to improve methods and procedures in law enforcement shall be forwarded through channels to the CO, TRB, for approval.

**Travel Financed by a Grant.** Requests for travel financed by a proper grant in aid as provided by law shall be coordinated through the Grants Section, Information Technology Bureau and forwarded through the requestor's chain of command to the Director, Office of Support Services for review. Requests will then be forwarded to the CO, TRB, for approval.

**Travel Reimbursed by the Commission on Peace Officer Standards and Training.** A request for travel that is reimbursable by the Commission on Peace Officer Standards and Training (POST) shall be forwarded on an Intradepartmental Correspondence, Form 15.02.00, from the requesting employee's CO to the CO, Training Division. Such requests shall be submitted 45 calendar days prior (or as soon as the notice is received) to the date of departure, and shall contain the course description as well as the justification for the employee's attendance. Training Division shall be responsible for forwarding the request for reimbursement to the CO, TRB.

**Note:** Failure to adhere to these procedures may result in a denial of the request or the Department's refusal to pay for a course which was attended without appropriate authorization.

**390.57 DETERMINING MODE OF TRANSPORTATION.** All travelers shall utilize the City authorized business travel service provider for all City business-related travel. The mode of transportation to be utilized shall be determined in the following manner:

**City Vehicle-Commercial Airline.** Employees who are traveling on City business shall determine the most practical and cost-efficient mode of transportation: vehicle or commercial airliner. Cost efficiency should be determined on the basis of distance, time and cost. If the cost for vehicle travel exceeds the cost for air travel, or if the vehicle travel is impractical, then air travel should be selected. The preferred mode of vehicle travel is in either a Department assigned or fleet vehicle. However, private vehicles may be utilized under certain circumstances with prior approval. No rental vehicle shall be utilized for travel. Car rental is usually not an option at the destination unless approved in writing prior to travel. Employees who determine that travel by vehicle is more practical and cost efficient are required to obtain permission to use either a Department fleet vehicle or their private vehicle.

For more details regarding airline travel, please refer to Controller's Manual Section 1.8.12, Transportation to Destination. The Controller's Manual can be accessed via the Los Angeles City Controller's website.

**Exception:** Commercial airline normally shall not be used while transporting shackled arrestees/inmates, except by special arrangement with the airline.

Employees shall adhere to the following guidelines when traveling by:

- **Department Fleet Vehicle:** Requests for the utilization of a Department fleet vehicle shall be submitted to Motor Transport Division's Pool Officer at least two weeks or more in advance of his or her travel date in order to obtain final approval and to reserve a vehicle.
- **Personal Vehicle.** Requests for the utilization of personal vehicles for travel assignments shall be submitted on an Intradepartmental Correspondence, Form 15.02.00 and forwarded through channels to the Commanding Officer (CO), Training Bureau (TRB), for approval. Such requests shall only be made only when prior approval for personal vehicle use has been obtained, when no other mode of transportation is available or practical, including a City vehicle, or when acting in

the best interest of the City. Any extenuating circumstances shall be thoroughly explained on an Intradepartmental Correspondence to the CO, TRB. The Intradepartmental Correspondence shall include the following information:

- The name(s) of the employee(s) who will be driving the vehicle (Rank/Classification, Name, Serial No.);
- Vehicle Year;
- Vehicle Make;
- Vehicle Model;
- Vehicle Identification Number;
- Insurance Carrier; and,
- Policy Number.

Employees are to obtain fuel at City facilities or a Voyager fuel card from the Department Operations Center.

The Primary employee using a personal vehicle shall be reimbursed if the following guidelines are followed:

- At the employee's own expense, obtain and maintain liability insurance covering the full use and operation of the personal vehicle throughout the period of such travel assignment(s). The limits on liability shall not be less than \$25,000 in the case of injury or death of one person, and \$50,000 in the case of injury to or death of more than one person, and in the case of property damage, not less than \$5,000 in any one accident; and,
- Attach a copy of the employee's valid vehicle insurance policy to the Intradepartmental Correspondence in the form of a Certificate of Insurance **prior to departure**.

**Note:** The guidelines are delineated from the City of Los Angeles Administrative Code, Division 4, Chapter 5, Section 4.232, Insurance Required.

### **390.65 INTERRUPTED OR INDIRECT TRAVEL.**

**Illness or Injury.** A Department employee who becomes ill or injured and is unable to continue a travel assignment shall:

- Obtain competent medical attention; and,
- Notify his/her commanding officer as soon as practicable.

**Leave En route.** An employee who, for personal reasons, desires an interruption of travel or deviation from the direct route shall adhere to the following procedures:

- The leave enroute shall be included in the Request for Travel Authority, Form 15.72.00, for Department approval;
- All expenses shall not exceed those which would have been incurred during uninterrupted travel;
- The leave enroute shall be at the employee's own expense;
- The actual time involved in the leave enroute shall be off-duty time;
- City vehicles shall not be used during a leave enroute;
- If the employee travels by air, they must submit a printed cost statement quoted by the City Travel Agent at the time of the reservation showing the cost of the most economical direct travel for the dates of official business; and,

- If there is an interruption or deviation from the direct travel route due to personal reasons, any additional costs incurred will be at the employee's own expense.

**390.73 EXPENSES INCURRED ON TRAVEL ASSIGNMENT.** All travel, including, but not limited to, General Fund, Special Fund and Grants is subject to the City's reporting requirements.

**Per Diem Expenses.** Per diem expenses for lodging and food are allowable at a rate established by the United States General Services Administration (GSA). Employees spending travel funds shall be guided by the maximum reimbursable rate as set forth on the Lodging, Meals, and Incidental Rate by City which is accessible on the Department's Local Area Network via FG, Travel and Revenue Section, Maximum Lodging Per-Diem Rates.

The City is using the federal destination per diem rates (for the month of travel) as the maximum rates for reimbursements on lodging, Meals and Incidental Expenses (M&IE). The destination per diem rates travelers should use are as follows:

- United States General Services Administration for travel within the Continental United States. Rates are available at [www.gsa.gov](http://www.gsa.gov);
- Department of Defense for travel outside the Continental United States such as Hawaii and Alaska. See [www.defensetravel.dodmil/index.cfm](http://www.defensetravel.dodmil/index.cfm); and,
- State Department for travel to foreign countries. Rates are available at [www.aoprals.state.gov](http://www.aoprals.state.gov).

**Note:** These rates may change on October 1st of each calendar year. Regardless of when the employee obtained the most current rate, if there is a fluctuation in the rate, the employee will be reimbursed the most current rate.

**Lodging/Hotel.** Lodging is for single occupancy standard rooms and generally, stay should be limited to the actual dates of the meeting/conference.

**Meals and Incidental Expenses.** No per diem meal or any fraction thereof, is allowable unless an overnight stay is required and incurred during the travel.

**Reporting Expenses.** An employee is responsible for providing a completed Personal Expense Statement (PES), City Form General 16, approved by a supervisor, as specified in the Travel Per Diem Guidelines within 10 calendar days after concluding a travel assignment:

**Note:** The PES requires approval of the commanding officer, his or her designee, or an authorized supervisor who is at least one rank higher than the traveler. A PES prepared by an employee of the rank of Commander or below shall be signed by the employee's supervisor. A PES prepared by a deputy chief or an assistant chief shall be signed by the Chief of Police or his/her designee. The PES shall be supported by receipts for transportation, lodging and other miscellaneous expenditures. Receipts for meals are not necessary. The PES with attached receipts and approved by a supervisor shall be forwarded for reimbursement as follows:

- Original PES with original signatures and all supporting documents shall be forwarded to the Travel and Revenue Unit, FG;
- Employees should make copies of all documents for their personal retention;
- Employees who are returning from investigative or extradition-related travel shall submit their PES information in accordance with Department Manual Section 3/390.33; and,
- The Commanding Officer, FG, shall be the approving authority for each PES within the Department. The City Controller's Office has the final approval authority for each PES.

**Unused Travel Expenses.** Unused travel funds shall be returned to FG, by cash or check made payable to the City of Los Angeles, within 10 calendar days following completion of the employee's travel.

## RECORDS AND REPORTS

### 405. CONFIDENTIAL NATURE OF DEPARTMENT RECORDS, REPORTS, AND INFORMATION.

All official files, documents, records, reports, photographs/imaging/recordings and information held by the Department or in the custody or control of an employee of the Department must be regarded as confidential. Employees must not disclose or permit the disclosure or use of such files, documents, reports, records, photographs/imaging/recordings or information except as required in the performance of their official duties. The unauthorized use of information obtained through employment with the Los Angeles Police Department can subject the employee to possible disciplinary action and/or criminal prosecution. This includes information obtained from manually stored records, as well as information obtained from automated records.

**Note:** Photographs/imaging/recordings include, but are not limited to, imaging such as mug shots, in-car video footage, digital interviews, audio or video recordings, etc.

Supervisors in units having access to terminal points for City-controlled computers containing confidential information must complete a Los Angeles Police Department Information Security Agreement, Form 01.58.00, for each employee having access to such terminals.

**Note:** Generally, the home address, telephone number, and other personal information concerning Department employees should not be released even to other Department employees. It is recommended that the caller's information be documented and the subject employee be contacted with the information. If the requesting employee has an established need to know and right to know, and whose identity is verified by the watch commander, the subject employee need not be notified. An employee's home address, telephone number and other personal information may not be released to outside entities without the employee's written consent, a court order, upon direction of the Chief of Police, Chief of Staff, Office of Constitutional Policing and Policy or approval from Risk Management and Legal Affairs Division.

### 406. RELEASE OF POLICE RECORDS INFORMATION.

#### 406.10 GUIDELINES AND RESTRICTIONS FOR THE RELEASE OF POLICE RECORD

**INFORMATION.** Employees will be guided by Manual Section 1/440.40 when releasing any information to the public. The following guidelines will apply to *all* releases of police record information.

**Guidelines.** Information regarding the commission of a crime and the resulting investigation may be made available to the public prior to the making of an arrest, the issuance of an arrest warrant, or the filing of formal charges. The following guidelines will apply to *all* releases of information to the public.

- Department personnel should not release information if it is believed that it would jeopardize the investigation; jeopardize the successful prosecution of a criminal case; affect the outcome of a civil case involving the City of Los Angeles; or infringe upon the person's right to privacy;

**Note:** Facts concerning the crime which could only be known by the perpetrator, or which could be utilized as polygraph keys should not be released.

- The home address of the victim of a crime will not be released to the public unless the home address is also the location of the crime. The name and home address of a witness to a crime will not be released to the public; and,

**Exception:** The above information may be released if given permission to do so by the respective victim or witness, or if the investigating officer believes that its release would assist in the investigation of the crime.

- The name and address of a confidential informant must not be released.

**Restricted Release of Information-Juvenile Subjects.** Authorized Department employees may release certain juvenile information in accordance with the following procedures:

**When a Warrant Has Been Issued for a Juvenile.** Authorized employees may release the name, alleged offense, and physical description of any juvenile provided that:

- The juvenile is alleged to have committed an offense as defined in Section 667.5(c) PC;
- An arrest warrant for the juvenile has been issued, and he or she is not in custody;
- The release of the information would assist in the apprehension of the juvenile or the protection of public safety; and,
- There is no court order prohibiting the release of the information.

**When a Juvenile is Arrested.** Authorized employees may release the name and alleged offense of a juvenile in custody provided that:

- The juvenile is 14 years of age or older;
- The juvenile was arrested for any alleged felony as defined in Section 1192.7(c) of the Penal Code (PC);
- Upon request by “interested persons”; and,

**Note:** “Interested persons” is defined as any agency involved in the criminal justice system (e.g., probation, counselors, prosecutors, and detention facilities).

- There is no court order prohibiting the release of the information.

**When a Juvenile is Convicted.** Authorized employees may release the name of a convicted juvenile provided that:

- The juvenile is 14 years or older;
- The juvenile has been found guilty by the court of any felony described in WIC Section 707(b); and,
- There is no court order prohibiting such release.

**Note:** Authorized personnel include the following:

- Area commanding officers;
- Area detective division watch commanders; and,
- The commanding officer, specialized detective divisions, e.g., Robbery-Homicide Division, Detective Support and Vice Division, Major Crimes Division, etc.



Department employees may release information contained in Department records regarding a juvenile (except as above) when the employee believes that the release of information will benefit the juvenile.

Juvenile Subject information may be released to another law enforcement agency when the requesting agency has a legitimate need for the information pursuant to Section 828 WIC.

If a judge from a court other than Juvenile Court orders a Department employee to produce records pertaining to a juvenile subject, the order will be forwarded to the Discovery Section, Risk Management and Legal Affairs Division.

Information contained in Department records regarding juvenile subjects that has been or is likely to be filed as a petition in any other document filed in such case or made available to the Probation Department, judge, referee or other hearing officer, Department of Public Social Services (DPSS), or Children's Services worker, may be released only to the following agencies or persons:

- Los Angeles County Children's Services Department (LACCSD);
- Juvenile court personnel;
- The juvenile who is the subject of the report(s);
- The attorney for the juvenile;
- Probation Department;
- DPSS;
- Department of Motor Vehicles where the law requires the release of such information relative to the offense that has been sustained or where licensing is involved; and,
- Other persons who have been designated by court order of the judge of the juvenile court upon filing a petition therefore.

**Restrictions for the Release of Sex Crime Information.** Department personnel must not disclose the name of any person who alleges to be the victim of a sex crime, if that person has requested confidentiality.

**Exception:** Confidential information concerning a person who alleges to be the victim of a sex crime may be released to a prosecutor or other persons or public agencies where authorized or required by law.

**Requests for Investigative Information.** All requests for investigative information will be directed to personnel in the following order: The detective, the detective's supervisor, the detective's commanding officer, the watch commander, or to the Watch Commander, Detective Support and Vice Division.

The employee handling the request will:

- Determine the identity and agency affiliation of the caller;
- Determine what information the caller requires and the reason the information is being requested;
- Verify the caller's identity whenever the caller is not personally known to the employee; and,
- Determine the caller's right-to-know the requested information.

**Note:** The same standards for the release of CORI (Manual Section 3/408.16) will apply equally as well to the release of investigative information.

**Information Requiring Approval Prior to Its Release to the Public.** The following information must not be released unless authorized by the investigating officer and approved by an officer of the rank of deputy chief or higher:

- The character or reputation of the accused person;
- The existence or content of any confession or admission; the nature and content of statements made by the accused person; or the refusal or failure of the accused person to make any statement;
- The results of any examination or test, or the accused person's refusal or failure to submit to an examination or test;
- The credibility, identity, or testimony of a prospective witness;
- The possibility of a plea of guilty to the offense charged or to a lesser offense;
- Any opinion as to the accused person's guilt or innocence, the merits of the case or the evidence of the case; and,
- The analysis and conclusions of an investigating officer regarding the officer's investigation.

**Release of Sex Offense Report Information.** An employee receiving a request for information or a request for copies of a crime or a combined crime/evidence and arrest report that deals with a sex offense will refer the requestor to the Commanding Officer, R&I Division, for information.

#### **406.20 REQUESTS BY THE PUBLIC FOR INFORMATION CONTAINED IN POLICE RECORDS.**

**Routine Requests.** Routine requests for copies of, or information contained in, crime, arrest, or traffic reports shall be forwarded to the Commanding Officer, Records and Identification (R&I) Division. Community members requesting such information may be directed to <http://lapdonline.org/faqs> for specific instructions.

**Exception:** News releases and information about newsworthy incidents shall be handled in accordance with Section 3/406.10 of the Department Manual.

**Requests for Master Arrest Blotter Information.** Requests for Master Arrest Blotter information shall be submitted in writing to:

The Commanding Officer, Risk Management and Legal Affairs Division  
200 N. Main Street, 7th Floor  
Los Angeles, CA 90012

**Exception:** Requests for Blotter information for incidents less than 24 hours old may be made verbally to either the Commanding Officer, R&I Division, for Department-wide arrest information, or to the watch commander of the Department jail facility for arrests occurring within the Area(s) serviced by the jail.

**406.30 CALIFORNIA PUBLIC RECORDS ACT.** The Department is committed to upholding the right of the public to access records and information concerning the conduct of the people's business consistent with the Constitution of the State of California, Section 832.8 of the California Penal Code (PC) and the California Public Records Act (CPRA). The Department recognizes its obligation to comply with 832.8 PC and the CPRA, to facilitate public records access, and to promote a culture of transparency and accountability. Pursuant to the CPRA, Government Code Sections 6250 - 6257, all Department records are public records and shall be disclosed to the public, upon request, unless there is a specific legal basis not to do so. The CPRA contains exemptions from disclosure and there are additional laws outside the CPRA that create exemptions from disclosure. The CPRA requires that, within 10 calendar days from receiving a request, the Department notify the requestor in writing whether the Department is in possession of the requested public records and any exemptions asserted by the Department. When unusual circumstances exist, as defined by the CPRA, the Department may extend the time to respond by an additional 14 calendar days. The Department must then promptly provide the requestor access to or copies of the responsive and non-exempt records.

**Note:** When the required response date for the CPRA request falls upon a weekend or holiday, the required response date may be moved to the next business day.

**Method of Accepting Requests.** The Department accepts CPRA requests in person, by phone, in writing, or online at [lapdonline.org](http://lapdonline.org).

**Responsibilities of the California Public Records Act Unit.** The CPRA Unit, Discovery Section, Risk Management and Legal Affairs Division, has primary responsibility for accepting, processing, and responding to CPRA requests for the Department. The CPRA Unit shall log, process, and respond to every public record request it receives, in accordance with the CPRA.

The CPRA Unit employees shall assist requestors by helping to identify records and information applicable to the request, describing the information technology and physical location in which the records exist, and providing suggestions for expediting the production of records.

**Responsibilities of Department Employees.** The duties of Department employees in response to a request for assistance from the CPRA Unit include, but are not limited to:

- Reviewing and responding to a request for assistance from the CPRA Unit;
- Describing categories of potentially applicable records and identifying locations where responsive documents may be located within the unit for which the Department employee is responsible;
- Identifying other Department employees with knowledge of possible responsive documents and/or their locations;
- Searching for requested records; and,
- Reviewing records and assisting the CPRA Unit to identify information that requires withholding and/or redaction.

A Department employee responding to a request for records from the CPRA Unit shall provide all requested records to the CPRA Unit. If a Department employee believes that some or all the information in a record is protected from public disclosure, they should provide the record to the CPRA Unit and recommend to the CPRA Unit what information should be withheld and why. If for any reason a Department employee cannot respond to a request for assistance from the CPRA Unit within the time requested by the CPRA Unit, the employee shall notify the CPRA Unit promptly that he or she cannot comply with the request.

Any Department employee not assigned to the CPRA Unit who receives a public records request from a member of the public shall promptly notify their supervisor of the request.

**Responsibilities of Department Supervisors.** A supervisor who receives a public records request, shall attempt to determine if the requested records are readily available for public release. Many frequently requested Department records are readily available online at [lapdonline.org](http://lapdonline.org) or from other Department resources. It is not necessary to refer such requests to the CPRA Unit. If the requested records are readily available for public release, the supervisor shall provide the records to the requestor. Supervisors may call the CPRA Unit for advice regarding such requests. If the requested records are not readily available for public release, or if the requestor is not satisfied by the records provided, the requestor should be advised to submit a CPRA request to the CPRA Unit. The supervisor may also accept the request, and forward it to the CPRA Unit no more than one calendar day after receipt of the request.

**Employee Accountability.** Any Department employee may be assigned to assist in the work of responding to a public records request and/or preparing records for disclosure. A Department employee who willfully withholds

Department records or information relating to a CPRA request or willfully violates any other obligation under this policy may be subject to discipline.

#### **407. RELEASING REPORTS TO PAROLE AND PROBATION OFFICERS.**

**In Person.** Upon presentation of appropriate agency identification, completion of the Request/Release of Criminal Record Parole/Probation, Form 08.42.00 and approval of the form, parole or probation officers who qualify as peace officers under the Penal Code shall be provided with copies of arrest and related reports of parolees or probationers arrested by this Department.

The reports shall be provided by Records and Identification Division (R&I), the Area Records Unit, Area detectives, the investigative division or, when closed, the watch commander of the uniformed division.

**Note:** If the report requested is more than 14 days old, the requestor shall be directed to R&I to obtain a copy. **Only** the Area detectives or Robbery-Homicide Division detectives (RHD) shall have the authority to release homicide, death, or missing reports.

**Telephonically.** Telephonic requests from parole or probation officers for arrest and related reports involving a parolee or probationer shall be referred to the Area Records Unit, Area detectives or the watch commander, who shall:

- Verify the officer's identification, their right-to-know and need-to-know.;
- Review and approve or deny the completed Request/Release of Criminal Record Parole/Probation, Form 08.42.00; and,
- Ensure that requested reports are faxed, mailed or E-mailed without delay to the officer at their appropriate California Department facility after completion and approval of the form.

**Note:** The requested reports shall only be sent to secure numbers and addresses within probation and parole facilities. Any changes in numbers or addresses shall be directed to R&I for approval prior to their use.

**Exception:** The reports shall *not* be provided when the release of such information could possibly jeopardize the successful prosecution of a case, when City property or a City employee on-duty is involved in an incident which could possibly entail City liability, or when the incident includes an officer-involved shooting. In any of these circumstances, the parole or probation officer shall be referred to the supervisor of the investigating officer for release of appropriate information.

#### **408. CRIMINAL RECORDS.**

**408.15 CRIMINAL OFFENDER RECORD INFORMATION (CORI) -DEFINED.** As defined in California Penal Code Section 11075, CORI (a) "... means records and data compiled by Criminal Justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. (b) Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings or of any consequent proceedings related thereto." This includes the following:

- California Department of Justice Rap Sheets;
- Any criminal history information received from the California Department of Justice via teletype (CLETS);

- Department of Justice computerized criminal history system printouts;
- FBI or other states' rap sheets;
- Information maintained in the Department's alpha index criminal history card files; and,
- Local criminal history information received via the Automated Index System.

**Note:** The individual arrest and crime reports are covered by the Public Records Act and are not considered to be Criminal Offender Records Information.

**408.16 RELEASES OF CORI - DETERMINATION OF RIGHT - TO -KNOW/NEED - TO - KNOW.** Prior to releasing any Criminal Offender Record Information, the employee releasing the information must determine the request's right-to-know and need-to-know. *No CORI shall be released unless there is both a right-to-know and a need-to-know.*

**Right-to-Know.** The right-to-know is the legal authority for a person or agency to have access to Criminal Offender Record Information. Those persons or agencies authorized by law to access CORI are defined in California Penal Code Sections 11105 and 13300.

**Need-to-Know.** The need-to-know is the official purpose for which the information is being requested. The purpose or compelling requirement for the information must be directly related to official duties and/or responsibilities of the person or agency initiating the request.

**Note:** Department automated and manually stored information systems **shall not** be used for the dissemination of CORI to any other agency or person for purposes of employment, licensing, or certification. Under no circumstances shall CORI be released to the news media or representatives of the news media.

Upon receipt of request for CORI, the Department employee shall specifically ask for the name, unit/agency, reason for the request, and the intended use of the information. Responses shall be entered in the appropriate fields on the computer screen.

Department employees, when uncertain as to whether a requesting agency or person is authorized to receive CORI data, shall contact the Watch Commander, Records and Identification Division, and be guided by that advice.

**408.17 REQUESTING CORI FOR OUTSIDE RELEASES.** The Request/Release Criminal Record, Form 08.42.00, shall be completed by the requesting officer prior to obtaining CORI through any automated system, Records and Identification Division, or the teletype system if the information is to be *released to an authorized person outside the Department*. The completed forms shall then be forwarded daily to Records and Identification Division for filing.

**Exception:** It shall be left to the discretion of the Area/division commanding officer as to whether completion of the Form 08.42.00 is required when information is to be released to authorized person outside the Department who *routinely receive* CORI in order to process LAPD arrestees. These include local courts, members of the Los Angeles County District Attorney's Office and the Los Angeles City Attorney's Office.

**408.18 RESPONSIBILITY FOR THE SECURITY OF CORI DOCUMENTS.** The Department employee requesting CORI shall be responsible for the security of all documents requested. The employee shall ensure that these documents will be kept in Department records or files which are secure. CORI documents, when no longer needed, or not contained in a case folder, shall be disposed of in an Area/division burn box.

**408.20 DUTIES OF PERSONS INSPECTING DEPARTMENT RECORDS.** Upon the presentation of satisfactory identification, persons who are authorized to inspect Department records shall be instructed to complete a Request/Release Criminal Record, Form 08.42.00, enumerating, in the space provided, the reports desired.

#### **408.22 REQUESTING THE SEALING OF ARREST RECORDS.**

**Investigating Officer's Responsibility.** When in the course of an investigation it is determined that an arrestee is "factually innocent," the investigator shall record that information on an Investigator's Final Report, Form 05.10.00, *or*, if the charge does not require a Form 05.10.00 (i.e., most misdemeanors), a Follow-up Report, Form 03.14.00, supporting that determination.

An investigating officer shall also conduct an investigation to determine if an arrestee is "factually innocent" when notified by Records and Identification Division of the Department's receipt of a citizen's Petition to Seal and Destroy Arrest Records (BCID8270) and no investigative determination has been made.

**Note:** An individual may be deemed "factually innocent" when:

- Mistaken identity has been clearly established; or,
- No crime was found to have occurred.

When a complaint has been issued by the responsible City or District Attorney's Office, but has not been filed with the court, the investigating officer shall inform the respective City or District Attorney that the arrestee has been determined to be "factually innocent" and request that the complaint be withdrawn. The name of the approving City or District Attorney, together with a statement indicating the withdrawal of the complaint, shall be included on the Form 05.10.00 or 03.14.00.

**Records and Identification Division, Watch Commander's Responsibility.** The Watch Commander, Records and Identification Division, upon receipt of a Petition to Seal and Destroy Arrest Records (BCID 8270) from a requesting citizen, shall:

- Confirm that an investigative determination of "factually innocent" was made. In the absence of a documented investigative determination, conduct an inquiry into the circumstances of the arrest. Unless that examination supports a determination of "factually innocent," the petition shall be denied;
- If presented with circumstances which could indicate that a finding of "factually innocent" may be justified, contact the investigating unit if one has been assigned. Should it then be the investigating officer's conclusion that the individual arrested was "factually innocent," the investigator shall initiate a Form 05.10.00 or Form 03.14.00 as appropriate;
- Submit the petition to the Commanding Officer, Detective Bureau, for a final determination when Records and Identification Division and the investigating officer do not agree on the investigative determination;
- Obtain the concurrence of the responsible City or District Attorney when the Petition is approved;
- Cause the removal of the arrest record from the regular Department files; and,
- Provide the petitioner with a written declaration indicating that a finding of "factually innocent" was made and that the arrest record has been sealed pending destruction.

**Chief of Detectives, Detective Bureau's - Responsibility.** The Chief of Detectives, Detective Bureau, shall make the final determination when Records and Identification Division and the investigating officer do not agree on the investigative determination.

**408.25 SEALING CRIMINAL RECORDS.** An employee of this Department receiving a court order to seal a criminal record shall forward the order to the Commanding Officer, Records and Identification Division.

The Commanding Officer, Records and Identification Division, shall be responsible for the gathering, sealing and custody of records held by this Department.

Commanding officers who are notified of a court order to seal criminal records shall forward all records and reports held by their divisions to the Commanding Officer, Records and Identification Division. These records shall be accompanied by a certification that a search has been made and that the forwarded reports represent all the detachable records of the subject which are then in the custody of their divisions. If the search fails to disclose any record, this information shall be forwarded to the Commanding Officer, Records and Identification Division.

**Note:** If the records are not detachable and sealing will necessarily affect other records, commanding officers shall meet the requirements of the court order by permanently obliterating all references to the criminal record.

All index cards or other references in Department files, maintained at Records and Identification Division, shall have an entry made that will indicate that the particular record has been sealed. In response to requests for further information regarding sealed records, employees shall advise such persons that access to the records and reports may be obtained only by court order.

**408.27 DESTRUCTION OF RECORDS-CANNABIS OFFENSES.** Statutory Destruction.

- Records and Identification Division and other organizational entities. All records concerning arrests of adults for violation of the following statutes must be destroyed in the manner prescribed by 11361.5 H&S, two years after the date of conviction, or, if there was no conviction, the date of arrest:
  - When arrested on or subsequent to January 1, 1976, for:
    - 11357(b) H&S-Possession-one ounce or less.
    - 11357(c) H&S-Possession-more than 1 ounce.
    - 11360(c) H&S-Furnishing or transporting, one ounce or less.
    - When arrested subsequent to June 30, 1977, for 11360(b) H&S Furnishing or transporting, one ounce or less.

**Litigation Processing.** If the defendant or a co-defendant has filed a related civil action against either the City or the arresting/investigating officers, copies of the applicable records must be secured, filed and retained by the Civil Investigation Section, Risk Management and Legal Affairs Division, until final resolution of the civil action.

**Department of Justice-Ordered Destruction.** A Department employee who receives a Department of Justice order requiring the destruction of records relative to arrest for possession of cannabis which occurred prior to January 1, 1976, will forward the order to the Commanding Officer, Records and Identification Division, who will ensure that the specified records are located and destroyed.

**408.50 ARREST RECORD INFORMATION TO COURT.** Records and Identification Division shall establish positive identification by fingerprint classification prior to releasing arrest record information to court.

## **409. CONFIDENTIAL REPORTS - NON-TRAFFIC**

**409.10 CITY LIABILITY.** When City property or a City employee on-duty is involved in a non-traffic incident which could entail City liability, all reports shall be classified and processed as confidential.

The officer completing such report shall have the words, "CONFIDENTIAL - THIS REPORT IS FOR THE CONFIDENTIAL USE OF THE CITY ATTORNEY" typed in the left side margin of the report and all connected reports. A copy shall be placed in a sealed manila envelope and forwarded through Department mail to the Public Liability Section, City Attorney's Office. Persons wishing to inspect these reports or make inquiries concerning the liability of the City shall be referred to the Public Liability Section, City Attorney's Office.

**409.20 OFFICER - INVOLVED SHOOTING OR IN - CUSTODY DEATHS (ICD) OR INJURY - CONFIDENTIAL REPORTS.** The original and all copies of the final administrative report of the following incidents shall be marked "Confidential." The Commanding Officer, Force Investigation Division, will retain the original and distribute copies to the Office of the Inspector General (for the Board of Police Commissioners), Risk Management and Legal Affairs Division, and the Department's Use of Force Review Board:

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All uses of carotid restraint or choke hold;

**Note:** A carotid restraint is defined "as a vascular neck restraint or any similar restraint, hold, or other defensive tactic, including a c-clamp in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person." A choke hold is defined as "any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe".

**Note:** The Department does not authorize the use of upper body control holds, including the use of a modified carotid, full carotid, or locked carotid hold; therefore, any use is unauthorized and shall be investigated as a categorical use of force.

- All deaths while the arrestee or detainee is in the custodial care of the Department;
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization;
- All intentional head strikes with an impact weapon or device (e.g., baton, flashlight) and all unintentional (inadvertent or accidental) head strikes that result in serious bodily injury (as defined below), hospitalization or death;

**Note:** Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes, but is not limited to, the following:

- Loss of consciousness;
- Concussion;
- Bone fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

**Note:** All other unintentional head strikes shall be investigated as Level 1 Non-Categorical Use of Force (NCUOF) incidents.



- An incident in which a member of the public is bitten by a Department canine and hospitalization is required; and,
- Incidents where the Department has agreed to conduct similar critical incident investigations for a non-Department entity, such as a Los Angeles Fire Department Arson Unit.

**Note.** All In-Custody Deaths (ICDs) formerly referred to as Law Enforcement Activity Related Death (LEARD) incidents will now be referred to as ICD incidents.

**Exception:** Related crime and arrest reports shall be marked and regarded as confidential but distributed in the normal manner.

**409.30 PUBLIC RELEASE OF NAMES OF ANY EMPLOYEES WHO USE DEADLY FORCE RESULTING IN A CATEGORICAL USE OF FORCE INVESTIGATION.** It is the policy of the Los Angeles Police Department to publicly release the names of any employees who use deadly force on a member of the public resulting in a Categorical Use of Force (CUOF) investigation, following the 72-Hour Briefing of the Chief of Police (COP) regarding a CUOF incident, or at the direction of the COP.

The following procedures shall be followed when releasing the names of any employees who use deadly force on a member of the public resulting in a CUOF investigation:

- The COP will direct Force Investigation Division (HD) and/or Robbery Homicide Division (RHD) to assess whether there is a specific reason to believe that the public release of the name of an employee would pose a danger or threat to the safety of that employee. A threat assessment shall be conducted for each employee identified as having applied deadly force resulting in a CUOF investigation.
- When conducting the threat assessment, FID and/or RHD shall ask each employee who used deadly force resulting in a CUOF investigation if there are any specific, articulable, and/or particularized facts or circumstances that would prevent the initial public release of his or her name. The results of each threat assessment shall be communicated to the COP. If a 72-Hour Briefing is held concerning the CUOF incident, the results of the threat assessment(s) shall be communicated to the COP at that briefing.
- If a 72-Hour Briefing is held concerning a CUOF incident, the COP or COP 's designee shall notify the labor organization representing the employee(s) who used deadly force of the date scheduled for the briefing.
- The COP will decide whether to release or withhold the name(s) of any employee who used deadly force. If a 72-Hour Briefing is held concerning a CUOF incident, the COP will make that decision at the conclusion of the briefing. Force Investigation Division will notify the Public Information Officer (PIO) and the Commanding Officer (CO) of the employee(s) who used deadly force resulting in the CUOF investigation of the COP'S decision regarding the release of the employee name(s).
- If a 72-Hour Briefing is not held following a CUOF incident, FID shall be responsible for briefing the COP on the results of the threat assessment for each employee who used deadly force and communicating the COP 's decision to the Department PIO and the CO of the concerned employee(s).
- The CO of an employee who used deadly force on a member of the public resulting in a CUOF investigation, or his or her designee, shall immediately provide notification to that employee regarding the COP 's decision to release or withhold that employee's name. If notification was provided to an employee verbally, the verbal notification shall be documented by the involved CO via an Intradepartmental Correspondence, Form 15.02.00, and forwarded to FID.

**Note:** If the name of an employee is initially withheld from release, another notification shall be made to the employee if, and when, it is later determined that his or her name shall be released.

- The Department PIO shall be responsible for the public release of the names of employees who used deadly force on a member of the public resulting in a CUOF investigation, once the COP or COP's designee has communicated the decision to release such information.

**Note:** The procedures set forth apply to the Department's release of employees' names after a 72-Hour Briefing or upon the direction of the COP following a CUOF incident. This process does not apply to the Department's release of records and/or information in response to requests made by members of the public pursuant to the California Public Records Act.

#### **410. TRAFFIC RECORDS.**

**410.10 RELEASE OF TRAFFIC CRASH INFORMATION.** Information received from Department of Motor Vehicle (DMV) documents or automated files is **confidential**. Therefore, traffic crash information which is obtained directly from DMV files may only be released to specific parties, **and only in person** after verifying the identity of the requestor (Manual Section 3/410.10). In the case of a hit-and-run traffic crash, traffic report information obtained directly from DMV files may be released **only** after the DMV information regarding the hit-and-run vehicle and/or suspect has been **verified** through the Department's follow-up investigation. Once verified, such information may only be released to:

- Involved party or parties;
- Parents or legal guardian of minor parties;
- Persons injured in reported crashes;
- Owners of vehicles or damaged property;
- Persons or agencies who may incur civil liability; and,
- An attorney or authorized representative of any of the above persons (Manual Section 3/410.20).

**Note:** Department employees **shall** verify the identity of the requestor. Employees, excluding Records and Identification Division personnel, **shall only** release DMV records information to authorized requestors **in person** and shall verify the identity of the requestor.

Information may be released to other persons on the approval of the Watch Commander, Records and Identification Division.

Persons inspecting a traffic crash report shall complete a Request/Release Criminal Record, Form 08.42.00 (Manual Section 3/408.20).

**410.20 AUTHORIZED REPRESENTATIVES OF PROPERLY INTERESTED PERSONS.** Authorized representatives are:

- Those persons having written permission to act in the behalf of properly interested persons (Manual Section 3/410.10);
- Insurance companies with whom properly interested persons are insured; and,
- Persons having written authorization to act in behalf of insurance companies with whom properly interested persons are insured.

An authorized representative shall be required to present a written authorization from the properly interested person designating the representative, identifying the accident, and requesting that the information be revealed.

**410.30 RELEASE OF TRAFFIC CRASH PHOTOGRAPHS.** Photographs shall be available to any properly interested person (Manual Section 3/410.10).

**Exception:** Photographs of a dead body shall only be released to an authorized representative, unless release to a properly interested person is approved by the Watch Commander, Records and Identification Division.

**410.50 CONFIDENTIAL CASES.** A traffic crash report and related photographs shall be considered confidential if they were reported prior to November 10, 1969, and involve:

- A City employee acting within the scope of his/her employment;
- Property owned or maintained by the City; and,
- City property or a City employee acting within the scope of his or her employment influencing the actions of an involved party.

A person seeking information from confidential reports shall only be given the information contained in the Traffic Crash Report, CHP Form Set. A person wishing to inspect the full report or having questions regarding the liability of the City shall be referred to the Liability Section, City Attorney's Office, City Hall. A report shall no longer be considered confidential after a letter of release is received from the City Attorney's Office.

**410.70 GOVERNMENT AGENCIES.** No information contained in traffic crash reports shall be revealed to any person claiming to be the official representative of any government agency unless that agency is a concerned party or authorized agency (Manual Sections 3/410.10 and 3/410.20), and then only when accompanied by an official authorization signed by the head, or designated person of record, of the concerned agency containing the following:

- The name of the investigator to whom the information is to be released;
- The traffic crash in which the vehicle or property was involved;
- The identity of the vehicle or property; and,
- The signature of the head of the concerned government agency or the person of record delegated the authority to sign such request.

In the case of a traffic crash in which a veteran is involved, wherein the Veterans Administration is conducting an official investigation, it shall be necessary to present an officially signed authorization containing the following:

- The name of the investigator to whom the information is to be released;
- The traffic crash in which the veteran was involved;
- The purpose for which the information is to be used;
- The signature of the veteran, authorizing the Veterans Administration to obtain the information; and,
- The signature of the head of the Veterans Administration or the person of record delegated the authority to sign such requests.

No blanket authorization can be given to any government agency, and each authorization shall be related to an individual case. This procedure shall not affect the regular distribution of copies of traffic crash reports to certain government agencies.

## **412. DEATH REPORTS.**

**412.10 RELEASE OF DEATH REPORT INFORMATION.** An employee receiving a request for information or copies of a Death Report, Form 03.11.00, shall refer the person to the investigating division, unless the cause of death is listed on the Death Report as natural. If the cause of death is listed as natural, an employee may release information or copies of the report to properly interested persons or their authorized representatives after obtaining telephonic approval from the detective division.

## **413. SEX CRIMES.**

### **413.04 CATEGORIES OF SEX OFFENDERS – DEFINED.**

**Serious Sex Offender.** An individual convicted of at least **one** of the following charges: assault with intent to commit rape, oral copulation or sodomy; oral copulation; sodomy; rape; sodomy with a minor or by force; lewd or lascivious conduct with a child or a dependent adult; oral copulation with a minor or by force; continuous sexual abuse of a child; child molestation; penetration with a foreign object by force; kidnapping with intent to commit specified sex offenses; felony sexual battery; felony enticement of a child for purposes of prostitution; or, abduction of a child for purposes of prostitution.

**High-Risk Sex Offender.** An individual convicted of multiple violent crimes, at least one of which was a violent sex crime.

**413.05 SEX OFFENDER INDEX.** The Sex Offender Index (SOI) provides public access to specified information of registered sex offenders. When public access to the SOI is requested, the following procedures shall be completed.

**Employees' Responsibility.** An employee who receives a request from the public regarding sex offender information shall:

- Refer the individual to the front desk of the nearest SOI equipped Community Police Station.

**Front Desk Employees' Responsibility.** An Employee who receives a request from the public regarding sex offender information shall:

- Request the applicant to provide a California driver's license or California identification card;
- Confirm the applicant is a California state resident and is at least 18 years of age;
- Ensure the Request to View Sexual Offender Identification Information, Form BCIA 4078, has been completed and signed by the applicant;
- Complete the Request to View Sexual Offender Identification Information Log, Form 08.28.00;
- Submit the completed Form BCIA 4078 to the Watch Commander for review and approval;
- When Watch Commander approval has been obtained, direct the applicant to the SOI; and,
- When requested, provide assistance to the applicant in obtaining information from the Sex Offender Index.

**Note:** Employees **shall not** provide information from the SOI via the telephone.

**Watch Commander's Responsibility.** A Watch Commander receiving a request from the public for sex offender information shall:

- Review the Form BCIA 4078 for completeness;

- Ensure the applicant is a California resident at least 18 years of age;
- Complete and sign the "Law Enforcement Use Only" section of the Form BCIA 4078;
- Ensure the Form 08.28.00 has been completed and initialed after review;
- After Form BCIA 4078 and Form 08.28.00 are reviewed and approved, direct the front desk employee to allow the applicant access to the SOI; and,
- When disapproved, provide the applicant with the reason for denial.

**Area Commanding Officers' Responsibility.** The Area Commanding Officer shall be responsible for:

- Ensuring that roll call training is provided to Department personnel on the use of the SOI;
- Ensuring the SOI is properly maintained in the Area station and is available for public use on a twenty-four hour basis;
- Ensuring that related forms are properly maintained for a period of five years from the request date and in accordance with Department record retention procedures; and,
- Informing the Commanding Officer, Juvenile Division, Department Coordinator for Sexual Offender Criminal Information, of any special problems or situations arising from the use of the SOI.

**Juvenile Division - Responsibility.** The Commanding Officer, Juvenile Division, is designated the Department Coordinator for Sexual Offender Criminal Information and shall be responsible for:

- Informing the Chief of Police of any special problems or situations arising from the use of the Sex Offender Index (SOI).

**Information Technology Division - Responsibility.** The Commanding Officer, Information Technology Division, shall be responsible for:

- Installing the SOI equipment;
- Coordinating the use of SOI within the Department;
- Maintaining updated data on SOI;
- Maintenance of the dedicated computers deployed at geographic Areas;
- Creation and distribution of the SOI Instructional Guide to all Department commands using dedicated computers; and,
- Revising the SOI Instructional Guide.

**Area Detective Division - Major Assault Crimes (MAC) Coordinator - Responsibility.** The MAC Coordinator shall be responsible for:

- Maintaining a file of all completed BCIA 4078 forms, and Form 08.28.00, for a period of five years and in accordance with Department record retention procedures;
- Prior to filing, review the Request to View Sexual Offender Identification Information, Form BCIA 4078, and the Request to View Sexual Offender Identification Information Log, Form 08.28.00, for completeness;
- Provide roll call training to Department personnel on the use of the SOI;
- Ensuring the SOI is properly maintained in the Area station lobby and is available for public use on a twenty-four hour basis;
- Informing the commanding officer of any special problems or situations arising from the use of the SOI; and,
- Ensuring that the SOI computer and screen are not relocated or moved from the location designated by ITD.

**Megan's Law Website.** This source of public and law enforcement information, maintained by the California Department of Justice, now displays information on California sex offenders in four categories: Full Address, Zip Code Only, No Post and Excluded. The previous categories of High Risk, Serious and Other have been eliminated.

**Note:** The No Post category consists of registrant information that the Legislature determined not to post on the Megan's Law Internet Website. The Excluded category consists of registrants who have successfully applied for exclusion from the Megan's Law Website.

- Megan's Law Internet Website/Public. The general public can view sex offender information on the Website [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) in two categories only; Full Address and Zip Code Only; and,
- Megan's Law Internet Website/Law Enforcement. All four categories are visible to law enforcement on the law enforcement version of the Megan's Law Website <http://167.10.34.34/>.

#### **413.07 DISCLOSURE OF INFORMATION REGARDING SERIOUS REGISTERED SEX OFFENDERS AND "HIGH-RISK" SEX OFFENDERS.**

##### **Applicable Penal Code Sections.**

- Pursuant to Section 290(m)(1) PC: Certain information regarding serious registered sex offenders may be released to the public;
- Pursuant to Section 290(n) PC: Certain information regarding "**high-risk**" sex offenders, as defined in Section 290 (n)(1)(A)(i-v) PC, and 290 (n)(1)(B)-(I) PC, may be disclosed to the public; and,
- Pursuant to PC Section 290.45, certain information, in addition to the information on the Megan's Law Website, may be disclosed to the public by law enforcement. Law enforcement may disclose the information on any category of sex registrant based on the agency's assessment of the offender's risk to the community, by whatever means the entity deems appropriate, when necessary to ensure the public safety.

**Note:** The Section does not prohibit release of information on juvenile sex offenders. Care must be taken in following current procedures for release of information per Department policy, Department Manual Section 3/406.10, and the Welfare and Institutions Code (WIC).

**PROCEDURE FOR THE RELEASE OF INFORMATION REGARDING SEX OFFENDERS.** The approval of the Area commanding officer shall be obtained before any information regarding any sex offender is released. This includes prior approval before distribution of any disclosure form, including the Registered Sex Offender Advisory Form and Authorization to Release Sex Offender Information to Additional Persons Form.

**Note:** In cases of exigent circumstances, (i.e., field encounters such as traffic stops) approval may be obtained from the Area/division watch commander. Prior to disclosing information, advice should be sought from the appropriate Area or Bureau Registration Enforcement and Compliance Team (REACT).

**Release of Information Regarding Sex Offenders.** The release of sex offender information shall be decided after personnel assigned to an Area or Bureau REACT Unit have conducted an investigation and reasonably determined that a notification is necessary to protect the public

**Note:** The investigation should include examination of the current behavior of the offender as well as the

severity of past crimes and the likelihood of the offender committing another crime. For example, disclosures could be considered in the following types of situations:

- A convicted child molester is observed photographing children at a local park and asking them to accompany him back to his home; or,
- A convicted rapist is reported as following female joggers.

Although past criminal convictions alone would not necessarily warrant a disclosure, special attention should be paid to repeat offenders and those categorized as Sexually Violent Predators (SVP), as defined in Section 6600 WIC.

**Note:** A Sexually Violent Predator is a person who individually has been civilly committed to a State Psychological Facility and categorized as a SVP. Sexually Violent Predators will be noted on the California Sex and Arson Registry (CSAR).

**Method of Release.** The method(s) employed in the release of information must be reasonable, relating to both the threat posed by the sex offender and the likely proximity to potential victims. The disclosure may only be as broad as is necessary for the protection of the public. Offender information is documented on the Registered Sex Offender Advisory Form.

**Disclaimers.** Every disclosure, whether placed on the Department Website, verbally expressed in a field encounter, or documented on the Registered Sex Offender Advisory Form must state that, "The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders."

**Record Retention.** Records relating to dissemination of sex offender information to the public shall be maintained for a minimum of five years. This shall include all Investigative Reports (IR), Form 03.01.00, and the Follow-up Investigation Reports, Form 03.14.00. Records of the means and scope of the dissemination of information, as well as the Registered Sex Offender Advisory Form, and the Authorization to Release Sex Offender Information to Additional Persons Form, shall be retained by the concerned Area or Bureau REACT Unit.

**Immediate Release of Information, Officer's Responsibility.** When an officer, during a temporary field encounter such as a traffic stop, radio call, or while conducting an investigation in the field has reasonable suspicion based on information which has come to his/her attention that a person is **at risk** of becoming a victim of a sex offender the officer may verbally release the information to a potential victim who is 18 years of age or older. If the potential victim is a minor, release of the information shall be to the minor's parent/guardian.

Situations wherein a disclosure of sex offender status might be warranted:

- Officers conducting a traffic stop discover, through a wanted persons/National Crime Information Center (NCIC) check, that the driver is a registered sex offender, previously convicted of forcible rape. Officers determine that the offender's passenger is an adult female hitchhiker. Officers may make a disclosure to the passenger; or,
- Officers respond to a disturbance call at a residence. The male at the location was ran for a wanted persons/NCIC check. The information returned and identified him as a registered sex offender convicted of child molestation. There are numerous neighborhood children at the residence, including the children of the offender's girlfriend. Officers could make a notification of the offender's sex registrant status to the parent/guardian(s) of the minor children.

Officers must specifically request a wanted persons/NCIC check in order to receive information on sex offender status. Officers must verify the verbal information via a wanted persons/NCIC check on an available Mobile Data Computer (MDC) per procedures described in Operations Order No. 13, "Requesting Want and Warrant Information Via the Radio", April 21, 2006. Sex offender status alone is not a reason for transporting the offender to the station.

**Note:** The officer/investigator making a notification shall thereafter complete an IR, entitled "Sex Offender Registrant Incident." The IR shall include the date, time, and location of the contact that the potential victim had with the offender. The name, address, and phone number of the reporting party (if applicable) should also be included. Document on the IR that, **"The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders"**.

- Obtain a Division of Records (DR) number from Area records personnel and forward a copy of the IR to the appropriate Area and to Robbery-Homicide Division, REACT Coordinator.

**Investigating Officer's Responsibility.** Certain investigative steps must be undertaken and background information regarding the offender's past offenses and current behavior shall be gathered prior to the release of information. Verification of all information regarding the sex offender must be completed before releasing any information.

The investigative steps that shall be completed prior to the release of information on any sex offender include:

- Documentation on why the release is necessary to protect the public;
- Document the scope of the disclosure and reasons for determining the area (i.e., ½ mile area of the offender's home address and areas frequented by the offender, parks, schools, community centers, etc.); and,
- Verification of the documented information included on the Registered Sex Offender Advisory Form.

The information is to be documented on an IR, entitled "Sex Offender Registrant Incident".

This list is not meant to be exhaustive; other investigative steps may be incorporated in the IR or later on a Follow-up Investigation Report.

Public notifications are for the purpose of protecting the public, not a means of punishing the offender for past crimes. All public notifications must comply with this intent.

**Area Commanding Officer's Responsibility.** When an Area commanding officer (CO) becomes aware that sex offender information should be released to the public, the CO shall:

- Ensure that a REACT investigator conducts a follow-up investigation to determine whether or not the offender is a sex offender, living, working, or frequenting locations within the Area boundaries;
- Determine if there is cause for the public release of information regarding that person;
- Ensure the investigating officer completes the Registered Sex Offender Advisory Form if a public disclosure is initiated;
- Ensure that the investigating officer coordinates the release of information and the distribution of the Registered Sex Offender Advisory Form, with appropriate Department entities (i.e., chain of command, Media Relations, etc.) and the public; and,



- Ensure that records regarding the release of sex offender information are tracked, readily retrievable, and kept on file for five years.

**413.10 VICTIM OF A CRIME REQUEST FOR CONFIDENTIALITY OF INFORMATION.** Government Code Section 6254 provides that the court may order the victim of a sex crime or other non-sex crimes as defined in Government Code Section 6254 to be identified as either Jane or John Doe in all records and court proceedings, if the court finds that such an order is reasonably necessary to protect the privacy of the victim regarding the following Penal Code Sections:

220	Assault with intent to commit mayhem, rape, sodomy, oral copulation
261	Rape
261.5	Unlawful sexual intercourse with a person under 18 years of age
262	Rape of a spouse
264	Rape of spouse; unlawful sexual intercourse
264.1	Rape or penetration of genital or anal openings by a foreign object, acting in concert by force or violence
273a	Willful harm or injury to child; endangering person or health
273d	Corporal punishment or injury of child
273.5	Willful infliction of corporal injury
286	Sodomy
288	Lewd or lascivious acts with a child under the age of 14
288a	Oral copulation
289	Penetration of genital or anal openings by a foreign object
422.6	Interference with the exercise of civil rights; damaging property; speech threatening violence
422.7	Aggravating factors for punishment; present ability to commit violent injury or actual physical injury
422.75	Protected classes; enhanced penalty for felonies against person or property of public agency or private institution because of class membership
646.9	Stalking

**Employee's Responsibility.** Request for Confidentiality of Information, Form 03.02.00 or Spanish Version, Form 03.02.01 shall be completed by the employee taking a crime report from any person alleging to be the victim of a crime as defined in Government Code Section 6254, which includes the above listed Penal Code Sections.

**Note:** A Form 03.02.00 or 03.02.01 shall be completed for all victims of crimes as specified in Government Code Section 6254 whether or not they exercise the right to confidentiality.

In addition to complying with established procedures for handling the preliminary investigation of an offense, employees shall:

- Advise the victim of the right to confidentiality;
- Request that the victim initial the appropriate statement referencing victim confidentiality on the Form 03.02.00 or 03.02.01 and sign the form as an acknowledgment of the advisement; and,

- Complete a Request for Confidentiality of Information, Form 03.02.00, including the “Other” box when appropriate.

If the victim is traumatized to such a degree that he or she is unable to comprehend the advisement or unable to sign the Form 03.02.00 or 03.02.01, the officer shall assign the victim confidentiality. The victim may retract his/her right to confidentiality when the victim is able to comprehend the advisement and the investigating officer is advised. If the victim of the crime is a minor, the parent or guardian of the victim shall complete and receive a copy of the form.

If no parent or guardian is present, the officer receiving the report shall contact the Area Major Assault Crimes (MAC) Coordinator. If the Area MAC Coordinator is not available, Juvenile Division shall be contacted for advice. After normal business hours, the employee shall contact Detective Support and Vice Division (DSVD) for advice.

- Provide a copy of the Form 03.02.00 or 03.02.01 to the victim;
- Complete a Investigative Report (IR), Form 03.01.00, or Arrest Report, Form 05.02.00, documenting the victim’s first name and last initial **only** in the “Victim Information” section (exclude all other personal information on the IR or arrest report face sheet);
- Complete the narrative of the report referring to the victim by his/her first name and last initial;
- Record the DR number in the upper-right-hand corner of all attached documents. The documents shall then become pages of the Department’s report and numbered accordingly;
- Attach the original form 03.02.00 or 03.02.01 as the cover sheet of the IR, Form 03.01.00, or the Combined Crime, Arrest, or Evidence Report, Form 05.02.00, and write the words “SEX CRIME (or applicable crime) - 3.02 (or 3.02.1) ATTACHED” along the left margin of the Form 03.01.00, 05.02.00, or 10.01.00; and,
- Provide the victim with a DVV pamphlet.

**Investigating Officer’s Responsibility.** The investigating officer responsible for filing a sexual assault case shall **remove** the victim’s identifying information, with the exception of the victim’s first name and last initial, from all copies of reports/documents submitted to the appropriate prosecutor’s office.

**Commanding Officer, Records and Identification Division-Special Duties.** The Commanding Officer, Records and Identification (R&I) Division, is responsible for maintaining files that are confidential in nature. The release or inspection of confidential reports such as records or certain required registrations, correspondence regarding criminal matters, and crime reports requires the approval of the Commanding Officer, R&I Division. Special attention should be given to safeguarding those crime reports of sex crimes that require confidentiality pursuant to California Penal Code Section 293.

The Crime and Miscellaneous Reports Section, R&I Division, is responsible for ensuring that crime reports involving sex crimes or crimes pursuant to those specifically enumerated in Government Codes Section 6254 in which the victim has requested confidentiality pursuant to California Penal Code Section 293 are properly safeguarded and **not** made a matter of public record.

**Restrictions for the Release of Victim Information.** Department personnel shall not disclose the name of any person who alleges to be the victim of a crime enumerated in Government Code Section 6254, if that person has requested confidentiality.

**Exception:** Confidential information concerning a person who alleges to be the victim may be released to a prosecutor or other persons or public agencies where authorized or required by law.

**Release of Sex Offense Report Information.** An employee receiving a request for information or a request for copies of a crime or a combined crime/evidence and arrest report that deals with an offense enumerated in Government Code Section 6254 shall refer the requestor to the Office of the Commanding Officer, R&I Division.

#### **425. LEGAL PROCESSES.**

**425.05 LEGAL PROCESS - DEFINED.** A legal process shall mean any discovery order, subpoena duces tecum, or notice of motion for pretrial discovery, except a personal service subpoena requiring only the appearance of a Department employee.

**425.10 ACCEPTANCE - GENERAL.** When a subpoena duces tecum, discovery order, or pretrial discovery motion is directed to the Department or the Custodian of Records, it will *only* be accepted by the Discovery Section, Risk Management and Legal Affairs Division. The business hours of the Discovery Section are 0800 to 1630 hours, Monday through Friday.

If the process server insists on serving a sworn supervisor, at other than Risk Management and Legal Affairs Division, the supervisor will:

- Advise the server that the only Department entity designated to accept processes served on the Department is the Discovery Section, Risk Management and Legal Affairs Division;
- Advise the server that the person served will be unable to deliver a copy of the subpoena to the Discovery Section, Risk Management and Legal Affairs Division, within such time as will allow compliance with the subpoena; and,
- Provide adequate directions for the process server to locate the Discovery Section, Risk Management and Legal Affairs Division.

If the server leaves the process at the station, the supervisor will forward it, with a Employee's Report, Form 15.07.00, containing the date and time the process was left by the server and any pertinent circumstances involved, to the Discovery Section, Risk Management and Legal Affairs Division.

**Exception:** The following entities will accept legal processes relating to their areas of responsibility:

- Board of Police Commissioners;
- Property Claims Officer or Evidence and Property Management Division Supervisor, Office of Special Operations;
- Gang and Narcotics Division;
- Vice Division;
- Detective Support and Vice Division; and,
- Major Crimes Division.

**425.15 LEGAL PROCESS FOR RELEASE OF BOOKED PROPERTY.** An employee accepting a legal process, "Notice of Garnishment," "Writ of Attachment," "Writ of Execution," "Order to Withhold," or "Notice of Levy" concerning booked property shall immediately forward the document to the Commanding Officer, Support Services Group.

**Note:** The Commanding Officer, Support Services Group shall notify the Commanding Officer, Evidence and Property Management Division of an impending release of property described in a legal process. The Commanding Officer, Evidence and Property Management Division, shall request authorization for the release of booked property from the concerned investigating officer's commanding officer of the impending release of

evidence via an Intradepartmental Correspondence, Form 15.02.00. The legal process shall be delivered to the Commanding Officer, Risk Management and Legal Affairs Division, once authorization has been obtained from the concerned investigating officer's commanding officer.

In the event of a conflict, the Commanding Officer, Administrative Services Bureau, shall have the final decision on whether to release any property or whether to seek a legal stay of execution.

**425.20 LEGAL PROCESSES LOG.** Risk Management and Legal Affairs Division, Discovery Section, personnel shall enter the following information in a Legal Processes Log: the type of process, date and time, where served, person(s) affected, investigative unit handling and person notified, and such other information as may be pertinent.

**Exception:** Evidence and Property Management Division will keep a Legal Processes Log relating to their area of responsibility.

**425.30 LEGAL PROCESSES INVOLVING THE PRODUCTION OR INSPECTION OF EVIDENCE OR RECORDS IN COURT.** The Commanding Officer, Risk Management and Legal Affairs Division, will be responsible for the coordination of activities concerning the production or inspection of records in court that is required by a legal process. In any case involving records in custody of other divisions, he/she will:

- Confer with the commanding officer of the concerned division;
- Determine the confidential nature of the items requested by the process;
- Confer with the City Attorney when there is doubt as to the confidential nature of the items requested by the process, or when the records are deemed to be confidential and he believes they should not be produced in court; and,
- Arrange for the transportation of records to court when compliance is ordered or deemed advisable.

**Note:** Certain organizational entities will accept legal processes relating to matters within their areas of responsibility (Manual Section 3/425.10).

#### **440. PAYROLL CHECKS AND ROSTERS.**

**440.10 DISTRIBUTION.** Commanding officers shall delegate the responsibility of receipt, custody, and distribution of the payroll checks for personnel of their command to employees assigned to office duty. No person shall be permitted to handle checks except the commanding officer and those assigned to such duty by the commanding officer. Undistributed checks shall be retained in a place where they are accessible only to those responsible for their distribution. Signed check rosters shall be retained in the division or unit files for six months after receipt.

**440.30 PAYROLL SIGNATURES.** Rosters for distribution of payroll checks to employees shall be signed by each employee in the space opposite their name when they claim their check. An employee signing a payroll roster shall do so by writing their name as it appears thereon; such writing shall constitute their payroll signature. An employee who accepts delivery of a check for another shall write the name of the other employee opposite such name on the roster and shall follow this signature with their own signature.

**440.60 UNCLAIMED PAYROLL CHECKS.** Only payroll checks shall be hand carried to the Chief Accounting Employee with an explanatory note if they are not claimed within thirty days after receipt. For unclaimed Direct Deposit check stubs, destroy them thirty days after receipt.

## SUPPLIES AND MAINTENANCE

### 504. SALVAGEABLE MATERIALS, DISPOSAL OF.

**504.40 COMMANDING OFFICER'S DUTIES.** Commanding officers shall notify the Supply Section, Fiscal Group, by telephone, whenever salvageable material or equipment has been accumulated in an amount necessitating removal. Salvageable materials and items of equipment shall not be disposed of, nor converted to uses for which they were not originally intended, except on authorization from the Officer in Charge, Supply Section.

**Note:** Salvageable equipment or material is defined as equipment or material no longer needed or no longer usable.

**504.80 DUTIES OF OFFICER IN CHARGE, SUPPLY SECTION.** Upon receiving notification to pick up salvageable material or equipment, the Officer in Charge, Supply Section, shall cause the property to be picked up and a receipt therefore to be issued to the unit. He or she shall then arrange for disposal of the property.

**508. REQUESTS FOR EQUIPMENT, SUPPLIES, OR SERVICES.** Requisitions, Form 15.11.00, shall be signed by the division, Area, or bureau commanding officer.

**Budget-Approved Items.** Requests for budget-approved items shall be submitted on a Requisition, Form 15.11.00.

**Requests for Furniture or Equipment Items Not Included in the Current Budget.** If the need is urgent and, in the opinion of the commanding officer, the item cannot wait for inclusion in the next budget, a letter shall be directed to the Commanding Officer, Fiscal Group, thoroughly justifying the need and urgency of the request.

**Construction of Items by Carpenter/Shop.** A letter shall be directed to the Commanding Officer, Facilities Management Division justifying the need for the item requested.

When the request involves the repair of private property mistakenly damaged as a result of police action, the letter shall be considered as a formal request, signifying that the commanding officer has been made aware of the incident.

**Repair of Office Machines, Furniture and Equipment (Except Communications Equipment, Armament, and Vehicles).** Repairs shall be requested by telephoning the Supply Section, Fiscal Group.

A note stating the exact nature of the complaint with the samples of work, if appropriate, showing the various operations where the equipment is malfunctioning shall be attached to the machine.

**Loan of Furniture and Equipment.** Temporary use of furniture and equipment may be requested by directing a letter, justifying the need of such items, to the Officer in Charge, Supply Section, Fiscal Group.

Commanding officers of units to which equipment is assigned, shall retain accountability and responsibility for inventorying furniture and equipment loaned to other commands. Commanding officers shall ensure that loaned equipment is *physically* accounted for within ten days of receipt of an inventory list from Supply Section.

**Chemical Irritant Control Device.** Requisitions for chemical irritant control devices shall be made on a Requisition, Form 15.11.00, and submitted to the Officer in Charge, Supply Section, Fiscal Group.

**Food Supplies.** Individual Jails shall order food supplies as directed by Custody Services Division. Custody Services Division shall provide Fiscal Group with documentation required to obtain payment to the vendor.

**Guns.** Requisitions for guns, including submachine guns and bullet-proof vests, shall be made on a Requisition, Form 15.11.00, and submitted to the Commanding Officer, Training Division.

**Tear Gas.** Requisitions for tear gas, gas guns, and gas masks shall be made on a Requisition, Form 15.11.00, and submitted to the Commanding Officer, Training Division.

**516. EQUIPMENT INVENTORY CONTROL.** Inventory control of Department furniture and equipment items shall be effected by Fiscal Group.

Fiscal Group shall, each fiscal year, provide commanding officers with an updated inventory listing of furniture and equipment items for which they are responsible.

**516.20 COMMANDING OFFICER'S RESPONSIBILITY - EQUIPMENT INVENTORY.** The responsibility for furniture and equipment items shall be as follows:

- The Adjutant to the Chief of Police shall be responsible for items assigned to the Office of the Chief of Police;
- Each bureau commanding officer shall be responsible for items assigned to his/her bureau office;
- Each Area commanding officer shall be responsible for items assigned to his/her Area; and,
- Each division commanding officer, other than those assigned to Areas, shall be responsible for items assigned to his/her division.

The Commanding Officer, Emergency Operations Division, shall be responsible for items assigned to the following section:

- Traffic Coordination Section;
- The Commanding Officer, Counter Terrorism and Special Operations Bureau, shall be responsible for items assigned to the Emergency Services Division; and,
- Chief of Detectives, Detective Bureau, shall be responsible for items assigned to the Investigative Analysis Unit.

Within 15 working days after receiving an inventory listing from Supply Section, a commanding officer shall:

- Cause a complete inventory to be taken of all furniture and equipment items in his/her command;
- Draw a line through each item on the listing that cannot be accounted for;
- Ensure that appropriate lost or theft reports have been completed on all missing items;
- Cause all equipment and furniture loaned to other commands to be physically inventoried. The findings of the inventory shall be included in the commanding officer's report to Supply Section;
- Add to the listing the description and serial number or LAPD inventory numbers of items in his/her command that are not included on the listing;
- Sign the inventory listing acknowledging receipt of, and assuming responsibility for custody, safekeeping, and preventative maintenance of all furniture and equipment items listed;
- Complete an Intradepartmental Correspondence, Form 15.02.00, describing circumstances regarding the loss of any assigned items, or the acquisition of any items that were added to the listing;

- Forward copies of the Form 15.02.00 and the related lost or theft report(s) to the Commanding Officer, Fiscal Group, Administrative Services Bureau, and the commanding officer of the concerned group or bureau;
- Forward the Form 15.02.00 and the signed inventory listing to the Officer in Charge, Supply Section;
- Retain a copy of the inventory listing; and,
- Commanding officers of divisions that maintain and issue items of equipment such as: handheld radios, raid jackets, cameras, fingerprint kits and measure meters on a nonpermanent basis, shall be responsible for:
  - Developing an inventory system to control issuance of each item of equipment.
  - Ensuring that all equipment is accounted for each time it is checked in or out and that the employee issuing and receiving the equipment is indicated on the inventory control records.

**Note:** To assist in inventory control, the Equipment-issue Control Card, Form 15.65.00, may be used.

**516.60 EQUIPMENT INVENTORY UPON A TRANSFER OF COMMAND.** Prior to an exchange of command, the departing commanding officer shall:

- Ensure that his/her copy of the inventory listing is complete and accurate; and,
- Complete an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Fiscal Group, describing the circumstances regarding the loss of any assigned items.

Within ten working days after assuming a new assignment, a commanding officer shall:

- Verify the accuracy of the previous commanding officer's copy of the inventory listing; and,
- Complete an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Fiscal Group, acknowledging acceptance of responsibility for assigned furniture and equipment items.

**516.80 EQUIPMENT TRANSFER.** Personnel desiring to transfer furniture or equipment items from an Office, group, bureau, Area, or division to another Office, group, bureau, Area or division shall submit a request on an Intradepartmental Furniture and Equipment Transfer Record, Form 11.10.00, to Supply Section, prior to the transfer of items. Supply Section shall cause the transfer of the items.

**516.90 INSPECTION AND INVENTORY OF DEPARTMENT EQUIPMENT AND EMPLOYEE RECORD FORM.** Commanding officers must report annually the quantity and type of assigned armament, radiological monitoring equipment, handheld radios, and miscellaneous emergency equipment on hand.

An Annual Equipment Report, Form 15.61.00, will be submitted by January 31 of each year for the equipment/documents listed on the form, including a review of all Area/divisional Employee Record Form, Form 01.38.00.

**524. CONSERVATION OF ELECTRICITY.** Supervisory officers shall make necessary inspections of light fixtures to prevent waste of electricity.

- Fluorescent fixtures shall be turned off in rooms which will not be used for a period of two hours; and,
- Incandescent fixtures shall be turned off in rooms not in use.

## **532. VEHICLE KEYS.**

**532.20 KEY BOARDS.** Each division or Area having automotive equipment shall maintain a station key board. The station key board shall contain a sufficient number of spaces or hooks to accommodate two sets of keys for each vehicle assigned to the division or Area and those keys the commanding officer considers necessary for normal station operation.

**532.40 EXTRA VEHICLE KEYS.** Every motor vehicle operated by the Department shall have six sets of keys. Two sets of keys for each vehicle assigned to a division or Area shall be maintained on the station key board when not in use. A third set shall be maintained by the watch commander or equivalent officer in charge. The fourth set shall be maintained by the Area/division for emergency preparedness purposes. The remaining two sets of keys shall be maintained by Motor Transport Division.

**532.60 VEHICLE KEY REPLACEMENT.** Missing or additional keys shall be requested by submitting an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Motor Transport Division. Damaged or other non-operable keys shall be replaced by contacting the Central Garage Supervisor.

## **536. DEPARTMENT BUILDING AND ROOM KEYS.**

**536.10 RESPONSIBILITY FOR PROCURING AND SUPPLYING KEYS.** Employees responsible for Department-issued keys shall notify their commanding officer when any key is lost, stolen, or damaged. The commanding officer shall then request a replacement by submitting an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Fiscal Group.

**536.20 KEY CONTROL RECORDS.** Commanding Officers shall establish and maintain records of Department keys assigned to their command.

**Note:** Personnel Division maintains a permanent record of: 1) all Gamewell keys, and 2) 999 keys issued to *sworn* personnel.

The Key Receipt, Form 11.14.00, shall be completed and distributed when a key is assigned to an employee (Manual Section 5/11.14).

When employees are reassigned, they shall return all keys assigned by their commanding officer. The original copy of the Key Receipt shall be given to the concerned employee, and the division file copy shall be destroyed.

Issuance and replacement of 999 keys:

- Personnel Division shall be responsible for the issuance and replacement of 999 keys to sworn personnel; and,
- Commanding officers shall be responsible for the issuance, control, and replacement of 999 keys to civilian personnel.

**Note:** 999 keys shall not be issued to civilian personnel unless required by their job assignment.

**540. BUILDING MAINTENANCE.** Commanding officers and watch commanders shall make regular inspections and take such measures as are necessary to ensure that buildings under their supervision are neat, clean, and in good repair. Watch commanders shall see that assembly room benches and tables are dusted before



roll call. In addition, watch commanders shall see that assembly rooms, halls, and other rooms used during the preceding watches are swept and dusted.

#### **540.15 BUILDING SERVICES COORDINATOR.**

**Building Services Coordinator-Designation.** Commanding officers of each Department entity shall designate a Building Services Coordinator for facilities used by their personnel. Common areas within Department buildings are the shared responsibility of the respective Building Services Coordinators.

**Exception:** The Commanding Officer, Administrative Services Bureau, shall be designated the Building Services Coordinator for Parker Center and the Police Administration Building. In addition to the duties outlined in Department Manual Section 3/540.15, the Building Services Coordinator for Parker Center and the Police Administration Building shall:

- Perform regular inspections of Parker Center and the Police Administration Building and take the necessary measures to ensure that the facility is neat, clean, and in good repair;
- Ensure that the Parker Center and Police Administration Building Unofficial Bulletin Board is organized and has no unauthorized material posted as defined in Department Manual Section 3/550.15;
- Ensure that miscellaneous articles are not attached in any manner to the doors, walls, windows, partitions, or the elevators of Parker Center and the Police Administration Building;
- Ensure that no sales/fund raising activities are conducted within Parker Center and the Police Administration Building's lobby/reception area, located on the first floor; and,
- Ensure that fund-raising activities are approved by the fund-raising committee and the concerned bureau commanding officer prior to the activity.

**Building Services Coordinator-Responsibility.** The Building Services Coordinator shall:

- Establish liaison with the Building Services Liaison, Facilities Maintenance Section, Facilities Management Division;
- Conduct regular inspections of assigned areas for problems and preventive maintenance needs;
- Telephonically notify the Building Services Liaison, Facilities Maintenance Section, Facilities Management Division, when requesting emergency building services, and maintain a log of all such requests;

**Note:** When Facilities Maintenance Section, Facilities Management Division is closed, requests for emergency repairs or janitorial services which are not provided by Custodial Service Attendants shall be reported to Building Maintenance and Operations Division, Department of General Services.

- Initiate written requests for non-emergency building services to the Commanding Officer, Facilities Management Division;
- Retain the active Building Repair or Service Requests, Form General 113, received from the Building Services liaison until the requested services are completed; and,
- Upon verifying the completion of the requested services, sign and forward the completed Form General 113 to Facilities Management Division.

**540.30 EMERGENCY REQUESTS FOR BUILDING REPAIRS.** When the office of the Commanding Officer, Facilities Management Division, is closed, requests for emergency repairs or janitorial services which are not provided by orderlies shall be telephonically reported to Building Maintenance and Operations Division, Department of General Services.

**541. CALENDARS.** Wall calendars other than those issued by the Department shall not be used in Department-owned or controlled premises. Calendars with commercial advertising shall not be displayed.

**546. REQUESTING REFILLS FOR FIRE EXTINGUISHERS.** When employees use, or cause the discharge of, any part of the contents of fire extinguishers located on Department premises, they shall notify their commanding officer.

Upon becoming aware that a fire extinguisher has been used, the commanding officer of the premises where the fire extinguisher is located shall ensure that the office of the Commanding Officer, Facilities Management Division is notified telephonically as soon as practicable. The notification shall include the location and type of the extinguisher (foam, soda and acid, or carbon dioxide).

**550. BULLETIN BOARDS.**

**550.10 OFFICIAL BULLETIN BOARDS - ESTABLISHED.** A separate bulletin board, or a designated portion of a bulletin board, shall be established as an official bulletin board at each division. Official bulletin boards shall be placed at a location convenient to all personnel.

**Material Posted on Official Bulletin Boards-Restrictions.** Only Department publications of an informative or directive nature, and material which is approved by the division commanding officer, shall be posted on an official bulletin board.

**Note:** The Commanding Officer, Van Nuys Area, shall be responsible for assigning and controlling use of space on bulletin boards located on the ground floor of Valley Headquarters Building.

**550.15 UNOFFICIAL BULLETIN BOARDS - AUTHORIZED.** Unofficial bulletin boards may be established for the posting of miscellaneous material which is approved by the division commanding officer.

**550.20 INSPECTION OF BULLETIN BOARDS.** Division commanding officers shall be responsible for routine inspections of division bulletin boards, including assigned portions of joint bulletin boards.

The Commanding Officer, Van Nuys Area, and the Building Services Coordinator, the Police Administration Building, respectively, shall be responsible for routinely inspecting the unassigned portions of joint bulletin boards in the Valley Headquarters Building and the Police Administration Building.

**556. EMERGENCY REQUISITIONING OF JAIL EQUIPMENT.** Jail personnel may obtain emergency exchange of soiled bedding, blankets, or towels at the Police Supply Section, Materials Management Services Division, Department of General Services, on weekdays between 0700 and 1500 hours.

**558. LOAN OF EMERGENCY WEAPONS AND FIELD EQUIPMENT.** Emergency weapons and field equipment issued by Central Property Section, or Valley Property Section, Evidence and Property Management Division, shall be returned within time limits determined by the Commanding Officer, Evidence and Property Management Division.

**Note:** Emergency weapons and field equipment are stored at Central and Valley Property Sections, only under exigent circumstances (Manual Sections 2/345.35 and 2/345.55).

**564. COMMUNICATIONS EQUIPMENT - INSTALLATION, REMOVAL, EXTENSION, AND REPAIRS.**

**564.10 INSTALLATION, REMOVAL, AND EXTENSION OF COMMUNICATIONS EQUIPMENT.** All requests for installation, removal, or extension of communications equipment, telephones, including cellular telephones, shall be directed to the Commanding Officer, Information Technology Bureau, on an Intradepartmental Correspondence, Form 15.02.00.

**564.20 REQUESTS FOR COMMUNICATION EQUIPMENT.** Commanding officers preparing requests for new communication equipment shall coordinate such requests with Communications Division.

**564.30 FIELD TELEPHONE REPAIRS.** Requests for field telephone repairs shall be directed to the Wire and Signal Division, Information Technology Agency.

**564.50 TELEPHONE REPAIRS.** Requests for telephone repairs shall be directed to the Information Technology Bureau.

**564.70 TELETYPE REPAIRS.** The Teletype Section, Records and Identification Division, shall be notified immediately in the event of failure of teletype machines.

**564.90 RADIO REPAIRS.** Requests for radio repairs shall be directed to the Electronics Division, Public Utilities and Transportation Department. Metropolitan units should be serviced at the radio repair shop. Outlying units will be serviced by a mobile service truck.

## **566. CELLULAR DEVICES.**

**Requests for Department-Issued Cellular Devices.** Requests for Department-issued cellular devices (e.g., iPhone Operating System [IOS], Android smartphones, tablets, smartwatches, and laptops) shall be submitted through Information Technology Division's (ITD) Computer Service Desk Portal, located on the Department's Local Area Network (LAN) page. The requestor's commanding officer shall review all requests and determine if the issuance of a department-issued cellular device is in the Department's best interest before approving the request. Final approval for the issuance of cellular devices shall be the responsibility of the Commanding Officer, Information Technology Bureau. As the Department's cellular purchasing agent, Information Technology Bureau is the owner and administrator for the cellular contracts. Information Technology Bureau shall ensure that contracts and contract extensions are executed in a timely manner and shall participate in negotiating the pricing, service level, and terms of the cellular services contract.

**Department Property.** Cellular devices issued by the Department are Department property. Therefore, employees shall comply with Department requests to make the Department-issued cellular devices available during personnel complaints or other administrative investigations.

**Use of Department-Issued Cellular Devices.** The use of Department-issued cellular devices has proven to be an effective supplemental method of communication with members of the Department and community. It is not intended to replace the Department's radio communications network. The use of Department-issued cellular devices should not interfere with an employee's duties or City business. Those assigned a Department-issued cellular device shall utilize these devices for conducting Department business, and exercise caution and good judgment on when and how to use them.

Employees accessing City and Department data, including email, with Department-issued cellular devices are required to adhere to all City and Department policies and guidelines related to confidentiality of information. Employees may use the camera, video and audio recording feature of the cellular devices, in accordance with Department policy. In addition, with the Department's unlimited data and messaging plan, personal phone calls

and text messages are permitted on Department-issued cellular devices, provided that such use does not interfere with the performance of the employee's official duties.

Furthermore, Department-issued cellular devices shall not be used for unprofessional communications such as disseminating material or messages that are defamatory, sexually oriented, threatening, hateful or bigoted, or for promoting any political, religious, or personal business interests. In addition, the use of the Department-issued cellular devices (e.g., making or posting comments, likes, tweets, memes, statements, videos, screenshots, shared links, hashtags, and animated graphics) shall be consistent with the Law Enforcement Code of Ethics and the Department's Core Values and may be subject to review by the Department. If the Department becomes aware of words or conduct that violate Department policies or Core Values, disciplinary action may be initiated and may result in discipline and/or removal from the Department.

**Use of Personal Cellular Devices.** If an employee utilizes a personal cellular device for Department business, the data, communications and images related to Department business may be available for search pursuant to a search warrant.

Employees are reminded of Department Manual Section 3/566.10 which explains Department expectations when utilizing personal devices during investigations, and Office of the Chief of Police Notice of November 4, 2020, "Invasion of Privacy: First Responders..." which highlights the California law prohibiting non-official use of certain photographs, and Manual Section 3/405, which emphasizes the confidential nature of Department records, reports, files, documents, photographs, images, etc.

**Safety of Department-issued Cellular Devices.** Employees shall be responsible for the security of Department-issued cellular devices and the information stored into them. Therefore, employees should carry the device with them and never leave a smartphone unattended in a public place. Employees are also required to maintain their smartphones and ensure they are charged, accessible and on alert (ringer or vibrate mode) while on-duty. If a Department-issued cellular device is lost and/or stolen, it shall be immediately reported to a Department supervisor. Additionally, Messaging/Mobile Services Section (MMSS), ITD, shall be notified as soon as possible at (213) 486-0330, or off-hours via the Department Operations Center at (213) 484-6700, as remote wiping and/or resetting of the device may need to be performed. Employees are also required to document lost and/or stolen Department-issued cellular devices on an Investigative Report, Form 03.01.00, and have it approved by a supervisor.

To comply with the requirements set forth by the Federal Bureau of Investigation on the accessibility of Criminal Justice Information Services (CJIS), detailed on Section 5.13.2 of the CJIS Security Policy, cellular devices running a limited feature operating system (e.g., IOS and Android), shall be enrolled in the Department's Mobile Device Management (MDM).

**Mobile Device Management and GPS Tracking.** The Department will only use MDM GPS tracking capabilities for a lost and/or stolen device to obtain the approximate location of the device. To accomplish this, a message will be sent to the IOS device's home screen to notify the employee the device is locked, placed in lost mode, or if the device is reported lost/stolen. Lost mode can only be disabled by the MDM. Once disabled, the device will require the employee to re-enter their information to unlock the device.

**Non-Budgeted Cellular Devices.** Cellular devices obtained and maintained through the Forfeited Assets Trust Fund or with funds from grants, gifts, private sources, or any source other than ITD are deemed non-budgeted cellular devices. Requests for these cellular devices shall be routed through ITD's internal approval cycle. Such requests shall also include the source of funds for the purchase, installation, maintenance, and monthly bill. The concerned commanding officer shall ensure that applicable procedures are followed.

**Phone Operating Systems and Personal Apple Identifications.** Employees who choose to use personal Apple ID accounts on Department mobile devices are cautioned that the contents on Department devices are subject to the course and scope of Department administrative investigations.

**Training Coordinators.** Each division will be responsible for designating a Training Coordinator who will serve as the primary liaison between ITD and his or her division for all cellular phone related matters.

**Information Technology Division (ITD)** will assist the Training Coordinators in each division by providing information on standards, Department/employee responsibilities, porting numbers, device recommendations, security, and other related issues.

**Emergency Command Control Communications System Division (ECCCS)** will coordinate all necessary signal augmentation in police facilities with cellular services and ensure adequate signal strength. If a building has been augmented and is experiencing inadequate signal strength or poor call quality (dropped calls, poor reception, etc.), the Training Coordinator shall open a service request ticket via the ITD Computer Service Desk Portal.

**Return of Department-issued Cellular Devices.** Employees shall return their Department-issued cellular devices when the device is no longer required for their work assignment, pursuant to a court order, and/or upon separation from the Department. The Training Coordinator shall be responsible for collecting smartphones from employees departing from the Department. In addition, the Training Coordinator shall ensure that the device is wiped via the mobile device manager and cellular inventory is updated to remove the departing employee from the inventory record. A factory reset does NOT remove the account or update the inventory records. If assistance is required to do this, the employee shall open a service ticket via the ITD Computer Service Desk Portal.

**Salvage of Cellular Devices.** Prior to salvaging any cellular device, all telephone numbers and any other information stored shall be removed by restoring the device to its manufacturer's settings through a device factory reset. In addition, all identifying information, including employee names, division names, numbers, etc., shall also be removed from the cellular device, accessories, and batteries.

#### **566.10 USE OF PERSONAL RECORDING DEVICES DURING CRIMINAL**

**INVESTIGATIONS.** When conducting criminal investigations, sworn Department employees may use personal recording devices (e.g., cellular telephone, digital camera with video capability) to document an incident. However, the use of personal recording devices during criminal investigations is not a substitute for Department-issued body cameras, Department digital cameras, the Digital In-Car Video System, or instances requiring the response of the Photographic Unit, Technical Investigation Division. Rather, personal recording devices should only be used in limited circumstances wherein evidence could be lost or destroyed, video/audio statements/actions of suspect(s) need to be quickly captured, or as an investigative tool when Department resources are not immediately available such as, but not limited to:

- Taking photos of visible fingerprints/blood prior to impending rain at an outdoor crime scene;
- Video-recording an unruly threatening crowd; or,
- Recording spontaneous statements between detained suspects sitting in a police vehicle.

Officers must exercise discretion to ensure that personal recording devices are used judiciously and must be aware of the legal ramifications regarding discovery.

All recordings and images captured during the course and scope of official duties are confidential, and must not be used except as required in the performance of official duties per Department Manual Section 3/405.

Additionally, personal recording devices must not be used to capture photographs and/or video of persons in police custody, victims, witnesses, evidence, dead bodies, traffic crashes, Department employees, crime scenes, or evidence for monetary gain or private use.

**Employee's Responsibilities.** Employees who choose to use their personal recording device during a criminal investigation must:

- Have the means and ability to transfer and book the recordings/images using a USB adaptor or connector cable;

**Note:** The transferring of recordings must not be done via e-mail. E-mail does not maintain or provide a proper chain of custody.

- Not record non-duty related contacts (e.g., casual conversation with City employees). Recording of non-duty related contacts without consent is illegal and may expose an officer to discipline, termination and/or criminal sanctions;
- When using a digital video recorder, ensure the recorder utilizes one of the following formats;

H.264 (.AAC, .3GP, .MP4, .M4V)

H264 Blu-ray (.M4V)

MPEG-2 (.MPA, .M2V, .MPG)

MPEG-2 DVD (.M2V)

MPEG-2 Blu-ray (.M2V, with corresponding .WAV file)

MPEG-4 (.MP4)

P2 (.MXF)

QuickTime movie (.MOV)

Windows Media (.WMV)

Video for Windows (.AVI)

**Note:** If the digital video recorder is unable to record in one of the above formats, the employee must provide TID with information on the recording device and/or necessary software to view/play the media file.

- If possible, use a blank cassette tape when intending to use a tape recorder as the entire cassette tape must be booked;

**Note:** Employees are encouraged to transition from using tape recorders to digital recorders, as the Electronics Unit, TID, will no longer provide cassette tapes, and the duplication of cassette tape services will be phased out. Employees who choose to continue using tape recorders must supply their own cassette tapes. All duplications made by the Electronics Unit will be in digital format and the original cassette tapes will not be returned to the requesting employee.

- Not delete any imagery or video captured during the incident, regardless of its quality until it is transferred to a compact disc (CD) or digital versatile disc (DVD), in order to maintain a chronological record of the media captured during the incident. This is necessary for court purposes to prevent the allegation of deleting exculpatory evidence;
- When recording audio, either during or following the contact, verbally identify themselves, the date and time, and the name of the person or persons being recorded; and,
- Download the recording to a CD or DVD, available at the Area/division records, using the following procedures.

**Note:** These procedures do not apply to cassette tape recordings.

- Indicate at the beginning of the appropriate report (e.g. Investigative Report, Form 03.01.00; Arrest Report, Form 05.02.00; Property Report, Form 10.01.00; Release from Custody Report Continuation, Form 05.02.08; or City Attorney Disclosure Statement, Form 05.02.09) and under the required heading in the narrative that a recording was made, including the name and serial number of the officer that made the recording and the name and serial number of the supervisor notified of the recording. Additionally, indicate that the recording was delivered to the concerned detective table, or is being held in the Area/divisional evidence locker;
- Ensure that all recorded media captured during the incident are transferred to the CD or DVD before deleting them from the device;
- Delete all recordings immediately after transferring them to the CD or DVD; and,
- Place the CD/DVD/cassette tape in an envelope, indicate the Division of Records (DR) number and the concerned detective table handling the investigation on the outside of the envelope, and store it in the Area/divisional evidence locker for the concerned investigating table (e.g. robbery, burglary/theft, or major assault crime); **or,**
- For adult misdemeanor arrests, attach a copy of the recorded media with the copy of the Arrest Report or Release from Custody Report Continuation that is forwarded to court, and provide an additional copy of the recorded media to the Area/divisional Recording Media Coordinator for storage.

**Investigating Officer's Responsibilities.** Investigating officers who receive or become aware of a recorded media associated with a **criminal investigation**, which has been booked in the Area/divisional evidence locker must:

- Retrieve the CD/DVD/cassette tape containing the recorded media from the Area/division evidence locker;
- Make a copy or copies of the recorded media via the Area/division media duplication station;
- Place the copy of the recorded media inside an envelope containing the six-digit TID media number provided by the Electronics Unit, TID, and complete the "B" slip of the Sound Recording Media Issue/Receipt, Form 12.48.00;
- Deliver the copy of the recorded media to the Area/division Recording Media Coordinator for storage; and,
- Provide an additional copy of the recorded media to the City Attorney or District Attorney during case filing.

**Supervisor's Responsibilities.** Supervisors must:

- Ensure that Area Department digital cameras are deployed and utilized when needed to minimize the need for employees' use of personal recording devices; and,
- When notified by an employee that he/she used a personal recording device to document evidence, make an entry on their Sergeant's Daily Report, Form 15.48.00, indicating the reason.

**Commanding Officer's Responsibilities.** Commanding officers must ensure that employees within their command comply with the procedures within this section.

**Area Recording Media Coordinator's Responsibilities.** The Area Recording Media Coordinator or his/her designee must:

- Document the CD/DVD/cassette tape information on a Recording Media Inventory, Form 12.40.00;
- Store the CD/DVD/cassette tape in a designated locked cabinet, only until it is transferred to the Electronic Unit's media vault or Photographic Unit, TID;
- Book the CD/DVD/cassette tape containing audio/video files into the media vault of the Electronics Unit, TID, at Piper Tech - Space 212, as soon as practicable; and/or,
- Book the CD/DVD containing photographic images into the Photographic Unit, TID, at Piper Tech - Space 212, as soon as practicable.

**Electronics Unit, Technical Investigation Division's Responsibility.** The Electronics Unit, TID, is responsible for the storage of the recorded media, per Department Manual Sections 3/569.40 and 4/212.21.

**567. EMERGENCY OPERATIONS ORGANIZATION (EOO) TELEPHONES.** The EOO cellular telephones shall only be used in the event of a major disaster or emergency which is, or is likely to become, beyond the control of the normal services provided by the Department. Emergency Operations Organization cellular telephones shall not be used to facilitate emergency operations that are within the scope of a division's customary responsibilities nor is usage intended for day-to-day emergencies, which include barricaded suspect incidents or pursuits.

The concerned Area and traffic division commanding officers, the Commanding Officer, Metropolitan Division, and the Commanding Officer, Emergency Operations Division, shall be responsible for the proper care and maintenance of the assigned cellular telephones and shall ensure that:

- Personnel assigned EOO cellular telephones have been properly trained in the care, use, and testing of the equipment and that they understand and adhere to EOO policy regarding cellular telephone use;
- The EOO cellular telephone is stored in a secured location; and,
- A monthly audit is performed to ensure that the EOO cellular telephone is fully operational.

## **568. RADIO AND ELECTRONIC INVESTIGATION EQUIPMENT.**

**568.05 ELECTRONIC SURVEILLANCE EQUIPMENT - DEFINED.** Electronic surveillance equipment is defined as equipment or software used to detect, locate, observe, photograph, record or intercept information about persons under Department investigation without their knowledge. As such, all electronic surveillance equipment is subject to the provisions outlined in Department Manual Section 1/140.15 and personnel shall adhere thereto when acquiring or using electronic surveillance equipment while on duty.

Electronic surveillance equipment is divided into two categories:

- **Restricted Items.** Use of restricted electronic surveillance equipment requires authorization of a command or staff officer. Restricted items normally include all electronic surveillance equipment designed or adapted for concealed use. Included are items such as:
  - Pen registers;
  - Trap traces;
  - Transmitters capable of being concealed in an automobile, room or telephone;
  - Body transmitters;
  - Induction coils;
  - Devices and software used for the purpose of tracking the movement of a person or object;



- Receivers and recorders when used with hidden transmitters; and,
- Tracking or tailing devices and other non-visual equipment.

**Note:** With the exception of miniature voice or video recorders, on-duty employees shall not possess or use privately owned restricted electronic surveillance equipment. When used, privately owned miniature recorders are subject to the same authorization requirements as other restricted items.

- **Discretionary Items.** Discretionary items are those items not specifically designed for concealed use, but which can be used in a concealed manner. When used for such purposes, discretionary items temporarily become restricted items of electronic surveillance equipment and, as such, their use is controlled. Discretionary items include tape recorders, mini-recorders, hand-held radio receivers, T.V. cameras and video recorders, night-vision devices, repeaters and cameras.

**Note:** A surveillance van is considered a discretionary item unless it is used in conjunction with a camera and lens at which time it is considered a restricted item.

**Equipment Storage.** Restricted electronic surveillance equipment shall generally be stored in a secured location within a Department facility. However, if it is required by the nature of the investigation, equipment used by specialized units in certain divisions (e.g. Gang and Narcotics Division, Detective Support and Vice Division, Major Crimes Division, Professional Standards Bureau) may be stored in Department vehicles, as long as it remains under the command and control of the investigating officer and as long as it remains in good working order.

**Provide Security.** All employees using electronic surveillance equipment shall provide security for the equipment while it is in their possession.

**Time Restrictions.** Restricted electronic surveillance equipment shall generally be used for a period of time not to exceed 30 days. However, equipment used in investigations by specialized units in certain divisions (e.g. Gang and Narcotics Division, Detective Support and Vice Division, Major Crimes Division, Professional Standards Bureau) may be used for the duration of the investigation, in excess of 30 days, provided that the equipment is accounted for, remains in good working order and prior approval is obtained.

Should the investigation exceed the 30-day time limit, the investigating officer shall complete an Employee's Report, Form 15.07.00, documenting the reasons for the additional time required and the condition of the equipment. The Employee's Report shall be completed and approved prior to the expiration of the due date. The investigating officer shall forward the Employee's Report to their commanding officer for approval.

**Investigating Officer's Responsibilities.** Investigating officers shall ensure that the equipment is safely returned to the assigned unit as soon as possible after the equipment's usage.

**Commanding Officer's Responsibilities.** The divisional or Area commanding officer shall review and, if appropriate, approve the investigating officer's written request for the extended use of the equipment for each additional 60-day period. Once approved, the Employee's Report shall be forwarded to the Department entity originally furnishing the equipment so that it may be filed with the original Authorization to Use Restricted Electronic Surveillance Equipment, Form 12.41.00.

**568.10 REQUESTS FOR USE OF RESTRICTED ELECTRONIC SURVEILLANCE EQUIPMENT.** The following procedure shall be followed for every use of restricted electronic surveillance equipment.

**Restricted Electronic Surveillance Equipment Policy.** Investigating officers who use restricted surveillance equipment shall comply with all current State and Federal Laws, the Department's Core Values and tenets of procedural justice.

**Obtain Authorization.** Employees shall obtain proper authorization prior to using restricted electronic surveillance equipment (e.g., authorization from a command or staff officer, an approved Authorization to Use Restricted Electronic Surveillance Equipment, Form 12.41.00, a warrant, and any policy specific to the equipment item).

**Complete Training.** Prior to using electronic surveillance equipment, employees shall satisfactorily complete any required training, if applicable.

**Investigating Officers Responsibilities.** Investigating officers who require the use of restricted surveillance equipment shall complete the top portion of an Authorization to Use Restricted Electronic Surveillance Equipment, Form 12.41.00, and submit the form to a supervisor for approval.

The investigating officer requesting extended use of the restricted electronic surveillance equipment shall:

- Include the request to use the restricted equipment for an extended period of time for 30 days not to exceed a maximum extension of 60 days or as authorized by a magistrate; and,
- Include a notation as to the method and location of storage (e.g., locker, secured desk) when restricted equipment is not in use.

Upon approval by a supervisor and a captain or above, Form 12.41.00 shall be submitted to the concerned equipment coordinator or Technical Investigation Division (TID) Electronics Unit personnel for equipment issuance. Daily usage of the restricted electronic surveillance equipment shall be documented on the Restricted Electronic Surveillance Equipment Monthly Usage Log, Form 12.41.01. The log shall be completed in the following manner:

- Entries shall be completed daily;
- Each entry shall be reviewed and signed by the supervisor of the concerned investigative unit; and,
- Upon completion of the investigation and the usage of the restricted electronic surveillance equipment, attach the completed log with Form 12.41.00 and submit the completed forms to their supervisor for review.

The use of restricted electronic surveillance equipment does not always require the use of Form 12.41.00. The form is only required if the equipment is used to breach a person's reasonable expectation of privacy or is requested by the concerned commanding officer. Should the completion of Form 12.41.00 be required, the completed and approved form, shall be submitted to the concerned equipment coordinator, the Technical Investigation Division (TID) Electronics Unit or the relevant Department entity issuing the equipment.

**Note:** When the investigation is of a sensitive nature, only the shaded items on the form are required to be completed.

**Supervisors Responsibilities.** Supervisors reviewing Form 12.41.00, shall be responsible for:

- Reviewing the form and discussing the intended use of the equipment with the investigating officer(s).

- Pre-approving the form, and ensuring it is submitted to the concerned captain or above for approval; and,
- Upon completion of the investigation and use of the surveillance equipment, reviewing Form 12.41.01 and Form 12.41.00 and ensuring the forms are forwarded to the concerned commanding officer.

**Commanding Officer's Responsibilities.** In addition to established responsibilities delineated in Department Manual Section 3/568.15, the commanding officer, of the rank of Captain or above shall:

- Review and approve Form 12.41.00; and,
- Ensure Form 12.41.00 and Form 12.41.01 are forwarded to the concerned staff officer for review.

**Note:** When exigent circumstances exist, the Department Operations Center, may be contacted for assistance in locating a staff officer. Bureau commanding officers or staff officers may grant telephonic authorization to use restricted electronic surveillance equipment, when the circumstances of the situation do not allow for approval through normal channels. When telephonic approval is granted, the name of the approving bureau commanding officer or staff officer shall be printed on the Signature line and the notation "telephonic" shall be placed next to the staff officer's name. The officer/supervisor receiving the telephonic approval shall be the same person completing the form.

**568.15 REVIEW.** Upon completion of the investigation and return of the equipment, the concerned commanding officer and a staff officer shall review the Authorization to Use Restricted Electronic Surveillance Equipment, Form 12.41.00 and the Restricted Electronic Surveillance Equipment Monthly Usage Log, Form 12.41.01 for proper use and completion.

**Commanding Officer's Responsibilities.** The commanding officer reviewing the restricted electronic surveillance equipment usage shall:

- Evaluate the equipment usage for its compliance with all the aspects of technical, legal, and procedural requirements for the use of restricted electronic surveillance equipment. Appropriate comments, if any, shall be made in the "After Action Evaluation" portion of the Form;
- Determine if the equipment was used as authorized. Whenever modifications or deviations are noted they shall be explained in the "After Action Evaluation";
- Ensure that serial numbers of any tape(s) used, and the date and time the equipment was returned to the issuing unit, are recorded in the appropriate sections of the "After Action Evaluation";
- Certify that a review of the equipment usage has been conducted by signing the "After Action Evaluation"; and,
- Cause the Form 12.41.00 to be delivered to the concerned staff officer for review.

**Bureau Commanding Officer's or Staff Officer's Responsibilities.** The bureau commanding officer or staff officer reviewing the use of restricted electronic surveillance equipment shall:

- Ensure that the concerned commanding officer has the Form 12.41.00 and Form 12.41.01, and has properly evaluated the technical, legal, and procedural aspects of the equipment usage;
- Document the review of the equipment usage by signing and dating the Form 12.41.00 and Form 12.41.01;
- Forward the completed Form 12.41.00 to the concerned equipment coordinator, Technical Investigation Division, Electronics Unit or the relevant Department entity issuing the equipment; and,

- Notify the Chief of Police of any concerns and/or problems that arise from electronic surveillance equipment usage.

**Chief of Detectives, Detective Bureau - Responsibilities.** The Chief of Detectives, Detective Bureau, shall review all uses of restricted electronic surveillance equipment and shall be responsible for the following special duties relating to the use of such equipment:

- Maintaining a confidential file of all approved Authorizations to Use Restricted Electronic Surveillance Equipment, Form 12.41.00;
- Forward all Forms 12.41.00 and 12.41.01 to Innovation Management Division (IMD) for the Department's Comprehensive Technology report (CTR) per Department Manual Section 1/140.15; and,
- Evaluate equipment needs for maintenance, planned replacement, assessments of future technology and/or efficiency, and effectiveness of the Department equipment resources.

#### **568.20 REQUESTS FOR ASSIGNMENT OF STORED ELECTRONIC INVESTIGATION**

**EQUIPMENT.** Requests for assignment of electronic investigation equipment stored at Technical Investigation Division shall be made by commanding officers on an Intradepartmental Correspondence, Form 15.02.00, in duplicate. Requests for assignment on a permanent basis shall be submitted through the appropriate channels to the Commanding Officer, Administrative Services Bureau. Requests for assignment on a temporary basis shall be submitted through the appropriate channels to the Commanding Officer, Technical Investigation Division. Electronic investigation equipment assigned on a temporary basis by Technical Investigation Division shall be returned upon completion of the assignment.

**Note:** In an emergency, the Officer in Charge, Electronics Unit, Technical Investigation Division, may temporarily assign electronic investigation equipment, with a signed Form 15.02.00 from the CO of the requesting entity, pending the approval of the Commanding Officer, Technical Investigation Division.

**568.30 DUTIES OF COMMANDING OFFICER, INFORMATION TECHNOLOGY BUREAU - ASSIGNMENT OF STORED ELECTRONIC INVESTIGATION EQUIPMENT.** Upon receiving a request for the permanent assignment of electronic investigation equipment which is stored at Technical Investigation Division, the Commanding Officer, Information Technology Bureau, shall determine the necessity for the requested equipment.

If the request is approved, forward the original copy to Technical Investigation Division and return the approved duplicate to the division receiving the equipment.

If the request is disapproved, return the request to the originator with an explanation for the disapproval.

**568.40 CONTROL OF ELECTRONIC SURVEILLANCE EQUIPMENT.** Control of electronic surveillance equipment is the responsibility of the commanding officers of the following organizational entities:

**Unit to Which Equipment is Assigned-Responsibilities.** The commanding officer of every unit which receives and uses electronic surveillance equipment shall be responsible for:

- Maintaining control over issuance of all electronic surveillance equipment assigned to the unit;
- Determining if the persons requesting the loan of electronic surveillance equipment are sufficiently qualified to properly use the equipment;
- Maintaining, in proper working order, all electronic surveillance equipment assigned to the unit; and,

- Ensuring that personnel have been properly trained prior to using electronic surveillance equipment. Such training shall encompass technical, legal, procedural and operational aspects of equipment usage.

**Note:** The commanding officer of every unit which frequently uses or regularly maintains electronic surveillance equipment shall appoint a minimum of two officers to act as unit electronic surveillance equipment coordinators. Officers to whom this duty is given perform their duties in addition to their regular assignment. Officers in this assignment shall have their days off and vacations scheduled so that one coordinator is always available during the unit's normal duty hours.

**Unit Using Equipment-Responsibilities.** The commanding officer of every unit using electronic surveillance equipment shall:

- Ensure that all officers using equipment are trained in the technical, legal, procedural and operational aspects of electronic surveillance equipment usage;
- Ensure that each use of restricted electronic surveillance equipment is documented by a completed and approved Authorization to Use Restricted Electronic Surveillance Equipment, Form 12.41.00;
- Ensure that the equipment, while it is in the possession of the unit, is adequately secured and that it is afforded care and maintenance to ensure its continued operation;
- Ensure that all equipment is returned to the unit assigned the item(s) as soon as possible; and,
- Ensure that whenever possible, all equipment installation and usage is completed in the presence of a supervisor.

**Technical Investigation Division-Responsibilities.** The Commanding Officer, Technical Investigation Division, shall be responsible for the following duties and functions related to all electronic surveillance equipment:

- Supervising the mechanical or technical aspects of all electronic surveillance equipment usage within the Department;
- Approving all replacement equipment for technical standards;
- Maintaining inventory records for all Department electronic surveillance equipment. Electronics should be tracked in the Department's KITS system and an Equipment-Item Issue Control Card, Form 15.65.00;
- Coordinating annual maintenance inspections and physical inventories conducted at the direction of each bureau commanding officer, and providing Technical Investigation Division assistance in such inspections and inventories;
- Reviewing all budget and grant requests for electronic surveillance equipment and all purchases of such equipment, including component parts and attachments, to ensure Department-wide compatibility; and,
- Inspecting all newly-acquired equipment prior to its delivery to the requesting unit and inspecting all unserviceable equipment prior to its delivery to Supply Section for disposal.

**Note:** Specialized Detective Divisions may be exempt from TID's oversight (e.g., Gang and Narcotics Division, Detective Support and Vice Division, Major Crimes Division, Professional Standards bureau) pending approval from the entity's chain of command.

**568.45 SURVEILLANCE EQUIPMENT TRAINING RESPONSIBILITY.** Training in the technical, legal, procedural and operational use of electronic surveillance equipment shall be the combined responsibility of the

Commanding Officer, Training Division, and the commanding officer of any unit using electronic surveillance equipment.

**Commanding Officer, Training Division-Responsibilities.** The Commanding Officer, Training Division, shall be responsible for:

- Developing a comprehensive training program to instruct members of this Department in the technical, legal, procedural and operational aspects of electronic surveillance equipment usage, as applicable; and,
- Incorporating electronic surveillance equipment training into Department schools for vice and narcotics officers, investigators, sergeants, lieutenants and captains.

**568.50 STORAGE OF UNASSIGNED ELECTRONIC INVESTIGATION EQUIPMENT.** Unassigned electronic investigation equipment shall be stored in a safe and secure place at Technical Investigation Division.

**568.53 AUTOMATED LICENSE PLATE RECOGNITION USAGE AND PRIVACY POLICY.** The Department's Automated License Plate Recognition System (ALPR) System is a computerized database resulting from the operation of one or more mobile or fixed cameras ("ALPR Cameras"). When combined with computer algorithms, the ALPR System reads and conveys images of license plates and the characters they contain into computer-readable data. The data collected by the ALPR Cameras consists of a photo of the vehicle license plate, the date, time, and location the photo was taken, and the identification number of the ALPR Camera capturing the information. The ALPR System records and stores data, from license plates only. When used effectively and in accordance with the law, the ALPR data can be a valuable tool in solving crimes.

**Authorized Uses.** The ALPR System and the recording of ALPR data shall only be retained, accessed, and used for the following official Department purposes:

- Criminal investigations or proceedings;
- Non-criminal investigations (e.g., missing and found persons);
- Administrative investigations or proceedings (e.g., pursuit and complaint investigations);
- Civil investigations or proceedings;
- Situational awareness operations; and
- Responses to cognizable threats to public safety.

**Limitations on Use of ALPR Data.** The Department's ALPR Cameras shall only be used to collect and record information that is exposed to public view where there is no reasonable expectation of privacy (e.g., vehicle(s) on public roadways or on private property but whose license plates) are visible from a public place).

Moreover, the Department's ALPR System shall only be accessed and used on a "need to know" and "right to know" basis. This means the person accessing the information must have both the lawful authority to receive the information and an investigative purpose for the information in order to carry out official responsibilities. The ALPR data shall only be collected, recorded, retained, accessed, and used for official Department-related purposes that are in accordance with this policy and applicable law. Any use of the ALPR System for non-official purposes may subject an employee to discipline and, depending on the misuse, shall result in deactivation of the employee's ALPR account for a period of time. Moreover, an attempt of an improper or actual login by a deactivated employee shall be captured in audit trails and reported to Professional Standards Bureau.

**Persons Authorized to Access and Use the ALPR Data.** There are two type of users authorized to use the ALPR System: ALPR System Administrators and ALPR Data Users. Each type of user is given different access controls, responsibilities, and training.

**ALPR System Administrators - Defined.** Department personnel assigned within Information Technology Bureau (ITB) have the highest access rights to the ALPR System. The ITB is responsible for ensuring the maintenance of the ALPR server, database, application software, and verifying proper operation of the system. The ALPR System Administrators are also responsible for assisting in any reports of inoperability or malfunction of ALPR-equipped vehicles.

**ALPR Data Users - Defined.** Any active Department employees (both sworn and civilian) or independent contractors, who have received written authorization from their supervisor and have been granted permission from ITB to query the ALPR System.

**Note:** Employees equipped with the ALPR Cameras in their Department vehicles may receive an ALPR Hit, and when used for this purpose officers receive on-the job training. They have no ability to add, remove, or change any information in the ALPR System.

**ALPR Data Users Training.** All ALPR Data Users shall complete one of the Department's training courses on accessing and using ALPR data prior to querying the ALPR System. A second course is offered as supplemental training for ALPR Data Users on search capabilities.

**ALPR System Administrators.** All ALPR System Administrators shall receive training to fulfill their job responsibilities by a current ALPR System Administrator and/or vendor prior to accessing the ALPR System as an ALPR System Administrator.

**Note:** Any ALPR Data User or ALPR System Administrator who has not used their ALPR System account for one year and whose duties require continued access to the ALPR System, shall complete a reorientation training course prior to accessing the ALPR System.

**Sharing of ALPR Data.** The ALPR System is a valuable investigative tool and shall be used appropriately in accordance with this policy and the provisions of the law. When sharing information from the ALPR System, Department employees shall do so with integrity and confidentiality. All ALPR data recorded and/or retained by the Department shall not be sold, shared, transferred, or otherwise disclosed for commercial purposes or to persons or entities that are not authorized to record, retain, access or use ALPR data. The ALPR data shall only be shared with other local law enforcement agencies that have an interagency agreement with the Department. All current and future contracts shall be reviewed and contain a clause prohibiting the sharing of Department ALPR data outside of the agency with whom the Department has an agreement.

**Retention and Deletion of ALPR Data.** In general, ALPR data recorded or retained by the Department shall be retained for a period of two years. After two years, ALPR data recorded or retained by the Department will be logically deleted. Logical deletion is the process whereby the data record is flagged in the database when deleted. The ALPR records that have been logically deleted cannot be viewed or accessed by ALPR Data Users and can only be queried by an ALPR System Administrator. All ALPR data shall be permanently deleted after five years, and 24 hours and one minute, with the exception of data needed for prosecutions or administrative hearings that are retained indefinitely upon approval.

**Retaining ALPR Data Beyond the Two-Year Logical Deletion Period for Ongoing Prosecution/Administrative Purposes.** In the event ALPR data is determined to have evidentiary value in a

criminal or administrative investigation, the investigator shall submit an Intradepartmental Correspondence, Form 15.02.00, to an ALPR System Administrator requesting that the information be saved beyond the two-year retention period. The written request shall include the Division of Records (DR) Number or case number, the specific reason the data should be retained, and the investigator's contact information. Once the request has been approved by the investigator's supervisor, the ALPR System Administrator shall ensure the requested information is retained in the ALPR System until it has been approved for deletion. Every two years, ITB shall verify with the investigating officer if the information is eligible for deletion.

**Note:** Investigating officers are encouraged to keep any related ALPR data hard copies in their case files for court purposes.

The ALPR data that has been logically deleted will only be searchable under the following circumstances:

- The investigation is related to a "serious felony" as defined in California Penal Code (PC) Section 1192.7(c), and/or a "violent felony" as defined in 667.5(c) PC;
- The investigation is related to a violation of 136.1 PC —Intimidation of Witnesses and Victims when it is accompanied by force or by an express or implied threat of force or violence; in furtherance of a conspiracy; with a prior conviction for a violation of this section, or when committed for pecuniary gain;
- The investigation is related to a violation of 236.1— Human Trafficking;
- The investigation is related to a violation of 273.6(a) PC —Violation of a Protective Order;
- The investigation is related to a violation of 646.9 PC —Stalking;
- The investigation is related to a violation of 290(c) PC —Sex Offender Registration;
- The investigation is related to terrorist activity, including individuals and groups who plan, threaten, finance, aid/abet, and attempt or perform unlawful acts in furtherance of terrorist activity (refer to Department Manual Section 4/271.46); or,
- Pursuant to a court order.

If the investigating officer meets the above criteria and seeks to query ALPR data that has been logically deleted, they shall request their commanding officer (CO) prepare an Intradepartmental Correspondence, Form 15.02.00, documenting the criteria has been met and specifying the ALPR data requested.

The 15.02.00 shall be submitted to the CO of ITB. If the CO of ITB approves the request, they shall forward the request to an ALPR System Administrator who shall complete the search and provide the data requested to the investigator.

**Quality Assurance.** The Department shall make reasonable efforts to assure the accuracy of ALPR data. Department personnel are reminded that ALPR data, by itself, does not establish probable cause to arrest and that further investigation is needed. Additionally, Department personnel **shall** attempt to verify records obtained (e.g., make, model, and color of a vehicle) prior to conducting an investigative stop.

Department personnel who discover that an ALPR National Crime Information Center Want contains an verified error, shall immediately notify Communications Division of the error. Communications Divisions shall, without delay, broadcast a cancellation of the want on the vehicle and/or vessel, if appropriate. Patrol officers assigned to Department vehicles equipped with the ALPR Cameras shall attempt to verify the accuracy of data prior to conducting an investigation.

**Data Security and Security Breach of Notification.** The ALPR data shall be stored on a Department-approved storage system compliant with standards established by the Federal Bureau of Investigation's Criminal Justice Information System (CJIS). Physical and remote access to the data storage system shall be restricted to authorized persons only. Any Department data storage system approved to store ALPR data shall



be physically located on property owned by the City of Los Angeles and/or within California Department of Justice compliant cloud systems. The ITB shall ensure that the management and storage of ALPR data is properly recorded or retained by the Department.

The Department shall immediately disclose to the California State Attorney General a breach in the security of ALPR data, once the Department discovers or is notified of such breach of information. If the breach potentially includes data of 500 or more persons, ITB shall submit the applicable forms as required by California Civil Code Section 1798.29(e); and, California Civil Code Section 1798.82(f), to the California State Attorney General (see <https://oag.ca.gov/privacy/databreach/report-a-breach> for additional details).

**Custodian of ALPR System and Records.** The CO of ITB shall be the official custodian of the Department's ALPR system, unless otherwise designated by the Chief of Police. The ITB shall be responsible for ensuring that the operation, management, and maintenance of the ALPR System is in accordance with the procedures and guidelines set forth in this policy and applicable law.

**Note:** Whenever an ALPR System Administrator or an ALPR Data User separates from the Department, their user account in the ALPR System shall be promptly deactivated and deleted by ITB.

The ITB shall ensure that the ALPR System configurations and security features, as well as any ALPR vendor agreements, contain appropriate privacy safeguards and data protections as recommended by the best practices of the CJIS policy of the United States Department of Justice, Federal Bureau of Investigation.

**Records of Access and Periodic System Audits.** The ITB shall ensure that a database of records of ALPR end-user activity, including all queries to the ALPR System is maintained. The records of access shall be maintained for at least five (5) years. At a minimum, the records of access shall include all of the following:

- The date and time the information is accessed;
- The license plate number or other data elements used to query the ALPR System;
- The username of the person who accessed the information; and,
- The identified authorized purpose for accessing the information.

The access and use of ALPR data through Department systems shall be subject to review and audit by Audit Division. Audit Division shall conduct periodic audits in accordance with Audit Division's Annual Audit Plan. Audit reports shall be maintained by the Department and accessible for public view indefinitely. Moreover, ITB should regularly conduct inspections on the use and the operations of the ALPR System.

If an officer assigned to an ALPR vehicle identifies an inoperable system, they shall complete a Motor Vehicle Trouble Ticket, Form 11.03.00, to request the system to be repaired.

**568.55 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY USE AND DEPLOYMENT.** Cellular communications interception technology provides valuable assistance in support of important public safety objectives when deployed as part of a criminal apprehension effort, and in emergency situations to locate at-risk persons or missing children. As with any law enforcement capability, this technology must be used in a manner consistent with the requirements and protections of the Constitution and all applicable statutory authorities. Information obtained from the use of cellular communications interception technology shall be handled in accordance with applicable statutes, regulations, and policies that guide law enforcement in its collection, retention, and disclosure of data.

**Authorized Personnel and Uses of Cellular Communications Interception Technology.** Only sworn personnel assigned to Major Crimes Division (MCD) are authorized to use cellular communications interception technology and shall maintain custody and control over all such devices.

Major Crimes Division sworn personnel shall:

- Oversee and approve all non-emergency requests for deployment of the technology made by members of the Department, who may then have access to information obtained via such deployment; and,
- All deployments of cellular communications interception technology by MCD shall receive prior approval from the Commanding Officer (CO), MCD [when the CO, MCD, is unavailable, approval for the deployment of this technology shall default to the CO, Counter-Terrorism and Special Operations Bureau (CTSOB)].

**Note:** A lieutenant who is “acting” for the CO, MCD, shall not be permitted to grant approval for use of this technology.

Cellular communications interception technology may be deployed for the following:

- Criminal investigations; or,
- Emergency situations to locate at-risk persons or missing children, as defined in California Penal Code (PC) Section 1546.1.

This technology shall be utilized only for these purposes and when either authorized by a warrant signed by a judicial officer prior to deployment or when an emergency exists involving the danger of death or serious physical injury to an individual.

**Note:** Deployment pursuant to an emergency shall require prior approval of the CO, CTSOB, or in his or her absence, the CO, Detective Bureau, and shall adhere to all requirements set forth in PC Section 1546, et seq.

All Department personnel authorized to use cellular communications interception technology shall:

- Receive training, to include training on privacy and civil liberties, by a qualified MCD component or expert; and,
- Be supervised to ensure the proper use of the technology.

**Note:** Non-MCD Department personnel or non-Department individuals who may have received outside training on the general use of such technology shall not be permitted to engage in any use of the technology in the Department’s possession.

**Legal Process for Use of Cellular Communications Interception Technology.** Authorized Department personnel using cellular communications interception technology shall do so only pursuant to a lawfully issued search warrant. However, in the case of an emergency involving danger of death or serious physical injury, deployment may occur without prior judicial authorization, so long as Department personnel file an application for a search warrant or court order within three days following its deployment [pursuant to PC Section 1546.1 (h)].

Warrant applications shall contain all information required under PC Sections 1524, 1534, and 1546.1(d), and shall accurately describe the underlying purpose and activities for which an order or authorization is sought. The application or supporting affidavit shall:

- Describe in general terms the technique to be employed. The description should indicate that investigators plan to send signals to the cellular telephone that shall cause that phone, and non-target cellular telephones on the same provider network in close physical proximity, to emit unique identifiers which will be acknowledged by the technology. It shall further provide that investigators will use the information identified to determine the physical location of the target cellular device;
- Inform the court that the target cellular device (e.g., cell phone) and other cellular devices in the area might experience a temporary interruption of service from the service provider. The application shall also note that any potential service interruption to non-target devices would be temporary and all operations will be conducted to ensure a minimal amount of interference to non-target devices; and,
- Inform the court about how law enforcement is incapable of retaining any numerical or other information not associated with the target cellular device, and that at no time is the use of this technology meant for the collection of non-targeted information. The application shall also state that law enforcement will not intentionally use any non-target information, except to identify and distinguish the target device from other devices.

**Requirements for Shared Use of Cellular Communications Interception Technology or Information Derived from Such Use.** Department personnel, as well as outside partner law enforcement agencies, may request the use of cellular communications interception technology to aid in locating cellular devices whose unique identifiers are already known to law enforcement. Use of the technology and any information derived therefrom shall be restricted to criminal investigations, or in emergency situations to locate at-risk persons or missing children.

The Department shall not share use of the device or any information obtained from its use with any other local agency [as defined in California Government Code Section 53166(a)(2)] until the Department enters into a memorandum of understanding (MOU) or other agreement with each requesting local agency regarding the shared use of the technology. The terms of each MOU shall be consistent with this policy.

The Department shall seek an MOU with any requesting law enforcement agency prior to deployment of this technology for law enforcement purposes, wherein all partner agencies shall be clearly identified. All non-Departmental requests for assistance involving deployment of the technology shall be in writing, either electronic or print. The resulting information (i.e., location data related to the targeted device) provided to authorized partner agencies shall be released only pursuant to the review and approval of the CO, CTSOB, as established in the MOU entered into with a partner agency.

**Monitoring and Auditing of Use of Cellular Communications Interception Technology; Limitations on Retention of Information.** Department personnel shall not collect, retain or disseminate any data from the deployment of cellular communications interception technology except as authorized by this Manual section and by law.

The following shall apply to data management.

- When the equipment is used to locate a known cellular device, all data shall be deleted from the cell-site simulator as soon as the investigation has been completed. Importantly, the data referenced above (relevant to location) consists solely of identifiers [i.e., International Mobile

Subscriber Identity (IMSI), Mobile Identification Number (MIN)] related to the targeted device, and the location of the device as indicated by the cell-site simulator. This information is usable only for locating the targeted device, and shall have no application outside this purpose;

- Upon completion of a mission involving the use of a cell-site simulator, MCD supervision shall be responsible for ensuring that the procedures for the purging of mission-related information were followed properly (in accordance with this Manual section and California Government Code Section 53166); and,
- Major Crimes Division shall utilize an inspection/audit program to ensure that the cellular communications interception technology is utilized according to the terms of this policy; including management of any information (retention/destruction), the temporal and substantive requirements for obtaining a search warrant/court order, and other requirements set forth in PC Section 1546, et seq.

**Employee Accountability.** All sworn MCD personnel authorized to use cellular communications interception technology shall be provided with a copy of this Department Manual section and receive specialized training in the use of this technology. Periodic review of this Department Manual section and training concerning use of the technology (e.g., significant advances in technological capabilities, type of information collected, and/or the manner in which it was collected) shall be the responsibility of MCD.

#### **568.56 THE USE OF PHOTO COMPARISON TECHNOLOGY WITHIN LOS ANGELES COUNTY'S DIGITAL MUGSHOT SYSTEM.**

The Department strives to ensure that individual privacy protections are balanced with other important rights, such as the right to security and to protect property. The Department recognizes that when technology is properly and lawfully employed, time spent in solving crimes may be reduced, thereby increasing public safety. Technology may also reduce suggestibility in police lineups by enhancing the similarity between photographs and decreasing the likelihood of misidentification of suspects. For these reasons the Department is establishing the following policy, including significant oversight and limitations, to balance those competing needs. This policy outlines the legitimate use of Photo Comparison Technology (PCT) by trained Department investigators for the good of the community while prohibiting or limiting its use in accordance with California Law, privacy concerns, and community trust.

#### **Authorized Uses of Photo Comparison Technology are limited to:**

- A criminal investigation;
- Mitigate an imminent threat to life; and,
- Assisting in the identification of a person who is incapable or is otherwise unable to identify one's self, as such where the person is incapacitated, deceased, or at-risk.

**Note:** The use of PCT is NOT allowed for any non-criminal or purely administrative investigations.

Photo Comparison Technology shall be used only in the above-referenced scenarios and shall be used for investigative leads only. All PCT searches require Department investigators to compare the search results and shall not accept a computer-generated list of comparisons without further human and investigative analyses. Further investigations may include, but is not limited to, witness interviews, witness line-ups, fingerprints, and victim identification. **Any comparison search result, by itself, is not considered positive identification and does not establish probable cause without further investigation.**

## **Authorized System for Photo Comparison Technology Use:**

The Department policy allows for analysis of permitted images in accordance with the Facial Recognition Technology Module of the Digital Mugshot System (DMS) of the Los Angeles County Regional Identification System (LACRIS) only. The DMS is a database of digital mugshots from Los Angeles County that are supported by a fingerprint comparison conducted by the California Department of Justice.

One module within the DMS compares a submitted photograph to the booking photographs within the DMS through facial recognition technology. This allows for a comparison between the submitted photograph from permitted sources (see below) and booking photographs from Los Angeles County. The DMS does not store submitted photographs in the searchable database.

**Note:** An inquiry submitted to DMS produces a series of photographs that Departmental investigators shall compare to the submitted photograph. The system does not produce one “match” but rather provides possible options from which an investigator may pursue leads.

All photos and images in DMS are part of the LACRIS, are the property of the contributing agency, and contain Criminal Offender Record Information (CORI). Section 11075 of the California Penal Code defines CORI as: “records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.”

All Department investigators are reminded to comply with all applicable laws and policies regarding confidential information, including Department Manual Section 3/405, Confidential Nature of Department Records, Reports, and Information.

Moreover, Department investigators conducting comparison searches shall incorporate proper justification for each search including Division of Records (DR), Records Management System (RMS) Event “E”, incident or booking numbers.

## **Prohibited Systems for Photo Comparison Technology Use:**

The DMS is the only authorized system to be used by Department employees to conduct investigations based on photographic comparison. **The use of any other systems or third-party commercial facial recognition systems, services, technology or algorithms is prohibited.**

Finally, all Departmental investigators are prohibited from conducting searches for outside agencies and shall instead refer those agencies or members of those agencies to LACRIS.

## **Training Requirements Prior to Using the DMS of LACRIS:**

Department investigators shall be trained and receive a certificate of completion from LACRIS prior to having access to use the system. This training includes a special section on the use of the DMS for PCT.

## **Request for Access to DMS Training:**

All Department investigators requesting to attend DMS training or any other LACRIS training shall submit their request to their Training Coordinator, who shall maintain a list of those requesting training. All training for DMS and LACRIS access shall be limited to Department employees who are assigned to investigative assignments. The employee's Commanding Officer (CO) shall submit an Intradepartmental Correspondence, Form 15.02.00, to the CO, Records and Identification Division (R&I), when requesting DMS training and access for employees within their command. The 15.02.00 shall include the employee's name, serial number, rank, assignment, and the rationale for the employee to receive training and access to DMS. The CO and R&I shall ensure that only Department employees who are specifically listed on a 15.02.00 by their respective CO and approved by the CO, R&I are scheduled for and receive access to DMS and LACRIS programs.

### **Permitted Sources of Submissions to DMS to Assist in Investigative Leads:**

Trained Department investigators may use photographs or videos obtained from a third-party, or other lawfully gathered images in conjunction with the DMS. Department investigators may submit enhanced images to improve analysis in accordance with DMS training. Any enhancements made to the original image shall be copied and saved as a separate image. Moreover, the investigator shall document any enhancements made and shall disclose such enhancements in any proceeding or in any request for judicial process (such as a search or arrest warrant).

**Note:** Enhancing an image means changing the contrast to make the existing image clearer. Adding or replacing a feature, such as adding an eye that is otherwise obscured in a submitted photograph or replacing an opened mouth with a closed one, is prohibited.

### **Prohibited Sources of Submissions to DMS to Assist in Investigative Leads:**

The following are prohibited sources and images, or photographs obtained from such devices shall not be used in connection with DMS:

- Body Worn Video (BWV);
- Digital In-Car Video (DICV);
- Any camera or recording device that is attached to the employee's body or clothing or that is carried by an employee, including cell phones; or
- Sketch artist drawings.

### **Oversight and Departmental Responsibilities:**

**Duty to Record Use and Results of DMS Searches:** All Department personnel authorized to use DMS **shall** record their use of DMS for criminal investigations as an Investigator's case note (e.g., in the Detective Case Tracking System or an Investigator's Action Log entry in NicheRMS). An alternative system may be designated by Information Technology Bureau for this purpose.

The system shall record:

1. The name and serial number of the Department investigator accessing DMS;
2. The purpose of DMS was a photographic line up, or other criminal investigative lead;
3. The submitted photograph was believed to be: (a) a victim; (b) a witness; or (c) a suspect/person of interest.

4. The results: (a) the photographic line up could be completed; (b) the system was unable to help in a photographic line up; (c) no fruitful comparison was generated; (d) assisted in witness identification; (e) assisted in victim identification; (f) assisted in subject identification; or/and (g) the results of any comparisons led to additional investigation.

In the absence of DCTS or an Investigator's Action Log entry, Department investigators are to use a paper form in the Detective Activity Summary that shall be distributed through regular channels to address the above questions. All paper copies of Detective Activity Summaries shall be forwarded to Detective Bureau on a quarterly basis.

Any investigator's failure to record DMS usage may result in their DMS access being denied.

**Responsibility of the CO of Records and Identification:** At the end of each month the CO, R&I shall generate a report indicating the names of all users as well as the number of DMS uses that each individual employed during that month.

Additionally, the CO, R&I shall ensure that there is a quarterly review of authorized Department investigators with access to the DMS of LACRIS to ensure only those with approved access are using the system in compliance with CORI requirements. Any non-compliance with CORI requirements shall result in the CO, R&I, informing both the user and the user's CO of the non-compliance and corrective action, including DMS access being denied, shall be taken.

**Responsibilities of Bureau COs:** Commanding Officers shall be responsible for compliance with all other aspects of this policy including ensuring that only those assigned to investigative assignments receive training and access to DMS programs.

**Responsibility of Detective Bureau CO:** The CO, Detective Bureau shall conduct a semi-annual inspection of DMS use to ensure compliance with the standards articulated in this policy including the recording of and DMS usage and results.

**Responsibilities of the CO Audit Division:** The CO, Audit Division, shall review this directive and determine whether an audit, inspection, or review shall be conducted in accordance with Department Manual Section 0/080.30.

#### **568.60 REPAIR OF RADIO EQUIPMENT.**

- When radio equipment is in need of repair, Communication Division, Information Technology Agency (ITA), shall be notified by telephone without delay;
- When emergency repairs are needed on radio equipment and personnel of Communications Division are not available, such repairs may be made by the Electronics Section, Technical Investigation Division;
- When emergency repairs are made on radio equipment by other than ITA Communications Division personnel, the Director of Communications shall be notified as soon as practicable; and,
- The Director of Communications, when informed that emergency repairs have been made on radio equipment, will assign a technician to inspect the repaired equipment and make any necessary repairs or changes to bring the equipment within Department standards.

**568.70 REPAIR OF ELECTRONIC INVESTIGATION EQUIPMENT.** When electronic investigation equipment maintained by Technical Investigation Division is in need of repair, the Electronics Section, Technical Investigation Division, shall be notified by telephone, without delay:

- When emergency repairs are needed on electronic investigation equipment and personnel of Technical Investigation Division are not available, such repairs may be made by personnel of the unit to which the equipment is assigned;
- When emergency repairs are made on electronic investigation equipment by other than Technical Investigation Division personnel, the Electronics Section, Technical Investigation Division, shall be notified as soon as practicable; and,
- When notification has been received by the Electronics Section, Technical Investigation Division, that emergency repairs have been made on electronic investigation equipment, a technician shall be assigned to inspect the repaired equipment and make any necessary repairs or changes to bring the equipment within Department standards.

**Exception:** Repair of dictating and transcribing equipment shall be requested in the same manner as radio repairs (Manual Section 3/568.60).

**568.80 TESTING OF ELECTRONIC INVESTIGATION EQUIPMENT.** The officer in charge of a unit having electronic investigation equipment which is not in use shall test the equipment regularly to determine that it is in proper condition.

## **569. RECORDING MEDIA.**

**569.20 RECORDING MEDIA COORDINATOR.** The commanding officer of each geographic Area and each specialized investigative or traffic division shall designate an officer in his command as the Area or divisional Recording Media Coordinator.

**Note:** Other division commanding officers may, when the use of media indicates the necessity, designate a Recording Media Coordinator.

A record of all media utilized by Area or divisional personnel shall be established by the Recording Media Coordinator, who shall:

- Forward all recorded media no longer required for investigation purposes to Technical Investigation Division (TID) for storage;
- Ensure that all recorded and blank media are maintained in a locked recording media cabinet;
- Ensure that the Recording Media Inventory, Form 12.40.00, is properly completed and maintained;
- Order blank media from TID, as needed; and,
- Audit the division recording media system on a monthly basis.

**Note:** These procedures do not apply to personal recording media used by officers to record community contacts (Manual Section 3/570).

**569.40 ELECTRONICS UNIT, TECHNICAL INVESTIGATION DIVISION-RESPONSIBILITIES.** The Electronics Unit, TID, shall be responsible for:

- Supplying recording media as requested by Recording Media Coordinators;
- Maintaining a file of duplicate copies of the Recording Media Inventory, Form 12.40.00;



- Reviewing monthly audits conducted by Recording Media Coordinators; and,
- Retaining recorded media in compliance with the Los Angeles City Administrative Code, Section 12.3.

### **569.50 TRANSCRIPTIONS OF RECORDED INTERVIEWS.**

**INVESTIGATING OFFICER’S RESPONSIBILITIES.** When an investigating officer (I/O) determines the need for a transcription of a recorded interview, the I/O shall initiate an Intradepartmental Correspondence, Form 15.02.00, from their commanding officer, addressed to the Assistant Commanding Officer, Chief of Detectives. The Intradepartmental Correspondence shall contain the following information:

- The type of crime (e.g., homicide, robbery or rape);
- A brief reason for the request;
- Name of the magistrate and/or Deputy DA requesting the transcription;
- Name of the victim, suspect, or witness interviewed on the recorded media;

**Note:** Officers shall follow existing Department procedures in circumstances where there is a need to keep the victim’s identity confidential (e.g., sexual assault, domestic violence, and child abuse).

- Division of Records (DR) Number;
- Court case number;
- Number of recordings, length of recording in minutes, and recorded media number(s);
- Name, serial number, and telephone number of the I/O requesting the transcription;
- Language translation required; and,
- Due date (the date set by the court or prosecuting attorney to meet statutory discovery requirements).

Once approved by the I/O’s commanding officer, the I/O shall:

- Submit any original recorded media to Technical Investigation Division (TID) for storage, as indicated in Department Manual Section 3/569.40;
- Ensure that TID prepares a duplicate of the original recorded media for transcription purposes; and,

**Note:** If the I/O needs a duplicate of the recorded media for the case package, it should be requested at this time.

- Submit the duplicate recorded media, along with the approved Intradepartmental Correspondence, to Investigative Analysis Section (IAS), Chief of Detectives.

**Note:** The Department does not transcribe recordings for felony cases which have not proceeded past the preliminary hearing. If the DA or defense attorney desires recorded interviews to be transcribed prior to the preliminary hearing, they should be provided with a copy of the recorded media and requested to obtain their own transcription services.

**Exception:** With the approval of the Assistant Commanding Officer, Detective Bureau (DB), recorded interviews involving high-profile cases or extraordinary circumstances may be transcribed prior to the preliminary hearing or a juvenile adjudication hearing.

**COMMANDING OFFICER'S RESPONSIBILITY.** Commanding officers shall ensure that all requests for transcriptions of recordings are reviewed, and if approved, sign and forward the Intradepartmental Correspondence, addressed to the Assistant Commanding Officer, Chief of Detectives. The request shall be prioritized, based on divisional needs.

**Note:** "Rush" orders increase the costs of transcriptions. Therefore, requests shall be made as early as possible to decrease the need for rush orders.

**ASSISTANT COMMANDING OFFICER'S, CHIEF OF DETECTIVES, RESPONSIBILITIES.** The Assistant Commanding Officer, Chief of Detectives, shall:

- Establish appropriate tracking and control systems within IAS, Chief of Detectives, to coordinate the processing of requests received from I/Os;
- Review all requests for transcriptions;
- Approve or disapprove the request for a transcription;
- Cause the assigned I/O to be notified of the approval or disapproval, and arrange for the transcription to be completed, if approved; and,
- Coordinate and process all billings for transcription services.

**The Department will not pay for transcription fees, unless prior approval from the Assistant Commanding Officer, Chief of Detectives, has been obtained. Any questions related to recorded media transcriptions should be directed to IAS, Chief of Detectives, and not the transcription company.**

**570. TAPE RECORDING OF COMMUNITY CONTACTS.** An officer in a uniformed assignment may use a personal audio/video recorder to record in-person community contacts at his or her discretion.

**Exception:** This section does not apply to an officer who has been directed by his or her commanding officer to carry a Department-issued audio recorder to record all duty-related community contacts while performing his or duties.

**Exception:** Officers assigned Body Worn Video (BMV) equipment shall not use any other non-Department issued video or audio recorders, to record enforcement or investigative activities involving members of the public unless expressly authorized by a supervisor. Uniformed supervisory personnel, however, may use digital recording devices other than a BWV to record interviews when conducting use of force or personnel complaint investigations. Nothing in this provision precludes personnel from utilizing authorized still photography equipment.

This use of personal audio/video recorders to record in-person community contacts can be used as an investigative tool. When its use becomes part of a criminal investigation, the recording shall be booked. All recordings and images captured by employees during the course and scope of their duties are **confidential**, and **shall not** be used, copied, shared, or made public in any manner for at least two years, except as required in the performance of their official duties, per Department Manual Sections 3/405 and 3/566.10. In addition, employees shall not modify, edit, delete or destroy any captured recordings and/or images in any manner. Recordings of suspects' statements and recordings made during criminal investigations shall be made in accordance with existing law and procedures. Recordings involving Department proceedings shall be made in accordance with existing personnel practices and the Public Safety Officer's Procedural Bill of Rights.

**Officer's Responsibilities.** Uniformed officers wishing to use their personal audio/video recorder to record community contacts shall submit a Request to Use a Personal Recording Device, Form 12.45.00, to their commanding officer. Personal recording devices shall not be used without the approval of the concerned

commanding officer. This approval shall remain in effect until the officer transfers to an undercover or plainclothes assignment or the approval is revoked. If an officer desires to resume recording community contacts after transferring back into a uniformed assignment, a new Request to Use a Personal Recording Device form shall be submitted.

Officers who obtain approval to use a personal audio/video recorder to record in-person community contacts and subsequently elect to discontinue the practice shall notify their commanding officer of this decision via an Employee's Report, Form 15.07.00.

Officers who use personal audio/video recorders to record community contacts are responsible for maintaining the personal audio/video recorder in proper working order, providing their own storage media (e.g., cassette tape, compact flash drive, compact disc), storing recorded media, and maintaining personal records to ensure that recordings of incidents are retrievable, if needed. Whenever recording an in-person community contact, officers shall:

- If using a tape recorder, use only new, blank cassette tapes until they become full. Once full, cassette tapes shall be retained and not erased or reused, for a minimum of **two years**;

**Note:** Officers are encouraged to transition from using tape recorders to digital recorders, as the Electronics Unit, Technical Investigation Division, will no longer provide cassette tapes, and the duplication of cassette tape services will be phased out. Officers who choose to continue using tape recorders shall supply their own cassette tapes. All duplications made by the Electronics Unit shall be in digital format and the original cassette tapes shall not be returned to the requestors.

- While recording, either during or following the contact, verbally identify themselves, the date and time, and the name of the person or persons being recorded;
- Activate the recorder as soon as possible, consistent with officer safety and prudent field tactics. Once activated, the recorder shall remain on for the remainder of the contact;

**Note:** If the contact is interrupted (i.e., officer returns to the police vehicle to write a citation or do a warrant check and there will be no contact with the person involved for several minutes), the recorder may be stopped and restarted upon continuing the conversation.

- As soon as practicable, notify responding emergency and Department personnel of the ongoing recorded contact;
- Ensure that an entry is made on the Computer Aided Dispatch (CAD) System, Daily Field Activities Report (DFAR), Form 15.52.00, Traffic Daily Field Activity Report, Form 15.52.01, Sergeant's Daily Report, Form 15.48.00, Metropolitan Division Officer's Log, Form 15.52.04, or Gang Enforcement Detail-Supervisor's Daily Report, Form 15.49.00, and place an "A" for audio, or an "R" for media recorder in a circle at the end of the recorded person's name on the DFAR; and,
- Make recordings available in a timely manner for audit and administrative review at the request of a Department supervisor.

Authorization to use personal audio/video recorders to record in-person community contacts may be revoked by the commanding officer if an officer fails to comply with the provisions of this section.

Officers shall not tape record telephone conversations except in accordance with existing law and Department electronic surveillance guidelines (Department Manual Section 3/568).

**Recordings of Contacts Resulting in Complaints and Civil Lawsuits.** Whenever an incident is recorded and the recording involves a personnel complaint; or, the recording involves a civil suit against the City, the Department, or the officer, the following shall apply:

- The fact that a recording was made shall be documented in the related reports, discovery questionnaires, and Employee's Report, Form 15.07.00 (civil suits); and,
- Officers shall provide the recorded media containing information relevant to personnel investigations, and civil suits to personnel complaint/civil suit investigators upon request under existing Department complaint investigation procedures.

**Note:** Officers shall, upon their request, be provided with a copy of the surrendered recorded media. The concerned investigator shall have the surrendered recorded media copied at Technical Investigation Division and provide the requested copy to the officer.

**Recordings of Contacts Resulting in Arrest or Crime Reports.** When a recording becomes part of an arrest or crime report, officers shall follow the procedures outlined in Department Manual Section 3/566.10, Use of Personal Recording Devices During Criminal Investigations.

**Retention of Recordings.** Recordings shall be retained and maintained by the officers making the recording for a minimum of **two years**. However, recordings associated with criminal investigations shall be downloaded and booked using the procedure outlined in Department Manual Section 3/566.10.

**Supervisor's Responsibilities.** Supervisors shall conduct random inspections of recorded media and recordings made by officers to ensure compliance with these procedures.

**Commanding Officer's Responsibilities.** Commanding officers shall review and evaluate each Request to Use a Personal Recording Device on a case-by-case basis. If a request is denied, the commanding officer shall document the reason for the denial and ensure that the officer is notified.

Upon being notified via an Employee's Report, Form 15.07.00, that an officer desires to discontinue recording in-person community contacts, commanding officers shall ensure that the approved Request to Use a Personal Recording Device is removed from the officer's divisional employee folder, as well as the officer's personnel package maintained at Personnel Division, and filed in the Area/division files for storage in accordance with records retention guidelines for original documents.

When an officer is transferred to another command, the officer's Requests to Use a Personal Recording Device Form maintained in the Area/division files, shall be transferred to the new assignment with the officer. The forms shall be maintained in the Area/division files at the new command and a copy kept at Personnel Division.

**Technical Investigation Division's Responsibilities.** Technical Investigation Division shall produce copies of recorded media in response to requests related to discovery, administrative or criminal investigations, and duty-related civil suits, except as previously noted in this section.

**572. ARMAMENT.** Department armament includes, but is not limited to, firearms, ammunition, chemical agents, bulletproof vests and face masks, and accessories.

**572.20 CONTROL OF ARMAMENT.** Department-owned armament shall be transferred only by the Department Armorer. Division commanding officers may make temporary loans between divisions to meet emergencies.

**572.60 REPLACEMENT OF ARMAMENT.** Following the expenditure of Department armament, a requisition for its replacement shall be made without delay. Reference shall be made to the DR numbers connected with the expenditure.

## **579. LOSS, THEFT, DAMAGE OR DESTRUCTION OF ELECTRONIC COMMUNICATION EQUIPMENT**

### **579.10 MOBILE DATA TERMINAL DAMAGE.**

**Officer's Responsibility.** When an officer damages or discovers an MDT with visible signs of damage, they shall immediately report it to their watch commander and prepare an Employee's Report, Form 15.07.00, for the watch commander's approval. The Form 15.07.00, shall include, but not be limited to, the following information:

- Cause and nature of the damage (if known);
- State if the MDT is still operable;
- Vehicle shop number; and,
- Mobile Data Terminal number.

**Watch Commander's Responsibility.** Upon receipt of an officer's completed Form 15.07.00, the watch commander shall assign a supervisor to conduct an **immediate** investigation of the damage. This investigation shall be documented on a Form 15.07.00. The supervisor's investigation and the officer's 15.7 shall be reviewed by the watch commander. The watch commander shall also ensure that a Motor Vehicle Trouble Ticket, Form 11.03.00 is completed. The forms shall be forwarded to the commanding officer for review and approval.

**Note:** Malfunctioning MDTs resulting from normal use will continue to be repaired by submitting a completed Motor Vehicle Trouble Ticket, Form 11.03.00 and the approval of any supervisor.

**Supervisor's Responsibility.** Supervisors assigned to conduct the damage investigation shall inspect the MDT and document the investigation on a separate Form 15.07.00, which shall include, but not be limited to, the following information:

- A detailed description of the damage;
- Photographs of any visible damage;
- The MDT number;
- An assessment regarding the cause of the damage; and,
- Any other relevant or pertinent information

**Note:** If at any time during the investigation the supervisor becomes aware of MDT damage caused by misconduct, the supervisor shall immediately initiate a Department Complaint Investigation pursuant to existing policy.

**Commanding Officer's Responsibility.** Commanding officers shall review the completed investigation to determine if the investigation is complete and addresses all pertinent issues. After review, the Motor Vehicle Trouble Ticket, Form 11.03.00 shall be forwarded to Motor Transport Division to ensure that the MDT is repaired. Approval of the investigation shall be documented on an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Information Technology Bureau, and forwarded with a copy of the investigation and Motor Vehicle Trouble Ticket to the respective bureau commanding officer for review and approval.

**Bureau Commanding Officer's Responsibility.** Bureau commanding officers shall review the results of the investigation. After review, copies of the investigation shall be forwarded to the Commanding Officer, Information Technology Bureau.

**Commanding Officer, Information Technology Bureau - Responsibility.** The Commanding Officer, Information Technology Bureau shall review all investigations surrounding MDT damage and develop a system for tracking and monitoring MDT damage.

## **579.13 DIGITAL IN-CAR VIDEO SYSTEM (DICVS) USE AND DEPLOYMENT.**

### **RECORDING LAW ENFORCEMENT ACTIVITIES.**

**Required Activation of the Digital In-Car Video System.** Officers **shall** activate the DICVS during the initiation of the following activities:

- All vehicle stops;
- All Code 3 responses and pursuits;
- All suspect transports;
- All pedestrian stops (when practicable); and,
- Any other occasion when, in the officer's judgment, it would be beneficial to do so. This may include, but is not limited to, stops and detentions, crimes in progress when recording is reasonably feasible, Mobile Field Force situations, or any situation, condition, or event presenting the potential for injury, loss of life, damage to property, or any potential risk-management issue.

**Exception:** Exigent circumstances may preclude officers from activating the DICVS. Each exception will be evaluated on a case-by-case basis.

**Deactivation of the Digital In-Car Video System.** Once the DICVS is activated, the front camera shall remain activated until the entire incident or field contact has stabilized or the contact has ended. The rear camera shall remain activated until the suspect (rear passenger) has exited the vehicle.

**Note:** The Digital In-Car Video System can only be deactivated from the inside of the vehicle.

**REVIEW OF MATERIAL RECORDED BY THE DIGITAL IN-CAR VIDEO SYSTEM.** The recorded video file can be viewed on the Mobile Data Computer. Once the video file is transferred to the Area's station, it can also be viewed on the Department's Local Area Network.

**Note:** Officers shall not alter, delete, or download any video footage recorded by the DICVS.

**Documentation.** When preparing crime and/or arrest reports, the reporting employees shall, when practicable, review any incident captured on video to refresh their recollection.

**Situations Involving the Use of Force.** Prior to being interviewed regarding a use of force (UOF), officers should, when practicable, review video footage captured during the incident and/or other relevant footage.

In accordance with Department Manual Section 3/794.37, employees involved in a Categorical Use of Force (CUOF) shall be separated and monitored in order to maintain the independence of their recollection of the incident. To support this standard, employees involved in a known CUOF shall review video footage captured during the incident and/or other relevant footage prior to being interviewed. During the review of the video

footage, the employee shall be accompanied by his/her employee representative, or the assigned investigator, should the employee elect not to have a representative present during the interview.

The separating and monitoring of the involved employees shall be maintained during the review of the video footage (i.e., the review shall never occur jointly among the involved employees).

In accordance with Department Manual Section 4/245.02, officers are required to provide a Public Safety Statement (PSS) subsequent to their involvement in officer-involved-shootings. The timely urgency associated with the PSS will, in most cases, preclude an officer the opportunity to review related captured video footage prior to providing the PSS.

The Department supervisor obtaining the PSS shall comply with the Office of the Chief of Police Notice, titled *Obtaining a Public Safety Statement Following an Officer-Involved Shooting Incident*, dated February 15, 2007.

**MISUSE OR ABUSE OF DIGITAL IN-CAR VIDEO SYSTEM RECORDINGS.** All data and imagery captured by the DICVS are the sole property of the Los Angeles Police Department. Employees are reminded that any misuse or abuse of DICVS audio and/or video recordings may result in disciplinary action. Department Manual Section 3/405 outlines the Department's policy regarding confidential files, documents, records and reports. The unauthorized use of recordings in the custody of Department personnel is prohibited and could subject the employee to disciplinary action and/or criminal prosecution.

**OFFICER'S RESPONSIBILITY.** Involved Department employees will have access to review the recorded video files on the DICVS via the Department's Local Area Network (LAN). Not all court appearances or Department administrative hearings will require a physical copy of the recorded video file.

**Note:** For the purposes of Department administrative hearings, board members are encouraged to review the recorded video file on the Department's LAN.

Department employees requiring a copy of a DICVS recorded video file for court purposes or Department administrative hearings shall inform a Department supervisor within the concerned officer's command.

Upon completion of the court appearance or Department administrative hearing, the requesting employee shall ensure that one of the following dispositions occurs with the DICVS disc:

- Return the recorded video disc to the Area/division and destroy the disc in the presence of a supervisor;
- Provide an Automated Property Inventory Management System court receipt or a Property Receipt, Form 10.03.00, to a sworn supervisor if it is accepted into evidence by the court; or,
- Provide the name and contact phone number of the City Attorney, District Attorney, or Hearing Officer requesting to retain the recorded video disc in their case package to a supervisor.

In each case, the supervisor shall log the appropriate disposition on the Digital In-Car Video Evidence Control Log, which shall be maintained in the analyzed evidence locker at the concerned Area. Department employees are reminded that copies of the DICVS recorded video disc(s) **shall** be for official Department use only. Employees **shall not** retain a copy of the disc for their case file without the expressed permission of the commanding officer of the entity that is assigned the investigative responsibility for the incident. Employees may be subject to disciplinary action for the unauthorized duplication or retention of the discs.

**Note:** Access to video recordings by an officer who is the subject of an administrative investigation shall be handled in accordance with existing laws and Department policy, including Department Manual Section 3/579.13, titled *Digital In-Car Video System (DICVS) Use and Deployment*.

**SUPERVISOR'S RESPONSIBILITY.** It shall be the responsibility of the supervisor to determine the justification for the employee's request. Supervisors can access DICVS recorded video file(s) by logging into the LAN and clicking on the COBAN link to process the request.

**EVIDENCE AND PROPERTY MANAGEMENT DIVISION'S RESPONSIBILITY.** The Evidence and Property Management Division (EPMD) Courier Unit will be responsible for generating a Digital In-Car Video Evidence Control Log for each Area or division which has initiated a DICVS recorded video file request and delivering the recorded video file to the appropriate Area/division.

**WATCH COMMANDER'S RESPONSIBILITY.** The watch commander at the requesting Area/division or their designee of a supervisory rank shall acknowledge receipt of the DICVS recorded video disc(s) from the PD courier by signing the Digital In-Car Video Evidence Control Log.

When time constraints do not allow for the normal ordering process and a required DICVS recorded file is needed before the next scheduled courier delivery, the requesting Department employee shall ensure that the DICVS recorded file is retrieved from PD's Central Property Section's evidence counter. In such cases, the approving supervisor shall follow the same procedures to request the disc through the COBAN link on the Department's LAN.

Additionally, a telephonic request shall be made to PD's Central Property Section's watch commander to advise of the need to expedite the request.

**Note:** Department supervisors from non-geographic bureaus and divisions shall ensure that the DICVS recorded file is retrieved from PD's Central Property Section's evidence counter after completing the established procedures.

**AREA PROPERTY DISPOSITION COORDINATOR'S RESPONSIBILITY.** The Area Property Disposition Coordinator shall monitor the DICVS recorded video disc(s) and the Digital In-Car Video Evidence Control Log, located in the analyzed evidence locker, to ensure the timely and proper disposition of the videos.

**579.15 OBJECTIVES OF BODY WORN VIDEO.** The following provisions are intended to provide LAPD Officers with instructions on when and how to use Body Worn Video (BWV) to ensure reliable recording of enforcement and investigative contacts with the public. "Officers," as referenced below, include all sworn personnel. The Department has adopted the use of BWV by uniformed personnel to:

- Collect evidence for use in criminal investigations and prosecutions;
- Deter criminal activity and uncooperative behavior during police-public interactions;
- Assist officers with completing reports and providing testimony in court;
- Promote accountability;
- Assist in resolving complaints against officers including false allegations by members of the public; and,
- Provide additional information for officer evaluation, training, and continuous improvement.

Body Worn Video provides additional information regarding an investigative or enforcement contact with a member of the public. Body Worn Video recordings, however, provide a limited perspective of the encounter



and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of an officer's actions.

**BODY WORN VIDEO EQUIPMENT.** Body Worn Video equipment generally consists of a body-mounted camera with a built-in microphone and a handheld viewing device. The BWV camera is worn on the outside of an officer's uniform, facing forward to make video and audio recordings. The BWV video and audio recordings are stored digitally on the BWV camera and can be viewed on a handheld viewing device or an authorized computer. An officer cannot modify, alter, or delete video or audio once recorded by the BWV camera.

**WHEN ACTIVATION OF BODY WORN VIDEO EQUIPMENT IS REQUIRED.** Officers shall activate their BWV devices prior to initiating any investigative or enforcement activity involving a member of the public, including all:

- Vehicle stops;
- Pedestrian stops (including officer-initiated consensual encounters);
- Calls for service;
- Code 3 responses (including vehicle pursuits) regardless of whether the vehicle is equipped with In-Car Video equipment;
- Foot pursuits;
- Searches;
- Arrests;
- Uses of force;
- In-custody transports;
- Witness and victim interviews (except as specified below);
- Crowd management and control involving enforcement or investigative contacts; and,
- Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.

**INABILITY TO ACTIVATE PRIOR TO INITIATING ENFORCEMENT OR INVESTIGATIVE ACTIVITY.** If an officer is unable to activate his or her BWV prior to initiating any of these enforcement or investigative activities, the officer shall activate the device as soon as it is practical and safe to do so. As in all enforcement and investigative activities including vehicle and pedestrian stops, the safety of the officers and members of the public are the highest priorities.

**RECORDING OF THE ENTIRE CONTACT.** The BWV shall continue recording until the investigative or enforcement activity involving a member of the public has ended. If enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWV device and continue recording.

**DOCUMENTATION REQUIRED FOR FAILING TO ACTIVATE BODY WORN VIDEO OR RECORDING THE DURATION OF THE CONTACT.** If an officer is unable or fails to activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall set forth the reasons why a recording was not made, was delayed, was interrupted, or was terminated in the comments field of the incident in the Computer Aided Dispatch (CAD) System, Daily Field Activity Report (DFAR), Form 15.52.00, Traffic Daily Field Activity Report, Form 15.52.01, Sergeant's Daily Report, Form 15.48.00, Metropolitan Division Officer's Log, Form 15.52.04 or Gang Enforcement Detail - Supervisor's Daily Report Form, 15.49.00.

**Exceptions:** Officers are not required to activate and record investigative or enforcement encounters with the public when:

- A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
- In the officer's judgment, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate, because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault);
- Situations where recording would risk the safety of a confidential informant, citizen informant, or undercover officer; or
- In patient-care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taken in these areas.

**CONFIDENTIAL NATURE OF RECORDINGS.** Body Worn Video use is limited to enforcement and investigative activities involving members of the public. The BWV recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy. Officers shall comply with all applicable laws and policies regarding confidential information including Department Manual Section 3/405, *Confidential Nature of Department Records, Reports, and Information*. Unauthorized use or release of BWV recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded. Therefore, any unauthorized use or release of BWV or other violation of confidentiality laws and Department policies are considered serious misconduct and subject to disciplinary action.

**PROHIBITION AGAINST MODIFICATION OF RECORDINGS.** Officers shall not copy, edit, alter, erase, or otherwise modify in any manner BWV recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.

**NOTICE TO MEMBERS OF THE PUBLIC OF RECORDING.** Officers are encouraged to inform individuals that they are being recorded when feasible. Officers, however, are not required to obtain consent from members of the public when the officer is lawfully in the area where the recording takes place. For example, an officer who lawfully enters a business or residence shall record any enforcement or investigative activity, as set forth above, and is not required to obtain consent from members of the public who may also be present. In addition, officers are not required to play back BWV recordings to allow members of the public to review the video footage.

**PROHIBITION AGAINST RECORDING PERSONNEL IN NON-ENFORCEMENT OR INVESTIGATIVE SITUATIONS.** Body Worn Video equipment shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. Body Worn Video shall not be used to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms or restrooms.

**DEPARTMENT-ISSUED EQUIPMENT ONLY.** Officers assigned BWV equipment shall not use any other non-Department issued video or audio equipment, such as personally owned video or audio recorders, to record enforcement or investigative activities involving members of the public unless expressly authorized by a supervisor. Uniformed supervisory personnel, however, may use digital recording devices other than a BWV to record interviews when conducting use of force or personnel complaint investigations. Nothing in this provision precludes personnel from utilizing authorized still photography equipment.

**PROPERTY OF THE DEPARTMENT.** Body Worn Video equipment and all data, images, video, and metadata captured, recorded, or otherwise produced is the sole property of the Department and any unauthorized release is strictly prohibited.

**TRAINING REQUIRED.** Officers who are assigned a BWV must complete Department-approved training in the proper use and maintenance of the devices before deploying to the field.

**INSPECTION AND TESTING OF EQUIPMENT.** The BWV equipment is the responsibility of the assigned officer and will be used with reasonable care to ensure proper functioning and reliability. At the start of a field assignment, officers shall inspect and test their BWV and make sure it is undamaged and operating properly. Officers shall document the results of their inspection in the comments field of "Status Change - SW" entry within CAD, in the comments field of the DFAR or Traffic DFAR, the Sergeant's Daily Report, Gang Enforcement Detail - Supervisor's Daily Report, or Metropolitan Division Officer's Log.

**DAMAGED, MALFUNCTIONING OR INOPERABLE EQUIPMENT.** If an officer's BWV malfunctions or is damaged, the officer shall notify an on-duty supervisor (who shall notify the watch commander) and complete an Employee's Report, Form 15.07.00. The officer is required to provide the malfunctioning or damaged equipment to the kit room officer and obtain a functional BWV before deploying to the field.

**IDENTIFYING RECORDINGS.** For each incident recorded on a BWV, officers shall identify the event type and other information using the BWV equipment and software that best describes the content of the video (i.e. arrest, traffic stop, report). Body Worn Video recordings, however, are not a replacement for written reports or other required documentation such as a CAD summary or DFAR.

**STORAGE OF RECORDINGS.** At the end of each shift, officers shall upload all BWV recordings to secure storage by docking the device at the station.

**VIEWING OF BODY WORN VIDEO RECORDINGS BY OFFICERS.** The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Officers are therefore required to review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.

**PROCEDURE FOR REVIEWING BODY WORN VIDEO RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS.** If an officer is involved in a Categorical Use of Force (CUOF), such as an officer-involved shooting, an officer shall not review his or her BWV until authorized by the assigned Force Investigation Division (FID) investigator. Once authorized, the officer shall review his or her BWV recording, and any other relevant BWV footage as deemed necessary and appropriate by the assigned FID supervisor, prior to being interviewed by investigators. An officer may have an employee representative present during the review of the BWV recordings without the FID investigator or supervisor present. The separating and monitoring of officers involved in a CUOF shall be maintained during the review of BWV recordings and a review shall not occur jointly among involved employees.

**DOCUMENTATION OF RECORDINGS.** Officers are required to document any portion of an incident captured on the BWV system under the heading "Photos, Recordings, Video, DICV, BWV and Digital Imaging" on all administrative and investigative reports (e.g., "The suspect's spontaneous statements and actions were recorded via BWV"). If an employee is unable to review the BWV recording before submitting a report, the officer must document in this section the circumstances that prevented his or her review. If any portion of an incident resulting in an arrest was captured by BWV equipment, officers shall identify the existence of a BWV recording on all necessary forms including the City Attorney's Disclosure Statement.

**SUPERVISOR'S RESPONSIBILITIES.** Supervisors assigned to any unit with BWV-equipped officers shall:

- Ensure that officers assigned BWV equipment have completed Department-required training and are familiar with applicable policies and procedures;
- Conduct periodic inspections of officers assigned BWV equipment and ensure that the BWV cameras are properly affixed to the officers' uniforms and fully operable;
- Ensure officers upload all BWV recordings at the end of their shifts; and,
- Review relevant BWV recordings prior to submitting any administrative reports (e.g. non-categorical use of force investigations, pursuits, officer-involved traffic crashes).

After conducting an inspection of an officer's assigned BWV equipment, the supervisor shall document the inspection in his or her Sergeant's Daily Report. If any of the BWV equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced. The supervisor must also complete an Employee's Report regarding the defective equipment and notify the system administrator at Information Technology Bureau via email at [BWV@lapd.lacity.org](mailto:BWV@lapd.lacity.org). Watch commanders must document the supervisor's findings in their Watch Commander's Daily Report, Form 15.80.00, and take any appropriate action depending on the cause of the problem.

**RECORDINGS IN NON-CATEGORICAL USE OF FORCE INCIDENTS - SUPERVISOR'S RESPONSIBILITIES.** Supervisors investigating Non-Categorical Use of Force (NCUOF) incidents shall, when available, allow involved officers to review their BWV recordings and, if deemed necessary, review other BWV recordings to ensure complete and accurate reports and documentation of the incident.

**RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS - SUPERVISOR'S RESPONSIBILITIES.** Supervisors assigned to any unit with BWV-equipped officers must take possession of an officer's BWV equipment when the officer is involved in a Categorical Use of Force, ensure the recording has stopped, power off the camera, and maintain custody until transferred to FID personnel.

**Note:** Supervisors, however, shall not view the BWV recording without express authorization of FID. Force Investigation Division investigators, upon arrival at the scene of a Categorical Use of Force incident, shall take possession of any involved officer's BWV camera and complete the upload process.

**WATCH COMMANDER'S RESPONSIBILITIES.** Watch commanders assigned to any unit with BWV-equipped officers shall:

- Conduct roll call training on expectations, use, and maintenance of the BWV equipment and debrief BWV captured incidents of value;
- Review deviations from BWV policy and procedures and take appropriate action;
- Ensure all BWV anomalies identified by the Area training coordinator have been addressed and any appropriate documentation is returned to the Area training coordinator for commanding officer review;
- Review supervisor inspections regarding defective equipment, systems, and ensure necessary steps are taken to have them repaired;
- Review Sergeant's Daily Reports to ensure inspections of sworn personnel assigned BWV units are being conducted and documented. If field inspections are not properly documented, the watch commander must take appropriate action to correct the deficiency and appropriately document the findings (i.e., Employee Comment Sheet, Form 01.77.00, Supervisor Action Item, Notice to Correct Deficiencies, Form Gen. 78, or a Complaint Form, Form 01.28.00) and the

corrective action taken. The corrective action must also be documented within the Learning Management System (LMS); and,

- Log the appropriate disposition on the Video Evidence Control Log, Form 10.11.05, which must be maintained in the analyzed evidence locker at the concerned Area.

**KIT ROOM OFFICER'S RESPONSIBILITIES.** Officers assigned to the kit room shall:

- Conduct daily inspections of all BWV docking equipment to ensure they are active;
- Inspect any BWV devices returned to the kit room as inoperative;
- Assign spare units to sworn personnel who returned their primary unit to the kit room; and,

**Note:** If found to be defective, the kit room officer must declare the item inoperable and verify that an Employee's Report has been completed. If it is discovered that no documentation exists declaring the item inoperable, the kit room officer must complete an Employee's Report and submit the Employee's Report to the watch commander accompanied with the equipment log at the completion of the officer's shift.

- Provide a copy of the Employee's Report documenting the inoperable equipment to the Area training coordinator along, with any of the inoperable equipment.

**TRAINING COORDINATOR'S RESPONSIBILITIES.** Area training coordinators shall:

- Verify officers have been trained on the use and deployment of BWV;
- Document all employees who have been trained on the use of BWV into the LMS including all traffic officers and reserve officers eligible for field duty;
- Ensure all employees transferring into the Area receive proper training on the use and deployment of BWV;
- Review all Employee's Reports documenting inoperable equipment and facilitate the equipment's repair;
- Deliver all inoperable equipment to the Information Technology Bureau (ITB), Tactical Technology Section; and,
- Notify the watch commander or specialized unit officer in charge (OIC) in the event that it appears that BWV equipment has been tampered with.

**COMMANDING OFFICER'S RESPONSIBILITIES.** Area commanding officers (Areas with BWV) are responsible for ensuring compliance with BWV training, policies, and procedures by regularly monitoring and inspecting BWV equipment within their command. Area commanding officers are also responsible for supervising the proper maintenance and disposition of division records, ensuring adherence to record retention protocols and properly filing all BWV documents for future reference.

**INFORMATION TECHNOLOGY BUREAU, TACTICAL TECHNOLOGY SECTION, RESPONSIBILITIES.** The OIC of ITB, Tactical Technology Section, is responsible for:

- Coordinating warranty service and maintenance through Department-approved vendor(s);
- Providing technical assistance and subject matter experts related to investigations; and,
- Coordinating the replacement of inoperable, malfunctioning or damaged equipment and/or systems.

**579.17 USE OF BODY WORN VIDEO OR DIGITAL IN-CAR VIDEO SYSTEM FOR LOS ANGELES POLICE DEPARTMENT TRAINING PURPOSES.** The following procedures must be followed when Department personnel seek to use digital video recordings for training purposes.

**For Official Use Only.** As set forth in Department Manual Sections 3/579.13, Digital In-Car Video System (DICVS) Use and Deployment, and 3/579.15, Objectives of Body Worn Video, Body Worn Video (B WV) and DICVS footage may only be used for official Department purposes and any unauthorized use or release of video footage is considered serious misconduct subject to disciplinary action.

**Video Recordings Released to the Public.** Video or audio footage previously released to the public by the Department (e.g., video, audio, or other recordings released in a critical incident community briefing pursuant to Department Manual Section 1/420.55, or video introduced as evidence in a civil or criminal hearing) may be used for training or other appropriate purposes and approval pursuant to this manual section is not required.

**Tactical Debriefs and Extensive Retraining Sessions.** Nothing shall restrict the use of BWV or DICVS during authorized Tactical Debriefs or Extensive Retraining Sessions following the adjudication of a use of force.

**Supervisor's Responsibilities.** If a supervisor identifies a BWV or DICVS recording that he or she desires to use for internal Department training purposes, the supervisor shall obtain written consent from the Department employee(s) that are readily identifiable to the video-viewing audience (e.g., facially, viewable name tag, officers name mentioned audibly), complete a Digital Video Recordings for Training Consent, Form 13.16.00, and attach it with the Request/Approval for Use of Digital Video for Training, Form 13.16.01, which includes the applicable reference number of the video recording. The supervisor shall then submit both forms to the Area/divisional commanding officer (CO) for approval.

**Area/divisional Commanding Officer's Responsibilities.**

- The Area/divisional CO must confirm that the particular video recording that is requested to be used for training is not the subject of or relevant to:
  - Any ongoing administrative investigation, pending personnel complaint, administrative appeal, grievance, arbitration, criminal investigation against an officer, civil litigation against the Department, or Board of Rights proceeding; or,
  - A pending adjudication regarding a use of force, pursuit, or traffic crash.

**Note:** If one of these actions is initiated and pending after approval to use BWV or DICVS footage for Department training purposes, the Department entity that learns of the new circumstance must immediately notify Training Bureau (TRB) to determine, in consultation with appropriate Department entities, whether the footage should continue to be used for training purposes.

- The Area/divisional CO shall review and submit the Digital Video Recordings for Training Consent and the Request/Approval for Use of Digital Video for Training to his or her bureau CO.

**Bureau Commanding Officer's Responsibilities.** The bureau CO shall review and submit the Digital Video Recordings for Training Consent and the Request/Approval for Use of Digital Video for Training to the Information Technology Bureau (ITB) CO.

**Information Technology Bureau Commanding Officer's Responsibilities.** The ITB CO shall review and submit the Digital Video Recordings for Training Consent and the Request/Approval for Use of Digital Video for Training to the TRB CO.

**Training Bureau Commanding Officer's Responsibilities.** The TRB CO shall review and submit both the Digital Video Recordings for Training Consent and the Request/Approval for Use of Digital Video for Training to the Director, Office of Constitutional Policing and Policy (OCP), for approval if the training is to be

conducted for persons outside of the Department. Otherwise, the TRB CO shall send the Request/Approval for Use of Digital Video for Training to the respective bureau, with copies to the requesting division and ITB. The TRB CO shall have final authority on approval of the Request/Approval for Use of Digital Video for Training, if the training is to be conducted solely for Department personnel. Training Bureau shall maintain all necessary databases and tracking mechanisms for all Request/Approval for Use of Digital Video for Training.

**Director, Office of Constitutional Policing and Policy, Responsibilities.** The Director, OCPP, shall have final authority on approval of the Request/Approval for Use of Digital Video for Training when the training is to be conducted for non-law enforcement personnel or training programs sponsored by other jurisdictions. The original request/approval for use of digital video for training shall be returned to TRB for retention.

**For Los Angeles Police Department Audiences Only:** Video recordings approved for training purposes shall only be used for the training of law enforcement and other Department personnel and only if the training video is pertinent to those attending, as determined by the highest-ranking supervisor present. If any members of the public will be present during training, approval must be obtained from the Director, OCPP, prior to the use of the video recording.

This policy does not affect Department Manual Section 1/420.55, Critical Incident Video Release Policy, regarding video release for critical incidents or the Department's obligations, or waivers of exemptions under the California Public Records Act.

**579.18 TELEMATICS SYSTEM.** Vehicles (to include all Department moving conveyances; motorized or not) equipped with Telematics will enable the Department to monitor vehicle operation in near real-time, providing easy-to-use, real-time maps, dashboards, and reports. The data is updated a few times a minute or when “trigger-events” occur. Historical data can be made available for up to 12 months. Telematics tracks various components including, but not limited to:

- Vehicle identifiers (e.g., “shop” number, vehicle identification number);
- Vehicle diagnostic data (e.g., airbag sensor, mileage, idling);
- Vehicle speed, location, and direction of travel;
- Use of seatbelts;
- Use of emergency equipment (e.g., Code 3/lightbar activation);
- Time, location, and duration at a location/area; and,
- Geo-fencing (crime reduction map markers, marker activity hours, historical data querying).

**Objectives of Telematics.** Telematics will enable the Department to monitor vehicle logistics and performance, sensor data, and location. The Department will adopt Telematics to:

- Improve fleet management logistics and maintenance;
- Improve driver safety and training;
- Enhance situational awareness of deployed units;
- Augment crime reduction strategies; and,
- Assist with investigations.

Reverence for human life remains a guiding principle for the Department, which includes officer safety. To ensure Department personnel are practicing safe driving behaviors, speed and seatbelt usage will be routinely monitored for potential unsafe aggressive driving behaviors and/or policy and procedure violations. Unsafe aggressive driving includes, but is not limited to, excessive speed for conditions, speed dangerously exceeding the normal flow of traffic or a potential lack of due regard for safety.

**Confidential Nature of Data.** Telematics data use is limited to enforcement, investigative, and administrative activities. Department personnel shall comply with all applicable laws and policies regarding confidential information, including Department Manual Section 3/405, Confidential Nature of Department Records, Reports, and Information. Unauthorized use of Telematics data may compromise employee privacy and Department investigations. Therefore, any unauthorized use or release of Telematics data can subject the employee to possible disciplinary action and/or criminal prosecution.

**Prohibition Against Modification of Data.** Department personnel shall not copy, edit, alter, erase, or otherwise modify Telematics data, hardware, or systems in any manner, except as authorized by law or Department policy. Additionally, Department personnel shall not make any mechanical alterations modifications which would interfere with the proper operation of Telematics. Any violation of this provision is considered serious misconduct and subject to disciplinary action.

**Note:** Per Office of the Chief of Police Notice, Use of Authorized Seat Belt Extenders dated September 11, 2008, only authorized Motor Transport Division seat belt extenders shall be utilized in all City vehicles. Therefore, any personnel requiring the application and/or replacement of an authorized seat belt extender must contact Motor Transport Division prior to use.

**Access to Telematics.** Only supervisors, Computer Aided Dispatch (CAD) supervisor or persons designated by the Chief of Police, shall have access to the Telematics System.

**Viewing of the Telematics Data by Officers.** The accuracy of police reports, officer statements, and other official documentation is essential for the integrity of any investigation. Prior to documenting an incident, use of force, participating in an interview, or other enforcement investigative activity, Department personnel shall be allowed to review Telematics data (in whatever form the data exists) pertaining only to **their** own individual [driver and passenger(s)] activity, to the extent that such data is needed to ensure all reports are complete accurate.

**Supervisor's Responsibilities.** Supervisors shall:

- Review Telematics data prior to submitting any administrative reports where Telematics data is relevant (e.g., non-categorical use of force investigations, pursuits, complaint investigations, officer-involved traffic crashes);
- Facilitate access for Department personnel who need to review relevant Telematics data pursuant to this Order;
- Review significant deviations from Department policy and procedures and take appropriate action;
- Ensure action taken as a result of an audit, inspection, or compliance review of the Telematics data includes positive reinforcement when behavior is consistent with Department policies and procedures; and,
- Utilize the Training Evaluation and Management System II (TEAMS II), via a Supervisor Action Item (SAI), to track any non-disciplinary deviations of Department policies and procedures that require training and/or counseling, when a personnel complaint is not warranted.

**Procedures for Reviewing Telematics Data for Incidents Investigated by Professional Standards Bureau or the Multi-Disciplinary Collision Investigation Team.** Department personnel involved in an incident investigated by an entity within Professional Standards Bureau (PSB) to include Force Investigation Division (FID) or the Multi-Disciplinary Collision Investigation Team (MCIT) shall not be allowed to view Telematics data until authorized to do so by the assigned investigative supervisor. The involved employee(s), [driver and passenger(s)] shall be allowed to review his or her own Telematics data, and any other relevant Telematics data,



prior to being interviewed or providing a written statement to investigators. The involved employee(s) may have an employee representative present during the review of the Telematics data without the PSB or MCIT investigator or supervisor present. The separating and monitoring of employees involved in an investigation by PSB or MCIT shall be maintained during the review of Telematics Data and a review shall not occur jointly among involved employees.

**Note:** Procedures for chain of command investigations are not affected by this section.

**Documentation of Telematics Data.** While Telematics data can be a useful resource for complete and accurate police reports, Department personnel shall not directly reference telematics nor attach any related Telematics reports to any police reports except when used as evidence in an investigation.

**Telematics Coordinator**  **Established.** Each Area or divisional commanding officer shall designate one supervisor to serve as the Telematics Coordinator (as an ancillary duty) and shall be responsible for:

- Ensuring new user account requests are completed and forwarded to the Telematics Unit, Office of Operations, for new Area/division supervisors requiring Telematics System access (e.g., watch commanders, field supervisors) as designated by the Area commanding officer;
- Verifying authorized users have been trained on the use of Telematics;
- Notifying the Telematics Unit when user access has changed (transferred out of the division, change in rank, etc.) and,
- Notifying the watch commander or specialized unit officer in charge in the event it appears that the Telematics System has been tampered with.

**Commanding Officer's Responsibilities.** All commanding officers shall ensure adherence to the established protocols delineated for the Telematics System.

## **579.20 REPORTING/INVESTIGATING LOSS, THEFT, DAMAGE OR DESTRUCTION OF HANDHELD RADIOS.**

**Employee's Responsibility.** When an employee determines that a handheld radio or its related equipment (e.g., battery, battery charger, and shoulder microphone) has been stolen, lost, damaged or destroyed, he/she must immediately report the incident to a supervisor, prepare an Employee's Report, Form 15.07.00, and if necessary, complete a Investigative Report (IR), Form 03.01.00. The Form 15.07.00 and any related report must document the following:

- The equipment or handheld radio identification number(s);
- Date, time, and location of occurrence;
- Circumstances related to the theft, loss damage or destruction; and,
- When appropriate, action(s) taken to locate handheld radio/equipment.

**Supervisor's Responsibility.** Upon notification or discovery of the loss, theft, damage, or destruction of a handheld radio or related equipment, the supervisor will conduct an investigation and ensure that the appropriate report(s) are completed. The supervisor must record his/her investigation on an appropriate supervisor's log (e.g., Sergeant's Daily Report, Form 15.48.00) and forward the log along with the original Form 15.07.00 and a copy of the accompanying report(s) to the commanding officer of the command assigned the handheld radio or the equipment.

**Commanding Officer's Responsibility.** When notified of the theft, loss, damage or destruction of a handheld radio or related equipment, the commanding officer must forward an Intradepartmental Correspondence, Form

15.02.00 and a copy of any related report(s) to his/her bureau commanding officer for review. The Form 15.02.00 must detail the circumstances of the incident and document the action to be taken, including the initiation of a personnel complaint, when appropriate. One copy of the Form 15.07.00 and related IR (if any) shall be maintained with the handheld radio inventory documentation.

**Note:** The original Form 15.07.00 will be maintained by the initiating command.

Commanding officers of commands assigned handheld radios and equipment must maintain a current inventory record of that equipment. The handheld radios and related equipment must be inventoried during January of each year using Form 15.61.00. The results of that inventory must be forwarded via the chain of command to Information Technology Bureau (ITB).

**Bureau Commanding Officer's Responsibility.** Bureau commanding officers will review the results of the investigation and forward copies of the report(s) to Administrative Services Bureau (ASB) and ITB.

**Recovery of Lost or Stolen Equipment.** When equipment that has been reported stolen or lost is located, a Follow-Up Investigation Report, Form 03.14.00 must be completed. Copies of the Form 03.14.00 must be forwarded to the command assigned the equipment, that command's bureau commanding officer, ASB, and ITB.

### **579.30 REPORTING/INVESTIGATING LOST, STOLEN, DAMAGED, OR DESTROYED**

**DEPARTMENT-ISSUED LAPTOP COMPUTERS.** When it is determined that a Department laptop computer or associated accessory (e.g., connected storage, external communication devices, etc.) has been lost, stolen, damaged, or destroyed, the procedures outlined in this Order shall be followed.

**EMPLOYEE'S RESPONSIBILITIES.** When it is determined that a Department-issued laptop computer or associated accessory is lost, stolen, damaged, or destroyed, employees shall:

- Immediately notify a supervisor;
- Prepare an Employee's Report, Form 15.07.00, outlining the circumstances of its loss, theft, damage, or destruction; and,
- Complete an Investigative Report (IR), Form 03.01.00, if necessary.

**Note:** All reports shall document the make, model, asset tag number (if known), date, time, location of occurrence, and what actions were taken in an attempt to locate the lost equipment.

**SUPERVISOR'S RESPONSIBILITIES.** Upon receiving the notification that a Department laptop computer or associated accessory is lost, stolen, damaged, or destroyed, the supervisor shall:

- Conduct an investigation and ensure all procedures outlined in the Employee's Responsibilities were followed and the appropriate report(s) was completed;
- Document the investigation on the Sergeant's Daily Report, Form 15.48.00; and,
- Forward the original Employee's Report, a copy of the IR (if completed) and a Sergeant's Daily Report for the commanding officer's review.

**Note:** Laptop computers/data storage devices with sensitive data that are stolen and may be linked to terrorism or the work of a foreign agent **shall** be reported to Major Crimes Division (MCD).

**COMMANDING OFFICER'S RESPONSIBILITIES.** The Area/division commanding officer shall:

- Review reports forwarded by the investigating supervisor and initiate a Complaint Form, Form 01.28.00, when appropriate;
- Forward an Intradepartmental Correspondence, Form 15.02.00, and copies of the completed reports to their bureau commanding officer for review; and,

**Note:** The Intradepartmental Correspondence shall detail the circumstances of the incident and actions taken by the commanding officer.

- Maintain a copy of the Employee's Report and any related reports at the division of issuance.

**Note:** Commanding officers of commands assigned Department laptop computers or associated accessories shall maintain a current inventory record. Audits shall be conducted semi-annually, during the months of April and October, to determine if any equipment is lost, stolen, damaged, or destroyed. The results of those audits shall be forwarded via the chain of command to Information Technology Bureau (ITB).

**BUREAU COMMANDING OFFICER'S RESPONSIBILITIES.** The bureau commanding officer shall review the results of the investigation and forward copies of the reports to Administrative Services Bureau (ASB) and ITB.

**RECOVERY OF LOST OR STOLEN EQUIPMENT.** When equipment that has been reported lost or stolen is returned or located, it shall be returned to ITB to determine if it has been compromised. In addition, a Follow-Up Investigation, Form 03.14.00, shall be completed and a copy of the follow-up investigation shall be forwarded to:

- Reporting division;
- Issuing division;
- Issuing bureau;
- ASB;
- ITB; and,
- MCD.

Information Technology Bureau will reissue the equipment after appropriate steps have been taken to refresh stored data.

## **580. CARE OF DEPARTMENT VEHICLES.**

**580.10 VEHICLE MAINTENANCE.** Division commanding officers shall cause all motorized equipment in their respective divisions to be maintained in the best practicable condition. Division watch commanders shall be responsible for the inspection of motorized equipment for defects at the change of each watch.

**580.20 UNAUTHORIZED CHANGES IN MOTORIZED EQUIPMENT.** No unauthorized employee shall make any alterations, additions, removals, or repairs to City-owned or controlled motorized equipment, nor shall they permit any unauthorized person to perform such changes. This shall not be construed to prevent employees from securing or performing emergency services.

**580.40 TOW SERVICE - DEPARTMENT VEHICLES.** Tow service for Department vehicles may be obtained at any time by notifying the communications control operator either by radio or by telephone. Tow service required for Department vehicles outside Los Angeles County shall be obtained by telephoning Detective Support and Vice Division.

**580.50 CANCELLATION OF TOW SERVICE.** After a request has been made for tow service and that service is no longer necessary, or additional information need be delivered to the tow truck operator, the communications control operator shall be immediately notified.

**580.60 AUTOMOTIVE PARTS - AREA GARAGES.** Automotive parts may be secured through divisional stockrooms or the Central Automotive warehouse. Motor Transport Division personnel receiving parts shall account for all parts received according to current MTD policy for each vehicle identified by its shop number. All used parts which are being replaced shall be discarded according to MTD policies and within all applicable local, State and Federal regulations governing automotive products and chemicals.

**580.80 VEHICLE RESOURCES MANAGEMENT PROGRAM.**

**Commanding Officer Responsibilities.** Each commanding officer shall:

- Ensure that vehicles are pooled during normal duty hours to achieve maximum utilization of vehicles assigned to the division; and,
- Internally adjust vehicle assignments to equalize mileage build-up.

**Note:** Divisions based at the Police Administration Building shall use the Main Street Facility Motor Pool only after the supply of assigned and available divisional vehicles has been exhausted.

**Exception:** Low-profile and specialized vehicles, not adaptable to general patrol or routine police functions, shall be excluded from pooling, and an original and two copies of the Vehicle Resources Quarterly Report, Form 15.69.00, shall be prepared, and the original and one copy shall be submitted to his or her bureau commanding officer.

**Group or Bureau Commanding Officer's Responsibilities.** Each group or bureau commanding officer, using the Vehicle Resources Quarterly Report, Form 15.69.00, shall, on a quarterly basis:

- Review vehicle resources management on a bureau-wide basis; and,
- Direct a group or bureau approved copy of the Vehicle Resources Quarterly Report, Form 15.69.00, to the Commanding Officer, Administrative Services Bureau.

**Administrative Services Bureau - Responsibilities.** Administrative Services Bureau shall:

- Review vehicle resources management on a Department-wide basis; and,
- Make Department-wide adjustments, as necessary.

**580.90 VEHICLE TRANSFERS.** Administrative Services Bureau, shall apply Department approved vehicle formulas to the number of authorized personnel of each Area/division and allocate police passenger vehicles when appropriate.

**Note:** Police passenger vehicles are defined as:

- Marked black and white vehicles;
- Plain vehicles; and,
- Undercover vehicles.

Fleet Services Section, MTD, shall telephonically notify involved Area/division fleet coordinators of vehicle transfers, and send each coordinator a copy of the vehicle transfer. The notification will normally be made one week prior to the effective date of transfer.

**Commanding Officer's Responsibility.** Area/division commanding officers shall assign a day watch supervisor as Fleet Coordinator.

**Fleet Coordinator's Responsibility.** When the Fleet Coordinator becomes aware that a vehicle assigned to his or her Area/division is to be transferred to another Area/division, the Fleet Coordinator shall, four days prior to the effective date:

- Cause the vehicle records and keys to be gathered; and,
- Cause the concerned vehicle to be available for transfer.

When Fleet Coordinators become aware that a vehicle is to be transferred to their Area/division, they shall:

- Notify the Area/division forfeiting the vehicle of the impending transfer;
- Arrange for a transfer of the vehicle to occur three days prior to the effective transfer date;
- Take possession of the vehicle and all records from the forfeiting Area/division;
- Immediately arrange for the appropriate radio and decal adjustments to occur; and,
- Notify the Fleet Services Section, MTD of the completed transfer.

**Commanding Officer, Motor Transport Division's-Responsibility.** When the Commanding Officer of Motor Transport Division is notified by Administrative Services Bureau of a vehicle transfer, he or she shall adjust mechanic to vehicle ratios, if necessary.

**581. USE OF BLACK AND WHITE POLICE VEHICLES BY CIVILIAN PERSONNEL.** Civilian personnel normally shall not use black and white police vehicles. When it is necessary for any civilian employee to operate a black and white vehicle, an "Out of Service" sign shall be prominently displayed on each side of the vehicle.

## **582. MAIN STREET FACILITY MOTOR POOL.**

### **582.50 AUTHORIZING USE OF VEHICLES FROM MAIN STREET FACILITY MOTOR POOL.**

Vehicles may be obtained from the Main Street Facility Motor Pool only upon presentation of an approved LAPD Transportation Order, Form 11.34.00, unless specifically assigned by Motor Transport Division to continuously serve an office within the Police Administration Building, and only after the supply of assigned and available divisional vehicles has been exhausted. Employees from units outside the Police Administration Building may obtain a vehicle from the Main Street Facility Motor Pool should there be sufficient vehicles available to meet the normal needs of entities within the Police Administration Building.

**Supervisor's Responsibility.** A supervisor receiving an employee's request for a Main Street Facility Motor Pool vehicle shall:

- Ensure that all vehicles assigned to the requesting employee's unit, if applicable, have been utilized;
- Ensure that the reason for the request constitutes an appropriate use of the pool vehicle;
- Review LAPD Transportation Order, Form 11.34.00, for completeness;
- Indicate the estimated number of miles that will be driven and the duration of the trip on the form;

- Complete and sign, if appropriate, the LAPD Transportation Order and return it to the requesting employee; and,

**Note:** The practice of “rubber-stamping” or “pre-signing” the transportation orders shall not be permitted.

- Ensure the pool vehicle is immediately returned once the specific use has been completed.

**Note:** Inappropriate use of a pool vehicle shall consist of:

- Obtaining a pool vehicle when its use is not immediately required (i.e., Holding the vehicle for later use);
- Utilizing a pool vehicle to attend court in the civic center area unless the use can be justified. Justification may include, but is not limited to the transportation of arrestees, victims, witnesses and/or property; and,
- Utilizing a pool vehicle for transportation to lunch or for personal business.

**Commanding Officer’s Responsibility.** Commanding officers of divisions authorized to request the use of Main Street Facility Motor Pool vehicle shall:

- Ensure that the use of divisional vehicles is maximized by pooling during normal duty hours; and,
- Ensure that appropriate training is provided to concerned personnel regarding the request and use of pool vehicles.

**Vehicles for Extended Trips.** When a motor pool vehicle is to be used for an extended trip which requires the issuance of a fuel credit card, the concerned commanding officer shall authorize the use of a vehicle if the said trip conforms to Department policy, and prepare an LAPD Transportation Order, Form 11.34.00. The LAPD Transportation Order shall be approved by the concerned commanding officer or their designee and then submitted to the Watch Commander, Department Operations Center, for issuance of a fuel credit card.

**582.60 CATEGORIES OF BUSES AND VANS - DEFINED.** The three categories of buses and vans that may be used for transportation to non-operational settings are:

- Buses and vans maintained and controlled by Motor Transport Division (MTD), Main Street Facility;
- **Budgeted** buses and vans controlled by Area commanding officers, maintained by MTD; and,
- **Non-budgeted** buses and vans donated to the Department that are controlled by Area commanding officers, and maintained by MTD.

**582.65 RESTRICTIONS ON TRAVEL DESTINATIONS.** Destinations of travel using a **Department-owned and maintained** bus or van shall be limited to the greater metropolitan area of Los Angeles (local travel), which may include parts of Orange, San Bernardino, and Ventura Counties. Requests for travel to destinations outside of the greater metropolitan Los Angeles area shall be reviewed by the Assistant Commanding Officer, Administrative Services Bureau, on a case-by-case basis.

**Note:** Travel involving deserts and mountain passes will generally not be approved; therefore, other forms of transportation should be considered.

**582.70 MTD BUS/VAN AVAILABILITY.** The availability of buses and/or vans controlled by MTD that may be used for transportation to non-operational settings shall be telephonically verified through MTD prior to forwarding a written request to the Assistant Commanding Officer, Administrative Services Bureau.

**582.75 AREA/DIVISION COMMANDING OFFICER-RESPONSIBILITIES.** The commanding officer of an Area/division that uses Department-owned and maintained buses or vans for transportation to non-operational settings shall ensure that:

- The driver of the bus possesses a valid Class B California Operator's License and has a current medical certificate;
- Travel requests to destinations outside of the greater metropolitan area of Los Angeles are reviewed and approved by the Commanding Officer, Administrative Services Bureau, prior to submission for review by the Office of the Chief of Police; and,
- When the destination of travel is outside of the greater metropolitan area, two copies of all written requests shall be submitted in the prescribed format not later than five working days prior to the date the bus or van will be used.

**582.80 ASSISTANT COMMANDING OFFICER, ADMINISTRATIVE SERVICES BUREAU'S - RESPONSIBILITY.** Upon receipt of a request to use a Department-owned bus or van for travel outside of the greater metropolitan area of Los Angeles, the Assistant Commanding Officer, Administrative Services Bureau, shall determine if the vehicle to be used is mechanically reliable for the travel requested.

### **583. VEHICLE LOANS.**

**583.50 LOANED VEHICLES - DEFINITION AND USE.** A loaned vehicle is defined as any vehicle temporarily loaned without cost to the Department by an automobile dealership or other business. Use of these vehicles is restricted to the specific purpose authorized by the bureau commanding officer of the entity to which the vehicle is loaned, but in no event shall the vehicle be used for pursuit or other high speed driving.

If a loaned vehicle is used in the Home-Garaging Program, the loaned vehicle shall be substituted for a City vehicle that is normally taken home. The number of take-home vehicles shall not exceed the number of home-garaging authorities assigned to the concerned entity.

If a loaned vehicle is used in the Home-Garaging Program, the loaned vehicle shall be substituted for a City vehicle that is authorized for the purpose. In no case shall the number of take-home vehicles exceed the number of home-garaging authorities assigned to the specific organizational entity. Loaned vehicles shall be considered City vehicles, and all rules and regulations pertaining to use of City vehicles shall apply.

**583.55 REQUEST FOR LETTER OF INDEMNITY/PROOF OF INSURANCE.** The Request for Letter of Indemnity/Proof of Insurance, Form General 184, is generated by the Department to request a letter of indemnity from the City Office of Finance, Risk Management and Safety Division. The process is intended to provide automobile dealerships or other businesses with limited protection against liability and damage that may result from the Department's use of their vehicle(s). A separate form is required for each loaned vehicle. A Hold Harmless Information Supplemental, Form 11.40.01 (formerly Exhibit "A") shall be submitted concurrently. The form shall list the vehicle contracted for loan to the Department. Each new vehicle trade requires a new Form General 184 and Hold Harmless Information Supplemental to be submitted.

Each Form General 184 shall be completed as directed and the box marked "Personal Property" shall be checked. The requesting entity's commanding officer shall be listed as the initiator of the request. The form, along with the Hold Harmless Information Supplemental, shall be forwarded by the requesting commanding

officer to the bureau commanding officer. Upon his/her approval, the bureau commanding officer shall submit both original forms to the City Office of Finance, Risk Management and Safety Division; and forward copies to the commanding officer of the entity requesting the vehicle loan; Administrative Services Bureau for distribution to Motor Transport Division; and, the Assistant Commanding Officer, Administrative Services Bureau.

**Note:** Requesting bureaus are responsible for distributing copies of Form General 184 and the Hold Harmless Information Supplemental **prior to** forwarding the originals to the City Office of Finance, Risk Management and Safety Division.

Each Hold Harmless Information Supplemental shall be completed as directed by the Department entity seeking the vehicle loan. The requestor shall ensure that Motor Transport Division (MTD) inspects the vehicle, if required, and signs off on the Hold Harmless Information Supplemental for approved vehicles. The completed form shall be submitted to the requesting entity's commanding officer, along with Form General 184. Once the approved Form General 184, and Hold Harmless Information Supplemental, are received by the City Office of Finance, Risk Management and Safety Division, a letter of indemnity will be provided to the loaning party. A copy of the letter will be sent to the commanding officer requesting the loan. The loaning party must be in receipt of the letter prior to the vehicle's use.

**583.60 COMMANDING OFFICER'S RESPONSIBILITY.** Commanding officers shall:

- Determine the specific need and duration (no longer than 12 months) for the use of loaned vehicle(s);
- Ensure that each approved loaned vehicle is assigned a Department shop number and inspected by MTD for safety and damage prior to accepting delivery. Vehicles failing that safety inspection shall not be used;

**Exception:** Vehicles borrowed from car rental agencies and which are to be used for a period of five days or less need not be inspected by MTD nor are the Form General 184 or the Hold Information Supplemental required. A car rental agency is any business where the primary service offered is *daily* car rental. A dealership that offers car rentals secondary to the selling of automobiles is not considered a rental agency for the purpose of the Section.

- Review and forward the Form General 184, and the Hold Harmless Information Supplemental, Form 11.40.01 to their bureau commanding officer (make every effort to ensure that requests are submitted to the bureau at least ten days prior to necessity);
- Upon receipt of the City-issued letter of indemnity, notify the Department employee requesting the vehicle loan;
- Ensure a copy of the letter of indemnity is forwarded to ASB and the bureau;
- Maintain a copy of the Form General 184, the Hold Harmless Information Supplemental, and the letter of indemnity for a minimum of twelve months. Ensure that a new Form General 184 and Hold Harmless Information Supplemental are initiated if a vehicle has been on loan more than twelve months; and,
- Upon return of the loaned vehicle, ensure that a representative of the loaning agency inspects the loaned vehicle and signs the Area copy of the Hold Harmless Information Supplemental, indicating the vehicle's condition and forward the signed form to MTD.

To ensure that no loaning agency is overburdened with requests for vehicle loans, commanding officers who intend to seek a vehicle loan from a business shall, prior to contacting the business, contact the commanding officer of the geographic bureau in which the dealership is located. The geographic bureau commanding officer,



in which the dealership or other business is located, shall have final authority regarding the appropriateness of seeking the loan.

**583.65 BUREAU COMMANDING OFFICER'S RESPONSIBILITY.** Bureau commanding officers considering the use of a loaned vehicle shall:

- Review the Request for Indemnity/Proof of Insurance, Form General 184, and determine the necessity and specific need for the loaned vehicle(s);
- Approve or disapprove the request;
- If approved, sign and forward the original Form General 184 and Hold Harmless Information Supplemental to the City Office of Finance, Risk Management and Safety Division. Prior to forwarding, copies shall be sent to the requesting commanding officer and Administrative Services Bureau;
- Make every effort to ensure that requests are forwarded to the City Office of Finance, Risk Management and Safety Division, at least five days prior to the desired due date cited by the requesting commanding officer; and,
- Have final authority regarding the appropriateness of Department entities seeking loaned vehicles from a business or dealership within their bureau.

**Exception:** Approval for a loaned vehicle to be used for a confidential operation/investigation may be requested via the Chief of Staff.

**583.70 MOTOR TRANSPORT DIVISION - RESPONSIBILITY.** Motor Transport Division (MTD) is responsible for:

- Conducting mechanical safety inspections of loaned vehicles prior to deployment in the field;
- Assigning a temporary shop number to each loaned vehicle;
- Providing minor emergency repairs, and emergency towing;
- Providing minor repairs and adjustments as approved by the Commanding Officer, MTD;

**Note:** Vehicle damage caused by a traffic crash or as a result of enforcement activities shall not be repaired using Department facilities unless authorized by the Commanding Officer, MTD.

- Maintaining a special file for loaned vehicles to include:
- A copy of the Hold Harmless Information Supplemental;
- A copy of the Form General 184;
- The issuance of temporary shop numbers;
- The continuous listing of active loaned vehicles;
- The quarterly expenditures and inspections on loaned vehicles; and,
- A copy of a letter of indemnity generated by the City Office of Finance, Risk Management and Safety Division.

**583.75 ASSISTANT COMMANDING OFFICER, ADMINISTRATIVE SERVICES BUREAU, RESPONSIBILITIES.** The Assistant Commanding Officer, Administrative Services Bureau, shall be responsible for:

- Maintaining a list of loaned vehicles being utilized in each bureau;
- Maintaining copies of Form General 184, the Hold Harmless Information Supplemental, and the letter of indemnity for auditing purposes; and,

- Completing an annual vehicle loan audit report to be submitted to the Chief of Police during the first quarter of each calendar year.

**583.78 ADMINISTRATIVE SERVICES BUREAU'S - RESPONSIBILITY.** The Commanding Officer, Administrative Services Bureau, shall ensure that copies of Form General 184, the Hold Harmless Supplemental, and the letter of indemnity are distributed to Motor Transport Division and the Assistant Commanding Officer, Administrative Services Bureau.

**583.80 LOANED VEHICLES INVOLVED IN TRAFFIC CRASHES.** Traffic crashes involving loaned vehicles shall be considered "City Property Involved" as defined in Section 4/405.10 of the Department Manual. Investigation and related reports shall be completed in accordance with current procedures.

#### **584. TWO - WHEELED MOTORCYCLES.**

**584.25 ASSIGNMENT OF TWO - WHEELED MOTORCYCLES.** Under the direction of the Commanding Officer, Emergency Operations Division, the Officer in Charge, Traffic Coordination Section, shall assign motorcycles on a Citywide basis by order of rank and officer "seniority."

**584.50 CLASSIFICATION OF TWO - WHEELED MOTORCYCLES.** Motorcycles will be classified as either New or Reissue.

**New.** A motorcycle with less than 3,000 miles, regardless of whether it has been reassigned from one officer to another.

**Reissue.** A motorcycle with 3,000 or more miles, which has been reassigned from one officer to another.

**584.75 TWO - WHEELED MOTORCYCLE ASSIGNMENT SENIORITY LISTS.** "Seniority," for the purpose of assignment of motorcycles, shall be determined by the officer's length of continuous service on two-wheeled motorcycle duty. If the length of service is the same for two or more officers, "seniority" shall be resolved as outlined in Manual Section 3/125. Two lists shall be maintained for the assignment of motorcycles, according to the following systems:

**New Motorcycle Assignment.** An issuance list for new motorcycles shall be updated each time new motorcycles are purchased. This list shall represent the top two-thirds of the Motorcycle Officer Seniority List.

**Reissue Motorcycle Assignment.** An assignment list for reissue motorcycles for officers not on the New Motorcycle Issuance List shall be maintained on the basis of an officer's seniority. This list shall represent the remaining one-third of the entire Motorcycle Officer Seniority List. All newly assigned motor officers will be added to the bottom of the seniority list and, with seniority, move up to the New Motorcycle Issuance List.

#### **588. PETROLEUM PRODUCTS.**

**588.20 ACCEPTING DELIVERY OF PETROLEUM PRODUCTS.** All employees accepting tank truck delivery of petroleum products for the Department shall check the tank truck meter reading before delivery is begun and after delivery has been completed. Before signing the receipt for delivery, a check shall be made to determine that the receipt represents only the difference between the two readings.

**588.40 EMERGENCY GASOLINE SERVICE.** Divisions having fuel pumps and a sufficient quantity of fuel shall service vehicles of other divisions when requested.

**590. HECTOGRAPH WORK, REQUISITION FOR.** Requests for hectograph work shall be submitted to the Assistant Commanding Officer, Administrative Services Bureau, on a Requisition, Form 15.11.00, stating the reason for the request and the number of copies required. Requests for hectograph work shall be accompanied by the master copy of the work.

**591. MULTILITH WORK, REQUISITION FOR.** Requests for multilith work shall be submitted to the Assistant Commanding Officer, Administrative Services Bureau, on a Requisition, Form 15.11.00, stating the reason for the request and the number of copies required. Requests shall be accompanied by a draft of the proposed work.

**592. FORMS REVISION, REQUESTS FOR.** A request for a new form or revision of an existing form shall be prepared in duplicate on an Intradepartmental Correspondence, Form 15.02.00, and forwarded through channels to the Director, Office of Constitutional Policing and Policy. Each request should include estimated yearly requirements and should be accompanied by a draft of the proposed form.

**596. BOOKS AND PAMPHLETS, REQUISITIONING AND ASSIGNMENT OF.** Necessary reference books and pamphlets shall be ordered on a Requisition, Form 15.11.00, signed by the concerned commanding officer. The requisition should give the title, name of the author, name of the publisher, date of publication, and any other pertinent information. Copies of the California State Penal Code and other assigned reference books shall be kept in the office to which they are assigned.

## **598. VENDING MACHINES**

**598.05 AUTHORIZED VENDING MACHINES.** The Los Angeles Municipal Code, Section 21.65, defines a vending machine as "... any coin operated vending machine for the dispensing of goods, wares, merchandise or other tangible property." Any coin operated machine not conforming to this definition is prohibited from installation or use in any Department facility.

**598.10 VENDING MACHINE PLACEMENT.** Prior to placing a vending machine on a police premise, an Area commanding officer or a member of an Area or joint fund committee shall obtain a Request for Vending Machine form from Facilities Management Division. The commanding officer of the requesting Area or division shall forward the completed form and an Intradepartmental Correspondence, Form 15.02.00, as a cover letter, to the Commanding Officer, Facilities Management Division. The Commanding Officer, Facilities Management Division, shall forward it to the Chief of Police. Upon approval of the Chief of Police, the form is transmitted to the Department of General Services for final approval. The Commanding Officer, Facilities Management Division, shall notify the requestor of the final disposition of the request.

**598.12 RELOCATION OF VENDING MACHINES.** Prior to relocating a vending machine, an Area commanding officer or a member of an Area or joint fund committee shall submit to the Commanding Officer, Facilities Management Division, a letter of request on an Intradepartmental Correspondence, Form 15.02.00. The Form 15.02.00 shall contain the following information:

- Reason for moving;
- Type of machine;
- Present and proposed location;
- Existing facilities to be utilized; and,
- Facilities needed.

The Commanding Officer, Facilities Management Division, shall notify the requester when approval has been obtained from the Chief of Police.

## UNIFORMS AND PERSONAL EQUIPMENT

### 601. POSSESSION OF UNIFORMS AND PERSONAL EQUIPMENT.

**601.10 REQUIREMENTS.** All officers shall possess at all times a serviceable uniform and the necessary equipment to perform uniformed field duty. Officers assigned to duty wherein a special uniform is required shall also possess the uniform required by their special assignment. All uniforms and equipment referred to in this Chapter shall meet the specifications outlined in the Department Uniform and Personal Equipment Specifications.

**Exception:** Exemptions from this Section may be granted by the Chief of Police.

**601.20 UNIFORM AND PERSONAL EQUIPMENT SPECIFICATIONS.** The "Uniform and Personal Equipment Specifications" booklet is an official Department publication. All distribution and maintenance shall be the responsibility of Training Bureau. Requests for copies shall be directed to Training Bureau.

### 602. MAINTENANCE OF UNIFORMS AND EQUIPMENT.

**602.10 AVAILABILITY FOR USE.** All uniforms and equipment shall be maintained in a clean, serviceable condition and shall be ready at all times for immediate use.

**602.20 LEATHER EQUIPMENT MAINTENANCE.** Leather equipment shall be kept dyed and shined, and shall be replaced when it is cracked or worn out.

### 603. EMPLOYEE IDENTIFICATION

#### 603.10 WEARING OF A DEPARTMENT ISSUED - BADGE.

**On-Duty, Uniformed Employees.** Uniformed employees shall wear their official Department-issued badge on the outermost garment of their uniform. However, employees attired in a Department-approved specialized uniform, (e.g., bike detail or bomb squad) may wear a facsimile badge provided that the facsimile badge has been approved by the Uniform and Equipment Committee for wearing with the specialized uniform. In all cases, the badge shall be displayed on the outermost garment of the specialized uniform so it is clearly visible at all times.

**On-Duty, Plainclothes Officers.** On-duty, plainclothes officers shall wear their official Department-issued badge so it is readily accessible for presentation to members of the public.

**Exception:** Officers working an undercover assignment, in which their identification as a law enforcement officer would hinder their investigation or their safety, are exempt from this requirement. Generally, this does not include plain clothes detectives conducting follow-up investigations.

**Display of Identity in a Department Facility.** While in a Department facility, undercover and plainclothes employees shall display either their official badge or Department-issued identification card.

**603.20 IDENTIFICATION CARD – ALL EMPLOYEES.** On-duty employees shall have their Department-issued identification card in their immediate possession. Anytime a person requests to verify an employee's status as a Department employee, the employee shall present the identification card.

**Exception:** Officers working an undercover assignment, in which their identification as a law enforcement officer would hinder their investigation or their safety, are not required to have the identification card in their immediate possession. Generally, this does not include plain clothes assignments conducting follow-up investigations.

**603.30. IDENTIFICATION FOR COURT APPEARANCES.** Upon entering any courtroom or court office, officers who are conducting official business shall present their identification card to the bailiff or court clerk. When making a duty-related court appearance at a United States Federal Courthouse, officers shall present their identification card to the court security officer at the post of entry.

**603.40. POCKET NAME TAG – ALL EMPLOYEES.** The pocket name tag designed in accordance with the Department Uniform and Equipment Specification Manual is an approved item, which may be used by all Department employees. The pocket name tag may be worn at functions and meetings where recognition of the Department affiliation would be desirable. However, the pocket name tag is not a substitute for the Department-issued badge or identification card.

**604. UNIFORM AND EQUIPMENT COMMITTEE.** The membership and responsibilities of the Uniform and Equipment Committee are set forth in Manual Section 2/093.10.

#### **605. PERSONAL APPEARANCE.**

**Commanding Officer's Responsibility.** Each commanding officer is responsible for ensuring that sworn employees within his/her command comply with the Department's personal appearance standards. Non-compliance with the Department's sworn personal appearance standards may be misconduct. Commanding officers shall ensure that appropriate action is taken when sworn employees fail to comply with the standards.

**605.10 PERSONAL APPEARANCE - GENERAL.** On-duty sworn employees shall maintain a neat, clean, and professional appearance. Generally, this requires an employee to be well groomed, without excessive ornamentation and dressed in a Department uniform or business attire.

**Exception:** Officers whose duties require conducting or supervising undercover assignments are exempt from these requirements. If a sworn employee's assignment temporarily requires the employee to deviate from these standards, the employee's commanding officer may verbally grant an exemption not to exceed two working days. All other exemptions shall be submitted in writing, to bureau commanding officer, explaining the purpose for the exemption, the degree to which the exemption is granted, and the expected duration of the exemption. The bureau commanding officer shall approve or deny all written requests for exemptions. The bureau commanding officer may approve an all-inclusive exemption for entities such as Area vice units. All commanding officers shall review all exemptions within their respective commands each January and rescind or extend the exemption in writing. Each command shall also maintain a file of exemptions entitled "Department Appearance Standards-Exemptions."

Sworn employees who are authorized to wear their uniform while working an off-duty assignment (e.g., school activities, Coliseum) shall comply with the same standards as those for on-duty officers.

Sworn employees working off-hours engaged in public Department business shall adhere to the same personal appearance standards as on-duty employees. Off-hours business activities include, but are not limited to a court appearance, attendance at an administrative hearing, or an appearance before the Police Commission or City Council.

**605.20 HAIR STANDARDS - GENERAL.** All employees shall maintain their hair in a neat, clean, and well-groomed manner to reflect a professional and businesslike appearance. Unacceptable hair styles include, but are not limited to, a design(s) shaved into the hair or wearing long hair over a shaved to scalp portion of the head. Dyeing or highlighting the hair is acceptable provided it is consistent with a natural hair color, without obvious blocks, patterns or spots of color.

The CROWN Act took effect on January 1, 2020, amending California Government Code §12926 and prohibits discrimination based on traits historically associated with race, including, but not limited to, hair texture and hairstyles, such as braids, locks, or twists. Department hair standards do not prohibit the wearing of such styles (see reference photos at: [Crown Act Photos](#)).

**Note:** Special assignments may be cause for a deviation from this general standard and shall be evaluated and approved by the commanding officer of the affected entity.

**605.22 HAIR STANDARDS - UNIFORMED.**

**Uniformed Male Employees.** Male employees shall maintain their hair properly trimmed and at least moderately tapered. The hair shall not extend below the top of the shirt collar, cover any portion of the ear, and shall not interfere with the employee's vision. Sworn male employees shall ensure that their hair does not interfere with the proper wearing of the uniform hat or the prompt and proper placement of protective head and/or face gear.

**Uniformed Female Employees.** Female employees shall arrange their hair, so it does not extend below the bottom edge of the shirt collar. The hair shall not interfere with the employee's vision and shall not be arranged in a way that would be advantageous for a suspect to grab, such as in a ponytail. Sworn female employees shall ensure that their hair does not interfere with the proper wearing of the uniform hat or the prompt and proper placement of protective head and/or face gear.

**Note:** Uniformed employees who are not field certified shall maintain their hair so as to adhere to the uniformed employee standard.

**605.24 HAIR STANDARDS-SWORN PLAINCLOTHES ASSIGNMENTS.**

**Plainclothes Assignment Sworn Employees.** Plainclothes sworn employees shall maintain their hair so it presents a professional and businesslike appearance.

**Male Employees.** On-duty sworn male employees in a plainclothes assignment shall keep their hair properly trimmed at all times. The hair shall be moderately tapered and shall not extend below the top of the shirt collar nor cover any portion of the ear.

**Female Employees.** On-duty sworn female employees in a plainclothes assignment shall maintain their hair so as to present a neat appearance consistent with their job assignment.

**605.25 HAIR ORNAMENTATION.**

**Male Employees.** Male employees shall not wear hair ornamentation.

**Female Employees.** Female employees in plainclothes assignments may, to facilitate compliance with the Department's general hair standards, wear businesslike hair ornamentation. Female uniformed employees shall not wear hair ornamentation.

**Hair control devices.** Inconspicuous hair-control devices such as cloth-covered rubber bands (not to exceed one-quarter inch in diameter) and plain hairpins or clips may be used to comply with department standards. Hair-control devices shall not interfere with the prompt and proper placement of protective head and/or face gear. Hair-control devices shall either be black or consistent with the employee's hair color and shall in no way detract from an employee's uniform appearance.

**605.26 WIGS AND HAIRPIECES.** Wigs and hairpieces may be worn. The wig or hairpiece and the employee's overall appearance must conform to the Department's general hair standards.

### **605.30 GROOMING STANDARDS - SWORN AND UNIFORMED CIVILIAN EMPLOYEES.**

**Sideburns.** Sideburns shall not extend beyond a point even with the bottom of the ear lobe and shall extend in a cleanshaven, horizontal line. The flare (terminal portion of the sideburn) shall not exceed the width of the main portion of the sideburn by more than one fourth of the unflared width. Sideburns shall be trimmed and neat in appearance.

**Mustaches.** Male employees may wear a short and neatly trimmed mustache of natural color. Mustaches shall not extend below the vermillion of the upper lip or below the corners of the mouth and may not extend to the side more than one-half inch beyond the corners of the mouth.

**Beards.** Employees shall be clean shaven when reporting for duty. Beards shall be permitted only when required by the nature of the assignment or for a bona fide medical condition. To request a medical exemption to wear a beard, the employee shall provide his commanding officer with the following:

- A doctor's note from the employee's personal physician stating the employee needs a medical exemption from shaving; and,
- A completed Authorization for Release of Medical Information, Form OHSD MR 101.

The employee shall be available to be examined by the City of Los Angeles Personnel Department, Occupational Health Services Division (OHSD), as directed by Medical Liaison Section, Personnel Division to determine and approve of the exemption status.

The employee's commanding officer shall forward the doctor's note and the completed Authorization for Release of Medical Information via Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Personnel Division. Medical Liaison Section, Personnel Division, will contact OHSD regarding the request for a disability/medical accommodation.

Department employees who have received a medical exemption that precludes them from shaving, have been accommodated by the Department, and do not have any duty-related restrictions, may be used in a full-duty uniformed capacity. The employee's beard shall be neatly trimmed and not longer than one-quarter inch in length.

**Fingernails.** Employee's fingernails shall be neat, clean, and shall not display decals or ornamentation. Fingernails shall not extend more than one-fourth inch beyond the tip of the finger. They shall not interfere with the employee's duty performance such as the safe drawing of the service weapon and all other safety equipment.

**Uniformed Female Employees.** Uniformed female employees may only wear clear or neutral (beige or cream) nail polish (white nail tips are allowed).

**Plainclothes Assignment Female Employees.** Female employees working a plainclothes assignment may only wear fingernail polish that is professional and businesslike in color.

**Male Employees.** Male employees may only wear clear fingernail polish.

**605.40 GROOMING STANDARDS NON - UNIFORMED CIVILIAN EMPLOYEES.** Contemporary hair and grooming standards are allowable as long as a neat appearance is maintained and styles do not constitute a safety hazard to the employee.

#### **605.45 MAKE - UP.**

**All Department Employees.** If make-up is worn, it shall be worn in moderation and shall be consistent with a professional and businesslike appearance.

**Note:** Permanent make-up (e.g., eyeliner, lipliner, eyebrows) that is tattooed on the face is permitted.  
**No other facial tattoos are permitted.**

**605.50 CIVILIAN CLOTHING.** Civilian clothing worn by an employee while on-duty shall be appropriate to his or her assignment.

#### **605.70 ORNAMENTATION.**

**Commanding Officer's Responsibility.** Each commanding officer is responsible for ensuring that sworn employees within his/her command comply with the Department's personal appearance standards. Non-compliance with the Department's personal appearance standards is misconduct. Commanding officers shall ensure that appropriate action is taken when sworn officers fail to comply with the standards.

**Sworn Uniformed Employees.** A sworn uniformed employee may wear one conservative ring on each hand (engagement and wedding ring when worn on the same finger count as one ring), a conservative wristwatch, a religious ornament worn underneath the uniform, a Police or Military "Killed In The Line Of Duty" remembrance bracelet and a medical alert necklace worn underneath the uniform or worn as a bracelet.

Sworn uniformed employees shall not wear any other type of visible body ornamentation including, but not limited to earrings, nose studs, nose or eyebrow rings, tongue studs or rings, lip studs or rings, non-medical alert necklaces, bracelets, or large, conspicuous rings. Jewelry or personal ornaments shall not be affixed to any part of the uniform or equipment.

**Note:** Sworn employees who are authorized to wear the uniform while working off duty shall be held to the same standards as those working on duty.

#### **Plainclothes Assignment Sworn Employees.**

**Sworn Female Employees.** Sworn female employees may wear a single matched pair of earrings, one earring on each earlobe. The earrings shall be conservative, professional, and businesslike in appearance. Sworn female employees may wear one conservative ring on each hand (engagement and wedding ring when worn on the same finger count as one ring), a conservative wristwatch, a conservative necklace and bracelet, a religious ornament, a Police or Military "Killed In The Line of Duty" remembrance bracelet and a medical alert necklace



and/or bracelet. Sworn female employees **shall not** wear any other type of visible body ornamentation such as, but not limited to, multiple earrings in each ear, nose studs, nose or eyebrow rings, tongue studs or rings, or lip studs or rings.

**Sworn Male Employees.** Sworn male employees may wear one conservative ring on each hand, a conservative wristwatch, a conservative necklace and bracelet, a religious ornament, a Police or Military “Killed In The Line of Duty” remembrance bracelet and a medical alert necklace and/or bracelet. Sworn male employees **shall not** wear any other type of visible body ornamentation such as, but not limited to, earrings, nose studs, nose or eyebrow rings, tongue studs or rings, or lip studs or rings.

**605.75 SUNGLASSES.** Prescription and non-prescription sunglasses worn by sworn employees shall be conservative in style and professional in appearance. Plastic or composite frames shall be a dark color and free of ornamentation. The temple width shall be no wider than one-half inch and in no case obstruct the peripheral vision. Wire frames are acceptable in either black, gold, or silver color. The lenses shall be dark shades of gray, green, or brown. Gradient (light sensitive) lenses are acceptable; however, the lenses must return to a neutral color when not in sunlight. Designer lenses of color such as pink, blue, and yellow are not acceptable. Silver-coated or reflective lenses are not acceptable. Sunglasses may not be worn at night, indoors, or in darkened areas. Sworn employees may utilize a plain black corded leash on their sunglasses.

**Note:** This section does not apply to officers in undercover assignments or to officers wearing shooting glasses while on a shooting range.

**605.80 COURTROOM/ ADMINISTRATIVE HEARING ATTIRE.** Sworn employees appearing in court or at an administrative hearing shall, when practicable, wear a Class A or Class C uniform or business attire. Sworn employees authorized to wear a specialized uniform (e.g., bicycle uniform or jumpsuit) may attend court in their specialized uniform if on-duty and if changing into Class A or Class C uniform or business attire proves impractical.

A Department raid jacket or pants made of denim material do not constitute proper business attire or acceptable specialized uniform. Additionally, uniformed bicycle officers shall not wear their department approved baseball cap inside the courthouse.

Civilian clothing worn by Department personnel, including employees in "low visibility" assignments (e.g. vice or narcotics enforcement), while appearing in court or an administrative hearing, shall present a businesslike appearance. Acceptable business attire shall conform to the following:

- **Sworn Male Employees.** Male employees shall wear a business suit or a sport coat and slacks, dress shirt with a tie and dress shoes. Braces (suspenders) that are consistent with a businesslike appearance are acceptable accessories provided they do not interfere with the wearing and retrieval of safety equipment.
- **Sworn Female Employees.** Female employees shall either wear a businesslike dress, skirt, or pants with a businesslike blouse and/or sweater, blazer or sport coat and dress shoes. The hemline of the dress or skirt shall be of a professional and businesslike length. Hosiery shall be of a solid businesslike color and without patterns.

**Exception:** Officers specifically requested to appear in court in attire similar to that worn during the arrest, e.g., vice, shall comply with that request. On-duty officers conducting an undercover investigation in the field or working an assignment requiring a specialized uniform, called to court or an administrative hearing without sufficient time to change into proper attire, may proceed directly to court or the administrative hearing without changing and shall provide a brief explanation for their attire.

Officers summoned to appear in United States Federal Court shall wear appropriate business attire in lieu of a uniform.

**SUPERVISOR'S RESPONSIBILITY.** It is the supervisor's responsibility to ensure that sworn employees under their immediate supervision comply with these standards. Failure to comply with the Department's sworn personal appearance standards may be considered misconduct, and supervisors shall ensure that appropriate corrective action is taken.

**COMMANDING OFFICER'S RESPONSIBILITY.** Primary responsibility for complying with Department personal appearance standards rests with each sworn Department employee. However, each commanding officer is also responsible for ensuring that sworn employees within their command comply with these standards. Non-compliance with the Department's sworn personal appearance standards may be considered misconduct, and commanding officers shall ensure that appropriate corrective action is taken.

**605.85 CLOTHING STANDARDS – PLAINCLOTHES ASSIGNMENT.** The wearing of the Department uniform is acceptable attire for sworn employees in plainclothes assignments. Employees who cannot or choose not to wear a uniform shall wear appropriate business attire. Business attire shall conform to the standards set forth in (Manual Section 3/605.80).

Plainclothes officers in public view away from a Department facility shall conceal their weapon (s), handcuffs, and other equipment by wearing a business jacket, sport coat, or other accessory (e.g., purse, or authorized "pouch" type holster, etc.).

**Note:** Clothing or accessories shall not interfere with an officer's wearing or retrieval of safety equipment.

**605.90 VISIBLE TATTOOS AND BRANDINGS.** Sworn Department employees in uniform, plainclothes, or business attire, **shall not** display any tattoo(s) and/or branding(s) while on-duty. Except as detailed below, all tattoos shall remain covered, while on duty, at all Department facilities, during all Department sanctioned events, and while handling any Department related business.

A sworn officer shall cover any otherwise visible arm tattoo(s)/branding(s) as follows:

- For tattoos/brandings above the elbow, an officer may wear a black or flesh-toned sleeve/bandage that is as close to the wearer's skin color as is reasonably available and does not extend below the elbow; or,
- If the tattoo is below the elbow and there is only one tattoo/branding that is three inches by three inches or less, the officer may cover the area with **one** patch/bandage that is no larger than three inches by three inches and as close to the wearer's skin color as is reasonably available;
  - Officers shall not use a covering greater than three inches by three inches; nor shall they display any additional tattoos/brandings.

**Note:** If an officer has a tattoo/branding that requires larger than a three-inch by three-inch patch/bandage, or has multiple tattoos/brandings that require multiple patches/bandages to cover, then the officer shall wear a long-sleeved uniform.

If the tattoo(s)/branding(s) below the elbow cannot be covered as described above, the officer shall wear a long-sleeve uniform shirt or business attire, as appropriate for the assignment.

A sworn officer shall cover visible tattoo(s)/branding(s) on other exposed parts of the body (e.g., neck, hands, legs, or behind the ears) as follows:

- A flesh-toned patch/bandage not to exceed three inches by three inches;
- A flesh-toned glove or other appropriate covering; or,
- Make-up, not to exceed three inches by three inches, that is as close to the wearer's skin color as is reasonably available.

**Employees Working Off-Hours Engaged in Department Business.** Employees engaged in Department business activities at any time, either in a uniformed or plainclothes capacity, are considered on duty and shall not display tattoo(s) and/or branding(s) consistent with this policy. This includes activities such as, but not limited to, court appearances, attendance at administrative hearings or business meetings, as well as working off-duty in uniform.

**Exception:** Sworn officers working in an undercover assignment or participating in a training at which they are authorized to wear plainclothes are **exempt** from this policy.

**Supervisors and Commanding Officer's Responsibility.** Supervisors and commanding officers shall ensure that sworn Department employees comply with these standards. When a sworn employee fails to comply with these standards, supervisors and commanding officers shall ensure that corrective action is taken.

**605.95 EXCEPTION TO UNIFORM AND GROOMING STANDARDS AS A RELIGIOUS ACCOMMODATION.** Employees may request an exemption from the Department's uniform and grooming standards when a need exists due to a sincerely-held religious belief and/or practice, and such exemption does not prevent the employee from fulfilling all of their regularly assigned job duties. Examples of such exemptions may include head coverings, clothing items, objects, symbols, hair and grooming standards (such as beards), and other items of dress. Items of dress shall be a color that closely resembles that of the employee's assigned uniform.

The Department may allow a uniform and/or grooming standard exemption when the exemption does not pose a safety hazard to the employee or others, does not interfere with the donning of any safety or other equipment (e.g., ballistic helmet, respirator mask, sam browne), does not inhibit the visual identification of the employee and/or Department (e.g., employee name plate, badge, ballistic helmet serial no. patch), nor pose any other undue hardship for the Department.

**Note:** If the uniform or grooming standard exemption precludes an employee from donning their ballistic helmet or respirator mask, the religious item or hair grooming standard shall be removed and/or remedied in order to do so. The employee shall remove/remedy the uniform and/or grooming standard without delay so as not to pose a safety risk to the employee or others.

Requests for uniform and/or grooming standard exemptions shall be made by submitting a Los Angeles Police Department Employee Request for Reasonable Accommodation Religious Exemption Request (Uniform and Grooming Standards) Form (Exemption Request Form) (available on E-Forms on the Department's Local Area Network), through the employee's chain of command, to Training Bureau, the Diversity, Equity and Inclusion

Officer (DEIO), the Office of Constitutional Policing and Policy, and lastly to Personnel Division to sign and file into the Employee's personnel package. The Exemption Request Form shall fully describe the employee's current job duties as well as the uniform exemption item and/or grooming deviation. The Exemption Request Form shall also include any documentation and/or attachments that support the employee's sincerely-held religious belief.

Should the exemption request be denied, sworn employees may request a Dispute Resolutions Committee (DRC) in writing via an Employee's Report, Form 15.07.00, to Employee Relations Group, along with any additional information supporting the exemption request. For sworn employees, Employee Relations Group shall convene a DRC to review the employee's request. The burden of proof for the uniform and/or grooming standard exemption shall be the responsibility of the requesting employee to prove why the exemption is necessary. The decision made by the DRC shall be binding and cannot be appealed.

Civilian employees may also submit an Employee's Report should their request be denied; however, the final approval authority for the uniform and/or grooming standard shall lie with the Chief of Police and shall not be grievable.

The employee shall be notified of the approval or denial of the exemption within ten business days from the date that the exemption request is received by the DEIO. If extenuating circumstances exist that preclude the final decision from being made within ten business days, the employee shall be advised of the delay and apprised of the status prior to the ten day deadline. A copy of the approved/denied Exemption Request Form and Employee's Report (if applicable) shall be kept in the employee's Area/divisional personnel package.

If a uniform and/or grooming standard exemption is granted, the exemption shall apply to the employee's court appearances and uniformed, plain clothes, administrative, or other assignments, so long as the exemption does not prevent the employee from fulfilling all of their regularly assigned job duties.

**Note:** Should an exemption be granted and the employee subsequently changes job assignments, a new request shall be submitted and approved by all appropriate entities prior to the employee exercising the uniform and/or grooming standard exemption.

## **606. WEARING OF UNIFORM.**

**606.10 WHO SHALL WEAR UNIFORM.** All employees regardless of rank shall wear the prescribed uniform and personal equipment during their tours of duty.

**606.15 OFF - DUTY WEARING OF THE UNIFORM.** Department personnel shall not wear a Department approved uniform, while off duty, without obtaining prior approval from their commanding officer to represent the Department in the activity for which the uniform is being worn. Requests shall be made by submitting an Employees Report, Form 15.07.00, to their commanding officer.

Commanding officers shall review the circumstances of the request and, if the representation of the Department that is signified by the wearing of the uniform is determined to be in the best interest of the Department, approve the request.

**Note:** Personnel may wear their uniforms off-duty when commuting directly to and from work and at off-duty functions or employment for which the wearing of the uniform has been authorized by the Chief of Police.

Department personnel shall submit an Employee's Report and provide the commanding officer reasonable time to review such request. The commanding officer shall make efforts to approve or deny the Employee's Report

request within a reasonable time period. If, and only if, Department personnel submit an Employee's Report request 45 days prior to the activity for which he or she seeks to wear the uniform, and if the Department personnel has not received a response by 10 days prior to the activity, the Department personnel may submit an Employee's Report request to both the commanding officer and the commanding officer's supervisor.

The following list sets forth the activities for which no prior approval is needed to wear a Department approved uniform:

- Department Recruit Graduation;
- Department Reserve Officer Graduation; and,
- Department in the line of duty, law enforcement officer funerals (as defined in Department Manual Section 3/797.60).

All other activities require approval, as specified above, before wearing a Department uniform off-duty.

**606.20 EXEMPTIONS TO WEARING UNIFORMS.** The following officers are exempted from wearing the prescribed uniform (Manual Section 3/606.10):

- Chief of Police;
- Staff officers;
- Command officers; and,
- Undercover and plainclothes assignment officers.

**Special Exemptions.** When the wearing of a uniform is not practical because of work conditions, and when prior exemption has been granted by the Chief of Police, certain officers may be exempted from wearing the prescribed uniform.

**606.30 REQUESTS FOR UNIFORM EXEMPTIONS.** Requests for permission to be exempted from wearing the prescribed uniform shall be made, through channels, to the Director, Office of Support Services.

**606.40 MIXED CLOTHING.** Employees shall wear only the uniform specified for their particular rank and assignment. Civilian clothing shall not be worn with any distinguishable part of the uniform when in public view.

**606.60 RETENTION OF PRESENT UNIFORM.** Unless otherwise specified by the Chief of Police, employees presently possessing uniforms which met specifications as to color, style, and fit, in effect at the time of purchase, may wear them as long as they are fully serviceable and acceptable in appearance.

## **607. UNIFORMS AND EQUIPMENT CITY ISSUED.**

**607.10 CONTRACT PROVISIONS OFFICERS' RESPONSIBILITY.** Ownership of uniforms and equipment, provided for recruit officers at City expense, is retained by the City for varying lengths of time (Manual Sections 3/376.10 and 3/376.15). Such time shall be computed from the officers date of appointment. Officers shall comply with contract provisions specified on the Form 01.41.00.

**607.20 MAINTENANCE AND REPLACEMENT.** Officers shall be responsible for the maintenance and replacement of issued items (Manual Section 3/376).

- Items shall not be altered. Uniforms may be tailored to provide proper fit;

- Loss or theft of an issued firearm, handcuffs, badge, helmet, helmet bag, nameplate, cap device, or identification card shall be reported on the appropriate report; and,
- City ownership periods for replacement items shall remain computed from the officer's date of appointment.

**607.30 RETURNING CITY - OWNED PROPERTY.** An employee shall return all City-owned property in his/her possession under the following circumstances:

**Resignation or Termination.** An employee who resigns or is terminated from the Department shall deliver all City-owned property in his/her possession to his/her immediate supervisor.

**Exception:** Any supervisor may take possession of City-owned property from a terminated or separated employee when circumstances indicate that it would be in the best interest of the Department.

Property obtained from an employee who is terminated or has resigned shall be reported to Personnel Division via teletype and forwarded to the proper division as follows:

- Badge, identification card, cap piece, buttons, and call box key to Personnel Division;
- Firearm and handcuffs to the Ordnance Unit, Training Division; and,
- All other items to Supply Section.

**Death.** Upon the death of a Department employee, Employee Assistance Unit, Behavioral Science Services, shall retrieve City-owned property issued to the deceased (Manual Section 2/390.10).

**Leave of Absence.** An employee granted a leave of absence without pay that exceeds thirty days, but is less than one year, shall, prior to the effective date of the leave, surrender all City-owned property in the employees possession to his or her immediate supervisor, who shall ensure that all City-owned property in the possession of the employee is surrendered and held for safe-keeping pending the return of the employee.

An employee granted a leave of absence without pay of one year or longer shall, prior to the effective date of the leave, surrender all City-owned property in his or her possession, except uniforms, to Personnel Division. Personnel Division shall hold the employee's badge and identification card pending the return of the employee. All other equipment shall be forwarded to the appropriate division for reissuance. The surrender of the City-owned property shall be recorded on the employee's Individual Uniform and Equipment Issue Record, Form 01.41.00.

**Military Leave.** A sworn employee, or civilian employee issued a badge (e.g., detention officer), who has been granted military leave in excess of thirty days, may retain all City-owned equipment, including their badge and Department identification card.

**Relief From Duty.** An employee who is relieved from duty shall surrender all City-owned property in his/her possession to the officer executing the order of relief from duty. The officer executing the order shall ensure that all City-owned property is delivered to the employee's commanding officer for safekeeping.

**Inactive Duty.** A commanding officer who assigns an employee to inactive duty shall, when circumstances indicate it to be necessary, obtain all City-owned property in the possession of the employee. The employee's commanding officer shall cause the property to be held for safekeeping.

Each commanding officer shall provide a secure storage area for the safekeeping of City-owned property surrendered by employees who have been suspended, relieved from duty, assigned to inactive duty, or granted

extended leaves of absence without pay (exceeding thirty days but less than one year). When an employee resigns or is terminated, property returned by the employee shall be forwarded to the appropriate division.

## **608. UNIFORM AND EQUIPMENT (DEALERS AND DEPARTMENT-ISSUED).**

**608.10 LISTED DEALERS.** A listing of the names and addresses of the authorized uniform and equipment dealers shall be distributed semi-annually by the Chairperson, Uniform and Equipment Committee, to all Department personnel, the City Purchasing Agent, and each authorized dealer.

**608.20 LISTED DEALER DESIGNATION.** A person or an organization desiring a designation as a listed dealer in uniform and/or equipment may address a letter to the Chief of Police stating that fact. The Uniform and Equipment Committee representative shall inspect the dealer's premises and submit a report to the Chairperson, Uniform and Equipment Committee. The Chairperson, Uniform and Equipment Committee, shall determine whether the dealer's facilities meet Department standards. Those dealers having satisfied Department standards may be designated as listed dealer's and shall be furnished a copy of the Department Uniform and Equipment Specifications Manual.

**608.30 DEALERS GUARANTEE.** Each dealer requesting designation as a listed dealer must have a written guarantee on file with the Chairperson, Uniform and Equipment Committee, which specifies that the dealer will fully comply with the procedures set forth in the Department's Uniform and Equipment Quality Control Program. The guarantee must contain the dealer's agreement to readily refund to the buyer the entire purchase price of any article of uniform or equipment which is substandard or is not made in strict accordance with the Department specifications in effect at the time of purchase.

**608.50 UNIFORM AND EQUIPMENT COMPLAINTS AND RECOMMENDATIONS.** An employee desiring to register a complaint regarding an item of his or her uniform or equipment purchased from a listed dealer or issued by the Department shall incorporate the information in an Employee's Report, Form 15.07.00, directed to the Chairperson, Uniform and Equipment Committee, in care of the Department Uniform and Equipment Coordinator, Training Bureau (TRB).

An employee should also follow this same procedure in order to recommend to the Department new uniforms, uniform items, and/or equipment that already meets Department specifications and does not require a product evaluation. If a product evaluation is deemed to be necessary by either the employee recommending the item, or by the Department Uniform and Equipment Coordinator, then Department Manual Section 3/270.10 shall be followed.

**608.60 WITHDRAWAL OF LISTED DEALER DESIGNATION.** The Uniform and Equipment Committee may recommend to the Chief of Police that the designation of a merchant as a listed dealer be withdrawn for cause. Following such a recommendation by the Uniform and Equipment Committee and with the approval of the Chief of Police, the name of the merchant shall be withdrawn from the roster of listed dealers.

## **609. NEWLY ACQUIRED EQUIPMENT.**

**609.10 WATCH COMMANDER'S APPROVAL.** Employees shall submit new uniform and equipment articles to their watch supervisors, who shall determine by inspection whether the articles meet Department specifications and are properly fitted.

## **610. FIREARMS.**

**610.10 POSSESSION REQUIRED.** Every officer shall possess an authorized firearm.

**610.11 AUTHORIZED HANDGUNS AND AMMUNITION.** Except when taking a firearm or ammunition into police custody, officers shall not possess on City property, in a City vehicle, in a privately-owned vehicle parked on City property, or at any time while on duty, any firearm or ammunition which has not been approved by the Department.

Off-duty officers who carry a concealed handgun pursuant to their employment as a Los Angeles Police officer shall carry only handguns and ammunition which have been authorized by the Department for on-duty use.

**610.13 COMPACT SEMIAUTOMATIC PISTOLS USED AS A PRIMARY WEAPON.** Officers that are assigned to plainclothes or undercover assignments, such as detectives, staff personnel, specialized unit members, etc., may carry as their primary weapon a Department approved compact semiautomatic pistol while assigned to a temporary uniformed assignment. The concerned officers shall carry the appropriate ammunition, magazines, magazine pouch, and holster for uniformed officers.

**610.15 CITY - OWNED REVOLVERS.** Officers who have been furnished a City-owned revolver may carry that revolver while on-duty as their primary weapon.

**Note:** Officers who possess a *City-owned* six-inch revolver may, at their own expense, have the barrel cut to four inches by the Department Armorer. The Department Armorer shall maintain sole responsibility for any mechanical repair or alteration of City-owned firearms, including removal of the side plates or modification of the original finish.

**610.17 DEPLOYMENT OF THE PATROL RIFLE.** Only personnel who are Patrol Rifle trained and certified are authorized to deploy the Patrol Rifle in the field.

**610.19 PURCHASE OF FIREARMS BY SWORN OFFICERS.** When a full-time paid peace officer(s) requests to purchase an **authorized** on-duty or off-duty firearm without waiting the normal 10-day waiting period, Area/division commanding officers (CO) may authorize a Firearms Purchase Waiver Letter (waiver letter). This waiver letter will allow officers to take possession of purchased firearms immediately, without waiting the 10-days required of purchasers who are part of the general public. The waiver letter must be completed, scanned, and emailed to their CO. When requesting to purchase a controlled weapon, such as an assault weapon as defined by the California Department of Justice, only the Chief of Police (COP) or his or her designee may sign the state mandated forms and waiver letter. Bureau and divisional CO's are specifically prohibited from approving the private purchase of controlled weapons.

Any officer who has difficulty in securing the release of a firearm from a gun dealer prior to the normal 10-day waiting period after a waiver letter has been issued, must **not** insist upon the early release of the weapon. When appropriate, the officer must contact and be guided by the direction of his or her CO who may, at his or her discretion, refer the dealer to the Gun Unit, Gang and Narcotics Division.

**Officer's Responsibilities.** Officers requesting a 10-day waiver letter to purchase an **authorized** on-duty or off-duty firearm must request and obtain authorization from his or her CO. Officers must indicate the name and address of the business where the firearm will be purchased and a complete description of the firearm to be purchased including the type, make, model, barrel length, finish, capacity and caliber. The firearm must be on the Department's Approved Firearms list maintained by the Firearms Training Unit (FTU), Training Division.

Officers requesting to purchase a patrol rifle must obtain approval and/or waiver letters from the Director, Office of Support Services (OSS), who is authorized by the COP to approve the private purchase of a patrol rifle.



**Commanding Officer's Responsibilities.** Upon receipt of a request of a 10-day waiting period waiver letter, the CO will either authorize or deny the request. The CO's authorization also certifies that the officer is not prohibited from possessing a firearm (e.g., domestic violence conviction, subject to a court order, Welfare and Institutions Code Section 5150, narcotics user). The CO shall sign the waiver letter, and scan and email it to the director, OSS, via the waiver letter contact person designated by the Director, OSS. The Director, OSS, will approve or deny the letter and if applicable, forward it to the COP for final approval. Once approved, the letter shall be returned to the applicant.

**Note:** A separate waiver letter shall be completed for each firearm.

Commanding Officers are to direct all requests for the purchase of patrol rifles to the Director, OSS, who is authorized by the Chief of Police to approve the private purchase of patrol rifles.

**Note:** In compliance with the Bureau of Criminal Information and Analysis, California Department of Justice, the Department is **prohibited** from using the California Law Enforcement Telecommunications System to access State summary criminal history information to determine if an officer is prohibited from possessing a firearm(s)

**610.20 INSPECTION AND REGISTRATION OF ALL FIREARMS.** All firearms to be carried by Department personnel, while on or off duty based on their employment status as peace officers (herein referred to as officers) shall be verified by the Department Armory, and may include the following:

- **Primary Firearm.** A primary firearm is a Department owned and issued firearm which officers are **required** to maintain while employed as officers for the City of Los Angeles; and,
- **Back-up or Additional Firearm.** A back-up or additional firearm is a Department approved firearm that officers may purchase and carry, on duty or off duty, based upon their employment status as peace officers. All back-up or additional firearms are subject to Department approval and must be presented to the Department armory for inspection, verification and entry into the Department's electronic Firearms Inventory Tracking System (FITS).

Prior to carrying a privately-owned firearm on or off-duty, while performing duties based upon their peace officer status, the officers shall present the firearm to the Department Armory for inspection and verification.

**Officer's Responsibilities.** Officers are responsible for the following:

- Upon acquiring ownership of a firearm falling under this provision, present the firearm to the Department Armory for inspection, verification, and if approved, entry of the information into the FITS; or,
- When relinquishing ownership of a firearm (i.e., the transfer or sale of a firearm) falling under this provision, the officer shall notify the Department Armory either in person or telephonically.

**Department Armory's-Responsibility.** The Department Armory shall:

- Inspect, verify and document approval of the firearm utilizing the FITS;
- Maintain the information pertaining to firearm(s) falling under this provision within the FITS until the officer is separated from the Department; and,
- Discontinue adding the separated officer's firearm(s) inspection and approval information into the FITS.

**Note:** Separated officer's firearm(s) inspection and approval information is archived in the FITS.

**610.25 MANUALLY COCKING AND FIRING THE DOUBLE - ACTION SEMI-AUTOMATIC PISTOL.** Unless conditions warrant, officers should not manually thumb-cock their double-action semi-automatic pistol or Department authorized weapon to single-action prior to shooting. However, when an officer is confronted with an immediate defense of life (IDOL) situation where the use of lethal force is reasonable and the officer intends to shoot, and precision shot placement is necessary to immediately stop a deadly threat in the safest manner possible for all involved parties, the involved officer may manually thumb-cock his/her semi-automatic pistol to single-action prior to taking the first shot.

**Note:** Officers are reminded to keep their trigger finger along the frame of the firearm when performing a manual thumb-cock or when de-cocking the firearm. Officers shall not place their finger on the trigger of the firearm until their sights are aligned on the target and they intend to shoot.

Officers manually thumb-cocking a firearm to single-action shall consider the extent of the threat being faced and the requisite need for a precision shot. In addition, officers shall consider their marksmanship abilities, the movement of the target, and the likelihood of successfully ending the threat prior to firing the weapon.

**Note:** When the involved officer has determined that the immediate necessity to fire no longer exists, he/she should immediately de-cock the semi-automatic pistol from a single-action to a double-action trigger press.

**This does not revise the Department's Use of Deadly Force policy. Officer's actions when faced with a Use of Deadly Force situation shall be guided by Department Manual Section 1/556.40**

**610.30 RE - APPROVAL OF FIREARMS.** Each officer shall ensure that any mechanical repair or modification of a *privately-owned* firearm which the officer intends to carry in his/her capacity as a peace officer, *either on or off-duty*, is inspected and approved by the Department Armorer. The officer shall secure such approval, and shall cause the repair or modification to be recorded by the Department Armorer, *prior* to carrying the firearm on his/her person, either as a primary or supplementary weapon.

Additionally, a firearm shall be resubmitted to the Department Armorer for inspection and approval before such weapon is carried on-duty when:

- Directed by a supervisory officer;
- It has been stripped and reassembled;
- There is reason to believe that the safety device designed by the manufacturer has been rendered ineffective; and,
- It is functioning improperly.

Mechanically unsafe firearms shall not be knowingly carried on-duty. A firearm discharged accidentally due to an evidently defective safety device, or for any other apparent mechanical defeat, shall be presumed to be an unsafe weapon carried in violation of this section.

**610.40 MAINTENANCE OF FIREARMS.** Firearms carried on-duty shall be maintained in a clean, serviceable condition.

**610.45 FIREARM EXPLOSIONS.** When a Department-approved firearm explodes, all recoverable pieces of the firearm and the ammunition used shall be forwarded to the Commanding Officer, Forensic Science Division, for examination. All facts concerning the explosion shall be reported by the concerned employee on an Employee's Report, Form 15.07.00, and forwarded to the Commanding Officer, Forensic Science Division. This report shall include:

- Make, model, caliber, serial number, and barrel length of firearm;
- Date and source of firearm purchase;
- An estimate of the total number of rounds fired through the firearm; and,
- An accurate description and source of the ammunition used in the firearm at the time of the explosion.

Witnesses to the explosion shall submit their observations on separate Employee's Report, Form 15.07.00, to the Commanding Officer, Forensic Science Division. One copy of each report shall be forwarded to the Commanding Officer, Training Division.

**Commanding Officer, Forensic Science Division-Duties.** The Commanding Officer, Forensic Science Division, shall cause the concerned firearm and ammunition to be examined. He/she shall submit an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Training Division, stating his/her opinion of the cause of the explosion.

**610.50 UNIFORMED OFFICERS - REQUIRED FIREARMS.** Personnel on-duty, in uniform, shall carry an approved primary firearm in the uniform holster attached to the equipment belt.

**Exception:** Uniformed personnel in an assignment that does not involve physical contact with the public may carry a firearm that meets the specifications of a back-up or off-duty firearm, as their primary firearm, with prior approval of the concerned commanding officer.

**610.60 PLAINCLOTHES ASSIGNMENT – REQUIRED FIREARMS.** On-duty officers in a plainclothes assignment shall carry an approved primary firearm in a holster specifically designed for that firearm and securely attached to the officer.

**Exception:** Plainclothes officers in staff assignments or assignments that do not involve physical contact with the public in field situations may carry a firearm, in a holster, that meets the specifications for a back-up or off-duty firearm, as their primary firearm, with prior approval of their bureau commanding officer.

**610.67 FIREARMS - SPECIALIZED DUTY ASSIGNMENTS.** Officers assigned to specialized duty assignments may carry firearms other than those defined as primary or back-up firearms provided the following:

- The firearm is consistent with their specialized duty assignment;
- Approval is obtained from the officer's commanding officer;
- If the officer changes his or her assignment, they shall obtain approval from the employee's new commanding officer to carry the firearm; and,
- If the firearm is personally owned, the officer shall comply with presenting the firearm to the Department Armory for inspection, verification, and if approved, entry of the information into the Firearm Inventory Tracking System.

**Commanding Officer's Responsibilities.** The Commanding Officer of the requesting officer shall forward an Intradepartmental Correspondence, Form 15.02.00, address to the Commanding Officer, In-Service Training Division, with justification for carrying a specific firearm other than or in addition to the Department approved primary or back-up firearm. In-Service Training Division will work in conjunction with the requesting officer's chain of commanding during the approval process,

**Note:** A specialized duty assignment may include, but is not limited to, Detective Support and vice Division, Robbery-Homicide Division, Metropolitan Division, etc.

**610.70 BACK - UP OR CONCEALED OFF-DUTY FIREARMS.** An officer carrying a back-up firearm on-duty, and officers carrying a firearm off-duty, shall ensure that the firearm conforms to the specifications and regulations set forth by the Department.

**Note:** Questions regarding approved firearms should be directed to the Department Armorer or the Uniform and Equipment Specifications Manual.

**610.90 HOLSTERING A BACK-UP OR CONCEALED OFF - DUTY FIREARM.** An on-duty officer carrying a back-up firearm or an officer carrying a firearm off-duty shall carry the firearm in a secured manner. The firearm shall be **concealed** and contained in such a manner as to prevent the firearm from falling out or becoming accessible to unauthorized persons when engaged in physical police activities such as a foot pursuit or physical altercation. The firearm shall be carried inside of a holster that is specifically designed for the make, model, and caliber of the firearm and shall cover the firearm's trigger and trigger guard. If the firearm is secured in a pocket, it shall be secured in a holster, and no other items shall be carried in that same pocket to ensure immediate and unhindered access to the firearm. Additionally, an approved firearm with a shrouded or internal hammer is preferable for carrying in a pocket, as a firearm with an exposed hammer spur is more likely to become snagged on clothing when being withdrawn from an officer's pocket.

**Note:** When an off-duty officer carries a firearm in his or her waistband, the firearm shall be secured in a holster that is specifically designed for that firearm and the holster shall be securely attached to the waistband or belt.

**Exception:** A commanding officer may exempt an officer from these requirements when the nature or tactical requirements of a particular duty assignment require such an exemption.

**610.92 FIREARM(S) CARRIED IN A CONTAINER.** An on-duty officer may carry a back-up firearm or an off-duty officer may carry a concealed firearm in a container that is **immediately** accessible to and under the control of the officer. Such a container may include, but is not limited to, a briefcase, fanny pack, backpack, or purse. Unless the container is specifically designed to carry the firearm, the firearm shall be placed in a holster specifically designed for the firearm which covers the firearm's trigger and trigger guard, before it is secured in the container.

**610.93 PROHIBITION OF ALCOHOL IMPAIRMENT WHEN CARRYING OR HANDLING FIREARMS OFF-DUTY.** Sworn personnel carrying or handling any firearm while off-duty shall not consume alcoholic beverages to the extent in which it causes impairment. In addition, sworn personnel shall not be impaired when carrying or handling any firearm.

For the evaluation of impairment, only those personnel who exhibit objective symptoms of being under the influence of alcohol, or where there is reasonable and articulable suspicion that the employee has consumed an alcoholic beverage, shall be required to submit to testing.

Should a sworn employee be required to test for impairment, a blood alcohol content of 0.04 or above shall be a violation of this policy. The Department will comply with all aspects of the current Department policy and agreement in MOU 24 regarding substance testing.

**610.95 LOADING AND UNLOADING REVOLVERS AND SEMIAUTOMATIC PISTOLS UTILIZING THE DEPARTMENTAL LOADING/UNLOADING BARREL.** The Departmental Loading/Unloading Barrel is designed to prevent injuries resulting from accidental discharges while loading and unloading revolvers and semiautomatic pistols. Therefore, personnel loading or unloading a revolver or semiautomatic pistol shall use, and follow the applicable instructions posted on, available Departmental barrels.

**610.97 FIREARMS USED FOR TRAINING – COLOR-CODING.** The sling of a firearm used for training will not be required to be color-coded. Firearms that have been disabled and unable to fire any type of ammunition shall be color-coded orange or red.

Firearms shall only be color-coded by the Firearms Training Unit, Training Division. Color-coding shall be applied to the stock (grip) of the firearm or as needed to the slide handle of a shotgun, the hand guard of a rifle, or other portions of the firearm such as the barrel. Color-coding shall be applied as follows:

- **Yellow:** A modified firearm capable of firing only blank rounds;
- **Blue:** A modified firearm capable of firing only paintball or paint-type rounds;
- **Orange/Red:** A firearm disabled and unable to fire any type of ammunition;
- **Green:** Less-lethal weapons such as the beanbag shotgun; and,
- **No color-code:** Firearms capable of firing live ammunition.

**Area/Division Training Coordinator’s Responsibility.** Training coordinators shall conduct training in accordance with established Training Division procedures. In addition, coordinators shall:

- Ensure that firearms obtained for training are forwarded to the Firearms Training Unit, Training Division, for color-coding, modification, and approval as training firearms;
- Only utilize firearms that have been color-coded and approved as training firearms by the Firearms Training Unit, Training Division; and,
- Maintain a repository of training firearms.

**Training Division’s Responsibility.** The Firearms Training Unit, Training Division, shall coordinate with Area/division training coordinators to color-code, modify, inspect, and approve all existing and newly acquired firearms used for training. Additionally, the Firearms Training Unit, Training Division, shall provide support and advice to entities conducting firearms/tactics training.

**Area/Division Commanding Officer’s Responsibility.** Commanding officers shall ensure that training is conducted in accordance with established Training Division procedures. Commanding officers shall also ensure that firearms utilized have been color-coded, modified as necessary, and approved for training by the Firearms Training Unit, Training Division.

## **611. AMMUNITION**

**611.25 LOST OR UNSERVICEABLE CONDITION OF DEPARTMENT AMMUNITION.** Officers shall report the loss or unserviceable condition of their Department approved ammunition to their supervisor immediately.

### **611.30 REQUIRED AMMUNITION FOR PRIMARY WEAPON - UNIFORMED OFFICERS.**

**Revolver.** The service revolver shall be carried fully loaded by uniformed officers assigned to field duty. In addition, uniformed officers in field assignments shall carry a minimum of 12 rounds in the cartridge case.

**Semiautomatic Pistol.** Uniformed officers shall carry their primary semiautomatic pistol (and magazine) **fully loaded** at all times when assigned to field duty. In addition, uniformed officers in field assignments shall carry as a **minimum** for their primary semiautomatic pistol **two fully loaded** reserve magazines in the magazine pouch.

**Exception:** Uniformed personnel who carry a primary semiautomatic pistol or an authorized additional semiautomatic pistol as a primary weapon in an assignment that does not involve physical contact with the public or does not require the wearing of the Police Equipment Belt shall carry as a **minimum one fully loaded** magazine in a magazine pouch worn on the belt or shoulder holster strap.

#### **611.40 REQUIRED AMMUNITION FOR PRIMARY WEAPON -PLAINCLOTHES OFFICERS.**

**Revolver.** Plainclothes officers shall carry their revolver fully loaded at all times. In addition, they shall carry a minimum of six rounds of ammunition in a cartridge carrier worn on the belt or shoulder holster strap.

**Semiautomatic Pistol.** Plainclothes officers shall carry their primary semiautomatic pistol (and magazine) **fully loaded** at all times. In addition, they shall carry as a **minimum** for their primary semiautomatic pistol **one fully loaded** magazine in a magazine pouch worn on the belt or shoulder holster strap.

**Exception:** At the discretion of their commanding officer, undercover officers and "Special Duties officers" may be exempted from Department Manual provisions pertaining to handguns, ammunition, and related equipment (Manual Section 3/610.67).

**611.50 ADDITIONAL AMMUNITION.** In addition to the required ammunition carried on the person, uniformed and plainclothes officers shall be encouraged by their supervisors to carry extra ammunition. When worn on the Police Equipment Belt, the **supplemental** ammunition pouch/case shall be worn immediately behind the holster; when worn with an additional handcuff case, the **supplemental** ammunition pouch/case shall be worn centered between the handcuff cases. Additional fully-loaded magazines or cartridge cases may also be carried concealed upon the officer. Officers are urged to carry extra ammunition on their persons when off-duty. All Department-issued ammunition not carried on the person shall be maintained in a personal locker or other readily accessible location.

**611.60 DEPLOYMENT OF SLUG AMMUNITION.** Only personnel who are trained and certified using Slug Ammunition are authorized to carry Slug Ammunition in the field and deploy it for use.

#### **614. BASIC UNIFORM - POLICE OFFICERS ELIGIBLE FOR UNRESTRICTED FIELD DUTY.**

**614.10 BASIC UNIFORM REQUIREMENTS.** The items named in this section shall constitute the basic uniform for police officers who are eligible for field duty.

**Note:** The basic uniform shall also be worn by motorcycle officers when temporarily assigned to duties other than two-wheeled motorcycle patrol.

**Exception:** Police officers ineligible for field duty shall wear the basic uniform or appropriate business attire. The maternity uniform has been approved for pregnant officers and is outlined in Manual Section 3/640. Any other exception shall be approved by the employee's commanding officer.

**614.20 CAP (HAT).** Patrol officers, while on-duty, shall ensure that their uniform hat is serviceable and available either at their division of assignment or in their assigned vehicle.

**Exception:** Officers assigned to traffic divisions shall ensure that their uniform hat is available in the passenger compartment of their assigned vehicle and shall wear their hats when directing traffic.

The wearing of the uniform hat is mandatory for all officers:

- When an officer is working an assigned footbeat;
- When an officer is working an assignment in which the primary function is crowd control (e.g., parades, Coliseum events, etc.);
- At inspections, ceremonies, funerals and other appropriate formal events;
- As determined by the officer in charge in those situations in which immediate recognition is necessary for officer safety; and,
- As determined by commanding officers when circumstances are such that the wearing of the hat is appropriate.

**Note:** Officers shall wear the Department-issued motorcycle officer's helmet when operating a two-or three-wheel motorcycle.

**614.30 SHIRT.** Shall be the long sleeve uniform shirt.

**614.35 BADGE.** When in uniform, officers shall wear the official badge currently issued to them. The badge shall be attached to the badge holder provided on the outermost garment and shall be clearly visible at all times.

**614.40 TIE.** The tie worn with the uniform shirt shall be a double windsor "reditied" knot with a bendover metal clip allowing a "breakaway" feature when worn.

**Note:** The officer in charge of a detail where a civil disturbance is in progress, or where it may be reasonably expected that one may ensue, may instruct officers under his or her command to remove their neckties.

**614.45 RAIN CLOTHING.** Rain clothing shall be worn during such times as officers may be exposed to inclement weather. It shall consist of the following:

- Hood; and,
- Coat or cape.

**614.50 TROUSERS.**

**Note:** Officers assigned to two-wheeled motorcycle duty shall wear the prescribed breeches in lieu of trousers.

**614.60 POLICE EQUIPMENT BELT.** The Police Equipment Belt shall be worn complete with the equipment specified in Manual Section 3/622.

**614.65 TROUSERS BELT.**

**614.90 SHOES.** The authorized footwear shall be one of the following:

**SHOES.** Shall be center laced style, plain tip toe. It shall be black with a smooth finish.

**BOOTS.** Shall be center laced, side-laced or zipped type with a leather top material. It shall be black with a plain tip toe. The heels shall not exceed one inch.

**Note:** Officers assigned to two-wheeled motorcycle duty shall wear the prescribed boots in lieu of shoes.

**614.95 SOCKS.** Shall be solid black or midnight blue without fancy design.

## **615. OPTIONAL UNIFORM - POLICE OFFICERS ELIGIBLE FOR UNRESTRICTED FIELD DUTY.**

**615.05 COLD WEATHER CAP.** The Polartec Classic Micro Cap, black in color, may be worn by Department personnel in Class "A" or "C" uniform in conjunction with a Department approved jacket or with the utility uniform. The cold weather cap may not be worn while attending formal events such as, but not limited to, recruit graduations, funerals, and award ceremonies.

**615.10 OPTIONAL UNIFORM REQUIREMENTS.** The Department has three classifications of duty uniforms. They are the Class A, Class B, Class C uniforms.

The three classifications of approved Department uniforms are as follows:

- Class A uniform – long sleeve shirt with banded collar and tie;
- Class B uniform (optional) – long sleeve shirt with sport collar (lay flat style) and no tie, with a white crew or white V-neck, or a black crew neck T-shirt; or,
- Class C uniform (optional) – short sleeve shirt with sport collar and no tie, with white crew or white V-neck T-shirt.

**Note:** A black t-shirt with a round crew neck collar is **only** authorized for use with the Class C uniform by members of Metropolitan Division Mounted Platoon. At no time shall the use of a black crew neck T-shirt be authorized for use by any other Department personnel when in the Class C uniform.

Officers shall wear the Class A uniform, with long sleeves, a tie, and a cap, for special events or when the Area/divisional commanding officer deems it appropriate.

**Note:** Officers may wear a uniform manufactured from the optional summer-weight or winter-weight material.

## **617. AIR SUPPORT DIVISION UNIFORM - POLICE OFFICERS**

**617.10 AIR SUPPORT DIVISION UNIFORM REQUIREMENTS.** The flying uniform for officers assigned to Air Support Division shall consist of:

- The green flight suit, as described in Sections 1D3 and 1D4 of the Uniform and Personal Equipment Specifications Manual, with Air Support Division emblems, as described in Section 1D5. Officers of the ranks of sergeant and above shall wear the prescribed rank insignia;
- Cap or, when airborne, helicopter helmet; and,
- Regulation boots.

Officers shall wear the flying uniform only when engaged in flying duties, or when performing related duties at the airport.

**Exception:** When directed by the Commanding Officer, Air Support Division, the basic uniform (Manual Section 3/614.) with Air Support Division emblems shall be worn.

## **618. INDOORS UNIFORM - POLICE OFFICERS.**

**618.10 OFFICE WEAR.** Officers engaged in uniformed work indoors may be exempted by their commanding officer from the provisions of all or part of the requirements of Manual Sections 3/614 and 3/621. However, officers on such indoors duty shall have the required equipment available for immediate use. Uniformed officers



detailed to station or office duty wherein the Police Equipment Belt is not worn shall wear the prescribed trousers belt.

## **619. JUMPSUIT/UTILITY UNIFORM-POLICE OFFICERS.**

**619.10 UNIFORM REQUIREMENTS.** The following uniforms are authorized for the use by on-duty personnel:

**Jumpsuit Uniform.** A two-piece flame and acid retardant, navy blue uniform consisting of a jacket and matching pants. Specifications for the navy blue jumpsuit are described in Section I-I31.1 and I-I31.2 of the Uniform and Personal Equipment Specifications Manual.

**Utility Uniform** A black, two piece uniform consisting of a shirt and matching pants. Specifications for the black two-piece utility uniform are described in Section I-F1.1 to 3.1 of the Uniform and Personal Equipment Specifications Manual.

**619.20 UNIFORM - AUTHORIZED USE.** On-duty personnel authorized to use the jumpsuit/utility uniform are specified in the Uniform and Personal Equipment Specifications Manual.

All other sworn personnel may purchase jumpsuits/utility uniforms as optional equipment, but may wear them *only* under the following conditions:

- During an unusual occurrence, with the approval of the field commander;
- During a search or vehicle inspection, which may result in soiled or damaged uniforms or clothing, with the approval of a supervisor; or,
- On an “as needed” basis, with approval of their bureau commanding officer.

**Note:** Jumpsuits/Utility uniforms shall be removed and employees shall return to the standard uniform or working attire immediately upon the termination of the unusual occurrence or incident that required the jumpsuit/utility uniform.

## **620. FATIGUE UNIFORM - POLICE OFFICERS.**

**620.10 FATIGUE UNIFORM REQUIREMENTS.** The items named in this section shall constitute the fatigue uniform. It shall be worn, at the direction of the commanding officer, when approved by the concerned bureau commanding officer, by those officers whose principal duties make the wearing of the service uniform impracticable.

**Note:** Specific exemptions from wearing the official cap, shoes, and socks may be made by the division commanding officers.

### **620.30 SHIRT.**

**620.31 SHORT - SLEEVE SHIRT.** The fatigue short sleeve shirt may be worn in accordance with the applicable provisions of Manual Section 3/615.10.

### **620.35 BADGE.**

### **620.50 TROUSERS.**

## **620.60 SHOES.**

## **620.70 SOCKS.**

## **620.80 TROUSERS BELT.**

## **621. FIELD EQUIPMENT - POLICE OFFICERS.**

**621.10 REQUIRED EQUIPMENT - UNIFORMED OFFICERS.** In addition to the basic uniform (Manual Section 3/614), officers assigned to uniformed field duty, a geographic Area front desk, or traffic division front desk-related duties, shall carry the following equipment:

- **Baton.** Officers using motorized equipment while on-duty shall carry their batons in a manner authorized by their commanding officer. The carrying of the baton by officers assigned to intersection traffic control shall be at the option of their commanding officer;
- **Electronic Control Device (TASER).** The authorized Electronic Control device shall be carried in a department approved holster that is on the support side of the duty belt in either a cross draw or support side draw position;
- **Hobble Restraint Device.** Exception for motorcycle officers, the hobble restraint device shall be carried on the key ring holder of the officer's equipment belt, in either sap pocket of the uniform trouser or in a Department approved carrying case. Motorcycle officers shall carry the hobble restraint device in a uniform pants pocket, or in a Department approved carrying case;
- **General Duty Helmets.** Uniformed officers while assigned in vehicles shall keep their general duty helmets in their helmet bags and stored in the vehicle's trunk. All other uniformed officers shall keep their helmets at locations convenient to their assignment. Officers shall store their helmets in their station lockers when off-duty or on plainclothes assignments;
- **Traffic Citation Books.** Both Traffic Notice to Appear and absentee citation books shall be carried;
- **Flashlight.** A flashlight shall be carried during the hours of darkness;
- **Handheld Radio;**
- **Field Officer's Notebook;**
- **Pen or Pencil;**
- **Street Guide Book;**
- **Handcuff Key;**
- **Whistle;** and,
- **Personal Protective Equipment Kit (Fire/Communicable Disease PPE Kit)** consisting of work gloves, nitrile gloves, goggles, and a N95 respirator mask.

**Note:** On-duty officers working a regular work shift and officers working "Cash Overtime Allotment for Scheduling and Timekeeping" (COAST) details, should have their Fire/Communicable Disease PPE Kit and General Duty Helmet readily available as part of their required patrol equipment, in the event they are needed for an unusual occurrence.

**621.20 OPTIONAL EQUIPMENT -UNIFORMED OFFICERS.** In addition to the equipment required (Manual Sections 3/614 and 3/621.10) the following items may be carried as the individual officer may desire:

- Disposable plastic handcuffs; and,
- Kubaton (sworn and civilian jail personnel only).

Sworn personnel may carry a knife with a blade length no longer than **four** inches. A knife or

utility tool may be carried, concealed or with only the clip present, when properly secured on the officer's person or on the duty belt inside a smooth black top-grain cowhide leather or comparable material case with a flap closure.

**Note:** A brown leather case may be utilized by officers assigned to plainclothes details. Officers assigned to specialized units may carry knives with longer blades and/or use other options for carrying a knife, when approved by their commanding officers for operational necessity.

**622. POLICE EQUIPMENT BELT - TYPE.** The following equipment belts are authorized by the department:

- **Police Equipment Belt – Sam Browne Type.** The Sam Browne type police equipment belt shall remain the authorized equipment belt for the Department and shall be issued to new sworn personnel.
- **Police equipment Belt – Velcro Type.** The use of the Velcro type equipment belt is optional and may be worn in lieu of the Sam Browne equipment belt.

**Note:** A nylon equipment belt (or its accessories) is **not** approved for Class A, B or C uniforms

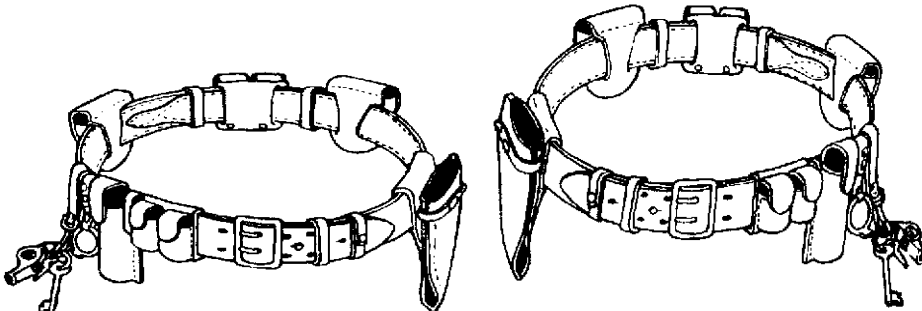
**622.10 POLICE EQUIPMENT BELT - REQUIRED EQUIPMENT.** The following equipment shall be worn with the Police Equipment Belt.

- **FIREARM HOLSTER.** The holster shall be worn on the side for which it was designed. The appropriate, Department approved firearm shall be carried in the holster.
- **FIREARM CARTRIDGE CASE.** The cartridge case shall be worn on the side opposite the holster and shall be centered on the belt between the belt buckle and the baton holder. Reserve ammunition shall be carried in a cartridge case.
- **ELECTRONIC CONTROL DEVICE HOLSTER.** The authorized Electronic Control Device shall be carried in a Department approved holster that is on the support side of the duty belt in either a cross draw or support side draw position.

**BATON HOLDERS.** Baton holders shall be worn on the belt in front of, and directly adjacent to, the key holder. The baton is carried in the baton holder ring or case.

**622.45 BATON - TYPE.** Uniformed officers and officers assigned to plainclothes assignments are authorized to carry and use the following batons:

- 24-inch side handle baton; or,
- Expandable Side Handle baton; or,
- Collapsible Baton.



**622.50 KEY HOLDER AND KEY RING.** The key holder is worn on the side opposite the firearm holster approximately equidistant between the handcuff and firearm cartridge cases. A key ring shall be carried on the key holder. A whistle and handcuff key shall be carried on the ring. No more than two other keys may be carried on the key holder.

**Exception:** Officers assigned to traffic details who are required to wear a key chain may carry the whistle on the key chain.

**622.55 CHEMICAL IRRITANT CONTROL DEVICE.** Uniformed field personnel shall carry the device in its holster on the equipment belt between the ammunition case and the baton holder.

**622.60 HANDCUFF CASE.** The handcuff case shall be worn centered over the hip pocket on the side opposite the holster. Regulation handcuffs shall be carried in the handcuff case.

**622.70 ADDITIONAL HANDCUFF CASE.** An additional handcuff case may be worn by uniformed officers and shall be worn centered over the hip pocket on the same side as the holster.

**622.80 TROUSERS BELT.** The prescribed trousers belt shall be worn under the Police Equipment Belt. It shall be adjusted so that no part other than the top edge is visible.

**622.90 ELECTRONIC CONTROL DEVICE.** The authorized Electronic Control Device shall be carried in a Department approved holster that is on the support side of the duty belt in either a cross draw or support side draw position.

## **624. ADDITIONAL CLOTHING - POLICE OFFICERS ELIGIBLE FOR UNRESTRICTED FIELD DUTY**

**624.10 JACKET.** The nylon waist-length field jacket, as described in Section 1A2 of the Uniform and Personal Equipment Specifications Manual shall be worn by uniformed officers when seasonal conditions require. **No other jacket is authorized to be worn.**

When officers choose to wear the field jacket, it shall be worn with either the long-sleeve shirt or optional short-sleeve shirt.

**Exception:** Officers assigned to two-wheel motorcycle duty are authorized to wear the leather field jacket.

**624.20 MOUNTED HORSE DETAIL UNIFORM.** The mounted horse detail uniform has been approved for officers assigned to the Mounted Platoon, Metropolitan Division. The uniform shall meet the specifications as prescribed in the Department Uniform and Personal Equipment Specifications Manual.

**624.30 DEPARTMENT BEACH DETAIL/BICYCLE PATROL UNIFORM.** The Beach Detail/Bicycle Patrol uniform has been approved for officers assigned to the Beach Detail or to Bicycle Patrol. The uniform shall meet the specifications as prescribed in the Department Uniform and Personal Equipment Specifications Manual.

## **626. UNIFORM ACCESSORIES – POLICE OFFICERS ELIGIBLE FOR UNRESTRICTED FIELD DUTY.**

**626.10 SCARF.** A navy-blue scarf may be worn only with the field jacket or the Air Support Division flying uniform.

**626.20 KEY CHAIN.** Only officers assigned to traffic detail shall wear the key chain. The purpose for the key chain is to extend the traffic whistle. The key chain and whistle shall be suspended from the right shoulder strap.

**626.30 TIE BAR.** All uniformed officers shall wear the prescribed tie bar. The tie bar shall be worn horizontally and level with the bottom points of the shirt pocket flaps.

**Note:** The Safe Riding Tie Bar may be worn by authorized officers assigned to two-wheel motorcycle duty.

## **627. PLAINCLOTHES EQUIPMENT-POLICE OFFICERS.**

**627.10 REQUIRED EQUIPMENT - PLAINCLOTHES ASSIGNMENT.** Officers, while on plainclothes assignment, shall carry the following equipment:

- Ammunition;
- Department badge;
- Department identification card;
- Handcuffs and key;
- Pen or Pencil; and,
- Department approved firearm.

**Exception:** Officers detailed to an undercover assignment wherein it is necessary to conceal their identity as officers may be excused by their commanding officers from the provisions of all or part of this section.

**627.20 OPTIONAL EQUIPMENT - PLAINCLOTHES ASSIGNMENT.** Officers, while on plainclothes assignment, may carry the following additional items of equipment:

- Hobble Restraint Device;
- Disposable plastic handcuffs; and,
- Eighteen inch side-handled baton.

**Note:** Prior to carrying the eighteen inch side-handled baton, officers shall complete an in-service training course which specifically covers its use.

- Collapsible baton;
- Chemical Irritant Control Device;
- Flashlight; and,
- Street Guide book.

Sworn personnel may carry a knife with a blade length no longer than **four** inches. A knife or utility tool may be carried, concealed or with only the clip present, when properly secured on the officer's person or on the duty belt inside a smooth black top-grain cowhide leather or comparable material case with a flap closure.

**Note:** A brown leather case may be utilized by officers assigned to plainclothes details. Officers assigned to specialized units may carry knives with longer blades and/or use other options for carrying a knife, when approved by their commanding officers for operational necessity.

**627.30 RAID JACKETS.** The Department issued raid jackets shall only be worn by on-duty officers while serving search and arrest warrants and in those situations where the identification of the officer would be desirable. When a discreet approach is warranted, the wearing of the raid jacket may be waived by the

commanding officer or section officer in charge of the operation. Use of the jacket is limited to on-duty plainclothes officers.

Raid jackets are strictly for identifying undercover or plainclothes officers during tactical situations and shall not be worn as a quasi-uniform. Specialized uniforms or other garments depicting Department affiliation, not approved by the Uniform and Equipment Committee, are not authorized and shall not be worn.

**Note:** Department raid jackets or pants made of denim material do not constitute proper business attire.

## **628. BODY ARMOR**

**628.10 ISSUANCE AND RETURN - COMMANDING OFFICER RESPONSIBILITIES.** Each commanding officer shall:

- Designate an employee, in the absence of a training coordinator, to ensure the proper issuance and return of body armor to sworn and specified civilian personnel;
- Notify their training coordinator or designee with a list from Supply Section, FG, of their personnel that are required for fittings;
- Ensure that their training coordinator or designee schedules assigned personnel for fittings to ensure that all employees are fitted on their required fitting dates, prior to the five-year expiration date;
- Ensure that the expiration date has not expired on the body armor issued to all sworn and civilian personnel assigned to their Area/division;
- Ensure that all sworn and civilian personnel involved in field operations are approved for and issued body armor prior to deploying in the field; and,
- Authorize the exemptions of plain-clothes officers from wearing body armor, when deemed necessary.

**628.20 SUPPLY SECTION, FISCAL GROUP RESPONSIBILITIES.** Personnel assigned to Supply Section shall:

- Maintain records of body armor expiration dates;
- Notify all commanding officers of personnel in their command that are required for body armor fittings prior to the five-year expiration date;
- Ensure distribution of body armor to the assigned employees; and,
- Maintain records of personnel fitted/not fitted and body armor distributed/not distributed.

## **629. RAIN CLOTHING - POLICE OFFICERS ELIGIBLE FOR UNRESTRICTED FIELD DUTY**

**629.10 RAIN CLOTHING REQUIREMENTS - UNIFORMED OFFICERS.** Officers assigned to uniformed duty shall possess an official raincoat or two-piece rain suit and hat.

**Note:** The two-piece rain suit is considered a complete unit. The wearing of one piece of the rain suit without the other is not authorized.

**629.20 RAIN CLOTHING REQUIREMENTS - PLAINCLOTHES ASSIGNMENT OFFICERS.** Officers assigned to a plainclothes assignment shall possess adequate rain clothing.

**629.30 WEARING OF RAIN CLOTHING.** Officers shall wear the rain clothing prescribed in Manual Section 3/629.10 when weather conditions may require. The type worn shall be sufficient to ensure uninterrupted

performance of duty. During light rains, a colorless, transparent cap cover may be worn over the uniform cap in place of the rain cap, and black rubber overshoes may be used in lieu of the prescribed boots.

**629.40 STORAGE OF RAIN CLOTHING.** The prescribed rain clothing shall be stored at the station, office of assignment, or other place where it will be readily available for use.

### **630. HIGH - VISIBILITY EQUIPMENT.**

**630.10 HIGH - VISIBILITY EQUIPMENT - WHEN REQUIRED.** The equipment specified as high-visibility equipment shall be worn by each uniformed officer whose principal duties are traffic crash investigation, traffic direction, or special traffic enforcement (automobile). In addition, such equipment shall be worn at other times as directed by the Chief of Police. Officers whose duties consist of accident investigation or special traffic enforcement (automobile) need not wear white gloves.

Members of the Police Reserve Corps shall wear this equipment when so directed by the Coordinator.

**REFLECTIVE SAFETY VEST.** The Department is equipping employees and volunteers with reflective safety vests and requires the use of these vests when Department employees or volunteers are working in the roadway and involved in any of the following activities:

- Directing traffic/lane closures;
- Investigating traffic crashes;
- Clearing roadway obstructions; or,
- Handling a disaster scene.

**Note:** Employees **shall** wear reflective safety vests while working **in the roadway**. However, a vest is not required when an officer conducts a **traffic stop**.

**REQUIREMENT TO WEAR A REFLECTIVE SAFETY VEST.** Federal legislation requires construction crews, public safety personnel, law enforcement personnel, and others to wear outer garments, which are highly reflective, when working in or on all roadways when such roadways are considered Federally Aided. However, to decrease the risk of injury, the use of these vests applies to any and all roadways.

**DISTRIBUTION.** Department-approved, reflective safety vests will be issued to patrol, traffic enforcement, and crash investigation officers. Additional vests will be available for distribution to Department personnel, as needed.

**TACTICS.** Federal regulations do not intend, nor does the Department require Department personnel to alter sound tactics by the deployment of a vest during exigent or unplanned incidents. Officer safety is not to be compromised for regulations that are designed and intended to minimize traffic-related injuries involving those who must perform their work in the roadway.

**Note:** Volunteers, cadets, and reserve officers are required to comply with this Manual Section.

**SUPPLY SECTION'S RESPONSIBILITIES.** Supply Section shall be responsible for the following:

- Receive and package vests for distribution to individual divisions; and,
- Deliver packaged vests to Area/division training coordinators.

**EMPLOYEE'S RESPONSIBILITIES.** Employees receiving a reflective safety vest shall care for and maintain it in the same manner as other City-issued equipment. Additionally, employees shall:

- Retain access to their vest for on-duty use;
- Maintain the condition and appearance of vest;
- Sign the Acknowledgement of Reflective Safety Vest Receipt; and,
- Return the signed receipt to the divisional training coordinator.

**Note:** Reserve officers, volunteers, and cadets will not be assigned a vest but shall check out a vest from the kit room when assigned to field duties.

**TRAINING COORDINATOR'S RESPONSIBILITIES.** The Area/division training coordinator is responsible to distribute the following to each employee:

- A printed copy of Special Order No. 43, 2008, and the Acknowledgement of Reflective Safety Vest Receipt; and,
- A reflective safety vest.

Additionally, the training coordinator shall collect the signed Acknowledgement of Reflective Safety Vest Receipts and forward them to the commanding officer's office for filing in the respective officer's Division Employee Folder.

**SUPERVISOR'S RESPONSIBILITIES.** Supervisors shall be responsible for the following:

- Ensure employees carry vests in a readily accessible manner;
- Check out an additional vest when conducting a ride-a-long; and,
- Ensure that all cadets, volunteers, reserve officers, and non-sworn Department personnel use a reflective safety vest when engaged in activities requiring them to be in the roadway.

**COMMANDING OFFICER'S RESPONSIBILITIES.** Commanding officers shall ensure the following:

- Employees are aware of Department requirements regarding the use of reflective safety vests; and
- Maintain a signed Acknowledgement of Reflective Safety Vest Receipt in each employee's Division Employee Folder.

**630.20 HIGH - VISIBILITY EQUIPMENT - DIVISION COMMANDING OFFICER'S RESPONSIBILITY.** Concerned commanding officers shall:

- Maintain an adequate supply of high-visibility equipment in a safe and accessible place.
- Issue the equipment to officers within their command who are required to wear such equipment.
- Maintain records of equipment issued, returned or lost, or which is unserviceable.
- Be responsible for all equipment requisitioned.
- Upon discovery of equipment lost or mutilated through negligence or carelessness, initiate appropriate action.

**630.30 ISSUANCE OF HIGH - VISIBILITY EQUIPMENT.** Officers required to wear high-visibility equipment for traffic direction shall be issued two pairs of gloves, two cap covers, and one cap band. Officers assigned to accident investigation or special traffic enforcement (automobile) duties shall be issued two cap covers and one cap band.



**Note:** The Reserve Coordinator shall requisition and return such equipment as required by the needs of the Reserve Corps.

**630.40 RETURN OF HIGH - VISIBILITY EQUIPMENT.** High-visibility equipment issued to an officer by reason of his assignment shall be returned to the issuing authority upon termination of the officer's assignment.

## **631. HELMETS.**

**631.10 GENERAL DUTY HELMETS - WHEN REQUIRED.** General duty helmets shall be required field equipment for all officers below the rank of captain assigned to the following uniformed duties:

- Patrol;
- Crash investigation; and,
- Metropolitan Division.

**631.30 GENERAL DUTY HELMETS - DIVISION COMMANDING OFFICER'S RESPONSIBILITY.** Each concerned commanding officer shall:

- Complete a Requisition, Form 15.11.00, when necessary to obtain a general duty helmet for an officer transferring into the division;
- Record the helmet serial number on the concerned officer's Individual Uniform and Equipment Issue Record, Form 01.41.01; and,

**Note:** A notation that the helmet has been returned shall be made on the reverse side of the concerned officer's Uniform/Equipment Issuance and Inspection Record, Form 01.41.00.

- Initiate appropriate action when it is discovered that a helmet has been lost or damaged due to neglect or carelessness.

**631.40 GENERAL DUTY HELMETS - REPAIR AND REPLACEMENT.** All helmets being replaced or in need of repair shall be forwarded to Supply Section.

- Supply Section shall be responsible for the delivery, pickup, and exchange of general duty helmets;
- General duty helmets that are lost, damaged, or stolen shall be reported on an Employee's Report, Form 15.07.00, in addition to any other required report. A copy of the Employee's Report, Form 15.07.00; and a requisition for a replacement helmet shall be forwarded to Supply Section; and,
- General duty helmets in need of routine repair or repainting shall be replaced by forwarding a Requisition, Form 15.11.00, to Supply Section.

**631.50 HELICOPTER HELMETS.** Those persons riding in Department helicopters shall be provided with a Department-approved *helicopter* helmet and shall wear it during flights. Pilots, observers, and those persons regularly assigned to helicopter duty shall be provided with a custom-fitted, Department approved helicopter helmet. Air Support Division, Counter Terrorism and Special Operations Bureau, shall be responsible for providing other persons with helicopter helmets as needed.

## **632. DEPARTMENT EMBLEMS.**

**632.10 CAP DEVICE.** The official cap device shall be worn with the cap, but may be covered by a transparent cap cover during inclement weather. The cap device is not worn with the rain hat.

**632.20 DEPARTMENT BUTTONS.** Silver plated, oxidized buttons, as described in Section IJ10 of the Uniform and Personal Equipment Specifications Manual, shall be worn by uniformed officers. The size 24 ligne shall be worn on the male and female officer's basic uniform shirt, cap, and jacket. The size 36 ligne shall be worn on staff and command officer's dress coat. The buttons shall not be polished. When necessary, they may be cleaned with a solution of mild soap and water.

#### **634. RANK AND ADVANCE PAY - GRADE INSIGNIA.**

**634.10 GENERAL PROVISIONS - RANK AND ADVANCE PAY - GRADE INSIGNIA.** All officers in advance pay-grade positions; officers of the rank of sergeant, detective, or above; and civilians of a supervisory rank shall wear the appropriate insignia as provided in this section.

**634.15 CIVILIAN SUPERVISORS - RANK INSIGNIA.** Detention officers and property officers of supervisory rank shall wear the appropriate rank insignia on the uniform shirt collar. The chevron shall be placed on each side of the uniform shirt collar. The front edge of the insignia shall be placed 3/4 inch from the front of the collar. The middle stripe shall be centered on the collar and the apex of the insignia shall point vertically.

**634.20 POLICE OFFICER ADVANCE PAY - GRADE, SERGEANT, AND DETECTIVE - RANK INSIGNIA.** Police officers in advance pay-grade positions, sergeants, and detectives shall wear the appropriate rank insignia on each sleeve of the uniform shirt and field jacket. The top point of the chevron shall be placed two inches above the mid-point of the distance from the shoulder seam to the upper part of the elbow (with the arm bent). Police officers and sergeants assigned to traffic duty where the assignment emblem is worn shall wear the chevrons 1/4 inch below the traffic assignment emblem.

**634.30 LIEUTENANT - RANK INSIGNIA.** A single bar shall be affixed to the center of each side of the collar of the uniform shirt worn by lieutenants. The front edge of the bar shall be 3/4 inch from, and parallel with, the front edge of the collar. On each shoulder of the field jacket, a single bar shall be placed with the outer edge, 5/8 inch above the sleeve seam. The bar shall be centered over the shoulder seam and shall be parallel to the sleeve seam.

**634.40 CAPTAIN - RANK INSIGNIA.** Two bars shall be affixed to each side of the collar of the uniform shirt worn by captains. The front edge of the insignia shall be 3/4 inch from, and parallel with, the front edge of the collar. On the dress coat and the field jacket, the bars shall be worn on each shoulder with the outer edge 5/8 inch above the sleeve seam. The bars shall be centered over the shoulder seam and shall be parallel to the sleeve seam.

**634.50 COMMANDER - RANK INSIGNIA.** A star shall be affixed to each side of the collar of the uniform shirt worn by commanders. One point of each star shall point upwards in such a manner that a line bisecting this point will be parallel to the front edge of the collar. The center of the star shall be 1 inch from the front edge of the collar and centered on the collar. On the dress coat and on the field jacket, a star shall be worn on each shoulder so that one point of the star points to the rear. The center of the star shall be 1 inch above the sleeve seam and centered directly over the shoulder seam.

**634.60 DEPUTY CHIEF - RANK INSIGNIA.** Two stars shall be affixed to each side of the collar of the uniform shirt worn by deputy chiefs. One point of each star shall point upwards. The stars shall be centered between the top and bottom edges of the collar, and the center of the front star shall be 1 inch from the front edge of the collar. On the dress coat and on the field jacket, two stars shall be worn on each shoulder in such a manner that one point of each star points to the rear. The center of the outside star shall be 1 inch above the sleeve seam, and both stars shall be centered directly over the shoulder seam.

**634.70 ASSISTANT CHIEF - RANK INSIGNIA.** The three-star insignia worn by Assistant Chiefs shall be affixed in the same relative position as prescribed for deputy chiefs.

**634.80 CHIEF OF POLICE - RANK INSIGNIA.** The four-star insignia worn by the Chief of Police shall be affixed in the same relative position as prescribed for deputy chiefs.

**635. SPECIALIZED ASSIGNMENT INSIGNIA.**

**635.10 AUTHORIZATION TO WEAR INSIGNIA.** The Chief of Police may authorize specific insignia to be worn by members of bureaus, divisions, or other units within the Department. The authorized insignia are prescribed in this section.

**635.15 EXPLOSIVES ORDNANCE AND DEMOLITIONS DIVISION INSIGNIA.** Officers who have successfully completed the United States Army Hazardous Devices School shall wear the insignia of the Explosives and Demolitions Division when assigned to the Bomb Squad, Emergency Operations Division. The insignia shall be worn centered below the upper midseam of the left shirt pocket flap.



**635.17 MOTORCYCLE DRILL TEAM UNIT INSIGNIA.** Officers assigned to the Motorcycle Drill Team Unit may wear the Drill Team insignia ¼-inch above the right breast pocket.

**635.20 TRAFFIC ASSIGNMENT EMBLEM.** Officers assigned to any traffic assignment shall wear the Traffic Assignment Shoulder Emblem.

TRAFFIC ASSIGNMENT SHOULDER EMBLEM



BLUE LETTERING, SILVER CROSS ON GREEN FIELD, BLUE PIPING - POLICE OFFICER, SILVER PIPING - SERGEANT AND ABOVE

**635.30 TRAFFIC ENFORCEMENT EMBLEM.** Officers who have successfully completed the Basic Motorcycle Officer Riding School and who are assigned to a two-wheel traffic enforcement detail shall wear the Traffic Enforcement Emblem.

**635.40 CRASH INVESTIGATION EMBLEM.** Officers who have successfully completed the Basic Crash Investigation School and the Traffic Crash Update School and are assigned to a crash investigation detail or a four-wheel traffic enforcement detail shall wear the Crash Investigation Emblem.

TRAFFIC ASSIGNMENT EMBLEMS



( $\frac{1}{4}$  INCH BELOW SHOULDER EMBLEM) SILVER.

**635.70 AIR SUPPORT DIVISION EMBLEM.** Officers assigned to Air Support Division shall wear the appropriate emblem(s).

AIR SUPPORT ASSIGNMENT EMBLEMS



BLUE LETTERING AND SYMBOL ON SILVER FIELD, BLUE PIPING.

*PILOT'S EMBLEM WORN ON EXTREME RIGHT OF TOP SEAM OF LEFT BREAST POCKET FLAP. WORN TO THE LEFT OF OTHER MEDALS*



*OBSERVER'S EMBLEM WORN ON EXTREME RIGHT OF TOP SEAM OF LEFT BREAST POCKET FLAP. WORN TO THE LEFT OF OTHER MEDALS*



*PILOT'S EMBLEM WORN ON EXTREME RIGHT OF TOP SEAM OF LEFT BREAST POCKET FLAP. WORN TO THE LEFT OF OTHER MEDALS*

**636. ARMED FORCES AWARDS.**

**636.10 ARMED FORCES RIBBONS.** Commanding officers shall encourage uniformed personnel to wear ribbons representing duly authorized decorations or awards for service in the Armed Forces of the United States, or awarded by an ally friendly to the United States at the time of service at formal events (e.g., memorial services, funerals, inspections, and graduations). Ribbons worn on the uniform shirt shall be affixed below the badge and above any Department medal or award. If necessary to provide sufficient space for ribbons, the badge may be adjusted upwards a maximum distance equal to the width of two rows of ribbons; if additional space is still needed, the location of authorized Department medals and decorations may be adjusted downward the width of one row of ribbons. Ribbons worn on the dress coat and shall be worn below the below the badge.

**Exception:** Staff and command officers shall wear their Armed Forces ribbons when appearing in dress uniform.

**636.20 ARMED FORCES MEDALS.** Medals of the armed services may be worn only in the manner prescribed by the order of precedence established by military regulations. Such medals may be worn only upon prior approval of the Chief of Police.

**636.30 VETERANS' EMBLEM.** As a means of displaying veteran's status, one discharge button or one official emblem of a veterans' organization, either of the Armed Forces of the United States or an ally friendly to the United States at the time of service may be worn at the top left corner of the left pocket of the uniform shirt.

## **637. WEARING OF DEPARTMENT DECORATIONS.**

### **637.10 WEARING DECORATIONS.**

**General.** Employees shall be encouraged to wear authorized medals or ribbons on the uniform shirt, or dress coat.

**Note:** Medals or ribbons shall not be worn on the nylon waist-length field jacket.

**637.20 AUTHORIZED DEPARTMENT RIBBONS.** Department-issued ribbons authorized for wear with the Department uniform in descending order of precedence are:

- Medal of Valor;
- Preservation of Life Medal;
- Police Distinguished Service Medal;
- Police Commission Unit Citation;
- Police Medal;
- Purple Heart;
- Police Meritorious Service Medal;
- Police Meritorious Achievement Medal;
- Police Meritorious Unit Citation;
- Police Star;
- Lifesaving Medal;
- Police Commission Distinguished Service Medal;
- Police Commission Integrity Medal;
- Community Policing Medal;
- Human Relations Medal;
- Commendation Ribbon;
- Patrol Service Ribbon;
- Detective Service Ribbon;
- Reserve Officer Service Ribbon;
- Event Ribbons;
- Patrol Rifle Cadre Ribbon; and,
- Shotgun Slug Ammunition Cadre Ribbon.

The precedence of Event Ribbons is listed below in order of seniority. They shall be worn/displayed junior to the Reserve Officer Service Ribbon in the descending order of precedence, as follows:

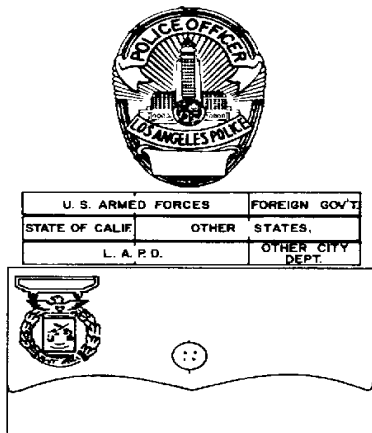
- 1984 Olympic Ribbon;
- 1987 Papal Visit Ribbon;
- 1992 Civil Emergency Response Ribbon;
- 1994 Earthquake Ribbon;
- 2000 Democratic National Convention Ribbon; and,
- Department's 150<sup>th</sup> Anniversary Ribbon.

**Note:** Seniority of subsequent event-related ribbons shall be determined based on the date of the event which the ribbon represents. Weapons qualification ribbons denoting past or present membership in the Patrol Rifle Cadre and/or the Shotgun Slug Ammunition Cadre shall be worn junior to the most current (i.e., most recent) event-related service ribbon.

The above listed ribbons are authorized for display on authorized Department uniforms for sworn, civilian, and volunteer members of the Department who engaged in Department activities during the timeframe of the event denoted by the ribbon. Plainclothes personnel are authorized to wear the corresponding lapel pins on appropriate business attire.

Officers and civilian personnel who have earned any Department medal or ribbon while assigned as a Reserve Police Officer, civilian employee, or as a Department volunteer are authorized to wear the appropriate ribbons on their Department uniform.

**Note:** Only Department approved ribbons as delineated in Department Manual Section 3/637.20 are authorized for wear with the Department uniform.



### 637.30 MEDALS - WHERE WORN.

**Single.** If only one medal is to be worn, it shall be worn on the extreme right of the top seam of the left breast pocket flap.

#### **Multiple.**

**Uniform Shirt.** If two or more medals are to be worn, they shall be worn on the top seam of the left breast pocket flap and extending to the left in descending order of precedence.

**Coat.** Authorized medals may be worn on the dress coat. When worn, they shall be affixed in a horizontal line beneath the badge in the same relative position as when worn on the uniform shirt.

**Exception:** The Medal of Valor shall be suspended by the neck sash.

**637.40 DEPARTMENT RIBBONS.** Ribbons representing authorized Department medals may be worn on the uniform in lieu of the respective medals.

They shall be centered above the left breast pocket below the badge extending toward the wearers left in descending order of precedence with the bottom row on the seam. (Ribbons worn on the dress coat and shall be worn directly below the badge.)

Three ribbons shall constitute a complete row. Officers with a significant number of ribbons (10 or more) are allowed to expand the number of ribbons in their complete row to 4 ribbons. Precedence of rows shall be top to

bottom. Additional rows shall also extend toward the wearers left in descending order of precedence. An incomplete row shall be the top row with its ribbons centered on the complete row(s) beneath.

When an employee receives the same award more than once, the second and subsequent awards shall be indicated by a bronze oakleaf cluster worn on the original ribbon. A silver oakleaf cluster will be worn in lieu of five bronze clusters.

**Note:** When Departmental ribbons are worn in conjunction with military ribbons and/or ribbons awarded by outside governmental agencies, the order of precedence is:

- United States Government awards;
- Foreign Government awards;
- State Government awards;
- Department awards; and,
- Other City Department awards.

Ribbons must also be worn in the correct order of precedence established by the awarding agency.

If necessary to provide sufficient space for ribbons, the badge may be adjusted upwards a maximum distance equal to the width of two rows of ribbons.

#### **637.45 PATROL AND DETECTIVE SERVICE RIBBONS.**

**PATROL SERVICE RIBBON.** Police officers or supervisors with the rank of lieutenant and below who have served 5 years aggregate Department patrol service (duties that currently qualify for patrol incentive pay or past duties that qualify under current standards, based on Memorandum of Understanding No. 24, dated June 13, 2006) are eligible to wear a Patrol Service Ribbon.

**Ribbon and devices (Bronze Oak Leaf, Silver Star, and Gold Star) shall be as follows:**

- 5 years aggregate patrol service shall be denoted by a standard-sized solid blue ribbon. No device is authorized;
- 10 years aggregate patrol service shall be denoted by a single 3/16-inch Bronze Oak Leaf cluster device placed in the center of the ribbon;
- 15 years aggregate patrol service shall be denoted by a single 3/16-inch Silver Star device placed in the center of the ribbon;
- 20 years aggregate patrol service shall be denoted by a single 5/16-inch Gold Star device placed in the center of the ribbon;
- Only one device may be worn; and,
- The Patrol Service Ribbon may be requested retroactively.

**DETECTIVE SERVICE RIBBON.** Detectives who have served 5 years aggregate service in an investigative assignment (duties that currently qualify for detective incentive pay or past duties that qualify under current standards, based on the current Memorandum of Understanding No. 24) are eligible to wear a Detective Service Ribbon. Lieutenants who have served 5 years aggregate service as officers in charge and/or commanding officers of Area detectives and/or specialized investigative units and/or in combination of the ranks of detective and lieutenant, are eligible to wear a Detective Service Ribbon.

**Ribbon and devices shall be as follows:**

- 5 years aggregate investigative service shall be denoted by a standard-sized solid red ribbon. No device is authorized;
- 10 years aggregate investigative service shall be denoted by a single 3/16-inch Bronze Oak Leaf cluster device placed in the center of the ribbon;
- 15 years aggregate investigative service shall be denoted by a single 3/16-inch Silver Star device placed in the center of the ribbon;
- 20 years aggregate investigative service shall be denoted by a single 5/16-inch Gold Star device placed in the center of the ribbon;
- Only one device may be worn; and,
- The Detective Service Ribbon may be requested retroactively.

### **PROCEDURE FOR AUTHORIZING EACH PATROL AND DETECTIVE SERVICE**

**RIBBON.** Individual employees are responsible for requesting consideration for the Patrol and Detective Service Ribbons by completing an Employee's Report, Form 15.07.00. These Ribbons are not issued by the Department. A Department supervisor shall review each request and verify eligibility via a Training Evaluation and Management System II (TEAMS II) and/or personnel file review. The supervisor shall provide information regarding the employee's eligibility on the same Employee's Report and forward it to their commanding officer. A copy of the approved Employee's Report shall be placed in the employee's divisional employee folder.

**Note:** Sworn employees who are recalled to active military duty or who are assigned to other duty-related leave (e.g., injured on Duty status, etc.) shall continue to accrue credit towards patrol or investigative service time, so long as the employee was assigned to an eligible position at the time of the recall or absence.

The Patrol and Detective Service Ribbons shall be worn/displayed before the Reserve Officer Service Ribbon in the descending order of precedence:

- Patrol Service Ribbon; and,
- Detective Service Ribbon.

**637.46 COMMENDATION RIBBON.** A commendation ribbon will be authorized after a sworn employee has received 40 commendations and completed the approval process. Citizen letters, minor and major commendations will be the documentation computed towards the ribbon. Class D commendations will not be counted as part of the total 40 commendations needed to receive the ribbon.

Additional devices (Bronze Star, Silver Star, and Gold Star) shall be computed as follows:

- 80 commendations shall be denoted by a single 3/16-inch Bronze Star device placed in the center of the ribbon;
- 120 commendations shall be denoted by a single 3/16-inch Silver Star device placed in the center of the ribbon; and,
- 160 commendations shall be denoted by a single 3/16-inch Gold Star device placed in the center of the ribbon.

**Procedures for Authorizing Each Award.** Sworn employees will be responsible for keeping track of their own eligibility for the issuance of the Commendation Ribbon. Sworn personnel may request consideration for the ribbon by completing an Employee's Report, Form 15.07.00. A Department supervisor shall review each request and verify the eligibility by reviewing the employee's Training Evaluation and Management System (TEAMS) II report and/or personnel employee files. The supervisor will determine the employee's eligibility on the same Employee's Report and forward it to their commanding officer.



After approval by their commanding officer, the Employee's Report will be maintained in the officer's divisional employee file. The sworn employee will be authorized to purchase and wear the Commendation Ribbon on his/her uniform.

**637.50 MEDAL OF VALOR BUTTON.** Medal of Valor recipients may wear the Medal of Valor button in lieu of the medal or ribbon.

**637.60 POLICE BADGE MOURNING BAND.** A police mourning band may be worn on an officer's badge when:

- A peace officer assigned to a Los Angeles County law enforcement agency; a Department employee; or a Los Angeles City Firefighter or Paramedic is killed in the line of duty.
- An officer attends a funeral or other service for a fallen law enforcement officer; or
- Approved by the Chief of Police.

A mourning band may be worn from the day of the death until midnight on the evening of the funeral. The band shall be made of black elastic polyester 3/8 in width and shall be positioned horizontally over the City seal of the badge.

## **638. SERVICE STRIPES.**

### **638.10 WEARING REQUIRED.**

**Sworn.** For each five years of sworn service with the Department, officers shall wear one service stripe on the uniform shirt. Laterally hired officers shall wear one service stripe for each five years of California law enforcement experience, or law enforcement experience with a state accredited law enforcement agency equivalent to Peace Officer Standards and Training.

**Note:** This only applies to the uniform and does not increase the officer's years of service with the City of Los Angeles.

**Civilians.** For each five years of sworn service under honorable conditions or service in non-sworn positions, civilian uniformed employees shall wear one service stripe on the uniform shirt. e.g., an honorable retired officer who returns to employment with the Department as a uniformed civilian employee shall be entitled to wear service stripes indicating his/her total sworn and civilian service on his uniform shirt.

Service as war-emergency personnel with the Department shall be counted in computing length of service. The service stripe may be worn six months prior to the five year period represented if the wearer so desires.

**638.20 LOCATION-FIELD OFFICERS.** Service stripes shall be sewn on the lower left sleeve of the uniform shirt with the lower edge of the bottom stripe one-half inch above the top edge of the cuff. The complete stripe shall be in front of the center Media of the sleeve.

## **639. APPROVED PINS - WHERE WORN.**

**639.10 AREA IDENTIFICATION PINS.** Area Identification Pins may be worn by Department employees. The pins shall be worn on the lower left corner of the right pocket flap.

**639.20 SAFE DRIVING PIN.** Officers awarded the Safe Driving Pin may wear it while on-duty. Uniformed officers who choose to wear the pin shall display it on the extreme left side of the top seam of the left pocket flap of the uniform shirt. Plainclothes assignment employees may wear the Safe Driving Pin on their jacket lapel.

**639.30 SERVICE PIN.** Department personnel may wear their most current City of Los Angeles Service Pin on their uniform or civilian attire. Uniformed personnel shall wear the pin on the upper left-hand corner of the right pocket flap of the uniform shirt. Plainclothes employees dressed in civilian business attire may wear the Service Pin on the jacket lapel.

**639.40 DARE PIN.** The Drug Abuse Resistance Education (DARE) America pin may be worn by Department employees. The pin, when worn on the uniform, shall be worn on the left breast pocket flap,  $\frac{3}{4}$  inch below the top seam and  $\frac{3}{4}$  inch in from the left edge of the flap. Plainclothes personnel may wear the pin on their left lapel of the outer most garment.

**639.50 AWARD LAPEL PINS.** Award Lapel Pins are miniature enameled pins that correspond in color and design to their accompanying ribbon. Uniformed personnel shall wear the pin on the upper left-hand corner of the right pocket flap of the uniform shirt. Employees in a plainclothes assignment may wear an Award Lapel Pin on their lapel.

**639.60 FLAG PIN.** Department personnel may wear a miniature enameled American Flag pin on their uniform or civilian attire. The pin is to be worn on the uniform left breast pocket flap,  $\frac{3}{4}$  inch below the top seam and  $\frac{3}{4}$  inch in from the outside edge of the flap. For plainclothes personnel, the pin is to be worn on their left lapel of the outer most garment.

**Note:** Requests for the display of other American Flags on the uniform shall be directed via an Employee's Report, Form 15.07.00, to the Uniform and Equipment Committee, via the respective chain of command.

## **640. MATERNITY UNIFORM.**

**640.10 MATERNITY UNIFORM.** The maternity uniform has been approved for pregnant officers when it becomes impractical for them to wear a basic uniform. The uniform shall meet the specifications as prescribed in the Department Uniform and Personal Equipment Specifications Manual Sections I-G9.1 and I-G10.1.

## **660. INSPECTIONS - UNIFORMS AND EQUIPMENT**

**660.10 DEPARTMENT INSPECTIONS.** The Department, or any part of it, may anticipate an inspection by the Chief of Police or his designee at any time.

**660.20 GROUP INSPECTIONS.** Commanders assigned to geographic bureaus shall make periodic inspections of the uniforms and equipment of employees in their bureaus.

**660.30 AREA OR DIVISION INSPECTIONS.** Commanding officers shall cause detailed, individual inspections to be made of the uniforms and equipment of all employees assigned uniformed duty (Manual Sections 3/614 and 3/621) and the equipment of all other sworn personnel in their command (Manual Section 3/627.10). These inspections shall be made in conjunction with the annual performance evaluation.

**Supervisor's Responsibility.** The supervisor who presents a completed performance evaluation to an employee shall review the Individual Uniform and Equipment Division Inspection Record, Form 01.41.00, with the employee.

**Recording Inspection Results.** The dates and the results of the inspections shall be recorded on the Individual Uniform and Equipment Division Inspection Record. Each employee inspected shall have a Form 01.41.00 prepared for him. The form provides for a description and evaluation of the personal appearance of employees. A description and evaluation of the regulation uniform and equipment of employees shall be entered. Items which are not applicable may be omitted.

**Retention of Records.** The inspection records shall be retained in a special file to be established by the commanding officer.

When completed, the records shall be filed in the employee's personal file for a period of two years. When an employee is transferred, this form shall accompany the employee's records to his/her new division of assignment.

**Unsatisfactory Conditions.** Unsatisfactory conditions shall be called to the attention of the concerned employee for the purpose of assisting him/her to attain a higher rating. The records of division or Area inspections shall be available for inspection by the concerned employees. Commanding officers shall require that unsatisfactory conditions be corrected and, when necessary, shall institute disciplinary proceedings to ensure conformance with Department rules and regulations.

**Commendations.** Employees who achieve a rating of excellent as a result of an inspection shall be given an oral commendation by the supervisors concerned. When warranted, a written commendation shall also be given.

**660.40 WATCH INSPECTIONS.** Watch commanders shall conduct daily inspections of the watch to ensure that the prescribed articles of uniform and equipment are properly worn and that the uniforms and equipment are in a clean and serviceable condition. Appropriate records of such inspections shall be maintained.

**660.50 SPECIAL INSPECTIONS.** An employee who is responsible for calling the roll for a special detail such as a parade, premiere, or stadium event shall conduct an inspection.

**665. SPECIFICATIONS - UNIFORM AND EQUIPMENT.** The uniform specifications are found in The Department Uniform and Personal Equipment Specifications Manual.

## **670. DEPARTMENT PUBLICATION ACCOUNTABILITY.**

**670.05 RECEIPT OF DEPARTMENT PUBLICATIONS.** Department publications should be distributed via e-Learning. E-Learning will allow training coordinators to electronically document an employee's receipt of publications. Employees that do not have access to e-Learning shall acknowledge receipt of publications by signing their Department Publication Receipt Form 01.42.00.

Employees shall be responsible for checking their e-Learning Course Roster every two weeks to ensure that they have received all of their Department publications. These publications include, but are not limited to, the following:

- Special Orders;
- Administrative Orders;
- Operational Orders;
- Operational Notices;
- Training Bulletins; and,
- Any additional directives as indicated by the Chief of Police.

Currently the Department distribution codes are as follows:

- Distribution A: (sworn);
- Distribution B: (commanding officers);
- Distribution C: (civilians only); and,
- Distribution D: (sworn and civilian).

**Note:** If, for any reason, the employee is unable to view the Department publications via e-Learning, that employee shall contact his/her Training Coordinator or supervisor for further guidance.

**TRAINING COORDINATOR'S RESPONSIBILITIES.** Training coordinators shall periodically conduct audits to ensure employees are checking for Department Publications on their e-Learning Course Roster.

**Note:** E-Learning will allow training coordinators to electronically document an employee's receipt of publications.

**SUPERVISOR'S RESPONSIBILITIES.** Supervisors should periodically remind employees to check their e-Learning Course Roster.

**COMMANDING OFFICERS RESPONSIBILITIES.** Commanding officers shall ensure that employees receive all Department directives and training material in accordance with the designated distribution code in a timely manner.

## PERSONNEL MANAGEMENT

### 701. MEMORANDUM OF UNDERSTANDING PROCEDURES.

**701.10 MEMORANDUM OF UNDERSTANDING - DEFINED.** A Memorandum of Understanding is a written memorandum jointly prepared and approved by the Department and the City Council on which agreement is reached through meeting and conferring between the City's management representatives and representatives of a recognized employee organization.

**Note:** When a provision of a Memorandum of Understanding (MOU) conflicts with the Department Manual, the MOU shall take precedence.

**701.20 SUPERVISOR RESPONSIBILITY.** All supervisors shall familiarize themselves with the provisions of Memorandums of Understanding (MOU) affecting their subordinates and shall comply with such provisions.

**701.30 COMMANDING OFFICER'S RESPONSIBILITY.** All commanding officers shall:

- Ensure adherence to the provisions of every MOU affecting personnel within their command;
- Maintain a readily accessible copy of each applicable MOU; and,
- Maintain liaison with the Employee Relations Administrator (ERA) regarding the administration of MOU's.

**702. WORKING HOURS, OFFICERS.** Each officer shall be in actual attendance on-duty for a minimum of eight hours on each day that he/she is assigned to work. Each eight-hour period on-duty shall constitute one work day. [Los Angeles City Administrative Code, Division 4, Chapter 3, Article 5, Section 4.168 (b)(1)].

**702.20 MEAL BREAK - OFFICERS.** Officers assigned to divisions having an established roll call and training period may take one 30 minute meal break during their shift. During this break, they must remain clear and available for dispatch and must interrupt their purchase and/or meal if called upon. Their status must be "Clear." Uniform personnel must not extend the disposition of a radio call or go Code 6, in order to sit down and eat a restaurant meal.

Sworn administrative/investigative personnel, who do not have established roll call periods may eat at their desks and work during the designated 30 minute time period, in order to not extend their watch. Sworn administrative/investigative personnel who drive/walk to a location to pick up food or sit in a restaurant for a meal must extend their watch by the amount of time (including drive/walk time) taken for that meal.

Time for events attended by sworn administrative/investigative personnel, such as luncheons, must be at the discretion of the commanding officer. Sworn administrative/investigative personnel, who opt to have a work-related lunch meeting at a restaurant or location outside the office, must obtain prior approval from their commanding officer to have that meeting considered work and not a meal break

**Personnel in Uniform.** Sworn personnel are required to remain in full uniform during their meal break.

**Disposition of City Vehicle.** During the meal break periods, sworn personnel must park City vehicles at a location within the geographic division boundaries to which they are assigned to ensure a prompt response for a request or call for service.

**Exception:** Sworn personnel may, at the approval of their Watch Commander, park their assigned City vehicles at any location during a meal break.

**702.30 DAYS OFF, OFFICERS.** All officers shall work 261 days in each calendar year. Each officer shall normally be entitled to eight regular days off during each 28-day deployment period. Additionally, each officer shall receive thirteen days off in lieu of a holiday, to be scheduled during the calendar year at the discretion of the Chief of Police. Office of Constitutional Policing and Policy shall, prior to December 15 of each year, issue a deployment schedule for the forthcoming year.

**Note:** Days off in lieu of holidays and days taken off utilizing accumulated overtime are compensatory days and shall be considered working days in computing the 261 work days for a calendar year.

**Absence From Duty.** The number of unused regular days off or the day off in lieu of a holiday shall be reduced by one day for every three and one-quarter days absence during a deployment period, when such absence is for any of the following reasons:

- Sick leave (without pay);
- Military leave (pay);
- Military leave of absence (no pay); and,
- Leave of absence (with or without pay).

Only days absent in any one deployment period shall be used in computing deductions of regular days off in that deployment period.

**Sick, Sick Leave With Pay, Injured on Duty, and Suspended.** When an officer goes off sick (SK); sick leave with pay for illness (SK), injury or death in his/her immediate family (FI); injured on-duty (ID); worker's compensation (WC); or has been suspended, the officer's days off duty shall be recorded as follows:

- Any day that was originally scheduled to be a working day or a vacation day shall be recorded as sick (SK), sick family (FI), injured on-duty (ID), worker's compensation (WC), or suspended (SP); or,
- Days off in lieu of holidays shall not be deferred from one calendar year to the next.

**Note:** The commanding officer of an employee who is on worker's compensation state-rate status **shall** forward an Intradepartmental Correspondence, Form 15.02.00, to Fiscal Group, denoting the inclusive dates that the employee was on state-rate status. The Form 15.02.00 shall be completed, as soon as practical, upon the employees return to duty. Upon receipt of the Form 15.02.00, Fiscal Group shall verify the dates the employee was on state-rate status against the time-sheet, to reconcile cash payment for those holidays that were previously paid at state-rate to the employee.

- When practicable, time shall be reported to reflect days off on Saturdays and Sundays when an officer is to be carried sick, sick leave with pay, injured on-duty, or vacation for an extended period.

**Officers Temporarily Relieved From Duty.** Officers who are temporarily relieved from duty pending a Board of Rights hearing shall not incur a loss of pay for 30 calendar days after being served with the charges. Officers temporarily relieved from duty shall be shown as "RP" (relieved from duty with pay) on any scheduled workday during the 30 calendar days following service of the Complaint and Relieve from Duty, Suspension or Demotion, Form 01.61.00. Thereafter, the officer shall be carried "TR" (relieved from duty **without** pay). However, a suspension or removal may be imposed prior to the end of the 30-day period if a final decision has been made by the Chief of Police. Officers who are relieved from duty **with** pay shall be scheduled for a day off in lieu of a holiday(s) pursuant to the annual Deployment Schedule.

**Timekeeping Audit.** It shall be the responsibility of the concerned division commanding officer to cause an accounting of timekeeping functions to ensure proper accrediting of days off for each deployment period.

**702.60 SUSPENSION OF DAYS OFF.** The Board of Police Commissioners, at its discretion, may suspend operation of Manual Section 3/702.30.

**703. WORKING HOURS, CIVILIAN EMPLOYEES'.** Each full-time civilian employee, of the following classifications, shall be in actual attendance on-duty, for a minimum of eight hours per watch, excluding lunch period, to constitute one working day:

- Detention Officer;
- Senior Detention Officer;
- Principal Detention Officer;
- Property Officer;
- Senior Property Officer;
- Principal Property Officer;
- Police Service Representative; and,
- Senior Police Service Representative.

All other full-time civilian employees shall be in actual attendance, on-duty, for the following minimum number of hours, excluding lunch period, to constitute one working day:

- Day Watch-eight hours;
- Night Watch-seven and one-half hours; and,
- Morning Watch-seven hours.

A full-time employee shall work 20 days exclusive of legal holidays or a leave of absence with pay in each 28-day deployment period. (1) The 20 days of work may be scheduled at such time during two bi-weekly pay periods as the Chief of Police may direct. (1) A civilian employee shall not be required to work in excess of eight hours on any day, or 160 hours during any deployment period.

*(1) Does not apply to members of the Plant Equipment Operators and Repairmen Representation Unit who shall be on a 40-hour-per-week schedule.]*

**703.60 LEGAL HOLIDAYS, CIVILIAN EMPLOYEES.** The term "legal holiday," when used in connection with working hours of civilian employees, shall be limited to the relevant provisions of the current Memorandum of Understanding applicable to members of representation units.

**704. RELIGIOUS OBSERVANCES.** An employee may be allowed time off to observe a religious holiday when such allowance will not interfere with the proper performance of Department operations. Time off shall be deducted from the employees accrued overtime, compensatory equivalent time off, or accrued vacation time. When the employee has no available time which may be deducted, the time off shall be recorded as "Absent" (without pay). However, time off for religious observances may be allowed by rescheduling the employee's regular days off.

**705. TIMEKEEPING.** Each division commanding officer shall ensure the time worked by each employee who is assigned to that division is entered daily into the Deployment Planning System (DPS)

**705.05 DAILY SIGN IN SHEET.** Sworn administrative/investigative personnel who choose to extend their watch hours to take a meal break, shall document the time of their meal break as well as their start and end of watch times using the **Daily Sign In Sheet**, Form 15.19.00.

Department employees (sworn and civilian) shall **only** use the Daily Sign In Sheet. The use of any improvised Daily Sign In or Out Sheet is not permitted. Employees who complete daily activities reports [e.g., Electronic Daily Field Activities Report, Form 15.52.00; Sergeant's Daily Report, Form 15.48.00; or Watch Commander's Daily Report, Form 15.80.00; or Officer's Daily Logbook (if required)] shall use these forms to document the time of their Code Seven (meal break/free time), when applicable.

**Note:** Department employees who do not maintain Department-approved daily activities reports are required to document their start and end-of-watch times, including Code Seven (meal time/free time), when applicable, on the Daily Sign In Sheet.

An example of some assignments that must utilize the Daily Sign In Sheet are the Area kit room, front desk and any other fixed post assignments.

**Employee's Responsibilities.** Department employees who are required to complete the Daily Sign In Sheet shall;

- Complete all of the required boxes properly on the Daily Sign In Sheet for each working day;
- Accurately document their actual start of watch and end of watch times;
- Accurately document their meal break, if applicable in the "Activity" box, including the "Out" and "In" times;
- Indicate their destination/reason in the "Activity" box, including the "Out" and "In" times. If a sworn employee leaves their primary destination, the employee must notify Communications Division or their supervisor of any subsequent destinations;

**Note:** The destination shall be an address or the name of the destination (e.g., 304 South Broadway, Hollenbeck Station, USCMC Hospital, or Elysian Park Academy).

- Phone-in to their supervisor when out of the office, **every two hours**, to update their status;
- At the discretion of the commanding officer or his or her designee, the phone-in and the duration of the time requiring a phone-in may be modified; and,
- For Injured On-Duty (IOD) related medical treatments, Department employees shall document the Workers' Compensation Claim number in the "Activity" box section, including the times when he or she leaves and returns from their medical appointment in the "Out" and "In" sections of the Daily Sign In Sheet.

**Deployment Planning System User's Responsibilities.** Deployment Planning System (DPS) Users or DPS Timekeepers shall be responsible for the following:

- Ensure that the Daily Sign In Sheet is accurate and made available prior to the start of each employee's workday;
- Ensure that the Daily Sign In Sheet is prepared for each day of the deployment period; and,
- Ensure that the Daily Sign In Sheet is completed, filed and the information is transferred to the Daily Worksheet in the DPS, in a timely manner.

**Supervisor's Responsibilities.** Supervisors shall:

- Immediately implement a Daily Sign In Sheet, if one does not exist;
- Monitor the Daily Sign In Sheet for proper documentation and completeness;
- Ensure that the employee's meal break is documented on the Daily Sign In Sheet, if applicable;
- Determine whether the employee inadvertently omitted his or her meal break from the Daily Sign In Sheet. If a meal break has been omitted, promptly ensure that the time is documented on the Daily Sign In Sheet;
- Ensure that an employee taking a meal break properly accounts for such time on the Daily Sign In Sheet (e.g., extending End of Watch, submitting a deduction, or requesting vacation);
- Document the status, location, and the time the phone-in was made by the employee in the "Activity" box. The supervisor must also initial his or her name and serial number in the "Activity" box;
- Document any revisions to an employee's work schedule on the Daily Sign In Sheet. The supervisor must also initial his or her name and serial number next to any change; and,
- Upon notification by an employee of an IOD-related medical treatment, the supervisor shall ensure that the employee documents the Workers' Compensation Claim number in the "Activity" box section of the Daily Sign In Sheet, and the times when the employee leaves and returns from his or her medical treatment in the "Out" and "In" sections of the Daily Sign In Sheet.

**Commanding Officer's Responsibilities.** Commanding officers shall be responsible for ensuring that the Daily Sign In Sheet is properly completed, as mandated by the Fair Labor Standards Act (FLSA).

**705.10 UNOFFICIAL TIME BOOKS.** A watch commander or an officer in charge maintaining a small, unofficial time book for supervisory use shall use the Time Book, Form 15.30.00, or the Watch/Assignment and Timekeeping Record, Form 15.10.00. Entries made therein pertaining to time worked shall correspond to those described in 3/705.40. If an unofficial time book is used to prepare entries for the Divisional Time Book and DPS, it shall be filed with other division records upon completion of the book. Unofficial time books may be destroyed after a minimum of two years time from the last entry.



**Note:** The time worked by each employee who is assigned to that division is entered daily into the Deployment Planning System (DPS). Attendance information is available online, negating the need for personnel to update the Unofficial Divisional Time Book, Form 15.30.00. Personnel may continue to use the Unofficial Time Book as a back-up resource.

**705.30 ENTRIES IN OFFICIAL DIVISIONAL TIME BOOK.** Entries in the Official Divisional Time Book, Form 15.30.1, shall be made only by, or at the direction of, a division commanding officer, a watch commander, or an officer in charge. Entries in the Official Divisional Time Book, Form 15.30.1, shall be made in black ink or by the use of a rubber stamp. The employees rank and paygrade shall be placed in the space designated **Rank**. Authorized abbreviations may be used.

**Note:** Personnel are no longer required to keep an Official Divisional Time Book, Form 15.30.10. Time Book information will be inputted daily into DPS.

**705.40 DEPLOYMENT PLANNING SYSTEM ABBREVIATIONS.** The following abbreviations and symbols shall be used when inputting information into Deployment Planning System (DPS):

**All Employees.**

AW	Absent Without Leave (No Pay)
AY	Acting Pay (Civilian Only) (Must have Employee Relations Group's approval)
BL	Bereavement Leave (3 days per occurrence)
BS	Additional Bereavement from Sick Bank (2 days per Bereavement Leave)
CI	Family/Medical Leave using Sick
CU	Catastrophic Time Use (Sworn Only)
DO	Regular Day off
DOOT	Working Over Time (OT) on a Regular Day Off
F3	Family Medical Leave using Family Illness
F4	Family Medical Leave using Vacation
F5	Family Medical Leave using Holiday Hours
F6	Family Medical Leave using 1.5 Banked OT
F7	Family Medical Leave using 1.0 Banked OT
F8	Family Medical Leave using Leave Without Pay
F9	Family Medical Leave using injured on Duty (IOD)
FD	Family Medical Leave using Floating Holiday (Civilian Only)
FE	Family Illness (Sworn Only) – Can be Used in Half-Hour Increments
FH	Floating Holiday (Civilian) – Hours Must be taken in Full-Day (Maximum 8 Hours) Increments Only
FI	Family Illness (100%) (Civilian Only) – Can be used in Half-Hour Increments
GN	Mandatory Furlough Time – Hourly Employees (Civilian Only)
GS	Mandatory Furlough Time – Salaried Employees (Civilian Only)

HO	Holiday (Full-Day only)
HOOT	Working OT on a Holiday
HT	Holiday Closure Pay (Civilian Only)
HW	Hours Worked
IS	Injured On Duty (Civilian Only)
ID	Injured on Duty
JD	Jury Duty
KS	Overtime off (Old Straight Bank)
KT	Overtime off (Old Time and One-Half Bank)
LCH	Lunch
LD	Light Duty Return to Work Program (Only Duty Related Injuries)
LE	Lead Pay (Civilian – Only in Certain MOUs)
LP	Leave with Pay (Including All Department-approved Training)
LW	Leave without Pay
ML	Military Leave without Pay
MO	Modified Day Off (Civilian Only)
MOOT	Working OT on a Modified Day Off (Civilian Only)
MP	Military Leave with Pay (Maximum 174 Hours per Fiscal Year and per Order)
O	Off as determined on the Days Off Schedule – Cannot be Changed on Days Off Schedule
OS	Overtime Worked & Accumulated – Straight Time
OT	Overtime Worked & Accumulated – Time and One-Half
PA	Overtime Worked & Accumulated – Time and One-Half
PB	Overtime Worked & Accumulated – Straight Time
PT	Personal Time (Civilian Only)
PL	Personal Leave (Civilians – Only in Certain MOUs – Use only in 4-Hour Increments)
PM	Preventive Medicine (Can be used in Half-Hour Increments)
RP	Relieved from Duty with Pay (Sworn) – (Maximum 30 calendar Days)
RW	Reduced Work Week without Pay (Civilian) – Hours Must be Taken in Full-Day increments (Maximum 8 Hours per Pay Period)
SE	Sick Excess (Banked)
SH	Short Day (Civilian Only)
SK	Sick (Can be Taken in Half-Hour Increments)
SP	Suspension
TE	Terminated from Payroll (Retired, Resigned, Etc.)
TO	Overtime Taken Off (Time and One-Half Bank, New)

TR	Relieved from Duty without Pay (Sworn Only)
TS	Overtime Taken Off (Straight Bank, New)
UAT	Unallocated Time
UB	Business Time for Union Activities
UG	Negotiation Time for Union Activities
UT	Release Time for Union Activities
VC	Vacation (Can be Taken in Half-Hour Increments)
VCOT	Working OT on a Vacation Day
WC	Worker's Compensation
WF	Voluntary Work Furlough Time (Civilian Only) (Do Not Use for Mandatory Furlough Time)
ZZ	Employee Death
--	Indicates that the employee was transferred to another organization mid-deployment period

**Note:** The abbreviations and symbols listed above shall be used appropriately when entering time codes into DPS. All attendance information data must be entered correctly as it is collected electronically and uploaded directly and retrieved by Fiscal Group (FG) at the close of the pay period.

**Day Off in Lieu of a Holiday-Sworn Personnel.** A day off in lieu of a holiday, when authorized, may be scheduled on any date during a deployment period. When an officer is off duty for an entire deployment period due to any of the following reasons, no day off in lieu of a holiday shall be designated in the DPS:

- Absent Without Pay;
- Leave Without Pay;
- Military Leave Without Pay;
- Relieved From Duty Without Pay (TR); or,
- Suspended.

**Deployment Planning System Entries.** Data entered into DPS shall accurately reflect the actual attendance record for each employee during the deployment period. Adjustments of less than eight hours to an employee's regular work day shall be indicated by using the appropriate DPS variation code followed by the number of hours and/or tenths of hours used (e.g., to indicate the use of four hours of overtime off, the DPS shall be marked HW/4 TO/4, or two hours of sick time off marked HW/6 SK/2).

**Note:** Sick and vacation (and any time being deducted from the Sick/Vacation time banks) time can only be used in half hour increments.

When an employee is expected to be absent during an entire deployment period (DP) for any reason (e.g., sick, IOD, vacation, family leave, worker's compensation, or other no pay status), that employee's work schedule shall be switched to a 5/40 work week and his or her days off shall be moved to Saturday and Sunday. This schedule shall be entered into DPS and continue into any subsequent months the employee is absent from work. Preapproval by the employee's command is required to report to work/duty during this time. While assigned to the 5/40 work schedule, any pre-approved hours worked over the initial eight hours assigned per day shall be compensated with overtime.

**Note:** The above information applies to the Days Off Schedule, daily Sign in Sheet and DPS.

**Deferment of Days Off.** Sworn employees may defer regularly scheduled days off within a deployment period. They shall not be deferred from one deployment period to another.

**705.70 NIGHT BONUS TIMEKEEPING - CIVILIAN EMPLOYEES.** Civilian employees assigned to night duty receive a night bonus of one additional pay step. When practicable, a civilian employee shall be assigned to night duty for an entire bi-weekly payroll period, the assignment to be effective on the first day of the period.

The Department is restricted as to the civil service positions and the number of civilian employees who may be assigned to night-bonus pay status. Commanding officers shall not exceed their total allotments when assigning civilian employees to night duty.

The Accounting Section, Fiscal Group, shall send a Night Bonus Assignment Roster for the next payroll period for the current payroll period to each division. The division commanding officer shall cause the roster to be updated and returned to the Accounting Section.

**Night Bonus Employees Not Available for Duty.** When employees on night-bonus status are sick, on vacation, or otherwise temporarily absent from duty, their bonus status need be changed only if their bonus position is filled by another employee replacing them.

**705.80 EXPENSE REIMBURSEMENT -POLICE RESERVE CORPS.** The following procedures shall be followed to ensure proper payment of expense reimbursement for police reserve officers:

- At the end of each deployment period the Area/division Reserve Coordinator shall note on the deployment report any personnel changes not reflected on the report;
- The Area/division commanding officer shall certify the deployment report by affixing their signature, rank, and title following the last entry;
- The deployment report shall be forwarded to the Reserve Coordination Section within seven working days following the end of the deployment period;
- A roster of all police reserve personnel shall be compiled by the Reserve Coordination Section and forwarded to Fiscal Group on a semi-annual basis; and,
- Fiscal Group shall then transmit the rosters to the Office of the City Controller semi-annually.

**705.90 PERSONNEL REPORTING PROCEDURE.** Each commanding officer or concerned officer in charge shall ensure that the following information regarding personnel assigned to his/her command is recorded on the Police Personnel Divisional Roster computer printout:

- Position assignment of all sworn personnel;
- Name, serial number, rank, and division of assignment of sworn personnel loaned to his or her command;
- Sworn personnel assigned in lieu of higher paygrade positions;
- Location of sworn personnel loaned to other divisions; and,
- Name, serial number, rank, and division of assignment of over T/O personnel, including a brief statement of the authority for each individual's over T/O status and the anticipated termination date of that status.

Each commanding officer or concerned officer in charge shall review for accuracy and sign the Police Personnel Divisional Roster and return it to the Sworn Personnel Services Section, Personnel Division, no later than five working days following the first day of the related deployment period.

## 708. OVERTIME DEPARTMENT EMPLOYEES.

### 708.02 OVERTIME DEPARTMENT RESPONSIBILITIES.

**Employee's Responsibilities.** No work may be done outside the employee's scheduled work hours unless approved in advance by his or her immediate supervisor.

**Exception:** Court appearances (including "on-call court") and emergency situations requiring immediate law enforcement intervention do not require pre-approval.

Employees must not perform Department duties outside scheduled work hours without ensuring the following:

- Advise a supervisor of overtime status as soon as possible, but in no event later than the end of the employee's End of Watch (EOW) for that day;
- Ensure that the Daily Field Activities Report, Form 15.52.00, Daily Sign-In Sheet, *Form 15.19.00*, Sergeant's Daily Report, Form 15.48.00, or Watch Commander's Daily Report, Form 15.80.00, accurately records actual (not scheduled) start of watch, *meal break*, and EOW time;
- Complete an Overtime Report, Form 02.24.00, as soon as practicable (e.g., as soon as the emergency allows, EOW, etc.); and,

**Note:** If court overtime is worked when an employee's next scheduled work day occurs after the end of the respective pay-period, the employee *must* telephonically report overtime the same day to a supervisor at his or her division and include the compensated time for making a telephonic report.

- Immediately report any employee, regardless of rank or title, who attempts to pressure or coerce an employee to work overtime without compensation, to the authority in their chain of command above the source of the pressure or coercion, or to Professional Standards Bureau.

**Supervisor's Responsibilities.** Supervisors must ensure that a subordinate is compensated for all legitimate overtime, whether pre-approved or not. If an employee violates the Department's overtime policy or procedures, a supervisor **cannot** deny the employee compensation. Rather, the supervisor must ensure that the employee submits an Overtime Report and the supervisor **shall** counsel (or when appropriate, initiate disciplinary action against) the employee. All violations of the Departments FLSA policy or procedures must be documented.

**Note:** The FLSA obligates the Department to enforce its overtime policy and procedures. Any discipline resulting from an employee's failure to adhere to the Department's policy and procedures is not retaliation for requesting overtime compensation. Rather, such discipline is for violating established Department policy and procedures.

In an effort to ensure employees comply with Department policy and procedures, supervisors must:

- Monitor employees (to the extent reasonably possible) to make sure they are not working outside their scheduled work hours without compensation;
- Monitor employees to ensure timely submission of Overtime Reports for all overtime worked; and,
- If a watch commander or supervisor believes he or she needs to report to work early to prepare for roll call, he or she *must* obtain prior approval from their immediate supervisor. If a watch commander or supervisor receives approval to report early for a shift, his or her work hours

should be adjusted, if possible, so that they remain consistent with his or her total number of scheduled work hours, barring exigent circumstances.

**Commanding Officer's Responsibility.** Commanding officers must ensure employees adhere to the procedures and are strongly encouraged to conduct audits of their command and document any violations of the Department's FLSA policy.

**Bureau Commanding Officer's Responsibility.** Bureau commanding officers must ensure that all violations of the Department's FLSA policy or related procedures are promptly documented, investigated, and appropriate action is taken.

## **709. VOTING.**

**709.50 TIME OFF FOR VOTING.** Employees who have less than four consecutive off-duty hours before the beginning or after the end of their watch in which to vote may request the time off necessary to accomplish this purpose. Such request shall be made to their supervisor on an Employees Report, Form 15.07.00, at least two working days prior to the election, stating the reasons they do not have time to vote while off-duty. If their requests are justified, employees may be allowed only the time off necessary to enable them to vote, but in no event shall more than two hours be granted. This time off shall be either at the beginning or end of the watch. No overtime will be granted to employees voting off duty.

## **710. SICK TIME PROVISIONS.**

**710.05 SICK TIME PROVISIONS - SWORN EMPLOYEES.** A sworn employee, immediately upon employment, is entitled to twelve days of sick time at full pay, five days at seventy-five percent of full pay, and five days at fifty percent of full pay. On the first day of each subsequent payroll period during which January 1 occurs, he or she is entitled to an additional twelve days of sick time at full pay, five days at seventy-five percent of full pay, and five days at fifty percent of full pay.

Unused full-pay sick days may be accumulated to a maximum of one hundred days. When the employee's unused full-pay sick days exceed the one-hundred-day maximum at the end of any calendar year, the excess shall be compensated for by cash payment at fifty percent of the employee's current salary rate on the day of payment. Effective January 2021, any one hundred percent sick leave remaining unused at the end of each calendar year, which, if added to an employee's accumulated one hundred percent sick leave will exceed 800 hours, shall, as soon as practicable, be paid in cash at the rate of one hundred percent.

Partial-pay sick days may be accumulated to one hundred days each. All accrued sick days at partial pay in excess of such maximum amounts shall be deemed waived and lost.

**710.10 SICK TIME PROVISIONS - CIVILIAN EMPLOYEES.** Civilian employees employed after December 31, 1976, must complete six consecutive months of employment with no more than ten working days absent without pay to qualify for sick leave. Such employees shall be credited with one day of sick leave upon completion of the six-month qualifying period and, for the remainder of that *calendar* year, one day at the end of each subsequent month worked. Excessive absences will delay the completion of the qualifying period.

On January 1 of each year, civilians who were employed prior to January 1, 1977, and those who have completed the six-month qualifying period, shall be entitled to twelve days of sick time at full pay, five days at seventy-five percent of full pay and five days at fifty percent of full pay.

Unused full-pay sick days may be accumulated to a maximum of one hundred days. When the employee's unused full-pay sick days exceed the one-hundred-day maximum at the end of any calendar year, the excess shall be compensated for by cash payment at fifty percent of the employee's current salary rate on the day of payment.

Partial-pay sick days may be accumulated to one-hundred days each. All accrued sick days at partial pay in excess of such maximum amounts shall be deemed waived and lost.

**Note:** Any relevant provisions of a memorandum of understanding shall apply to members of representation units.

**710.20 SICK TIME PROVISIONS - PART - TIME CIVILIAN EMPLOYEES.** A part-time civilian employee who has completed six months continuous service without being absent for more than ten days during that period is entitled to a percentage of that sick leave allowed full-time employees. This sick leave shall be computed by dividing the number of hours in the part-time employees normal work week by 40 and rounding the result to the nearest hour. This sick leave may be accrued at the same percentage basis.

**Note:** When computing six months continuous duty for crossing guards, school holidays shall not be included and shall not be considered as a break in service. School holidays, including school vacations when a guard cannot work continuously, must be made up in order for the crossing guard to have worked six months in aggregate. Single-day holidays may be disregarded for practical administrative purposes.

**710.25 PREGNANT EMPLOYEES.** A pregnant employee may elect to take a maternity leave of absence (Manual Section 3/730.30) or use accumulated sick leave benefits, including 100 percent, 75 percent, and 50 percent paid sick leave time, for that period of time during which she is certified by a physician as unable to work. Accumulated vacation time may be used in conjunction with, or in lieu of, sick time. Sick leave will not be granted, however, after an employee has elected to take a maternity leave of absence and has begun such leave.

**710.30 ABSENCES DUE TO MORAL TURPITUDE.** An employee shall not be entitled to sick leave with pay when compelled to be absent from work on account of any illness or injury arising from the employee's own moral turpitude.

**710.40 EMPLOYEE MEDICAL CALENDAR.** Medical Liaison Section, Personnel Division, shall prepare an Employee Medical Calendar, Form General 90, when requested by a commanding officer who believes an employees use of sick time warrants examination. Upon request of Personnel Division, the Police Accountant shall forward information relating to use of sick leave to Medical Liaison Section. The Employee Medical Calendar shall be sent to the concerned employee's commanding officer, who shall:

- Ensure that the employee is informed of Department procedures regarding sick leave; and,
- Initiate appropriate action which will be in the best interests of the employee and the Department.

## **711. ILLNESS OR INJURY PROVISIONS.**

**711.10 REPORTING OFF SICK WHEN ON-DUTY.** An on-duty employee who must go off duty as a result of a non-work related illness or injury shall notify his/her supervisor and complete a Non-Occupational Sick or Injury Report, Form 1.30.

**711.20 REPORTING INJURIES OCCURRING ON - DUTY.** An Employee who sustains an on-duty illness or injury shall report it to a supervisor immediately. When the injured employee is unable to report the injury, an

employee having knowledge of the incident shall ensure that a supervisor is promptly made aware of the circumstances of the injury. The supervisor shall complete an Employers Report of Occupational Injury or Illness, State Form 5020. If the employee is unable to sign the report, the supervisor shall sign the employee's name, followed by the supervisor's initials.

**Sworn Employees.** When a sworn employee is injured to any degree while on duty, the employee's supervisor shall:

- Ensure that the employee receives immediate medical treatment; and,
- Notify Medical Liaison Section, Personnel Division, of the circumstances of the injury.

**Civilian Employees.** When a civilian employee is injured seriously (as defined in Manual Section 3/275.10) while on duty, the employee's supervisor shall:

- Ensure that the employee receives immediate medical treatment; and,
- Notify Medical Liaison Section, Personnel Division, of the circumstances of the injury.

When the injury is not serious, the civilian employee's supervisor shall:

- Complete a Non-Emergency Medical Order, Form General 83; and,
- Instruct the employee to deliver the Form General 83 to the designated Workers Compensation doctor as authority to render treatment. The concerned supervisor shall arrange for transportation, if necessary.

**Employee's Report of Occupational Injury or Illness, State Form 5020.** Supervisors shall follow the below procedures regarding occupational injury or illness:

- Upon becoming aware of a reported injury or illness, supervisors shall immediately complete the Employer's Report of Occupational Injury or Illness form and shall forward a rough draft of the form via their e-mail account to [MedicalLiaison@lapd.lacity.org](mailto:MedicalLiaison@lapd.lacity.org). This rough draft shall be sent to the Medical Liaison Section (MLS) e-mail account **the same day** the supervisor initiates the investigation; and,

**Note:** Each Employer's Report of Occupational Injury or Illness form shall be e-mailed separately to the MLS e-mail account.

- Within three days of a supervisor submitting the rough draft, they shall forward the completed Employer's Report of Occupational Injury or Illness form and related documents to MLS.

Medical Liaison Section will not accept hand written Employer's Report of Occupational Injury or Illness forms. All Employer's Report of Occupational Injury or Illness forms shall be completed using a computer generated form. Any other versions of the Employer's Report of Occupational Injury or Illness form will not be accepted.

Although the rough draft of the Employer's Report of Occupational Injury or Illness form is preliminary, it provides the basic information required for the Workers' Compensation Division, Personnel Department and the Department's third party administrator, TRISTAR Risk Management, to facilitate contacting employees and provide better service. Additionally, the rough draft of the Employer's Report of Occupational Injury or Illness form will assist the Department in achieving compliance with state regulations.



**Days Off-Employees.** When an employee is injured on-duty the employee's supervisor or watch commander shall contact Medical Liaison Section, Personnel Division, during normal business hours to determine IOD/NIOD status. This procedure will permit correct entry in the Divisional Time Book at the time of the initial entry.

**711.21 INJURED ON - DUTY - PRELIMINARY INVESTIGATION REQUIRED.** A supervisor who is notified of an on-duty injury to an employee shall ensure an investigation of the circumstances is promptly initiated. The investigation shall include, but not be limited to:

- **Activity.** Describe the activity the employee was engaged in when the injury was sustained.
- **Statements.** Include the statements of all independent witnesses and employee witnesses.
- **Physical Injury.** Include the diagnosis and prognosis of the concerned employee.

**Note:** If a stress-related injury or illness is involved, identify all stated and/or observable manifestations of stress, such as alcoholism, ulcers, anxiety, marital problems or depression. Approximate the date on which stress symptoms were first observed. Include information regarding any on-duty or off-duty situations and influences that are perceived by the employee as stress-producing.

- **Treating Physician.** Include the name, telephone number and address of the treating physician.
- **Examination of Physical Evidence Relevant to the Injury.** Photograph the accident scene and evidence, and retain the evidence, if appropriate.
- **Suggested Action to Correct a Possible Hazard.** Make notifications to the appropriate persons to eliminate hazards.
- **Duty Status.** Describe any duty restrictions and the reason the employee was placed off duty.

**Note:** If circumstances require an employee being placed off-duty, a doctor must examine and certify the off-duty status before the employee may receive Worker's Compensation benefits. The reporting supervisor shall include an opinion regarding the necessity for having placed an employee off-duty and shall indicate that the option of placing the employee on limited-duty status was discussed with the physician, when appropriate. If the employee is placed on limited-duty status, the supervisor shall, if the facts of the incident are covered in another police report, attach that report to the State Form 5020 in lieu of a separate investigation, and request a description of the duty limitations of the involved employee from the treating doctor. If the incident is not reported on another police form, the investigation shall be reported on a Continuation Sheet, Form 15.09.00, and attached to the Employer's Report of Occupational Injury or Illness, State Form 5020. The State Form 5020 shall be forwarded to Medical Liaison Section, Personnel Division, within seven calendar days. If the assigned supervisor cannot complete an investigation within the seven day time period, a State Form 5020 shall be forwarded to Medical Liaison Section with whatever information is available. A supplemental State Form 5020 shall be completed and forwarded to Medical Liaison Section when the supervisor's investigation is completed. A copy shall be retained by the commanding officer for use by the Area/Division Safety Committee.

**711.22 INJURED ON - DUTY - NOTIFICATIONS.** Commanding officers shall ensure that notification is made to the Department Operations Center (DOC) immediately when an employee sustains a serious injury or illness (Department Manual Section 3/275.10), or is hospitalized or transported via Rescue Ambulance. The DOC shall immediately notify Medical Liaison Section, Personnel Division, via Department e-mail at [mlsnotificationsWapd.online](#) if an injury is serious or if an employee is hospitalized or transported via a Rescue Ambulance.

**711.25 REPORTING ILLNESS OR INJURY PRESUMED TO BE DUTY INCURRED - SWORN EMPLOYEES.** When an off-duty officer develops a condition which is diagnosed as pneumonia, pneumonitis, tuberculosis, hernia, or heart trouble, or when an officer is off-duty sick as the result of a condition which is

subsequently diagnosed as pneumonia, pneumonitis, tuberculosis, hernia, or heart trouble, the officer shall, as soon as practicable, cause a supervisor to be informed of the circumstances and the diagnosis.

**Supervisor's Responsibility.** When a supervisor is notified that an off-duty officer has developed a condition diagnosed as pneumonia, pneumonitis, tuberculosis, hernia, or heart trouble, the supervisor shall complete an Employer's Report of Occupational Injury or Illness, State Form 5020.

Additionally, the supervisor shall notify the Officer in Charge, Medical Liaison Section, Personnel Division, as soon as practicable during normal business hours.

### **711.30 REPORTING ILLNESS OR INJURY WHEN OFF - DUTY.**

**Employee's Responsibility.** Employees who become ill or injured to the extent that they are unable to report for duty shall notify a supervisor at their place of assignment immediately. When calling in sick, an employee shall notify the supervisor taking the call of any scheduled court appearance that he/she will miss during the expected duration of the sick leave.

**Note:** The concerned court may order the employee to provide specific information pertaining to an illness or diagnosis for his/her absence. **Failure to provide such information could cause the employee to be liable for a variety of penalties up to and including "contempt of court,"** per Section 1331 of the California Penal Code.

**Supervisor's Responsibility.** When a supervisor is notified that an employee is sick and/or injured, the supervisor shall not ask about the employee's specific medical condition or diagnosis. Supervisors shall only ask if the illness or injury is either a duty or non-duty related occurrence. If the injury or illness is duty related, supervisors shall complete an Employer's Report of Occupational Injury or Illness Report, State Form 5020. A Form 1.30 shall continue to be used for reporting IOD revisits.

**Medical Reports.** If the employee or physician voluntarily releases a medical report to a supervisor to fulfill the requirements for proof of disability, **the report shall be treated as confidential** and forwarded to Medical Liaison Section. In questionable cases, the concerned supervisor shall contact Medical Liaison Section for advice.

**Court Absences.** Supervisors shall complete the section on the Form 1.30 that reads "DOES THE EMPLOYEE EXPECT TO MISS A SCHEDULED COURT APPEARANCE?" If the employee expects to be absent from court due to his/her illness, the supervisor shall determine from the employee, the approximate duration of the employee's absence. If applicable, the supervisor shall also complete the doctor's name, address and phone number on the space provided on the Form 01.30.00. A copy of the form shall be forwarded to the divisional subpoena control officer for completion of the Declaration for Continuance.

If the court requests the concerned employee's medical status, the supervisor assigned to inquire into the status becomes an agent for the court. That supervisor shall then ascertain from the employee, his/her medical status per the court's direction.

**Note:** Supervisors are reminded that they **shall not disclose an employee's medical condition** to any entity except to the judicial entity requesting such information. Also, the information shall not be recorded on **any** document.

If the employee refuses to give his/her medical status, the supervisor shall verify that the employee was served with a court ordered subpoena. If the employee was served with a subpoena, the supervisor shall document the

employee's refusal on the section of the Form 01.30.00 that reads: "\*Reporting Supervisor's Investigation." The Form 01.30.00 should be forwarded to the divisional subpoena control officer.

The investigating supervisor shall contact the concerned judicial entity and advise them of the employee's medical status, or the employee's refusal to provide information on his/her illness.

**Functional Limitations.** Supervisors shall ensure that non-sworn employees comply with Manual Section 3/711.80. Supervisors shall only require employees to provide a statement from a registered physician or physician's assistant verifying that the employee is unable to work for a specified period of time because of functional limitations. Supervisors may ask what those functional limitations are, and whether the employee has any continuing limitations that may affect the employee's performance.

**Duty Restrictions.** Supervisors shall verify the duty restriction (work status and not the diagnosis of the illness and/or injury) of employees under their supervision **every 30 days** with the employee's attending physician or physician's assistant, until the employee is taken off of restricted duty by his/her physician, physician's assistant, Medical Liaison Section or the City's Medical Director. The supervisor shall document those findings on a Revisit Form 01.30.00.

**Note:** If the employee produces another verified documentation from a registered physician or physician's assistant within the 30 days, that would satisfy the above requirements.

#### **711.60 RESPONSIBILITY OF EMPLOYEES WHILE ON SICK OR INJURED ON-DUTY STATUS.**

Employees off-duty due to Injury On-Duty (IOD), or illness/injury (off-duty) shall:

- Contact a supervisor in their assigned division on the seventh day, when off-duty for that duration, and at least once every seven days thereafter for the purposes of providing a report of their status and maintaining contact with the Department for duty-related matters. A watch commander may waive the periodic notification requirement and establish a less frequent schedule when extenuating circumstances exist;
- Notify a supervisor or watch commander in their assigned division prior to leaving, when they intend to leave their residences at any time for a period in excess of 48 hours while on sick or IOD status. Employees shall furnish a supervisor in their assigned division with address(es) and telephone number(s) where they can be reached while on extended absence(s) from their residence;
- Ensure that their healthcare provider completes an Injury Status Report (ISR), Form Gen. 195 (or work status report from their own physician stationary) after each visit by the employee;
- Hand-carry, fax, or scan and email Form Gen. 195 or Treating Physician's Work Status Report directly to their immediate supervisor or Sick/IOD Coordinator;

**Note:** The Sick/IOD Coordinator shall forward the document via Grey Mail (mailstop 400) to Medical Liaison Section, Personnel Division (Division #620).

- Immediately notify their watch commander or officer in charge (OIC) in their assigned division of a release from their healthcare provider(s) to return to modified duty and/or a full duty assignment. Notify their watch commander or OIC of any change in their medical restrictions imposed by the healthcare provider(s).

**Note:** An employee may contact the watch commander during normal business hours to fulfill the notification requirements.

**Supervisor/Watch Commander Responsibilities.** A supervisor or watch commander receiving weekly telephonic notification from an employee on sick or IOD status shall report the results of each conversation on the Sick or Injury Report, Form 01.30.00, as a sick revisit.

**Note:** This does not affect the responsibility or authority of supervisor/watch commanders to initiate periodic sick visits pursuant to Manual Section 3/718.

**Commanding Officer Responsibilities.** The employee's commanding officer shall review the Form 01.30.00 and determine whether additional information, clarification, or documentation is needed.

**Commanding Officer, Personnel Division Responsibilities.** The Commanding Officer, Personnel Division, at the request of the employee's commanding officer, shall request a medical examination by Medical Services Division, Personnel Department, City of Los Angeles, when such a request is deemed necessary.

**Note:** In cases of IOD, the examining doctor shall be designated by the Workers' Compensation Section, Personnel Department, City of Los Angeles.

**711.65 SECONDARY EMPLOYMENT AND PROHIBITED ACTIVITIES WHILE ON SICK, INJURED ON-DUTY, OR TEMPORARY TOTAL DISABILITY STATUS.** While a Department employee is on sick, injured on-duty (IOD), or temporary total disability (TTD) status for more than seven (7) days, all current secondary employment work permits for that employee shall be immediately suspended. The suspension will remain in effect until the employee's healthcare provider releases the employee to return to work or the employee obtains written authorization from the Commanding Officer (CO), Administrative Services Bureau (ASB), to resume any secondary employment.

If an employee receives written authorization from the CO, ASB to resume secondary employment while on restricted duty, the authorization shall be reviewed every thirty days, commensurate with the employee's medical update requirement (i.e., a new Form Gen. 195 or Treating Physician's Work Status Report every 30 days).

**Note:** Temporary total disability (TTD) is a designation made by the employee's treating physician indicating the employee cannot perform work in any capacity. It is a non-taxable wage replacement benefit paid by the City over a seven-day week and is designed to supplement City wages while an employee is temporarily disabled.

An application to resume secondary employment will be evaluated based on the nature of the employee's injury, illness, or disability with respect to the nature of the physical demands of the proposed secondary employment, as well as any similarity in the nature of the duty(ies) to be performed compared to any available temporary modified duty assignment within the Department.

**Note:** The Department reserves the right to review and/or suspend an employee's Permit for Secondary Employment who is on "Family Ill" status for more than seven (7) days.

While on sick, IOD, or TTD status, Department employees shall not engage in any activity that furthers the interests (either financially or operationally) of a business or organization if the Department employee receives remuneration (directly or indirectly) for the activity. This restriction does not prohibit volunteer activities that are consistent with the employee's medical work restrictions. This restriction will remain in effect until the employee's healthcare provider releases the employee to return to work or the employee obtains written authorization from the CO, ASB, to engage in such activity.

Department employees who engage in secondary employment or an activity that furthers the interests of a business or organization (for remuneration), while on sick, IOD, or TTD status without **prior** CO, ASB, approval may be subject to discipline up to or including termination.

**711.68 STRENUOUS ACTIVITIES PROHIBITED WHILE ON SICK, INJURED ON-DUTY, OR TEMPORARY TOTAL DISABILITY STATUS.** Department employees who are on sick, injured on-duty (IOD), or temporary total disability (TTD) status shall avoid any strenuous physical activity. Strenuous physical activities include any sporting, recreational, or volunteer activity that may prolong an employee's recovery, hinder their ability to return to work in a timely manner, or is inconsistent with the employee's work restrictions and for which the employee does not have expressed consent from their treating physician to engage in.

**Employee's Responsibilities.** An employee who is on sick, IOD, or TTD status shall **not** engage in any activity that may be deemed a strenuous physical activity without **prior** written approval by their treating physician **and** the Commanding Officer, Personnel Division, who is the Department's designated Disability Management Coordinator. Department employees who desire to engage in an activity that may be deemed a strenuous physical activity shall follow these procedures to obtain authorization to engage in the proposed activity:

- Obtain an Injury Status Report (ISR), Form Gen. 195, or other written documentation reflecting their healthcare provider's determination that the proposed activity is not a strenuous physical activity and grants the employee permission to engage in the specified activity;

**Note:** The written determination and permission from the treating physician shall accurately describe the proposed activity and specifically address the extent of the activity (i.e., number of days, hours, and frequency), along with an evaluation explaining that the proposed activity will not hinder the employee's recovery and return to work.

- Discuss the proposed activity in detail with their Sick/IOD Coordinator, including whether the employee is able to engage in a limited modified duty assignment that does not prolong their recovery period, hinder the employee's timely return to work, or is inconsistent with the employee's medical work restrictions; and,
- Prepare an Employee's Report, Form 15.07.00, to the employee's commanding officer (CO) and Sick/IOD Coordinator, thoroughly detailing (i.e., description, location, duration, and frequency) the

proposed activity, along with a statement from the employee indicating that the activity will not impact their recovery from the illness, condition, or duty-related injury, if applicable. The Employee's Report shall also include the following attachment(s):

- A copy of the ISR or other written document signed by the employee's treating physician that provides the requisite determination and permission to engage in the specified activity; and,
- A copy of all writings, emails, or texts in which the employee discussed the proposed activity with their Sick/IOD Coordinator. If the employee's discussions with their Sick/IOD Coordinator were verbal only, the employee shall provide a summary of the discussions with the dates and times of the discussions on an Employee's Report, Form 15.07.00.

If approval is obtained, Department employees shall continually assess their injury/illness and the physical demands of the activity in which they are engaging – while remaining in constant consultation with their healthcare provider – to ensure that such activity does not prolong their recovery period, hinder their ability to return to work in a timely manner, or become inconsistent with their work restrictions. If at any time the employee's physician determines the activity compromises the employee's timely return to work and documents such on Form Gen. 195 or Treating Physician's Work Status Report, the employee's continued participation in said activity will be considered misconduct.

**Commanding Officer's Responsibilities.** Upon receiving the Employee's Report, the CO shall:

- Review the circumstances of the employee's injury or condition and any documentation concerning the incident, including previously documented medical restrictions and diagnosis;
- Ensure that all of the required documents and information are included. If the Employee's Report is incomplete, instruct the employee to submit any missing information or incomplete documents within seven calendar days;
- Review with the employee's Sick/IOD Coordinator:
  - The proposed activity;
  - The employee's restrictions;
  - The duration of the employee's sick, IOD, or TTD status as it relates to the 180-day cumulative Modified Duty Assignment Program guidelines, if applicable;
  - The employee's ability to engage in a light-duty assignment; and,
  - Whether further information is required.
- Discuss any concerns with the employee; and,

**Note:** This is an opportunity for COs to ensure that the employee understands the importance of avoiding activities that could prolong or impede their return to full-duty, particularly as it relates to the Department's Reasonable Accommodation Process, if applicable.

- Ensure that a copy of the Employee's Report and the original ISR or written determination and permission from the employee's health care provider are forwarded to Medical Liaison Section,

Personnel Division. Retain a copy of the Employee's Report **without** the ISR, doctor's note, or supporting documentation in the employee's Area/ divisional package.

**Note:** Medical Liaison Section shall be responsible for maintaining medical records for all Department personnel. Medical information shall **not** be kept in the employee's divisional package.

**Commanding Officer, Personnel Division's Responsibilities.** The CO, Personnel Division, is the Department's Disability Management Coordinator (DMC). The DMC has sole authority and discretion to approve or deny a request by sworn personnel for participation in strenuous activities while on sick, IOD, or TTD status.

Upon receipt of an Employee's Report requesting permission to participate in a potentially strenuous activity while on sick, IOD, or TTD status, the DMC shall:

- Review the Employee's Report for completeness;
- Review the associated documentation; and,
- Return the Employee's Report to the affected employee within five business days, if additional information is needed; or,
- Return the Employees Report to the affected employee within ten business days, following receipt of all necessary documentation, with a rendering of "approved" or "denied."

Sworn personnel who are on sick, IOD, or TTD status and engage in strenuous physical activities in violation of this section may be subject to disciplinary action up to and including termination.

#### **711.70 RETURN TO DUTY.**

**IOD Injury or Illness-Sworn.** When an employee returns to duty from injury or illness status, the employee's commanding officer shall cause a Duty Certificate, Form PDAS 43, to be completed. Prior to returning to duty from a IOD injury or illness, an employee shall be examined by a doctor designated by the Worker's Compensation Division, Personnel Department. The doctor will, if appropriate, provide authorization to return to duty.

**Non-IOD Injury or Illness-Sworn.** When a sworn employee returns to duty from a non-IOD injury or illness, the concerned commanding officer may require a sworn employee to report, as soon as possible, to Medical Services Division, Personnel Department, for examination.

When an employee returns to duty, the employee's supervisor shall complete the return to duty section of the Non-Occupational Sick or Injury Report, Form 01.30.00, if the absence is for less than eight days. If the absence is for eight or more days, a Duty Certificate, Form PDAS 43, shall be completed. The employee's commanding officer shall review the required form and cause it to be distributed.

**IOD Injury or Illness-Civilian.** When an employee returns to duty from injury or illness status, the employee's commanding officer shall cause a Duty Certificate, Form PDAS 43, to be completed. Prior to returning to duty from an IOD injury or illness, an employee shall be examined by a doctor designated by the Worker's Compensation Division, Personnel Department. The doctor will, if appropriate, provide authorization to return to duty.

**Non-IOD Injury or Illness-Civilian.** When a civilian employee is absent because of a non-IOD injury or illness for three or less days, the concerned commanding officer may require a private physician's letter indicating the fact of the illness and the necessity for the absence.

When a civilian employee is absent because of a non-IOD injury or illness for four or more days, the employee shall present a private physician's letter indicating the fact of the illness and the necessity for the absence.

When the employee returns to duty, the employee's supervisor shall complete the return to duty, section of the Non-Occupational Sick or Injury Report, Form 01.30.00, if the absence is for less than eight days. If the absence is for eight or more days, a Duty Certificate, Form PDAS 43, shall be completed. The employee's commanding officer shall review the required form and cause it to be distributed.

**Note:** Following the initial treatment, an employee being treated by a physician (not a therapist) for an on-duty injury shall ensure that a Duty Certificate, Form PDAS 43, is completed by the physician once each pay period.

**Restricted Duty-Sworn and Civilian.** Employees on restricted duty shall immediately notify their watch commander or immediate supervisor when certified to return to full duty by the attending physician. Employees shall also provide documentation verifying their change of status.

## **711.75 TEMPORARY DISABILITY EVALUATION/ACCOMMODATION.**

**Temporary Modified Duty Assignments Defined.** Temporary modified duty assignments are:

- Temporary accommodations within the Department with a definitive end date;
- Provided to employees who temporarily cannot perform the essential functions of their civil service position;
- Authorized by the Commanding Officer (CO), Personnel Division, who has been designated as the Department's Disability Management Coordinator (DMC), and approved by the Chief of Police; and,
- Subject to the Chief of Police or their designee's discretion, based on an employee's restrictions and the best interests of the Department.

**Note:** The Department does not have any permanent modified duty assignments. All modified duty assignments are on a limited, temporary basis as defined by Department policies and procedures.

**Guidelines Governing Temporary Modified Duty Assignments.** The guidelines governing temporary modified duty assignments are:

- All employees seeking a temporary accommodation may be subject to a different work location, schedule change, shift change, or a change of duties;
- Temporary modified duty assignments shall be evaluated periodically by the Return to Work Section (RTWS), Personnel Division, to ensure consistent treatment of injured or ill employees and to assess the continued temporary accommodation of an employee outside the essential functions of their civil service position. This shall be accomplished in accordance with the 180-day cumulative Modified Duty Assignment Program guidelines. The CO, Personnel Division, has been designated as the Department's DMC;



- No employee shall be given a temporary modified duty assignment when the medical evaluation or restrictions indicate that the employee is incapable of performing in a modified position; and,
- Any employee in a temporary modified duty assignment who remains unable to perform the essential job functions of their civil service position after 45 calendar days shall be referred to the RTWS for a preliminary determination of the likelihood that the work restrictions will become permanent and to assess how the restrictions will affect the employee's ability to perform the essential functions of their civil service position.

**Note:** If sufficient medical information is not available to make a preliminary determination, the RTWS shall continue to monitor the employee for an additional 45 days, or until sufficient medical information becomes available.

When it appears that the work restrictions will not be permanent, and the restrictions can be accommodated within the essential functions of the employee's regular position, the DMC shall continue to monitor for potential changes and return the employee to their regular position, consistent with any work restrictions.

When it appears that the work restrictions will be permanent and that they would preclude the employee from performing their essential job functions, the RTWS shall meet with the employee to begin the interactive process:

- No later than 90 days after the date of injury, the RTWS will review all files where an employee has been off work, Injury On-Duty (IOD) or sick continuously, or remains accommodated in a temporary modified duty assignment. If an employee is off work, the RTWS will obtain updated medical information to determine whether a temporary modified duty assignment is appropriate. If an employee has been accommodated in a modified duty assignment and remains unable to perform the essential functions of their civil service position, the RTWS shall make a determination whether the work restrictions are likely to become permanent. In cases where it appears that work restrictions will become permanent, the RTWS shall engage in the interactive process to assess for a permanent accommodation. When it appears that work restrictions will not become permanent, and an employee will be able to return to full non-restricted duty within the next 60 days, the employee may be retained in the temporary modified duty assignment;
- No later than 150 days after the date of injury, the RTWS will assess any employee remaining in a temporary modified duty assignment. If an employee has been temporarily accommodated and is not expected to return to a full duty assignment, the RTWS shall determine the need for the continued modified duty assignment. The RTWS may consult with the Personnel Department's Equal Employment Opportunity and Worker's Compensation staff to determine whether to place an employee off work, on sick or IOD status, depending on the origin of the injury;
- The concerned employee's divisional Sick/IOD Coordinator shall liaise with the RTWS to continue appropriate monitoring at all times;
- If after 180 days, the DMC determines that an employee's temporary accommodation can no longer continue and that the employee should be placed off work, or the employee has been continuously off work, IOD or sick status, the employee may be transferred to Personnel Division. The RTWS shall assume monitoring responsibility for employees transferred to Personnel Division;

- Any employee transferred to Personnel Division pursuant to this policy may provide the Department with a medical note from their treating physician at any time indicating that the employee is medically capable of performing the essential job functions of their civil service position, with or without restrictions. In such circumstances:
  - Employees without work restrictions will be returned to the original assigned division;
  - Employees with work restrictions may be returned to the original assigned division if there is a position at that division which can accommodate the restrictions. If the division cannot accommodate the restrictions, the Department will make every effort to place the employee in a position that can accommodate the restrictions, as close to the employee's former division of assignment as possible; and,
  - If the return of an employee from Personnel Division to their former division causes the division to be over-staffed in a particular class and/or paygrade, the Department may reassign an individual from that division to another division within the Department. In such cases, the Department will utilize the Managed Attrition Policy to determine which employee will be reassigned.

**Note:** An employee assigned to Personnel Division and returned to the original division of assignment will be considered to have continuous service at the original division for the purpose of calculating displacement seniority for managed attrition.

**Note:** When a CO replaces an employee who has been transferred to Personnel Division, the CO is to notify the replacement that if the original employee returns and causes the division to be overstaffed, the Managed Attrition Policy may be used to restore level staffing which may result in the replacement being moved to another division.

- Employees assigned to temporary modified duty assignments remain eligible for overtime assignments that do not conflict with any medical restrictions; and,
- The CO of any employee with work restrictions shall review work permits to ensure that secondary employment does not conflict with the employee's medical restrictions.

**Request for a Temporary Modified Duty Assignment Due to a Work-Related or Non-Work-Related Illness/Injury.**

**Employee's Responsibilities.** When an employee is informed by their treating physician that the employee is medically capable of returning to work, the employee shall:

- Immediately notify their supervisor;
- Provide the Department with documentation of any medical restrictions imposed by the employee's treating physician;
- Obtain authorization to work and/or restriction(s) regarding temporary modified duty status from *their* treating physician; and,
- Provide their physician's determination to their immediate supervisor within five business days.

**Commanding Officer's Responsibilities.** When a CO receives a request for a temporary modified duty assignment, the CO shall:

- Compare the employee's medical restrictions with available assignments at the Area/division and make every reasonable effort to provide a temporary modified duty assignment;
- Notify the Return to Work Section, Personnel Division, immediately of any employee who is either placed in/or denied a temporary modified duty assignment;
- Ensure that any employee placed into a temporary modified duty assignment is denoted as "LD" for official Department time keeping purposes; and,

**Note:** The "LD" code shall be used only for employees in a temporary modified duty assignment.

- Contact the concerned bureau *Sick/IOD* Coordinator for consideration for temporary modified duty placement within the *bureau* when an employee's *work restrictions* cannot be accommodated in their assigned division.

## **711.76 PERMANENT DISABILITY EVALUATION/ACCOMMODATION.**

### **Permanent Reasonable Accommodation defined.**

- Any employee with permanent medical restrictions may request a permanent reasonable accommodation to perform the essential job functions of his or her civil service classification;
- Any employee who permanently cannot perform the essential job functions of his or her civil service classification may be placed off duty on sick or IOD status, depending on the origin of the injury, until a permanent reasonable accommodation is completed, the employee recovers fully with no restrictions, the employee is transferred to a more suitable job classification pursuant to City Charter, the employee voluntarily resigns his or her position, a pension is granted, or the employee is terminated pursuant to City Charter Rule; and,

**Note:** Any employee, who was injured on or after August 1, 2006, will be subject to the terms of this policy.

- The Chief of Police or designee has the final decision regarding any permanent reasonable accommodation, based on an employee's restrictions and the best interests of the Department.

### **Request for a Permanent Reasonable Accommodation.**

**Employee Responsibilities.** Any employee requesting a permanent reasonable accommodation shall provide the Department with a physician's note listing any permanent medical restriction, and shall submit a "Reasonable Accommodation Assessment" form, to the Return to Work Section (RTWS), Personnel Division.

**Commanding Officer's, Personnel Division, Responsibilities.** Upon receipt of such request, the Commanding Officer, Personnel Division, shall ensure that the concerned division completes a Reasonable Accommodation Assessment Evaluation. The RTWS or designee shall meet with the concerned employee, and every reasonable effort shall be made to provide a permanent accommodation.

When an employee appeals a decision to deny accommodation, the Commanding Officer, Personnel Division,

shall request that the Duty Evaluation Committee review the request.

**Duty Evaluation Committee's Responsibilities.** The Duty Evaluation Committee shall be comprised of the following members: Commanding Officer (or designee), Administrative Services Bureau (Chair), Commanding Officer, Personnel Division, the concerned employee's commanding officer, Officer in Charge, RTWS, and the Employee Relations Administrator. The Committee may seek advice from the City Attorney's Office as necessary.

The Committee shall convene within 30 days of the date of the request and consider the following:

- The nature, extent, and seriousness of the employee's restriction(s);
- Whether the employee, with reasonable accommodation, can perform the essential functions of the civil service classification, including such considerations as restructuring non-essential functions;
- Whether providing the employee with a reasonable accommodation would pose an undue hardship to the Department or pose a direct threat to the health or safety of the employee or others; and,
- Any additional relevant factors.

The Committee shall provide a recommendation to the Director, Office of Support Services (OSS). The Director OSS shall make a determination and ensure that the employee is notified in writing of the decision within seven days.

When it is determined that an employee cannot be permanently accommodated, the employee shall be referred to Personnel Division for consideration to transfer into another job classification or for a disability or service retirement.

Any employee who declines to transfer into another job classification, or fails to obtain a service or disability pension, shall be recommended for separation from the Department pursuant to applicable City Charter Rule.

**711.80 PROOF OF ILLNESS FOR PAID SICK LEAVE - CIVILIAN EMPLOYEES.** No payment for sick leave allowance in excess of three consecutive days shall be made until a doctor's certificate or other satisfactory proof has been received and approved by the employee's commanding officer. If the proof is not satisfactory to the commanding officer, the employee shall be marked absent until satisfactory proof can be furnished. The certificate must indicate the probable duration of the illness or injury and the necessity for the employee's absence.

**Note:** Commanding officers, at their discretion, may require a doctor's certificate or other proof of illness at any time. If the employee or physician voluntarily releases a medical report to a supervisor to fulfill the requirements for proof of sick leave, **the report shall be treated as confidential** and forwarded to Medical Liaison Section. In questionable cases, the concerned supervisor shall contact Medical Liaison Section for advice.

An employee who is on sick leave at full or partial pay, or both for more than 25 consecutive working days shall receive no further sick leave payments until the following procedures have been complied with:

- When it is first determined that an employee will be absent more than 25 consecutive working days, the employee's commanding officer shall notify the Medical Liaison Section, Personnel Division;

- The Medical Liaison Section shall forward a Sick Leave Request, Form General 89, and a Medical Information Certificate to the employee;
- The employee shall complete the applicable portions of both forms and return them to the Medical Liaison Section, Personnel Division, after having the attending physician complete the medical portion of the Medical Information Certificate;
- The Medical Liaison Section shall complete the Department section of the Sick Leave Request and record the information in the employee's sick record;
- The Medical Liaison Section shall ensure compliance with the confidentiality or medical records pursuant to California Civil Code Section 56.10;
- The Medical Liaison Section shall obtain the necessary medical information from treating physicians. All requests for information from a treating physician shall be made through the concerned employee or Medical Liaison Section;
- The Commanding Officer, Personnel Division, shall review the Sick Leave Request and forward it and the Medical Information Certificate to the Civil Service Examining Physician;
- When the processed forms are returned, the Commanding Officer, Personnel Division, shall:
  - Approve or disapprove further payment not to exceed 63 additional working days.
  - Notify the Police Accountant and furnish the Controller with all reports and recommendations.

**Note:** When sick leave with pay extends beyond the approved period, the same procedure as above shall be repeated for each successive period of 63 working days.

## **712. EMPLOYEE EXPOSURE TO HEALTH HAZARDS - REPORTING PROCEDURES.**

### **712.05 EXPOSURE TO CONTAGIOUS DISEASES.**

**Employee Responsibility.** On-duty employees having contact with persons believed to have tuberculosis or infectious hepatitis shall contact Central Receiving Clinic for advice during normal business hours. Employees shall contact the Custody Services Division Dispensary or a physician at a contract hospital when Central Receiving Clinic is closed. Employees shall complete an Employees Report, Form 15.07.00. This report shall be submitted to the employee's supervisor or watch commander and shall include:

- The name, address, and date of birth of the person suspected of having tuberculosis or infectious hepatitis;
- The date, time, and location of the contact;
- The circumstances which caused the employee to suspect the persons condition;
- The name of the Central Receiving Clinic, Custody Services Division Dispensary, or contract hospital employee contacted and the advice received; and,
- A copy of any related reports.

**Note:** This procedure does not prohibit an employee from completing a Form 15.07.00 when coming into contact with other serious communicable diseases. If more than one employee was exposed to tuberculosis or infectious hepatitis from the same occurrence, one Form 15.07.00 may be submitted listing the names and serial numbers of each exposed employee.

**Supervisor/Watch Commander-Responsibility.** Upon learning that an employee has been exposed to a serious communicable disease, the supervisor/watch commander shall:

- Conduct a thorough and immediate investigation and determine which employees were exposed; and,

- Collect and approve an Employee's Report, Form 15.07.00, listing each exposed employee and forward them with any related reports to the commanding officer of the Area/division of occurrence.

In addition, any supervisor involved in the separation, transportation and monitoring of involved/witness employees following a Categorical Use of Force incident shall:

- Determine if any employee has been in contact with or exposed to any bloodborne pathogen or other bodily fluids during the incident.

**Note:** Contact must be with blood, urine, fecal matter, saliva, or other potentially-infectious bodily fluid.

- If contact with any bodily fluids or an exposure has occurred, the supervisor shall require the concerned employee to immediately cleanse and/or disinfect the contaminated area if the officer has not already done so. If there is a reasonable likelihood that the bodily fluid may be relevant evidence for the investigation, photographs shall be taken immediately. All evidence shall be booked in accordance with Department policy. Cleansing and/or disinfecting the exposed area **shall not** be delayed to obtain a camera.
- Determine if any clothing or equipment worn by an employee during the use of force incident has been in contact with an involved person's bodily fluids. In such cases, the employee shall be allowed to immediately change or remove contaminated clothing and/or equipment.
- Preserve towels, cloths, or other items used by an exposed employee to cleanse bodily fluids from his/her skin, and all items of the employee's clothing and/or equipment containing traces of bodily fluids as evidence.
- Notify the incident commander and Force Investigation Division investigators of all actions taken pursuant to this Order and document them in a Sergeant's Daily Report, Form 15.48.00.
- The incident commander shall ensure that bloodborne pathogen exposure, injury treatment and reporting of them are followed.

**Commanding Officer-Responsibility.** The Area/division commanding officer receiving the Employee's Report, Form 15.07.00, and related reports shall review and forward them to Personnel Division.

**Commanding Officer, Personnel Division-Responsibility.** The Commanding Officer, Personnel Division, upon receiving a copy of the Employees Report, Form 15.07.00, and related reports shall:

- Cause a copy of the Form 15.07.00 to be placed in each employees medical package at Medical Liaison Section; and,
- In cases of exposure to a tubercular, forward a copy of the Form 15.07.00 and any necessary related reports to the Tubercular Control Division, County Health Department.

**BLOODBORNE PATHOGEN EXPOSURE.** When an employee requires an evaluation or treatment for exposure to a bloodborne pathogen, which occurs during regular business hours (6:00 A.M. to 5:00 P.M., Monday through Friday), he or she shall contact or respond to Medical Services Division (MSD), within two hours of the original exposure. If the incident occurs after regular business hours, the employee shall contact or respond to Metropolitan Jail Section, Valley (Van Nuys) or 77th Street Regional Jail Section Dispensaries, within two hours of the original exposure.

**Commanding Officer's Responsibilities.** Upon notification that an employee under his/her command has sustained an occupational bloodborne pathogen exposure, the commanding officer shall:

- Ensure that the employee is immediately evaluated by MSD medical staff at one of the City's dispensaries;
- Meet with the involved employee(s) to discuss the process that will occur (e.g., MSD procedure, BSS referral, etc.);
- Ensure that the initial needs of the involved employee are met (e.g., ensure necessary medical attention is provided and provide transportation to their residence at the conclusion of interviews, if necessary, etc.);
- Ensure that the exposure incident is properly documented (e.g., Employee's Report, Form 15.07.00, Occupational Injury or Illness, State Form 5020);
- Notify BSS within twenty-four hours of the incident;

**Note:** During off-hours, the commanding officer or supervisor should contact the on-call BSS psychologist through the Department Command Post, Department Operations Center (DOC).

- Schedule an appointment for the employee with BSS within two administrative working days for psychological counseling by a licensed mental health professional;

**Note:** An employee's attendance at a BSS session resulting from a directed referral is mandatory and shall be conducted on an on-duty basis.

- Notify the involved employee of the appointment; and,
- Consult with BSS before and after the involved employee's mandatory appointment to obtain their recommendation regarding any work restrictions. Other than the recommendation of BSS, matters discussed during the BSS evaluation shall be strictly confidential

**Behavioral Science Services Responsibilities.** Behavioral Science Services will schedule an appointment in a timely manner for an employee involved in an occupational bloodborne pathogen exposure. Whenever possible, a BSS psychologist will consult with the employee's commanding officer before conducting the evaluation. After the session with the concerned employee the psychologist will make an appropriate recommendation to the commanding officer regarding any work restrictions.

## **712.10 EXPOSURE TO HAZARDOUS MATERIALS.**

**Employee-Responsibility.** On-duty employees having any exposure to hazardous materials shall notify their supervisor and complete an Employee's Report, Form 15.07.00. This report shall be submitted to the employee's supervisor/watch commander and shall include:

- The date, time, and location of the exposure;
- The circumstances involved;
- The type of material involved, if identified;
- The commercial company or parties responsible;
- The nature and approximate location of the employees duties at the time of exposure;
- The time of arrival at the scene and the time of departure from the scene of exposure; and,
- A copy of any related reports.

**Exception:** If the exposure to a hazardous material is the result of an unusual occurrence and an After Action Report is completed, employees do not need to complete a Form 15.07.00.

**Supervisor/Watch Commander-Responsibility.** Upon learning that an employee has been exposed to a hazardous material, the supervisor/watch commander shall:

- Conduct a thorough and immediate investigation and determine which employees were present and exposed; and,
- Complete an Employee's Report, Form 15.07.00, listing each exposed employee.

**Exception:** If the exposure to a hazardous material is the result of an unusual occurrence and an After Action Report is completed, employees do not need to complete a Form 15.07.00.

- If any exposed employee displays any symptoms that could be related to the exposure to a hazardous material or the Fire Department Incident Commander indicates that possible contamination has occurred, ensure that the employee receives immediate medical treatment and the provisions set forth in Manual Sections 3/711 and 3/720.10 are complied with; and,
- Forward all related reports to the commanding officer of the Area in which the exposure or contact occurred.

**Note:** If more than one employee was exposed to a hazardous material from the same occurrence, *one* Form 15.07.00 may be submitted by the field commander or a supervisor listing the name and serial number of each exposed employee.

**Commanding Officer-Responsibility.** The commanding officer of the Area of occurrence receiving an Employee's Report, Form 15.07.00, resulting from contact with a hazardous material shall forward the Form 15.07.00 and all related reports to the Commanding Officer, Personnel Division. The commanding officer shall also forward a copy of the completed Form 15.07.00 and any related reports to the Commanding Officer, Emergency Services Division, Counter Terrorism and Special Operations Bureau.

If a tactical alert is declared and an After Action Report is completed regarding a hazardous materials incident, the concerned Area commanding officer or officer in charge shall direct an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Personnel Division. The Form 15.02.00 shall contain:

- The date, time, and location of the exposure;
- The commercial company or parties responsible;
- The type of material involved, if identified; and,
- The name and serial number of each employee involved in the incident, the time the employee arrived at the scene, and the time the employee left the scene of the exposure.

The commanding officer shall also forward a copy of the completed Form 15.02.00 and any related reports to the Commanding Officer, Emergency Services Division.

**Exception:** Employer's Report of Occupational Injury or Illness, State Form 5020, for injured employees shall not be forwarded to the Commanding Officer, Emergency Services Division.

**Commanding Officer, Personnel Division-Responsibility.** The Commanding Officer, Personnel Division, upon receiving correspondence resulting from contact with hazardous materials shall:

- Cause a copy of the Employee's Report, Form 15.07.00, or Intradepartmental Correspondence, Form 15.02.00, to be placed in each listed employees medical package at Medical Liaison Section; and,



- Subsequent to an exposure to a hazardous material, if an employee develops symptoms that *could* be related to contact with a hazardous material, cause Medical Liaison Section to review the packages of all involved employees and take the appropriate action.

**Commanding Officer, Emergency Services Division-Responsibility.** If the type of material was not identified at the scene of the employees exposure to a hazardous material, the Commanding Officer, Emergency Services Division, shall cause a follow-up investigation to be conducted to determine the type of material involved in the incident. The results of the follow-up investigation shall be reported on an Intradepartmental Correspondence, Form 15.02.00, directed to the Commanding Officer, Personnel Division, identifying the hazardous material. The Commanding Officer, Emergency Services Division, shall also maintain a file of all Forms 15.02.00, 15.07.00, and any related reports, except Employer's Report of Occupational Injury or Illness, State Form 5020, resulting from exposure to hazardous materials.

**712.13 DISPOSAL OF INFECTIOUS WASTE.** Items contaminated with blood and/or any bodily fluid other than saliva and vomitus, which have **no evidentiary value and are not otherwise properly classified as property**, shall be discarded. Such items are classified as **infectious waste**, and special disposal procedures may be required.

#### **Definitions.**

**Infectious Material.** Infectious material includes blood and any bodily fluid other than saliva and vomitus, unless blood is visible.

**Infectious Waste.** Infectious waste is any waste item containing infectious material on the inside or outside of the item. All infectious waste is classified as contaminated infectious waste or regulated infectious waste.

**Contaminated Infectious Waste.** Contaminated infectious waste refers primarily to personal hygiene products such as sanitary napkins, adhesive bandages, diapers, tissue paper, etc. Such items are commonly used by the general public and become soiled with infectious material as a result of normal intended use. No special disposal procedures are required by law. However, any item soaked or caked with blood would qualify as regulated infectious waste and would require special disposal procedures.

**Regulated Infectious Waste.** The definition of regulated infectious waste includes:

- Any liquid or semi-liquid infectious material, or any item contaminated with infectious material which, if compressed, could release the infectious material in a liquid or semi-liquid state;
- Any item caked with infectious material which could be released during handling; and,
- Contaminated objects capable of piercing the skin. All syringes not secured in an original manufacture's container are presumed to be contaminated.

**Note:** The distinction between contaminated and regulated infectious waste is one of different State disposal requirements. These requirements are primarily concerned with the origin rather than the type of infectious waste material. Employees should use established universal precautions, as outlined in Training Bulletin, Bloodborne Pathogens – August 2021, when handling any infectious material.

#### **Securing and Disposing of Infectious Waste.**

**Employee - Responsibilities.** The proper disposal of infectious waste is the responsibility of the employee having custody of the material. A Department employee disposing of infectious waste shall do so in accordance with the procedures set forth in this Section.

**Contaminated Infectious Waste.** Employees disposing of contaminated infectious waste may dispose of the items as normal waste material, unless the item is caked or soaked with infectious material.

**Regulated Infectious Waste.** Any employee disposing of regulated infectious waste shall secure the item in a Department-approved bio-hazardous disposal bag. Syringes shall be secured in a Department-approved polypropylene evidence tube prior to being placed in a disposal bag. Any other contaminated sharp objects shall be secured in such a manner to prevent puncturing the bag as a result of normal handling. All regulated infectious waste shall be double-bagged. The top of the bag shall be tied in a knot and secured with a twist tie. Secured and bagged regulated infectious waste may be disposed of at the following locations:

- Piper Technical Center, Space 270, bio-hazardous disposal bin (key available from Forensic Science Division during normal business hours);
- Valley Headquarters Building, bio-hazardous disposal bin, northwest parking lot (key available from Valley Property Section); or,
- Dispensary, Metropolitan Jail Section or Valley Jail Section.

**Note:** Any material deposited in a bio-hazardous disposal receptacle is presumed to thereby become contaminated and require disposal as regulated infectious waste. Ordinary waste material shall not be secured in bio-hazardous disposal bags nor deposited in bio-hazardous receptacles.

**Supervisor's Responsibility.** A watch commander, unit OIC, or immediate supervisor may determine that disposal of regulated infectious waste by the concerned employee is not practical or desirable. Properly secured regulated infectious waste material may be transported by another designated employee or secured at the work location in the Area temporary bio-hazardous disposal receptacle until transportation is arranged, not to exceed two days.

Outlying Areas which use the Department evidence courier system may use the courier service to transport regulated infectious waste to the appropriate bio-hazardous disposal location. The watch commander shall ensure that properly secured regulated infectious waste material is removed by the courier, daily.

**Commanding Officer's Responsibility.** Commanding officers shall ensure that their respective division or unit vehicles are equipped with Department-approved containers for securing regulated infectious waste. Concerned commanding officers shall ensure that an adequate supply of Department-approved bio-hazardous disposal bags for securing regulated infectious waste is maintained and is accessible to employees. Red bio-hazardous disposal bags and other required disposal equipment are available upon request from Supply Section.

**Detective Bureau – Responsibility.** Detective Bureau, by way of private contractor, shall transport and dispose of properly secured regulated infectious waste throughout the Department in accordance with established state and federal regulated infectious waste disposal procedures.

**712.15 EXPOSURE TO PHENCYCLIDINE (PCP) OR ITS ANALOGS.** PCP shall refer to phencyclidine or any of its analogs.

**Employee's Responsibility.** On-duty employees having any direct physical contact with PCP shall complete an Employee's Report, Form 15.07.00. This report shall be submitted to the employees supervisor/watch commander and shall include:

- The date, time, and location of the contact;
- The circumstances involved; and,

- A copy of any related reports.

**Note:** If more than one employee had contact with PCP or witnessed the contact from the same occurrence, *one* Form 15.07.00 may be submitted listing the names and serial numbers of each involved employee. This procedure does not prohibit an employee from completing a Form 15.07.00 when coming into contact with other narcotics.

**Supervisor/Watch Commander's Responsibility.** Upon learning that an employee has had direct physical contact with PCP, the supervisor/watch commander shall:

- Conduct a thorough and immediate investigation and determine which employees had direct physical contact with PCP;
- Collect an Employee's Report, Form 15.07.00, listing each involved employee; and,
- Forward all related reports to the commanding officer of each exposed employee.

**Note:** If the exposed employee displays any symptoms that could be related to the exposure to PCP, ensure that the employee receives immediate medical treatment, and the provisions set forth in Manual Sections 3/711 and 3/720.10 are complied with. All Employer's Report of Occupational Injury or Illness, State Form 5020, generated as a result of exposure to PCP shall be transported to Medical Liaison Section during the next administrative working day.

**Commanding Officer's Responsibility.** The commanding officer of the exposed employee receiving an Employee's Report, Form 15.07.00, resulting from contact with PCP shall forward the Form 15.07.00 and all related reports to the Commanding Officer, Personnel Division.

**Commanding Officer, Personnel Division-Responsibility.** The Commanding Officer, Personnel Division, upon receiving correspondence resulting from contact with PCP shall cause a copy of the Employee's Report, Form 15.07.00, to be placed in each listed employees medical package at Medical Liaison Section, Personnel Division.

## **716. ILLNESS OR INJURY - POLICE RESERVE OFFICERS**

### **716.10 RESERVE OFFICER DUTY - CONNECTED INJURY - REPORTING AND RETURNING TO DUTY.**

**Supervisor's Responsibility.** When a police reserve officer sustains a service connected injury or illness, a supervisor shall prepare the Employer's Report of Occupational Injury, State Form 5020. The supervisor shall comply with the same Department provisions for investigating regular sworn personnel injuries (Manual Section 3/711.21).

A police reserve officer who has recovered from a service connected injury and desires to return to duty shall obtain a letter from the officer's treating physician or a Duty Certificate, Form PDAS 43, signed by the physician. The letter shall describe the extent of the injury and indicate that he or she is certified to return to full-duty status. The police reserve officer shall submit the letter or Duty Certificate to his or her supervisor prior to the beginning of the next tour of duty. The Duty Certificate or the treating physician's letter shall be forwarded to the officer's commanding officer.

**Note:** When an on-duty police reserve officer has sustained a serious injury or is hospitalized, the officer's supervisor shall immediately notify the Officer in Charge, Medical Liaison Section, Personnel Division. When

Personnel Division is closed, notification shall be made to the Watch Commander, Detective Support and Vice Division, who shall contact the Medical Liaison Section Duty Officer.

**716.20 REPORTING AND RETURNING TO DUTY FROM A NON - SERVICE - CONNECTED ILLNESS OR INJURY.** A police reserve officer who, while off duty, becomes ill or injured or experiences any acute symptoms of an illness which would affect his/her ability to perform regular police duties or which could result in incapacitation while on-duty, shall report the circumstances of the illness or injury to his/her supervisor prior to the beginning of his/her next tour of duty. The supervisor shall complete a Sick or Injury Report, Form 1.30, and forward it to Medical Liaison Section, Personnel Division. When it would serve the best interests of the police reserve officer and the City, the police reserve officer shall be directed to report to Central Receiving Clinic for an examination. The police reserve officer shall obtain a Duty Certificate, Form PDAS 43, from the Clinic and submit it to his/her supervisor. When no examination is necessary, the reserve officer shall obtain a Duty Certificate form at his/her division of assignment, complete those items in Section A on the form which are marked with a "\*", and submit the form to his/her commanding officer.

**716.30 MEDICAL LEAVE OF ABSENCE OR TERMINATION OF POLICE RESERVE OFFICERS.**

**Police Reserve Officer-Responsibility.** When a police reserve officer sustains an illness or injury causing the officer to be unable to complete his or her required tour of duty during any deployment period, the officer must notify the Area/division Reserve Coordinator prior to the non-attendance.

**Area/Division Police Reserve Coordinator-Responsibility.** When notified of an illness or injury that will result in non-attendance for a period of six months or longer, the Area/division Reserve Coordinator will report the reason for such non-attendance by completing an Employee's Report, Form 15.07.00 and forwarding it to the Officer in Charge, Reserve Officer and Volunteer Unit, Training Division, for investigation of the matter. The police reserve officer must be excused from all tours of duty pending the results of the investigation.

**Officer in Charge, Reserve Officer and Volunteer Unit-Responsibility.** When the investigation reveals that a police reserve officer will not be able to properly and safely perform regular police duties for an extended period of time, the Officer in Charge, Reserve Officer and Volunteer Unit, must submit an Employee's Report, Form 15.07.00, to the Department Reserve Coordinator. The Employee's Report must contain:

- A description of the illness or injury;
- A description of how the illness or injury was sustained;
- Pertinent medical data and the doctor's prognosis; and,
- A recommendation concerning the police reserve officer's continued employment-leave of absence or termination from the Police Reserve Corps.

**Commanding Officer, Training Bureau.** The Department Reserve Coordinator shall be responsible for supplying written notification, through channels, to the Area/division Police Reserve Coordinator, who will inform the police reserve officer of the results of the investigation.

**717. WORKERS COMPENSATION CASE NUMBERS.**

**717.10 ASSIGNING OR OBTAINING CASE NUMBERS.** Upon receipt of a State Form 5020, Medical Liaison Section, Personnel Division, shall, when appropriate, obtain a Worker's Compensation Case Number from the Worker's Compensation Division, Personnel Department, enter the number on the State Form 5020, and make the appropriate distribution of the form.

**717.20 TIMEKEEPING RECORDS COMMANDING OFFICER'S RESPONSIBILITY.** Each commanding officer or officer in charge shall ensure that all IOD entries in DPS bear corresponding case numbers placed to the right of the concerned employees' names prior to forwarding to Fiscal Group.

**Note:** When an employee goes off duty sick or IOD and the Medical Liaison Section has not confirmed the status of the employee by the time the information is entered into DPS, the employee shall be carried as Sick. Upon confirmation of IOD status by the Medical Liaison Section, a Time Sheet Correction Report, Form 02.30.00, shall be completed and forwarded to Fiscal Group.

## **718. SICK AND IOD INTERVIEWS.**

**718.10 SICK AND IOD INTERVIEWS - WHEN REQUIRED.** Commanding officers shall ensure that a supervisor conducts an initial interview when notified that an employee under the supervisor's command is unable to report for duty because of illness or injury. The interview shall be conducted as soon as practicable but, in any event, within twenty-four hours after notification.

An initial interview need not be conducted when an on-duty employee reports off because of illness or injury and a Non-Occupational Sick or Injury Report, Form 01.30.00, or an Employer's Report of Occupational Injury or Illness, State Form 5020, has been completed.

**718.15 SICK AND IOD INTERVIEWS GENERAL.** A supervisor causing an initial interview or follow-up interview to be conducted shall determine whether the interview is to be accomplished by telephone or in person.

An interview may be conducted by telephone when:

- The supervisor has prior knowledge of the illness or injury;
- The employee has been hospitalized; or,
- The employee has a communicable disease; The employee's personnel record and reputation indicate no necessity for a personal interview.

An interview shall be conducted in person when:

- Unauthorized use of sick time is suspected;
- There is any indication that the ill or injured employee needs assistance; or,
- Injured-on-duty status is claimed (Manual Section 3/711.21).

**Exception:** When an employee has a communicable disease.

An interview shall be conducted by a supervisory officer from the ill or injured employee's location of assignment. When unauthorized use of sick or IOD time is suspected, the interview shall be conducted by an officer superior in rank to the employee being interviewed.

**Exception:** When no supervisory officer from the ill or injured employee's location of assignment is available and there is strong reason to believe that a personal interview should be conducted without unnecessary delay, the watch commander of the geographic Area in which, or nearest to which, the employee resides shall be requested to assign a supervisor to conduct the interview. The watch commander receiving the request shall:

- Cause a supervisory officer from his/her division to conduct a personal interview of the ill or injured employee;

- Cause teletype verification of the interview to be sent, without unnecessary delay, to the employee's location of assignment; and,
- Cause all copies of the sick report to be forwarded to the employee's location of assignment.

The supervisor interviewing a sick or injured-on-duty employee shall:

- Provide appropriate assistance to the employee, (e.g., obtaining information and advising on medical benefits, forwarding pay); and,
- Encourage and assist the employee to return to duty as soon as practicable.

**718.20 SICK AND IOD INTERVIEWS - ALL EMPLOYEES.** When a supervisor is notified that an employee is sick and/or injured, the supervisor shall not ask about the employee's specific medical condition or diagnosis. Supervisors shall only ask if the illness or injury is either a duty or non-duty related occurrence. A supervisor conducting an initial interview of an ill or injured employee shall:

**When the interview is by telephone:**

- Complete a Non-Occupational Sick or Injury Report, Form 01.30.00, or an Employer's Report of Occupational Injury or Illness, State Form 5020, whichever is appropriate; and,
- Sign the employee's name followed by his or her own signature, to this and one blank copy of the form.

**When the interview is in person:**

- Cause the ill or injured employee to complete the employee's portion of a Form 1.30 or State Form 5020 in ink; and,
- Obtain the employee's signature, in ink, on the handwritten copy and one blank copy of the form. When the employee is unable to write, the supervisor shall complete the report and sign the employee's name, followed by his/her own signature.

**Supervisor's Analysis for Illness or Injury Presumed to be Duty Incurred.** After interviewing the employee, the supervisor shall add his or her statement to the handwritten copy of the appropriate report (Manual Section 3/711.21).

The supervisor shall sign his or her name to the blank copy of the appropriate report, and cause the information contained in the handwritten copy to be type written on the signed blank copy and other necessary copies. The type written copies of the form shall be submitted to the employee's commanding officer and then distributed as required.

**Note:** The handwritten copy shall be forwarded to Medical Liaison Section, Personnel Division, to be included in the employee's medical folder.

**718.70 FOLLOW - UP SICK AND IOD INTERVIEWS.** When an employee is off-duty sick or IOD for other than a communicable disease, the employee's commanding officer shall ensure that a supervisor conducts a follow-up interview within seven days of the initial interview and another during each succeeding seven-day period. The supervisor conducting the follow-up interview shall complete a Non-Occupational Sick or Injury Report, Form 01.30.00, after each visit.

All employees claiming injured-on-duty status shall be interviewed in person (Manual Section 3/718.15).

**Exception:** When the commanding officer believes that an in-person interview every seven days is impractical, Medical Liaison Section, Personnel Division, shall be contacted for advice. If circumstances do not warrant the continuation of in-person interviews every seven days, the employee may be interviewed telephonically, providing that at least one interview each deployment period is conducted in person.

**718.90 CHECK FOR TRAFFIC CITATIONS.** A supervisor conducting an initial interview of an employee shall ascertain whether any completed traffic citations are in the employee's possession. If so, the supervisor shall cause such citations to be delivered, without delay, to his/her division of assignment.

## **720. MEDICAL EXAMINATIONS OR TREATMENT.**

**720.10 MEDICAL TREATMENT FOR OFFICERS INJURED ON DUTY.** An officer shall immediately notify his or her watch commander or supervisor of any injury or illness incurred on-duty or Injury on Duty related medical appointments. In every case where medical treatment beyond First Aid is given, or in which the officer is placed off work by a Workers' Compensation treating physician beyond the date of the injury or illness, an Employer's Report of Occupational Injury or Illness, State Form 5020, shall be completed by a supervisor.

**Note:** In case of an emergency or serious injury or illness (Department Manual Section 3/275.10), request a Rescue Ambulance or call 911, or transport the employee to the nearest hospital emergency room.

In all cases of serious injury or illness, hospitalization, or transportation via Rescue Ambulance, Medical Liaison Section, Personnel Division, shall immediately be notified of the circumstances of the incident (Department Manual Section 3/711.22).

**Note:** Commanding Officers shall, upon notification that an employee under his or her command has sustained an occupational bloodborne pathogen exposure, ensure that the employee is immediately evaluated by Medical Services Division (MSD) medical staff at one of the City's jail dispensaries. Commanding Officers shall also ensure that the exposure incident is properly documented.

**720.30 RE - TREATMENT AND RETURN TO DUTY FOR OFFICERS INJURED ON DUTY.** Prior to returning to duty, an officer who has been receiving medical treatment and/or therapy from a Worker's Compensation physician shall obtain a doctor's certificate from the treating physician, or another physician designated by the Worker's Compensation Division of the City Personnel Department. The doctor's certificate shall indicate:

- The nature of the injury or illness;
- A statement that the officer is qualified to return to regular or restricted duty; and,
- A description of any physical restriction, i.e., specific description of physical acts which the officer's medical condition precludes.

**Note:** An employee may be required to be examined by Medical Services Division, Personnel Department, prior to returning to duty.

Officers returning to duty shall submit a doctor's certificate to the officer's immediate supervisor. Restricted duty assignments will be made available, if necessary.

Upon receipt of a doctor's certificate, the officer's immediate supervisor shall:

- Complete a Duty Certificate, Form PDAS 43;
- Attach the doctor's certificate to the completed Form PDAS 43; and,
- Forward both forms to the concerned commanding officer.

The commanding officer shall cause Section D of the Form PDAS 43 to be completed and distribute the form in the following manner:

- The original and three copies to Medical Liaison Section, Personnel Division; and,
- The last copy (pink) shall be filed in the employee's divisional employee folder.

An officer being treated by a physician for an IOD illness or injury shall ensure that a doctor's certificate or Duty Certificate, Form PDAS 43 is completed:

- On initial examination placing an officer off duty or continuing an officer on-duty;
- On subsequent visits, if an officer's duty status is changed;
- Each 30-day period, unless satisfactory proof of disability is currently on file with the Department; and,
- On return to regular or restricted duty.

**Note:** In these instances, the officer shall submit the completed doctor's certificate or Form PDAS 43 to a supervisor as soon as practicable after visiting a physician.

Officers injured-on-duty and applying for compensation benefits from Worker's Compensation Division, Personnel Department, must ensure that they:

- Have been examined by a physician at the time they become ill or injured; and,
- Have been certified for off duty status by a physician if the circumstances require being placed off duty.

**Note:** An officer may forfeit his/her right to Worker's Compensation benefits if the officer does not comply with these provisions.

When a supervisor receives information that an officer off duty, on IOD status, may be capable of returning to duty due to a change of his/her medical condition, the officer shall notify Medical Liaison Section, Personnel Division, of the information regarding the officer.

The Officer in Charge, Medical Liaison Section, Personnel Division, shall notify Worker's Compensation Division, Personnel Department, of the information, and request additional medical advice, if appropriate.

**720.35 MEDICAL EXAMINATIONS.** Department employees are required to appear for medical examinations as directed by the Department, acting pursuant to a directive from Worker's Compensation Division, Personnel Department.

**Note:** When an employee does not appear for a scheduled medical examination as directed, it may result in the suspension of Worker's Compensation benefits.

When an employee is unable to keep, and wishes to be excused from, a medical examination appointment, or she shall immediately advise his or her treating physician to reschedule the appointment. An employee shall notify his or her supervisor of the change of appointment date as soon as practical and prior to the new appointment date.



**720.36 TETANUS IMMUNIZATION.** All officers shall be immunized against tetanus infection as directed by Medical Services Administrator, Personnel Department.

**720.40 MEDICAL SERVICES DIVISION, PERSONNEL DEPARTMENT HOURS.** The hours for consultation for sworn personnel by Medical Services Division (MSD) staff at MSD are as follows:

**Medical Services Division**

520 East Temple Street, Los Angeles, CA 90012

- Return to duty approval for minor illnesses not requiring examination by MSD staff  
0730 to 1600 hours,  
Monday through Friday.
- Telephone and switchboard.  
0730 to 1600 hours,  
Monday through Friday.

**Note:** For bloodborne pathogen exposure; 24-hour walk-in blood draw is available at any of the three jail dispensaries, or MSD during normal business hours.

**720.45 CONTRACT HOSPITALS.** Certain hospitals are under contract to the City for first aid treatment and emergency cases only. They shall not be used for reporting off duty or to authorize return to duty.

Additionally, a contract hospital is defined as a hospital under contract with the City for pre/post booking examinations of arrestees, blood alcohol draws for evidentiary purposes, and evidentiary examinations of victims of certain crimes (e.g., rape, child abuse/molestation, or other physical abuse). Evidentiary examinations for non-custodial individuals claiming injury as a result of a Department employee's actions can also be provided.

**Note:** A current list of hospitals under contract with the City can be obtained from Detective Support and Vice Division.

**720.50 COMPLAINTS REGARDING MEDICAL SERVICES DIVISION JAIL DISPENSARIES.** When employees believe that the service rendered at a Medical Services Division Jail Dispensary is unsatisfactory, they shall notify their watch commander or immediate supervisor without delay.

**Note:** Medical Services Division oversees the three Jail Dispensaries located at 77<sup>th</sup> Regional Jail Section, Metropolitan Jail Section, and Valley Jail Section.

**Watch Commander's Responsibilities.** When watch commanders are notified of a complaint, they shall assign a supervisor to conduct a prompt investigation.

**Investigating Supervisor's Responsibilities.** A supervisor assigned to review a complaint shall make an effort to resolve the problem which led to the complaint.

When the investigating supervisor determine that a further investigation into the complaint may be warranted, the supervisor shall complete an Employee's Report, Form 15.07.00, containing all pertinent information concerning the incident, including:

- Name of facility;
- Name of medical personnel involved;
- Name of patient;
- Officer(s) making complaint;
- Date and time occurred; and,
- Nature of the complaint.

A copy of the Employee's Report shall be forwarded to the employee's Area or divisional commanding officer.

The original and five copies of the Employee's Report shall be delivered to the Hospital Unit Coordinator, Department Operations Center, Communications division, no later than 1400 hours of the next administrative working day following the date of the reported incident.

**Hospital Unit Coordinator's Responsibilities.** When the Hospital Unit Coordinators receive the report, he or she shall:

- Immediately review the report to ensure that it contains sufficient information;
- File one copy of the report at the Department Operations Center; and,
- Deliver the original and four copies of the report to the Secretary of the General Manager, Personnel Department, prior to 1600 hours of the second administrative working day following the date of the incident.

When the Hospital Unit Coordinators receive a status report on a complaint submitted to the Personnel Department, he or she shall forward one copy to the commanding officer of the employee who initiated the complaint.

**724. REST PERIODS.** Rest periods may be granted to employees assigned to office or station duties when, in the opinion of the concerned commanding officer, their duties are such that the granting of rest periods will promote efficiency and economy in the conduct of City business.

**Note:** Sworn employees do not receive any rest breaks during their work shifts. Sworn employees are exempt from California regulations regarding work breaks. Rest periods are restricted to civilian personnel only.

**724.30 NUMBER AND DURATION OF REST PERIODS.** Rest periods shall be limited to two during a normal tour of duty. No rest period shall exceed fifteen minutes in duration.

**724.60 SCHEDULING REST PERIODS.** Rest periods shall be scheduled near the middle of each half of the tour of duty. No rest period shall be taken during the first or last hour of an employee's working period. Because rest period policies may differ among employee classifications, refer to the individual employee's Memorandum of Understanding for additional information.

**724.90 REST PERIOD TIME NOT TO BE ACCUMULATED.** Rest periods shall be taken at scheduled times and may not be accumulated, carried over, from one day to another, or compensated for in any form.

## **726. VACATIONS.**

**726.04 EARNING VACATION TIME.** Employees of the Department shall be entitled to annual vacation time with full pay. On January 1 of each year, vacation time accrued during the previous year shall be credited to each sworn employee. Vacation time for each civilian employee shall be accrued and credited monthly, after

completion of his or her qualifying year. Vacation time earned during one calendar year normally shall be taken during the next calendar year. (Exception- Manual Section 3/726.80)

**726.06 COMPUTING VACATION TIME.** War Emergency time and military leave with or without pay are included in computing total service for the purpose of vacation time. Time off without pay, except military leave, is not included in aggregate service for purposes of computing vacation time [Los Angeles City Administrative Code, Division 4, Chapter 6, Article 1, Section 4.247 (e)].

**Officers with Less than Nine Years of Service.** Officers with less than nine years aggregate service shall earn vacation time at the rate of fifteen calendar days for each year worked or one and one-fourth (1-1/4) days for each month worked.

**Officers with More than Nine Years of Service.** Officers who have completed nine years of service in the aggregate shall, from the ninth anniversary date there after, earn vacation time at the rate of twenty-two calendar days for each year worked or one and five-sixths (1-5/6) days for each month worked.

**Computing Vacation Time in Anniversary Year.** Vacation time shall be computed at the rate of one and one-fourth (1-1/4) days per month up to the ninth anniversary date. After the ninth anniversary date, vacation time shall be computed at the rate of one and five-sixths (1-5/6) days per month for the remaining months in the calendar year.

**Civilian Employees.** Civilian employees are entitled to vacation periods in accordance with the relevant provisions of the current Memorandum of Understanding applicable to members of representation units.

**726.20 DIVISION OF YEAR INTO VACATION PERIODS.** For the purpose of assigning vacations, each deployment period shall be divided into four seven-day vacation periods, designated A, B, C, and D.

**726.30 ASSIGNMENT OF VACATION PERIODS.** Assignment of employees to vacation periods shall be made so as to maintain adequate deployment at all levels of rank.

An employee who is entitled to fifteen days or less vacation time must take the vacation time in adjacent periods.

An employee who is entitled to more than fifteen days vacation time may split the vacation time into two parts. One part shall consist of two adjacent vacation periods, and the other part shall be of seven days or less.

**Exception:** Any change to the above procedures requires the approval of the employee's commanding officer.

**726.40 SPECIAL GROUPINGS IN VACATION ASSIGNMENT.** Certain ranks and positions within the Department may be grouped together to ensure that no more than a minimum number of key employees are on vacation at a given time.

**Supervisors.** A bureau commanding officer may direct, by bureau order, that each commanding officer shall consider all officers of the rank of sergeant or above in the division or area as one group in the assignment of vacation periods.

**Area or Division Commanding Officers.** Vacation periods for area or division commanding officers shall be arranged with the concerned bureau commanding officer.

**726.50 SELECTION OF VACATION PERIODS.** Employees shall submit requests for the annual selection of vacation periods in writing. Vacation periods shall be selected first by rank and then by seniority within each rank. If circumstances require, this rule may be modified at the discretion of a commanding officer preparing a vacation schedule.

Employees entitled to more than fifteen days annual vacation time, who split their vacation, may apply their seniority preference to either part, but not both. The remaining part shall be assigned at the discretion of the officer's commanding officer.

**Seniority.** Questions referring to seniority may be referred to Personnel Division. In general, seniority in rank or position shall be determined from the date of the employee's most recent civil **service** probationary appointment to the rank currently held.

**Exception:** For the ranks of Lieutenant and below, vacation periods shall be selected by rank. Once ranks are grouped, seniority will be based upon time as a sworn Department employee.

Seniority among persons having identical dates of appointment shall be determined from their relative positions on the eligibility list from which they were appointed. The date of a war emergency appointment shall apply if there is no break in the continuity of service during change from war emergency to permanent status. In addition, war-emergency-service time shall apply when any break in the continuity of service was due to resignation from war emergency status to await permanent appointment. Military leave of absence will not be deducted from the aggregate service in the particular rank; other forms of leave of absence without pay will be deducted from the aggregate service. The date of a war emergency appointment shall apply to war emergency police officers who resigned to enter military service and, upon release, returned to the Department and were re-employed on a permanent status.

**Note:** Seniority among civilian employees having identical dates of appointment shall be determined from their relative positions on the certification list from which they were appointed.

**726.60 DAYS OFF IN CONNECTION WITH VACATION.** Scheduling of regular days off, accumulated overtime, compensatory equivalent time off, days off in lieu of a holiday, and deferred vacation days with the annual vacation of an employee is permissible and may be granted at the discretion of the concerned commanding officer. A commanding officer shall obtain approval from the concerned bureau commanding officer before granting an employee a vacation exceeding thirty (30) days. The Department's interests shall be the primary factor in determining whether such additional time off shall be scheduled in connection with the annual vacation of the employee.

**726.70 CHANGE IN SCHEDULED VACATION PERIODS.** After vacation periods have been scheduled, changes in the schedule, may not be made without the approval of the concerned commanding officer. Written notification of changes approved by commanding officers shall be made to the concerned bureau commanding officer.

**726.80 ACCUMULATION OF VACATION TIME.** Officers shall be permitted to defer all or part of their vacation for one year, there by accumulating unused vacation time to total not more than the number of days allowed in the current Memorandum of Understanding. Accumulation of more than the allowed number of vacation days will result in their loss.

Cash payment will not be made in lieu of vacation days except when a termination occurs. (Manual Section 3/726.90) (For further provisions regarding accumulation of vacation time, refer to the City of Los Angeles, Administrative Code, Sections 4.172(b) for Sworn, and 4.254 for Civilian.

**726.85 VACATION PERIODS OF TRANSFERRED EMPLOYEE.** A notation concerning the original scheduled vacation periods, together with the number of days taken and due, shall be made on the Employee Transfer Data, Form 01.34.00, at the time of transfer of an employee. The retention of the assigned periods will be at the option of the employee's new commanding officer. Any change in scheduled vacation periods shall be reported as provided in Manual Section 3/726.70.

**726.90 VACATION PERIODS OF TERMINATED EMPLOYEE.** An employee who is terminated from the Department will normally have vacation time accrued from January 1 to the date of termination, plus time accrued from the previous year, if such vacation time has not already been taken. In such a case, the employee may be carried in the Deployment Planning System (DPS) for the additional time; or following presentation of a letter from the Commanding Officer, Personnel Division, requesting such payment, the employee will be paid in full for the vacation time due.

**726.95 VACATION PERIODS.** Fiscal Group maintains the master record of vacation time due all employees. Determination of the number of days due may be secured from Fiscal Group.

## **728. RESIGNATIONS.**

**728.10 RESIGNATION - GENERAL.** When employees signify the intention to resign their position, they shall be instructed to submit a properly completed Resignation Form 01.50.00, to their supervisor or superior. A commanding officer shall only accept a resignation conditionally. Resignations are final upon acceptance by the Chief of Police or acknowledged by the signature of the Commanding Officer, Personnel Division. No offer or guarantee of immunity from criminal prosecution shall be made as a consideration for a resignation.

**Note:** Subsequent to the effective date of an employee's resignation, and prior to acceptance by the Chief of Police, the employee's duty status shall be "Special Assignment-No Pay (SN)."

**728.20 RESIGNATION - DISCIPLINARY REASONS.** When an investigation of an employee prompts that employee's resignation, the employee's commanding officer shall forward the Resignation, Form 01.50.00, and all pertinent reports of the investigation to Internal Affairs Division. The acceptance of a resignation by the Chief of Police in lieu of disciplinary action shall terminate the case in so far as it regards the resigning employee.

**728.27 TERMINATION PROCESS AND ASSIGNMENT OF PROBATIONARY OFFICERS.** If the commanding officer (CO) has made the final decision to recommend termination for a probationary officer for performance reasons, an Intradepartmental Correspondence, Form 15.02.00, shall be prepared requesting approval to place the probationary officer on inactive duty. The CO shall forward the Intradepartmental Correspondence, to the Director, Office of Support Services (OSS), requesting approval to assign the probationary officer to inactive duty, via the probationary officer's bureau chain of command, CO, Training Division (TD), Director, Officer of Operations (OO), and CO, Training Bureau (TRB).

**Note:** If the Co determines there is an immediate need to assign the probationary officer to inactive duty for performance reasons (i.e., below standard field performance, below standard officer safety), the CO shall make notification to the Director, OSS, for immediate approval. Upon obtaining approval from the Director, OSS, the CO shall submit the request to place the probationary officer on inactive duty through the above prescribed process.

Upon the approval of inactive duty status from the Director, OSS, the CO shall meet with the probationary officer. The probationary officer shall be placed on inactive duty and given a separate Intradepartmental

Correspondence, Form 15.02.00, documenting the conditions of the inactive duty assignment and containing the following directions to the probationary officer (Department Manual 3/840.20):

- Shall refrain from acting in an official capacity;
- Shall remain on-call at a designated location during business hours, or report at a given time and place when such a location is determined; and,
- The Correspondence shall indicate that the CO has met with the probationary officer and discussed all aspects and conditions relating to the inactive duty.

After the probationary officer has been assigned to inactive duty, the CO shall meet with the probationary officer, discuss the reasons for the termination recommendation, and provide a copy of all addenda items. The commanding officer shall serve the probationary employee with a City of Los Angeles Form General 77 (Rev 06/02) Notice of Discharge, Suspension or Probationary Termination.

The probationary officer shall be given three calendar days to respond. Immediately following the three-day response period, an Intradepartmental Correspondence, shall be completed and forwarded to the Chief of Police with the approvals of the bureau chain of command, Director, Office of Operations, CO, Training Bureau, and Director, OSS, recommending termination for failure to meet the standard of a Los Angeles Police Department Probationary Police Officer. The correspondence shall include the probationary officer's response, and specifically address the basis for the termination recommendation including all supporting documentation.

**728.28 TERMINATION PROCESS OF PROBATIONARY OFFICERS FOR DISCIPLINARY REASONS.** When a commanding Officer (CO) determines that a probationary officer should be terminated for disciplinary reasons, an Intradepartmental Correspondence, Form 15.02.00, documenting the Complaint Form (CF) number and the nature of the allegations justifying the termination, shall be immediately forwarded through the chain of command to the Director, Office of Support Services (OSS). The Intradepartmental Correspondence shall include a request to assign the employee to inactive duty with an attached Notice of Discharge, Suspension or Probationary Termination, City of Los Angeles General Form 77. Upon approval by the Director, OSS, the Intradepartmental Correspondence and the Notice of Discharge, Suspension, or Probationary Termination shall be forwarded to the Chief of Police.

**Note:** If the CO determines there is an immediate need to assign the probationary officer to inactive duty for disciplinary reasons (i.e., arrest, serious misconduct), the CO shall make notification to the Director, OSS, for immediate approval. Upon obtaining approval from the Director, OSS, the CO shall submit the request to place the probationary officer on inactive duty through the above prescribed process.

### **728.30 RESIGNATION OF PROBATIONARY OFFICERS.**

**Commanding Officer's Responsibilities.** When a commanding officer (CO) becomes aware of the resignation of a probationary officer for other than disciplinary reasons (Department Manual Section 3/728.20), a Resignation, Form 01.50.00, and an Intradepartmental Correspondence, Form 15.02.00, with supporting documentation shall be prepared and forwarded via the chain of command to the Director, Office of Support Services (OSS), via the probationary officer's bureau chain of command, Commanding Officer, Training Division (TD), Director, Office of Operations (OO), and Commanding Officer, Training Bureau (TRB). The Intradepartmental Correspondence shall:

- Indicate the employee's date of employment in the current Civil Service classification and the date that the probationary period will end;
- Explain the reason(s) for the resignation;

- Indicate that the CO has reviewed the documentation, and through the application of administrative insight, determined that the resignation is justified;
- Contain a summary of the interview with the concerned probationary officer indicating that the employee reviewed the documentation and what attempts were made to resolve any differences of opinion concerning the resignation; and,
- Contain a recommendation for rehire.

The Intradepartmental Correspondence, along with all supporting documentation shall be forwarded within 5 working days through the concerned Area and bureau COs to the CO, Training Division for review, Director, OO for review; the CO, TRB for review; and, the Director, OSS for review.

**Bureau Commanding Officer's Responsibilities.** Upon receipt of a request to terminate a probationary officer, the bureau CO shall initiate a review of the supporting documentation to determine if termination is warranted. If the bureau CO determines that a termination for performance issues is justified, the supporting documentation shall be forwarded to the CO, TD, for review and recommendations.

**Training Division Commanding Officer's Responsibilities.** The CO, TD, shall ensure that a thorough review of the supporting documentation and an interview of the employee is conducted within five working days of receipt from the concerned bureau. Training Division staff shall determine if the training methods and documentation meet Department standards and if reasonable efforts have been made to remediate the employee. If the CO, TTD, concurs with the recommendation for termination, all supporting documentation, along with a report outlining the review and recommendation, shall be forwarded to the Director, OO, via TD's chain of command.

**Note:** The report shall contain an independent review of the employee's performance, reasons for termination, efforts made by TD to assist the employee, and an evaluation of the employee's potential to achieve a satisfactory level of performance.

**Office of Operations Director's Responsibilities.** The Director, OO, shall review requests for termination of a probationary officer, including the results of TD's review and recommendations. The Director, OO, shall recommend approval or disapproval of the requests and forward the recommendation for termination along with the investigation by TD, to TRB for review.

**Training Bureau Commanding Officer's Responsibilities.** The CO, TRB, shall review requests for the termination of probationary officers, including the results of TD's review and recommendations. The CO, TRB, shall recommend approval or disapproval of the requests and forward the recommendation for termination, along with the investigation by TD to OSS for approval.

**Office of Support Services Director's Responsibilities.** The Director, OSS, shall review requests for termination of probationary officers, including the results of TD's review and recommendation. The Director, OSS, shall recommend approval or disapproval of the requests and forward the recommendation for termination, along with the investigation by TD, to the Chief of Police for final disposition. A copy of TD's investigation shall also be forwarded to the probationary officer's CO via the concerned bureau CO.

**Training Division Commanding Officer's Responsibilities.** Upon notification of a resignation of a probationary officer, TD personnel shall, within **five** administrative working days, interview the employee. Subsequent to the interview, the CO, TD, shall submit a report to the Director, OSS. The report shall contain an independent review of the employee's performance, efforts made by TD to assist the employee, and an evaluation of the employee's potential to achieve a satisfactory level of performance, if applicable.

**Office of Support Services Director's Responsibilities.** The Director, OSS, shall review any request for resignation of a probationary officer. The Director, OSS, shall forward his or her findings to the CO, Personnel Division for final disposition.

#### **728.40 PRE-EXIT INTERVIEWS.**

**Commanding Officer's Responsibility.** When a resignation is submitted by an employee for other than disciplinary reasons (Manual Section 3/860.40), the employee's commanding officer shall:

- When practicable, interview the employee; and,
- Ensure that the office of the Commanding Officer, Personnel Division, is telephonically contacted for the scheduling of a pre-exit interview.

**Exception:** Police recruits and entry-level probationary employees shall be handled in accordance with Manual Section 3/728.30.

- Ensure that the employee is given written notice of the date, time, and location of the scheduled interview;
- Complete the appropriate section of the Resignation, Form 01.50.00; and,
- Forward the Resignation, a copy of the interview notice, and all related reports to Personnel Division, by messenger, prior to the scheduled pre-exit interview.

When notified by Personnel Division of the impending transfer of a civilian employee to another City department, the employee's commanding officer shall schedule a pre-exit interview with the Civilian Employment Section, Personnel Division.

**Commanding Officer, Personnel Division-Responsibility.** When the employee reports as directed, the Commanding Officer, Personnel Division, shall ensure that a pre-exit interview is conducted and all pertinent information is forwarded to the Office of the Chief of Police for final acceptance.

#### **729. RELEASE OF EMPLOYEE INFORMATION.**

**729.20 RELEASE OF EMPLOYEE INFORMATION BY AREA/DIVISION.** Commanding officers, watch commanders, and unit officers in charge may respond to written and telephonic requests for employment verification regarding an active Department employee with the following information:

- Dates of employment;
- Civil Service classification; and,
- Salary range for the Civil Service classification, including any step and/or bonus pay.

**Note:** Requests for specific salary information for an employee shall be referred to Personnel Division.

Requests for information other than that which is listed above shall be referred to Personnel Division. All requests regarding **separated** employees shall be referred to Personnel Division.

**729.40 RELEASE OF INFORMATION BY PERSONNEL DIVISION.** Personnel Division shall respond to all requests for information regarding separated Department employees and to those requests for information on active employees that are received by Personnel Division. The Commanding Officer, Personnel Division, shall establish procedures to ensure the proper release of employee information by Personnel Division staff.



## **730. LEAVES OF ABSENCE.**

### **730.10 REQUESTS FOR LEAVES OF ABSENCE - GENERAL.**

**Employee's Responsibility.** When requesting a leave of absence, an employee shall:

- Complete a Request for Leave of Absence, Form 1.36, stating the reasons for the leave, accurate inclusive dates, and any substantiating documents;
- When an emergency leave of absence has been granted the subsequent request shall include an explanation for the delay in submission;
- No leave, except in emergency cases, shall extend beyond the specified dates without the approval of an additional formal request; and,
- When possible, the employee shall submit a request for a leave of absence to the employee's commanding officer 14 days in advance of the date for which the request is made.

**Note:** Leaves of absence for bereavement, family illness, 16 or more days, medical, military, or preventive medicine, shall be requested according to established Department procedures.

**Commanding Officer's Responsibility.** Upon receipt of a request for a leave of absence, each commanding officer shall:

- Review the request in accordance with Department policy and general guidelines; and,
- Approve or deny the employee's request and forward the request to the Commanding Officer, Personnel Division.

**Note:** A copy of each request for leave of absence for bereavement, family illness, or preventive medicine shall be forwarded to the Medical Liaison Section through Personnel Division for filing only.

**Commanding Officer, Personnel Division-Responsibility.** Upon receipt of a request for a leave of absence, the Commanding Officer, Personnel Division, shall:

- Review the request in accordance with Department policy and general guidelines; and,
- Forward all requests for leaves of absence exceeding 15 days to the General Manager, Personnel Department, for approval.

**Note:** All military leaves are processed by Personnel Records Section, Personnel Division, and disability by pregnancy or child birth exceeding 120 days are processed by Medical Liaison Section, Personnel Division.

- Maintain a file of all approved and denied requests for leaves of absence; and,
- Ensure that the concerned employee is notified of the approval or denial of a request for leave of absence.

**The Director, Office of Support Services' Responsibility.** Upon receipt of a request for a leave of absence the Director, Office of Support Services shall:

- Review the request for adherence to Department policy and general guidelines, substantiating documents, and the recommendations of the concerned commanding officers; and,
- Return the request with recommendation to the Commanding Officer, Personnel Division.

**730.20 MILITARY LEAVE OF ABSENCE.** Employees entering active duty with the Armed Forces of the United States are entitled to a leave of absence under the provisions of the Los Angeles City Administrative Code, Division 4, Chapter 3, Article 6, Section 4.175 (a). Upon receipt of written orders or knowledge of orders to report for active duty within the Armed Forces of the United States, the employee shall report this information to his/her commanding officer on an Employee's Report, Form 153.07.00, and upon receiving military orders, the employee shall deliver three certified copies of his/her military orders along with a Military Leave Notification, Form 01.36.05, to the Records Unit, Personnel Division. In extenuating circumstances (i.e., vacation, employee assigned to morning watch), the employee shall contact the Military Liaison who shall assist with processing the military orders. An employee on military leave shall be governed by Manual Section 3/607.30 regarding City-owned property.

**Note:** Military orders are to be certified by a commissioned officer or enlisted non-commissioned officer E-7 and above of the Armed Forces of the United States. The person certifying the orders shall verify the orders are true, print and sign his/her name, rank, and write the date of the certification.

All military personnel shall update their Employee Record, Form 01.38.00, prior to going on military leave.

**Probationary Police Officers.** The guidelines set forth in Manual Section 3/760.45 shall be adhered to when a probationary officer is placed on military leave. Probationary police officers shall, at the discretion of the Commanding Officer of Administrative Services Bureau, be required to attend reintegration training based on the amount of time the employee was on military orders (absent from the Department).

**Supervisor's Responsibilities.** The assigned supervisor shall ensure that a **sworn or civilian employee** who has been called to active duty is afforded the opportunity to meet with representatives from the following applicable entities:

- Military Liaison, Administrative Services Bureau (ASB);
- Los Angeles Fire and Police Pensions or Los Angeles City Employees' Retirement System;
- Los Angeles Police Relief Association;
- Los Angeles Police Protective League or the appropriate civilian employee union; and,
- City of Los Angeles Deferred Compensation Plan.

It is critical that the Department has the ability to contact the employee and/or the employee's family in the event of an emergency. The assigned supervisor shall ensure that the concerned employee updates his/her Employee Record prior to going on military leave. Additionally, the supervisor shall ensure that the employee meets with staff from Military Liaison, ASB.

**Note:** Employees shall be encouraged to update beneficiary information with respect to their personal financial institutions, privately held insurance policies, and retirement plans. The Family Protection Checklist, Form 01.38.01, is provided as a reminder and to assist employees in keeping emergency notification information and family benefit plans current. The Family Protection Checklist is available in E-Forms on the Department's Local Area Network

**Commanding Officer's Responsibilities.** When notified that an employee from his/her command is entering active duty in the Armed Forces of the United States, the commanding officer shall assign a supervisor to ensure that the employee is afforded the opportunity to complete the required paperwork and update dependent and beneficiary information with respect to City benefits.

**730.30 MATERNITY LEAVE OF ABSENCE.** A maternity leave of absence shall be granted upon written request of a pregnant employee for that period of time during which the employee has been certified by a

physician as unable to work. Upon written request, a Maternity Leave of Absence may be granted to a probationary employee at the discretion of the Chief of Police.

**Request for Maternity Leave.** An employee shall submit to her commanding officer three copies of a Request for Leave of Absence, Form 01.36.00. This shall be accompanied by a private physician's written statement of the approximate delivery date. The request shall be submitted at least three and one-half months prior to the anticipated delivery date.

**Leave Date Less Than Three Months Before Delivery.** When a leave date of less than three months before anticipated delivery is requested, the private physician's statement submitted with the Form 01.36.00 shall include a written recommendation that the leave date is medically permissible.

**Return Date Less Than Three Months After Delivery.** Following childbirth, an employee requesting to return to duty on a date less than three months after delivery shall obtain a private physician's written statement. This statement, recommending that the return date is medically permissible, shall be submitted to the Commanding Officer, Personnel Division.

**Medical Recommendation From City Physician.** An employee requesting to leave or return to duty on a date less than three months from delivery may be required by the Commanding Officer, Personnel Division, to report to a City physician for medical recommendation.

**Extension of Leave.** An employee requesting an extension of a maternity leave beyond the approved expiration date shall submit three copies of a Request for Leave of Absence, Form 01.36.00, to the Medical Liaison Section, Personnel Division. The Form 01.36.00 shall be submitted at least three weeks prior to the originally approved date for expiration of the leave. The maximum length of a maternity leave shall not exceed one year.

**Approval and Timekeeping.** The Commanding Officer, Personnel Division, shall cause an employee to be notified of approval of a request for maternity leave. A maternity leave shall be recorded as a leave of absence (LW) in the Deployment Planning System (DPS).

**Probationary Police Officers.** In the event a probationary officer is absent in excess of seven calendar days **in the aggregate**, except for vacation or time off for overtime, that probationary officer's probationary period shall be extended by the entire period or periods missed. Additionally, the probationary period shall also be extended by the number of days the probationary officer is on **restricted duty** because of pregnancy (See Manual Section 3/760.45).

**730.40 LEAVES OF ABSENCE FOR ILLNESS OR DEATH IN IMMEDIATE FAMILY.** To secure time off because of illness, injury, or death in an employee's immediate family, an employee shall complete a Request for Leave of Absence, Form 01.36.00. In the space provided for **Leave Requested**, check the box titled "With Pay." All copies of the request shall be forwarded to the employee's commanding officer for approval prior to distribution.

**Leaves of Absence-Illness in Family.** An employee may be allowed a leave of absence with full pay when the employee is required to be absent due to illness or injury in the employee's immediate family. The number of days of absence shall be deducted from the employee's accumulated sick leave. The definition of "immediate family" and the number of leave days allowed shall be administered in accordance with the relevant provisions of the current memorandum of understanding applicable to members of representation units.

**Leaves of Absence-Death in Family.** An employee may be allowed a leave of absence with full pay for each occurrence of a death in the employee's immediate family. Simultaneous, multiple family deaths shall be

considered as one occurrence. The number of days of the absence shall *not be deducted* from an employee's accumulated sick leave. The definition of "immediate family" and the number of leave days allowed shall be administered in accordance with the relevant provisions of the current Memorandum of Understanding applicable to members of representation units.

Before approval, the commanding officer shall ensure that the application sets forth a reasonable necessity for absence of the employee and that the length of time requested is necessary. If requested, some evidence of the illness, injury, or death shall be submitted. Such evidence may be in the form of a letter from an attending physician, a copy of a death certificate, or a telegram to the employee.

**730.50 ALLOWANCE FOR LEAVE FOR PREVENTIVE CARE.** Upon approval of the commanding officer, an employee may be allowed sick leave with full pay of not less than one hour at anyone time for the purpose of securing preventive medical, dental, optical, or other like treatment. This sick leave, when taken, shall be deducted from the allowance of sick leave at full pay.

**Note:** Refer to the applicable Memorandum of Understanding to determine the aggregate number of hours that may be taken for preventive medicine each calendar year.

To secure sick leave for preventive care, an employee shall complete a Request for Leave of Absence, Form 01.36.00.

**730.55 LEAVE OF ABSENCE FOR A CHILD'S SCHOOL ACTIVITIES.** Employees are authorized to take time off, up to 40 hours per calendar year and no more than eight hours during a calendar month, for participating in school or licensed day care activities. The employee must be a parent, guardian, or grandparent having custody of one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child day care facility. The employee may utilize vacation time, compensatory time off, or leave without pay for this purpose.

**Employee's Responsibility.** An employee desiring a leave of absence involving his/her participation in their child's school activity shall:

- Complete as soon as practicable, a Request for Leave of Absence, Form 01.36.00, stating the reason for the leave, include the date, and the approximate hours taken for School Leave during the current calendar year; and,
- Submit the request to the employee's supervisor prior to the deployment period in which the event is to occur.

**Note:** The employee, if requested by the supervisor, shall provide documentation from the school or the licensed day care facility regarding the activity.

**Supervisor's Responsibility.** Upon receipt of a request for a leave of absence involving an employee's participation in their child's school activity, the supervisor shall:

- Review the Request for Leave of Absence for completeness and indicate the requesting employee's time preference (e.g., vacation day, compensatory time off, or leave without pay);
- When the request is made prior to the start of the forthcoming Deployment period, ensure the inclusive dates for the school leave are properly documented on the employee's Request for Days Off, Form 15.16.00; and,
- Forward the Request for Leave of Absence to the commanding officer for approval.

**Commanding Officer's Responsibility.** Upon receipt of a request for a leave of absence involving an employee's participation in their child's school activity, the commanding officer shall:

- Review the request for appropriateness and ensure it is in compliance with Department procedure;
- Ensure the amount of time requested for school leave has not exceeded more than eight hours for the current month or 40 hours for the calendar year;
- Approve or deny the employee's request and forward the request to the Commanding Officer, Personnel Division; and,
- Ensure a system is in place with the Area/Divisional Timekeeper to track employee School Leave usage.

**Note:** An employee failing to give reasonable notice to the employer of the planned absence may be grounds to deny the request. However, in keeping with the spirit of the law, reasonable efforts will be made to accommodate the request after consideration of the deployment and safety needs of the operational entity.

**730.60 OFFICER'S LEAVE OF ABSENCE FOR PERSONAL ILLNESS.** An officer desiring a leave of absence because of personal illness after having exhausted the paid sick benefits (Manual Section 3/710), shall submit a Request for Leave of Absence, Form 01.36.00, to the officer's division commanding officer for approval and shall then submit to Medical Liaison Section, Personnel Division. An officer who has been granted such a leave of absence shall not be returned to duty until the officer has been examined by a surgeon designated by the Medical Director of the Receiving Hospital and certified as medically fit to return to duty.

When a leave of absence is requested for a medical reason, the request shall include the attending physician's name, address, a statement, indicating the time off needed by the officer, and the dates during which the leave is requested.

**Probationary Police Officers.** In the event a probationary officer is absent in excess of seven calendar days **in the aggregate**, except for vacation or time off for overtime, that probationary officer's probationary period shall be extended by the entire period or periods missed. Additionally, the probationary period shall also be extended by the number of days the probationary officer is on **restricted duty** because of pregnancy (See Manual Section 3/760.45).

**730.65 CIVILIAN EMPLOYEE'S LEAVE OF ABSENCE FOR PERSONAL ILLNESS.** A civilian employee who has exhausted his/her paid sick benefits and who desires a leave of absence for personal illness shall submit a Request for Leave of Absence, Form 01.36.00, to the employee's commanding officer for approval and shall then submit to Medical Liaison Section, Personnel Division. Before returning to duty, such employee shall be examined and certified as medically fit to return to duty by the Preplacement Medical Examination Division of the Personnel Department.

When a leave of absence is requested for a medical reason, the request shall include the attending physician's name, address, a statement indicating the time off needed by the civilian employee, and the dates during which the leave is requested.

**730.80 LEAVES OF ABSENCE EXCEEDING 15 DAYS.** An employee of the Department desiring to make application for a leave of absence for a period of 16 days or more shall submit a Form General 38, together with a Request for Leave of Absence, Form 1.36, to the Commanding Officer, Personnel Division.

For leaves of absence exceeding 30 days, see Manual Section 3/607.30. Leaves of absence in excess of 15 days, but not exceeding one year, may be granted with the approval of the General Manager of the Personnel Department.

### **731. EXTENDED ABSENCES.**

**731.20 REINTEGRATING PROCEDURES FOR A JUDICIALLY-RESTORED OFFICER AND EXTENDED LEAVE OFFICER.** The Department shall ensure that a judicially-restored officer (JRO), or a sworn employee who returns to duty after an extended leave, in excess of 365 calendar days, receives back pay, if applicable, and completes the reintegration procedures. All processing, including participation in the conduct evaluation process, shall be done on an on-duty basis. The definitions of a JRO and an Extended Leave Officer are delineated in Department Manual Section 0/030.

This Manual Section also applies to a sworn employee who has returned to work from a temporary relief from duty, or inactive duty (Manual Section 3/840.10, Inactive Duty - General) in excess of 365 calendar days. If applicable, the procedures delineated in Manual Section 3/860.30, Suspended Employee - Return to Duty, shall be adhered to when returning City-owned firearm(s) and Department-issued ammunition to the concerned employee.

Officers returning from extended leave (not applicable to JROs) **shall not** be subjected to criminal history checks. However, officers shall adhere to Manual Section 3/837, Department Employee Detained or Arrested for a Prosecutable Offense, if applicable. In addition, officers shall complete any required Department documents (e.g. forms, publications, surveys) that were issued during his/her leave.

**Employee's Responsibilities.** When a sworn employee who has been on an extended leave in excess of 365 calendar days plans to return to work, he/she shall:

- Meet with his/her commanding officer (CO) immediately upon returning to begin the reintegration process; and,
- Accomplish all reintegration tasks as directed by the department.

**Note:** If applicable, the returning employee shall report to his/her CO or designee prior to the start of watch to retrieve his/her identification card, badge, or other Department property and follow the same procedures as that of a suspended, temporarily relieved, or inactive duty employee as delineated in Manual Section 3/860.30. This meeting is in addition to the above employee's responsibilities.

**Commanding Officer's Responsibilities.** Upon becoming aware of an officer returning, from an extended leave, the concerned employee's CO shall, without delay, notify the Return to Work Section (RTWS), Personnel Division, of the sworn employee's return for the initiation of the reintegration process.

**Note:** Risk Management and Legal Affairs Division or Professional Standards Bureau (PSB) shall notify the CO, Personnel Division, of the return of a JRO due to a court order or a writ of mandate. Risk Management and Legal Affairs Division and PSB shall provide all requisite information to facilitate the timely reintegration of the JRO. Personnel Division will notify the CO of the JRO's last Area/division of assignment, and contact the JRO to begin the reintegration process.

The CO, Personnel Division, will also ensure the sworn employee is precluded from engaging in any field enforcement activities pending the completion of the reintegration process.

**Return to Work Section, Personnel Division's Responsibilities.** Once notified by a CO that a sworn employee has returned from an extended leave or upon notification of the return of a JRO, the RTWS, Personnel Division, will be the point of contact and coordinator for the reintegration of the returning employee and shall:

- Notify Hiring and Evaluation Section (HES), Recruitment and Employment Division (RED), and ensure the initiation of the conduct evaluation process;
- Meet with the returning employee and advise the employee of the reintegration process;
- Have the employee complete the appropriate documents for the conduct evaluation by HES;
- Ensure that the employee remains assigned to his/her current division, Area, bureau, or office of assignment, but is carried on loan to Training Division (TD) for the duration of the reintegration process;
- Facilitate appointment(s) at Medical Services Division (MSD), Personnel Department;
- Reissue the employee's badge and identification card, if applicable;
- Evaluate the employee's physician(s) work restrictions, if any, and prepare a reasonable accommodation assessment for completion by the employee's CO;
- Assist the employee's CO in determining whether the employee's work restrictions can be accommodated;
- Act as the Department's custodian of records for conduct evaluations;
- Confidentially retain and store any additional pertinent documents relating to the restoration of the JRO (e.g. writs, court orders, agreements) for later inclusion in the conduct evaluation package; and,

**Note:** The RTWS shall forward a copy of the settlement agreement or court order to HES for review.

- Process the Payroll System Replacement (PAYSR), City Form General 41, to reenter the employee into the payroll system at the appropriate rank, if applicable, and forward the form to Fiscal Group.

**Training Division's Responsibilities.** Upon notification by the RTWS of an employee's return to work, TD shall:

- Determine what training is appropriate to bring the employee into compliance with the Peace Officer Standards and Training (POST) and Department requirements that are consistent with the employee's work restrictions, if any;
- Reissue all City-issued equipment to the employee; and,

**Note:** Training Division shall ensure that the returning employee's body armor, if applicable, has not expired. If the employee's body armor has expired or is within six months of expiring, the employee shall be directed to the Uniform Shop, Supply Section, to be fitted for new body armor.

- Periodically update the returning employee's CO as to the status of the employee in the reintegration process, as appropriate.

**Medical Services Division, Personnel Department's Responsibilities.** Upon request from RTWS, MSD will evaluate/screen the returning employee medically and psychologically prior to being assigned regular duties. For the purpose of employees under this order, LAPD will not request a medical release of a medical record. All such requests for medical records will be handled by MSD. If work restrictions are imposed by MSD, the Department will enter into the interactive process to determine if the employee can perform the essential functions of their class with or without accommodation.

**Exception:** Employees grandfathered in accordance with Department Manual Section 3/711.76.

**Hiring and Evaluation Section, Recruitment and Employment Division's Responsibilities.** Upon notification by RTWS that an officer has been judicially restored or is returning to the Department after an extended leave, HES shall initiate the conduct evaluation process. The objective of the conduct evaluation process is to determine if the employee engaged in any activity that would legally preclude him/her from holding the position of peace officer in the State of California.

The focus of the conduct evaluation shall be for the fitness-for-duty criteria in accordance with California Government Code (GC) Section 1031. It is generally not necessary to review employment records from any employer the employee may have had during the extended leave period, unless there is reason to believe such employment was in conflict with GC Section 1031.

**Note:** If the conduct evaluation reveals that the employee may have engaged in conduct that will legally preclude him/her from holding peace officer status based on GC Section 1029 and/or 1031, a copy of the conduct evaluation package shall be forwarded to PSB.

Hiring and Evaluation Section personnel shall complete the conduct evaluation process as follows:

- Complete an evaluation of the employee's conduct from the time the leave began to the date the employee returned to the Department;
- Contact PSB to determine if the employee is the subject of any pending personnel complaint(s);
- Review and evaluate the employee's Military Department of Defense, Form DD 214, if applicable;
- Review and evaluate the employee's Department of Motor Vehicle history to ensure and facilitate compliance with California Vehicle Code and Los Angeles City Policies; and,
- **For JRO only**, obtain a classifiable set of fingerprints utilizing "Live Scan" in compliance with PC Section 11105.2, GC Section 1029(a) and (b), and POST Commission Regulation 1950(c)(2).

**Note:** Live Scan results satisfy the Criminal History check and supplements the State of California Notice of Appointment/Termination, POST Form 2-114, of peace officer status notification to the DOJ.

Upon completion of the conduct evaluation process and its review by the Officer in Charge, HES, the package shall be forwarded to: the CO, RED; the CO, Personnel Division; and then to the CO, Personnel Division, who shall forward the completed conduct evaluation to RTWS for retention.

**Professional Standards Bureau's Responsibilities.** Upon notification by RTWS of an employee's return to work, HES will notify PSB of any instances in which any returning employee may have committed acts that may render him/her unfit for duty. The conduct evaluation will be forwarded to PSB. Upon receipt of the conduct evaluation, PSB shall evaluate the conduct of the returning employee, and if deemed appropriate, initiate a Board of Rights to determine the returning employee's fitness for duty, pursuant to GC Section 1029 and/or 1031.

**Fiscal Group's Responsibilities.** Upon notification from RTWS and upon receipt of a completed PAYSRS, City Form General 41, from Personnel Division, Fiscal Group shall reactivate the JRO in the payroll system and ensure that retroactive pay that may be due, if any, is provided to the JRO in a timely manner.

## **732. MILITARY LEAVES - COMPENSATION RULES.**



**732.20 EMPLOYEES ENTERING MILITARY SERVICE - LEAVE OF ABSENCE WITH PAY.** An employee who leaves the Department and enters active service in the Armed Forces of the United States is entitled to an amount equal to his or her base salary for thirty days during the fiscal year if:

- He/she has completed one year of continuous City service immediately prior to the date he/she leaves for military service.
- He/she is not under disciplinary suspension for a definite term at the time he/she enters the Armed Forces.

**732.40 EMPLOYEES ENTERING MILITARY SERVICE - CLAIMS FOR COMPENSATION.** An employee of the Department eligible for thirty calendar days compensation (Manual Section 3/732.20), may submit City Controller's Form 113, in quadruplicate, to Personnel Records Unit, Personnel Division, as claim for such compensation. The claim should be submitted prior to the time the employee is sworn into active duty with the Armed Services.

**732.60 EMPLOYEES ON MILITARY LEAVE - COMPENSATION FOR VACATIONS.**

**Employee's Responsibilities.** During, or prior to, the start of their military leave of absence, the concerned employee must:

- Review and sign the *Accumulated Vacation Time Compensation Notice*;

**Note:** By signing the Notice, the employee acknowledges they are aware that they may request cash payment for all or a portion of their accumulated vacation time. The employee may also elect to request automatic cash payment for any additionally earned vacation time in excess of the maximum two-year allowance.

- Submit an Employee's Report, Form 15.07.00, to the Commanding Officer, Fiscal Group (FG), if a request for cash payment is selected and/or a request for automatic payment is made for any additionally earned vacation time;

**Note:** Employees must have completed their qualifying year of service for the City and have actually accumulated vacation time.

- Attach a certified copy of military orders, if available, to the Employee's Report as evidence of activation with the United States Armed Forces; and,

**Note:** Only a regular or reserve commissioned officer, regular or reserve warrant officer or senior non-commissioned officer (E-7 or higher), of the United States Armed Forces may certify military orders.

- Attach a copy of the Notice to the Employee's Report as a proof of service.

**Commanding Officer's Responsibilities.** The commanding officer of an employee who receives written orders to report for military duty must:

- Ensure the employee is served with the *Accumulated Vacation Time Compensation Notice*;
- Ensure the completed and signed original Notice is forwarded to Personnel Division to be filed in the employee's Departmental Personnel Package;
- Ensure a copy of the Notice is given to the employee for payment request through FG; and,
- Ensure an additional copy of the Notice is filed in the employee's Division Employee Folder.

**Personnel Division's Responsibilities.** Personnel Division will verify that the employee has been served with the *Accumulated Vacation Time Compensation Notice* by his/her commanding officer upon receiving documentation for military leave of absence.

**Note:** If the employee does not provide a signed copy of the Notice, the Commanding Officer, Personnel Division, must ensure that the employee is served with the Notice.

**Military Liaison Officer's Responsibilities.** If the Military Liaison Officer, Personnel Division, becomes aware of an employee preparing for, or currently serving on military duty, has not been served with the *Accumulated Vacation Time Compensation Notice*, the Military Liaison Officer must:

- Serve the concerned employee with the Notice;
- Forward the original Notice to Personnel Division to be filed in the employee's Departmental Personnel Package;
- Forward a copy of the Notice to FG for payment; and,
- Forward an additional copy to the employee's assigned division to be filed in the employee's Division Employee Folder.

### **732.80 EMPLOYEES ON MILITARY LEAVE - COMPENSATION FOR DAYS OFF.**

An employee on military leave may not be paid for regular days off or compensatory overtime accumulated prior to the date of call to active duty. <sup>(2)</sup> However, commanding officer of an employee anticipating a call to military service may make arrangements permitting such employee to use accumulated regular and compensatory days off in advance of the actual date of call to active military service.

[(1) Opinion of the City Attorney, August 11, 1941.]

[(2) Opinion of the City Attorney, August 11, 1941.]

### **733. RETIRED POLICE OFFICERS.**

**733.10 REHIRING OF RETIRED POLICE OFFICERS.** A qualified retired Los Angeles police officer may, with the approval of the Chief of Police, be returned to active duty or may, at the request of the Chief of Police, be recalled to active duty. A vacancy must exist in the rank to which the retired officer is being returned or recalled.

**Return to Active Duty.** To be eligible for return to active duty, a retired officer shall:

- Have retired on the basis of service rather than disability;
- Be less than fifty-five years of age;
- Have been retired for not longer than three years on the date of application for return to active duty;
- Have been a sergeant, detective, or police officer on the date of his/her retirement;
- Have passed a medical examination within thirty days prior to his/her retirement;
- Have made written application to the Chief of Police for return to active duty;
- Have certified that he/she has read and understands the applicable provisions of the City Charter; and,
- Have passed a medical examination subsequent to filing his application.

**Recall to Active Duty.** The Chief of Police may recall to active duty an eligible retired officer who voluntarily consents to such recall. To be eligible for recall, a retired officer shall:

- Have retired on the basis of service rather than disability;
- Have held a rank no higher than deputy chief on the date of retirement; and,
- Have certified that he/she has read and understands the applicable provisions of the City Charter.

**733.20 APPROVAL TO CARRY CONCEALED FIREARM.** Department Manual Sections 2/092.61 and 3/733.20, Los Angeles Municipal Code Sections 52.29 and 52.30, and California Penal Code (PC) Sections 16360, 16690, 25450-25475, 26300-26325, and 25900, delineate the issuance of a Carry Concealed Weapon (CCW) endorsed retired police identification card for honorably retired full-time paid police officers and honorably separated Level I reserve police officers.

**Honorably Retired Full-Time Officers.** California PC Section 25455 mandates that the Department shall issue an identification certificate to all full-time paid peace officers that have been honorably retired from the Department. It also mandates that the Department place an endorsement on the identification certificate, stating that the agency approves the officer's carrying of a concealed weapon.

As used in the California Penal Code Sections 16690 and 25900, the term "honorably retired" includes all peace officers who have qualified for, and have accepted, a service or disability retirement.

To be considered "honorably retired," an officer must have a minimum of 20 years of service to retire, with no age requirement for Tiers 2 and 4. For Tier 3, an officer must have 10 years of service and be 50 years old. For Tier 5 and 6, an officer must have 20 years of service **and** be 50 years old. Any officer who does not meet any of the Tier retirement qualifications is considered "resigned" and is not entitled to any retired police identification card according to applicable state laws. However, in Tier 3, 5 and Tier 6 if an officer leaves after having met the service requirement of their retirement tier but is not at age 50 and decides to defer his/her retirement, the officer can petition the Department when he/she reach age 50 and apply for a CCW endorsed retired police identification card.

The term "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination. In addition, no peace officer that retired because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm.

**Honorably Separated Reserve Officers.** To be considered "honorably separated," a reserve police officer must have completed a minimum of 20 years of service as a Level I reserve police officer. Service as a line reserve officer prior to January 1, 1997 will count towards the 20-year accrual period. Any reserve police officer who does not meet the honorably separated qualifications is considered merely "separated" and is not entitled to any retired reserve police officer identification certificate. If an identification certificate is issued, the Department must place an endorsement on the identification certificate for honorably separated Level I reserve police officers who were authorized to, and did, carry a firearm during the course and scope of their appointment as a peace officer. The endorsement must state that the agency approves of the officer's carrying of a concealed weapon.

No Level I reserve police officer who separated because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm.

**Deny/Revoke Carry Concealed Firearm Privilege.** Upon an honorably retired/separated reserve officer's retirement/separation, the Department may deny or revoke, for good cause, the privilege to carry a concealed firearm. In addition, the Department may revoke the privilege to carry a concealed and loaded firearm when an

individual violates any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency [PC Section 26305 (b)].

**DEPARTMENT RETIREMENT COUNSELOR, PERSONNEL DIVISION, RESPONSIBILITIES.** A Department Retirement Counselor will:

- Upon receiving a signed letter of intent of retirement, or notification from the Department of Fire and Police Pensions that a disability pension has been granted, or a signed letter of resignation for reserve police officers, complete an Intradepartmental Correspondence, Form 15.02.00, and forward it to the retiring officer's or honorably separated reserve police officer's commanding officer; and,

**Note:** The Intradepartmental Correspondence is a questionnaire addressing the retiring/separating officer's complaint history, restrictions which may preclude the retiring/separating officer from carrying a concealed weapon, whether or not the officer is eligible for reserve status, and the commanding officer's opinion as to whether or not the retiring/separating officer should be able to carry a concealed weapon.

- If there are no objections in response to the questionnaire, make a recommendation to approve the CCW to the Commanding Officer, Personnel Division

**COMMANDING OFFICER'S - RESPONSIBILITIES.** The retiring/separating officer's commanding officer will:

- Upon receipt of the questionnaire from Personnel Division, conduct a background check on the retiring/separating officer;

**Note:** Commanding officers must review the retiring/separating officer's Training Evaluation and Management System (TEAMS II) report and divisional package for current personnel complaints, restrictions and performance history. Commanding officers must also review the hours completed by a reserve officer in the Reserve Tracking System, via the divisional Reserve Coordinator.

- Make a recommendation and forward the completed questionnaire to the Department Retirement Counselor, via the Commanding Officer, Personnel Division; and,
- If there are any documents prohibiting the retiring/separating officer from carrying a firearm, forward a copy of the questionnaire to the Department Retirement Counselor, via the Commanding Officer, Personnel Division.

**COMMANDING OFFICER, INTERNAL AFFAIRS DIVISION - RESPONSIBILITIES.** Upon notification from the Department Retirement Counselor, the Commanding Officer, Internal Affairs Division (IAD), will:

- Evaluate each complaint on a case-by-case basis;
- Determine whether or not the pending complaint would result in the arrest, suspension, or removal of the retiring/separating officer; and,

**Note:** If the complaint would result in the arrest, suspension, or removal of the employee, a recommendation for denial to carry a concealed weapon must be made. However, the seriousness and nature of the misconduct should also be considered.

- Forward a recommendation for approval or denial of the CCW endorsement to the Department Retirement Counselor, Personnel Division, via the Commanding Officer, Personnel Division.

**COMMANDING OFFICER, PERSONNEL DIVISION, RESPONSIBILITIES.** The Commanding Officer, Personnel Division, will:

- Upon receiving a recommendation from the Department Retirement Counselor, approve or deny a CCW endorsement;
- If there are pending personnel complaints, contact the Commanding Officer, IAD, for advice and further information regarding the personnel complaint;
- Make note of either the approval or disapproval on the retiring/separating officer's locator card, which is maintained at Personnel Division; and,
- Document the retiring/separating officer's CCW endorsement in their personnel package.

**RETIRING/SEPARATING OFFICER'S RESPONSIBILITIES.** Each honorably retired/separated officer will receive a retired police photo identification card indicating the Department's approval to carry a concealed firearm. The identification card will reflect a five-year expiration date. It is incumbent upon the retired officer to petition the Department for renewal of the privilege to carry a concealed weapon upon expiration of each five-year period (PC Sections 25465, 25915, and 26300-26325).

If a retired/separated officer is denied the privilege of receiving a CCW endorsement, the retiring/separated officer may, within 30 days of the denial, request a hearing. A retiring/separated officer who fails to request a hearing within 30 days of the denial will forfeit their right to the hearing. Retired/separated officers who receive a restricted identification card may petition the Department to review their current status after the privilege to carry a concealed weapon has been revoked. However, a CCW hearing does not supersede the California Penal Code.

**Exception:** Officers who retired prior to January 1, 1981, shall not be required to renew an endorsement from the Department for the privilege of carrying a concealed weapon. This exception does not apply to honorably separated reserve officers.

**REQUIREMENT FOR RETIRED OFFICERS TO QUALIFY TO CARRY A CONCEALED WEAPON OUTSIDE CALIFORNIA.** Retired officer who wish to carry a concealed firearm outside of California must:

- Be free of any condition that would preclude them from safely operating a firearm;
- Adhere to basic range safety rules; and,
- Prior to carrying a concealed firearm out of state, must qualify on the approved course of fire administered by a National Rifle Association- certified civilian law enforcement firearms instructor or a civilian rangemaster. These instructors are also certified by various law enforcement entities (e.g., the Federal Bureau of Investigation's Rangemaster School).

**Note:** The qualification is valid for a 12-month period from the date of qualification.

**QUALIFICATION COURSE FIRING SEQUENCE.** The Department's retired officer's qualification course sets the minimum standards to comply with federal law requirements. The course of fire was designed to be fully replicable anywhere in the country. The starting position for this qualifying course of fire will begin at the 7 Yard Line. When the target faces, the shooter will draw and fire 10 rounds at a single silhouette target. A score of 70 percent is required to pass the qualification. All rounds impacting anywhere on the body and head will receive full value and rounds impacting upon the arms are half value.

**Note:** Any qualification course offered by any range within the United States which meets or exceeds the standards set in the Department's course would satisfy the legal requirement, (e.g., if a city or town in Alabama offered a security guard course of fire that required 20 rounds at 10 yards, it would exceed and meet the Department's course of fire for federal compliance). The passing score receipt, in conjunction with a valid retired CCW-endorsed Department identification card, will permit a retiree to carry a concealed firearm within other states.

**RETIRED OFFICER'S RESPONSIBILITIES.** Qualified retired officers and separated reserve officers who choose to meet the qualification requirements must comply with the following:

- Provide their own ammunition;
- At their own expense, qualify with their firearms;
- Carry proof of qualification at all times, along with a valid retired CCW-endorsed Department identification card issued by the Department; and,
- Upon request of any law enforcement agency with appropriate jurisdiction, render the proof of qualification receipt.

**COMMANDING OFFICER, TRAINING BUREAU RESPONSIBILITY.** The Commanding Officer, Training Bureau, will serve as the Chair of the Carrying a Concealed Weapon Board (Manual Section 2/092.61).

**733.30 COMPLAINTS AGAINST RETIRED POLICE OFFICERS WORKING AT MOTION PICTURE/TELEVISION FILMING LOCATIONS.** Retired officers working in uniform at a motion picture/television filming location are not employees of the Department and are not subject to the Department's regular disciplinary process. However, the Department's Motion Picture/Television Filming Work Permit Application/Renewal Form, Form 01.47.01, requires them to be familiar with and adhere to the Department's standard of conduct and rules governing uniformed employment.

**Employee's Responsibilities.** An employee who becomes aware of a complaint involving a retired Los Angeles Police Department (LAPD) officer working in uniform at a motion picture/television filming location, shall report it to a Department supervisor.

**Supervisor's Responsibilities.** When such a complaint is received, the supervisor shall:

- Conduct a preliminary investigation and attempt to make initial contact with the complainant and any witnesses; and,
- Document the information on an Employee's Report, Form 15.07.00, and forward it to his/her commanding officer.

**Commanding Officer's Responsibilities.** Upon reviewing the information, the commanding officer shall forward the preliminary investigation to the Commanding Officer, Emergency Operations Division (EOD), as soon as practicable.

**Exception:** When a complaint involves **both** an active and a retired officer, the investigation shall be handled according to Department protocol for active officers. Upon completion, the Area/division conducting the investigation shall forward a copy of the investigation to EOD for adjudication of the allegations relating only to the retired officer.

When a Complaint Form, Form 01.28.00, has been initiated and it is discovered that the only officer complained against is a retired LAPD police officer, the Complaint Form shall be adjudicated as "Department-Employee(s) Not Involved."

**Commanding Officer, Emergency Operations Division's Responsibilities.** Upon receiving a complaint involving a retired officer working in uniform at a filming location, the CO, EOD, must:

- Complete an investigation and adjudicate the complaint (e.g., recommendation to suspend, revoke or deny the motion picture/television filming work permit);

**Investigative Format.** The investigation must be completed utilizing an Intradepartmental Correspondence, Form 15.02.00, and the complaint must be addressed in the following format:

- Background;
- Investigation/Findings;
- Statements;
- Complaint History; and,
- Administrative Complaint Adjudication.
- If a complaint investigation has already been completed because it involved both active and retired officers, EOD must complete a synopsis of the investigation relating to the retired officer using the above Investigative Format;

**Note:** When the CO, EOD, identifies any issue(s) requiring further investigation, he/she must confer with the active officer's CO to determine the appropriate investigative remedy. In the event an agreement cannot be reached, the CO, Internal Affairs Division, shall make the determination.

- Forward a copy of the completed investigation and adjudication to the Film Unit, EOD, for use when reviewing any future Motion Picture/Television Filming Work Permits involving the retired officer(s);
- Track complaints against retired officers working in uniform at filming locations;
- Ensure a revoked work permit status is appropriately applied to future work permit requests; and,
- Notify the retired officer, via certified mail, of the outcome of the investigation.

**Note:** A retired officer's motion picture/television filming work permit may not be suspended, revoked or denied until such time that a hearing is held by a Deputy Chief of Police, appointed by the Chief of Police, in accordance with Los Angeles Municipal (LAMC) Code Section 80.03.1. The CO, EOD, is responsible for coordinating such hearings.

**Administrative Hearing.** Pursuant to LAMC Section 80.03.1, prior to making a final determination on the revocation, suspension or denial of a Motion Picture/Television Filming Work Permit (Permit), the active/retired officer shall have the right to a hearing before a Los Angeles Police Department Deputy Chief of Police.

The Administrative Hearing process involves both active and retired LAPD officers who possess or are applying for a Motion Picture/Television Filming Work Permit. The Department bears the burden of proof in the hearing, where relevant evidence may be taken at the discretion of the Deputy Chief hearing the matter.

The active/retired officer shall be served with a written notice of the specific reasons his/her permit is being considered for revocation, suspension or denial, at least five (5) and not more than ten (10) days prior to the date set for said hearing; and, the notice shall also advise of his/her right to a hearing to challenge the proposed denial, suspension or revocation.

**Request for Hearing.** If the active/retired officer wishes to appeal the revocation, suspension, or denial of the permit, he/she must:

- Make a written request with the Motion Picture/Television Filming Work Permit Coordinator, EOD, Film Unit, Contract Services Section (notification may be made by mail or by fax); and,
- Make the request no later than ten (10) calendar days after service of the notice of intention to deny, suspend or revoke the permit.

**Note:** Failure to make such written request will constitute a waiver of the officer's right to a hearing.

The date, time and location of the hearing will be set upon mutual consent of both parties and availability of the Deputy Chief hearing the matter. After the hearing is set, continuances may be granted at the discretion of the Deputy Chief hearing the matter for proper and reasonable cause.

**Right to Representation.** Upon being served notice of the proposed revocation, suspension or denial of a permit, active/retired officers may be represented by legal counsel or a representative of their choice, at their own expense.

#### **Pre-Administrative Hearing Procedures.**

- Administrative Hearings shall be conducted within closed doors;
- The involved active/retired officer shall have the right to appeal in person, at the hearing, to refute reasons for the proposed revocation, suspension or denial of his/her permit;
- The involved active/retired officer shall have the right to present witnesses and evidence to refute the reasons for the proposed revocation, suspension or denial of the permit, or to explain why the proposed action should not occur;
- The attendance of all Department witnesses whom the active/retired officer desires to present, on his/her behalf, will be secured by the Department, including the subpoenaing of witnesses;
- The active/retired officer shall have the right to cross-examine Department witnesses, if any, or to challenge evidence presented by the Department; and,
- The Department hearing officer must administer the witness oath.

**After the Hearing.** The hearing officer's report must be completed within 30 days from the last date of the hearing. The report must be routed as follows:

- Original to the Chief of Police or his/her designee; and,
- Copies to EOD and the active/retired officer.

#### **734. RESERVE STATUS.**

**734.60 ARMED FORCES RESERVE STATUS.** An employee who becomes affiliated with the active or inactive reserve of any branch of the Armed Forces of the United States, or the State of California, or any employee who terminates such affiliation, must report his or her status within forty-eight hours of the incident. The employee will insert this information on the Employee Record Form, Form 1.38, located in the Division Employee Folder, Form 01.01.00, and forward it to Personnel Division.

**740. CONVENTION ATTENDANCE.** Employees may be authorized to attend conventions or sessions of certain organizations as duty assignments and without loss of pay.



**740.30 LEAGUE OF CALIFORNIA CITIES.** Attendance as a regular representative or delegate of the City shall constitute regular duty for an employee authorized to attend a general session or section of the following organizations: (1)

- The League of California Cities, or subordinate leagues;
- Organizations of public officials; or,
- Similar organizations.

[(1) Los Angeles City Administrative Code, Division 4, Chapter 5, Article 4, Section 4.242.2]

**740.90 CONVENTION REPORTS.** Employees of the Department who attend a convention (Los Angeles City Administrative Code, Division 4, Chapter 5, Article 4, Section 4.242.2) and in so doing either incurs travel cost (total cost to City) in excess of \$100, or is absent for four or more working days while being shown for payroll purposes as being on regular duty, shall prepare and submit a Report on Convention Travel by City Representatives, Form General 155, within fifteen working days following their return to duty at their place of assignment.

The employee shall submit the Form General 155 in *triplicate*, with the original of the Personnel Expense Statement, Form General 16, through channels to Administrative Services Bureau, who shall forward the Form General 155 to the Chief of Police. The Chief of Police will submit an endorsement on the original and the file copy prepared by the employee indicating the Chief's evaluation of the suggestions or recommendations for actions made by the employee, and the Chief's assessments of the benefit of the travel to the City. The remaining copy of the Form General 155 shall be forwarded to the City Clerk's office for filing.

**Note:** If the employee initially preparing the Form General 155 is the Chief of Police, the report is submitted directly to the Police Commission.

## **741. REPORTING EMPLOYEE CONFLICT OF INTEREST.**

**741.05 STATEMENT OF DISQUALIFICATION.** It shall be the responsibility of Department employees to immediately submit a statement of disqualification to the Chief of Police, through channels, if they believe that they are involved in a Department decision-making process in which they have a conflict of interest as covered by the Department's Conflict of Interest Code.

Command or staff officers shall forward an Intradepartmental Correspondence, Form 15.02.00, and all other Department employees shall forward an Employee's Report, Form 15.07.00, to notify the Chief of Police about their disqualification in a decision-making process. The person submitting the report will describe the nature of the decision affected by their conflict of interest.

**Note:** A conflict of interest does not necessarily exist when an employee's duties are solely ministerial, secretarial, or clerical.

**741.10 FINANCIAL DISCLOSURE STATEMENT.** Command or staff officers who are required to complete a financial disclosure statement in accordance with the Department's Conflict of Interest Code, shall complete and forward the latest State of California disclosure form to the Secretary of the Police Commission in accordance with the following schedule:

- Within 30 days after their assignment to a Conflict of Interest designated position;
- By February 15 of each year thereafter; or,

- Within 60 days after leaving a designated position if the position is left prior to December 31, regardless of when the last statement was submitted.

**Note:** If an employee has submitted a completed financial disclosure statement to the Secretary between October 1 and December 31 of the preceding year, no statement needs to be submitted for the following calendar year.

## **742. REPORTING POLITICAL ACTIVITIES.**

**742.10 REPORTING OF POLITICAL ACTIVITIES - EMPLOYEE'S RESPONSIBILITY.** When an on-duty Department employee has contact with 1) an elected State official or candidate, or their representatives, or 2) an employee of the State regarding any legislation or any administrative action which could result in a change in administrative regulations, the Department employee shall notify Governmental Liaison Section to:

- Determine whether such contact is reportable under the provisions of the State Political Reform Act of 1974; and,
- If the contact is reportable, provide information for the Department report to the City's Chief Legislative Analyst.

**Note:** For reporting purposes, "contact" includes personal meetings, telephonic communications, and written correspondence.

## **744. SECONDARY EMPLOYMENT.**

**744.08 PRIMARY RESPONSIBILITY.** In all cases of secondary employment, the primary duty, obligation and responsibility of an employee are, at all times, to the Department.

Employees engaged in secondary employment shall conduct themselves in the same manner as if on duty, with particular emphasis on personal appearance, courtesy, attention to duty and the prevention of violations by their employers. Failure to do so may lead to disciplinary action and/or revocation of the Permit for Secondary Employment, Form 01.47.00 or the Motion Picture/Television Filming Work Permit, Form 1.47.01.

Officers, while engaged in secondary employment, if and when the occasion arises, shall at all times take proper action on any offense or condition of which they have or acquire knowledge, and which would normally require police attention, including arrests and making reports.

**Exception:** Off-duty officers employed by a filming company for the purpose of traffic control shall not issue citations for moving, non-moving or parking violations. An off-duty officer who believes enforcement action is appropriate at a filming location may proceed by Complaint Application, Form 05.15.00, or shall summon on-duty personnel who shall be responsible for the final determination regarding enforcement action.

**744.20 APPLICATION FOR PERMISSION FOR SECONDARY EMPLOYMENT.** Any employee wishing to engage in secondary employment shall submit to their commanding officer four signed copies of a Permit for Secondary Employment, Form 01.47.00.

**Note:** To apply for a Motion Picture/Television Filming Work Permit, Form 1.47.01, refer to the procedures outlined in Manual Section 4/292.

**744.24 INVESTIGATIONS OF SECONDARY EMPLOYMENT PERMITS.** A commanding officer, prior to recommending approval of a request for a Permit for Secondary Employment, Form 01.47.00, shall ascertain whether:

- The employment is of a prohibited type (Manual Section 1/270);
- The employee possesses the qualifications necessary to discharge the type of duty or work described in the request to engage in secondary employment; and,
- The commanding officer of the uniformed division in which the place of employment is located (if in the City of Los Angeles) has been contacted and approves of the place of employment.

**744.32 APPROVAL OF PERMIT FOR SECONDARY EMPLOYMENT.** Following the investigation of a request for a Permit for Secondary Employment, Form 01.47.00 (Manual Section 3/744.24), the commanding officer shall:

- Recommend approval or disapproval;
- If disapproval is recommended, write in the reason;
- If approval is recommended, certify that the concerned employee is qualified to perform the duties listed on the requested permit.
- Sign all four copies; and,
- Forward all copies to the Director, Office of Support Services, for approval or disapproval.

**744.36 APPEAL PROCEDURE.** An employee may appeal the determination that secondary employment is or is not compatible with Department employment by:

- Appealing the determination of their commanding officer and the Commanding Officer, Personnel Division, to the Chief of Police.
- Appealing the determination of the Chief of Police to the Board of Police Commissioners for administrative review.

**Note:** The appeal shall be submitted on an Administrative Appeal, Form 01.84.00 (Manual Section 5/1.84) and forwarded to the Employee Relations Administrator.

**744.40 EXPIRATION OF WORK PERMITS.** A Permit for Secondary Employment, Form 01.47.00, shall be valid only on the specific days or dates indicated. No permit shall remain valid for more than one year from the date of approval.

**Exception:** Non-security related secondary employment and security at motion picture/television film site locations (movie jobs) shall be renewed every two years.

**Note:** Non-security related employment is defined as secondary employment which is not designed to protect persons or property from intrusions, i.e., teaching or sales.

**744.48 COMMANDING OFFICER TO REVIEW SECONDARY EMPLOYMENT PERMITS.** Each commanding officer shall examine permit records each month and check to ensure that secondary employment of employees is not impairing their performance of duty and that the efficiency of the Department is not being reduced by such employment. Impairment of the effectiveness or efficiency of an employee by reason of their secondary employment shall be cause for immediate recommendation by their commanding officer to the Director, Office of Support Services, that the permit be revoked.

**744.80 EMERGENCY SECONDARY EMPLOYMENT.** In the event that an emergency request for secondary employment is received without sufficient time to forward the request to the Director, Office of

Support Services, for approval, the applicant's commanding officer shall carry out the required investigation (Manual Section 3/744.24). Such investigation may be accomplished by the telephone. The applicant's commanding officer may then conditionally approve the employment.

Upon completion of the emergency employment, the authorizing commanding officer shall cause the necessary copies of the permit and a statement outlining the emergency to be forwarded to the Director, Office of Support Services.

**744.88 SECONDARY EMPLOYMENT DURING SEASONAL EVENTS.** One Permit for Secondary Employment, Form 01.47.00, covering several events may be submitted by an officer whose request is concerned with crowd control during seasonal events.

**Example:** An officer may be granted one permit covering crowd control work at the Coliseum during all of the "home" football games of the University of Southern California during one football season.

**744.96 COMPLETION OF REPORTS BY STORE SECURITY OFFICERS.** Off-duty officers employed in store security positions within the City of Los Angeles making shoplifting arrests shall complete the necessary crime and arrest reports prior to requesting on-duty personnel.

#### **745. GRIEVANCE PROCEDURES - EMPLOYEES COVERED BY MEMORANDUMS OF UNDERSTANDING.**

**745.05 GRIEVANCE - DEFINED.** For employees covered by Memorandums of Understanding, a grievance is any dispute concerning the interpretation or application of a written Memorandum of Understanding or of Departmental rules and regulations governing personnel practices or working conditions.

**Note:** Grievance procedures shall not be construed to apply to matters for which an administrative remedy is provided within the authority of the Civil Service Commission or within the purview of Los Angeles City Charter, Volume II, Article X, Section 1070.

**745.10 GRIEVANCE PROCEDURE.** For Grievance Procedure, please refer to the current Memorandum of Understanding applicable to the class of the employee.

**745.50 ADMINISTRATIVE APPEAL.** For Administrative Appeals Procedure, please refer to the current Memorandum of Understanding applicable to the class of the employee.

#### **745.55 RESPONSIBILITY OF THE GRIEVANT'S REPRESENTATIVE AND THE REPRESENTATIVE UNIT - CIVILIAN PERSONNEL.**

**Recognized Representative Units.** Grievance representation shall include any member of a recognized civilian employee unit to which the grievant belongs.

**Exception:** The Building Trades Unit is excluded from the grievance representation procedure applicable to all other recognized employee units.

The Grievant's Representative Unit. A representative unit:

- May designate a reasonable number of grievance representatives.
- Shall provide the Employee Relations Administrator, Chief of Staff, with a list of the designated representatives.

**The Grievant's Representative.** A grievant's representative must be employed within a reasonable distance from the work location of the grievant. When a grievance representative must leave his/her work location to represent a grievant, he/she shall:

- Obtain written permission from his/her supervisor, who *shall* grant permission, unless impracticable. If such permission cannot be granted promptly, the representative shall be informed when time will be made available for this purpose;

**Note:** Such time shall be within 48 hours, excluding scheduled days off and/or legal holidays, after the request. Denial of permission shall extend the time limit of the grievance equal to the amount of the delay.

- Call the grievant's supervisor to determine when the grievant can be available; and,
- Upon arrival at the grievant's work location, report to the grievant's supervisor, who shall arrange the meeting.

**Time Off for Processing a Grievance.** When presenting a grievance during working hours, the grievant and/or his/her representative may have time off from their regular duties to present the grievance, at each level of review. The grievant and the grievant's representative shall not be entitled to paid time off to investigate or prepare the grievance. A grievant and/or his/her representative shall not be compensated for any time spent outside of regular working hours when processing a grievance.

#### **746. GRIEVANCES - EMPLOYEES NOT COVERED BY MEMORANDUMS OF UNDERSTANDING.**

**746.10 GRIEVANCE DEFINED.** For employees not covered by Memorandums of Understanding, a grievance is a complaint by employees relating to any matter affecting their employment for which appeal is not provided by:

- City Charter, Volume II, Article X, Section 1070;
- Salary Standardization Ordinances;
- Civil Service Commission Rules; or,
- Other laws and regulations.

**746.20 PRESENTING A GRIEVANCE.** Employees desiring review of a grievance for which no other remedy is provided shall discuss the matter informally with their supervisor. The concerned supervisor or watch commander shall endeavor to resolve the grievance in the best interest of the Department and the employee.

For purposes of the informal level of review concerning a grievance, a "supervisor" shall be the grievant's immediate supervisor.

**Note:** Supervisors for sworn personnel shall be the rank of Sergeant I, Detective II, or higher.

**746.30 FORMAL REVIEW OF GRIEVANCE.** If the grievance is not resolved, the concerned watch commander, or officer in charge, shall advise the employees that they may complete an original and two copies of an Employee's Report, Form 15.07.00; retain one copy; forward one copy to the Employee Relations Administrator, Chief of Staff; and forward the original to their commanding officer for consideration. A grievance which is not resolved by the employee's commanding officer may be presented to the concerned bureau commanding officer and, if still unresolved, submitted to the Chief of Police via the Employee Relations Administrator.

**746.40 RESULTS OF REVIEW.** Within fifteen days of receipt of a written grievance, reviewing officers shall notify the employees of their recommendations on the Intradepartmental Correspondence, Form 15.02.00. One copy of the Form 15.02.00 shall be forwarded to the Employee Relations Administrator, Chief of Staff. The time period may be extended by mutual consent of the employee and the officer then considering the grievance.

Within five days of notification, employees shall inform the reviewing officer of their acceptance of the recommendations or intention to proceed to the next level. If the employee's decision is to proceed, reviewing officers shall forward the written grievance and a copy of their recommendations to the next level.

**746.50 WITHDRAWAL OF GRIEVANCE.** Employees may withdraw their grievance by notifying the officer then considering the grievance. An Employee's Report, Form 15.07.00, shall then be forwarded to the concerned reviewing officer. It shall be attached to the employee's original written grievance.

**746.60 APPEAL OF RECOMMENDATIONS.** Employees may appeal to the Board of Police Commissioners within five days after receiving the recommendation of the Chief of Police. Employees shall submit an original and one copy of an Employee's Report, Form 15.07.00, to their commanding officer stating the grievance, the recommendations, and requesting consideration by the Board. If they desire, they may request an interview by the Board. The commanding officer shall forward the original Form 15.07.00 directly to the Secretary of the Police Commission and the copy to the Chief of Police.

**746.70 EMERGENCY REVIEW.** When employees feel that their grievance is of an emergency nature, they may have the matter submitted directly to the Board of Police Commissioners. They shall submit an original and one copy of an Employee's Report, Form 15.7, to their commanding officer stating the grievance and their reasons for requesting emergency review. Commanding officers shall attach their recommendations as to whether an emergency does in fact exist, and shall forward the original Form 15.07.00 directly to the Secretary of the Police Commission and the copy to the Chief of Police.

**746.80 REPRESENTATION.** Employees may appear in person at any level where their grievance is being considered, or they may be represented by an individual or an employee organization certified by the City Clerk.

## **747. GRIEVANCES RELATING TO PAYGRADE ADVANCEMENT RULES AND PROCEDURES.**

**747.10 APPEAL PROCEDURES.** An officer desiring review of the rules and procedures used to determine paygrade advancement shall follow the grievance procedures as described in Manual Section 3/746.

In addition, an officer who is dissatisfied with the recommendation of the Board of Police Commissioners (Manual Section 3/746.60) concerning the rules and procedures used to determine paygrade advancement may directly petition the Civil Service Commission to hear and determine the unresolved grievance.

**Exception:** An officer whose unresolved grievance concerns application of rules and procedures related to testing and scoring may petition the Board of Police Commissioners to request an advisory opinion from the Board of Civil Service Commissioners on the grievance.

## **748. DISCRIMINATION COMPLAINT PROCEDURE.**

**748.05 DISCRIMINATION COMPLAINT - CRITERIA.** A Department employee may file a complaint on any action, procedure, practice, or condition of employment which the employee believes to be discriminatory on the basis of:

- Race;

- Color;
- Religion;
- National origin (includes language use restrictions);
- Age;
- Actual or perceived disability (physical or mental);
- Marital status;
- Sexual orientation;
- Gender;
- Gender identity;
- Gender expression;
- Creed;
- Ancestry;
- Medical condition;
- Actual or perceived as having Human Immunodeficiency Virus (HIV);
- Actual or perceived as having Acquired Immune Deficiency Syndrome (AIDS);
- Retaliation for having filed or served as a witness in a discrimination complaint or otherwise opposing discrimination;
- Denial of Family Care and Medical Leave;
- Military and veteran status
- Genetic information; or,
- Sex (includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy).

#### **748.10 DISCRIMINATION COMPLAINT – REPORTING/FILING OPTIONS.**

**Filing Options Within the Department and City.** Department employees are encouraged to resolve discrimination complaints by utilizing this discrimination complaint procedure. However, other filing options available within the Department and City include the:

- Grievance procedure;

**Note:** The Grievance procedure is available for those matters concerning a dispute of the interpretation or application of a Memorandum of Understanding or Departmental rules and regulations governing personnel practices or working conditions.

- Administrative Appeal procedure.

**Note:** The Administrative Appeal procedure is available only to sworn personnel and is the only process for alleging that a transfer or assignment is discriminatory or retaliatory in nature.

- Civil Service Commission.

**Note:** The Department’s discrimination complaint procedure is available to all Department employees except those who opted to use another City investigative review procedure for the same matter.

**Filing Options Outside the City.** Filing options outside the City include the:

- California Department of Fair Employment and Housing.
- U.S. Department of Justice, Equal Employment Opportunity Commission (EEOC).

Any Department member who reasonably believes that he or she has been the subject of discrimination must report it without delay. Employees may contact any Department supervisor; Ombuds Office; Workplace Investigations Section (WIS), Internal Affairs Division; Risk Analysis, Risk Management and Legal Affairs Division; or the Office of the Inspector General. It is the duty of Department managers, commanding officers and supervisors to monitor the workplace to prevent discrimination from occurring, identify and stop discrimination when it occurs, take allegations of discrimination seriously and encourage employees to come forward without delay to report discrimination.

Any non-supervisory Department member who reasonably believes that he or she has knowledge of conduct that is discriminatory in nature must report the matter without delay. Supervisors and managers have an affirmative duty to report potential discrimination to their commanding officer; Ombuds Office; WIS, Internal Affairs Division; Risk Analysis, Risk Management and Legal Affairs Division; or the Office of the Inspector General.

The Department will fully and fairly investigate any complaints of discrimination and/or take immediate and appropriate corrective action.

**749. EQUAL EMPLOYMENT OPPORTUNITY REPRESENTATIVES.**

**Commanding Officer's Responsibility.** Commanding officers shall designate one supervisor as the Equal Employment Opportunity Representative for each:

- Area/division;
- Group or bureau office; and,
- Section not within a division.

**Equal Employment Opportunity Representatives-Responsibility.** An Equal Employment Opportunity Representative shall:

- Conduct training regarding Equal Employment Opportunity, and distribute training materials provided by Training Division; and,
- Ensure that the Career Opportunity Binder is properly maintained.

**755. EMPLOYEE SERVICE PINS.** Service Pin Awards shall be presented to employees who have completed prescribed increments of service. The Service Pin Awards shall be presented as follows:

<b>Years of Service</b>	<b>Presented By</b>
10 Years	Employee's commanding officer
15 Years	Group/Bureau commanding officer
20 Years	Assistant Chief
25 Years	Chief of Police
30 Years	A representative of the Board of Police Commissioners

When a representative of the Board of Police Commissioners or the Chief of Police presents a Service Pin Award, the concerned commanding officer, the assistant bureau commanding officer, and bureau commanding officer, or their designees, shall attend the presentation.



**756. COMMENDATIONS.** The Department will award appropriate commendations to employees and on-duty reserve officers who perform service or acts deserving official recognition. A commendation may be awarded posthumously.

**Minor Commendations.** A minor commendatory act (e.g., an employee's superior handling of a difficult situation, or alertness resulting in the apprehension of a suspect) may be recognized through the completion of a Minor Commendation Report, Form 01.27.00, or an Employee's Report, Form 15.07.00.

**Group/Bureau Commendation.** The Group/Bureau Commendation may be conferred upon employees or organizational units which perform outstanding service or valor similar to, but to a lesser degree than required for either a Police Star, Police Meritorious Service Medal, or Police Meritorious Unit Citation. The Group/Bureau Commendation consists of a Commendation Report, Form 01.18.00, signed by the concerned group/bureau commanding officer. It is awarded by the employee's bureau commanding officer in the name of the Department at an appropriate presentation.

**Major Commendations.** Outstanding performance of duty or an act involving commendatory bravery shall be recognized through a major commendation, which includes the conferring of a Departmental medal or unit citation.

A commendation ribbon will be authorized after a sworn employee has received 40 commendations and completed the approval process (Manual Section 3/637.46).

**756.05 INDIVIDUAL AWARDS FOR BRAVERY.** The conferring of an award for bravery will be in recognition of a *single* action performed by a Department employee. Several commendatory incidents of bravery, each being worthy of an award, will not qualify the employee for a higher award.

**Medal of Valor.** The Medal of Valor is the Department's highest award and may be awarded to employees who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police service. To be awarded the Medal of Valor, an employee must have performed an act displaying extreme courage while consciously facing imminent peril. It is awarded by the Board of Police Commissioners and is presented by the Chief of Police in the name of the Department at the Above and Beyond Awards Ceremony. The award consists of a medal, ribbon, lapel pin, and citation.

**Preservation of Life Medal.** The Preservation of Life Medal may be awarded to an officer who has distinguished himself or herself by employing exceptional tactics and exercising sound judgment, beyond the normal demands of duty, to preserve the life of another during a volatile or dangerous encounter while protecting the safety and security of the public and his or her fellow officers. The Preservation of Life Medal shall be awarded by the Chief of Police and presented at the Above and Beyond Awards Ceremony. The award consists of a medal, ribbon, lapel pin, and citation.

**Police Medal.** The Police Medal may be awarded to employees who distinguish themselves by bravery or heroism above and beyond the normal demands of duty, but to a lesser degree than required for the Medal of Valor. It is awarded by the Chief of Police in the name of the Department and presented by the Chief, or the Chief's designee, at an appropriate ceremony. The award consists of a medal, lapel pin, and ribbon.

**The Los Angeles Police Department Purple Heart.** The Los Angeles Police Department Purple Heart may be awarded to:

- Officers who sustain a traumatic physical injury as a result of a suspect's action(s) during an on-duty tactical situation;

- Officers who die in the line of duty as a direct result of a suspect's action(s). In cases involving an officer's line of duty death, not the direct result of a suspect's action(s), the Commendations Board may exercise discretion to award the medal.

**Note:** In special circumstances, the Chief of Police may award the LAPD Purple Heart to civilian employees.

The LAPD Purple Heart is awarded by the Commendations Board in the name of the Department and presented by the Chief of Police at the Above and Beyond Awards Ceremony. The award consists of a medal, lapel pin, and ribbon.

The Commendations Board has the discretion to consider any request involving officers killed in the line of duty and officers who suffer traumatic physical injury in the line of duty. Specifically, officers, who through no fault of their own, sustain a traumatic physical injury during the performance of job related functions such as a violent encounter with the criminal element, a rescue operation, a hazardous materials exposure, a riot, a significant traffic crash or other life altering accident will be considered.

Requests to be considered for the LAPD Purple Heart will be critically scrutinized to ensure the spirit and intent of the award is given to truly deserving officers or their families. It is not the intent of the Department to confer the award to officers that are injured in non-tactical situations.

The LAPD Purple Heart will not be awarded if the injury occurred as a direct result of the officer's negligent or inappropriate actions.

Area/division commanding officers must follow procedures for submitting Commendation Reports, as outlined in Department Manual Section 3/756.

The LAPD Purple Heart can be awarded retroactively to the families of officers killed in the line of duty and to active and retired officers who meet the LAPD Purple Heart criteria.

Office of Support Services (OSS) will be responsible for contacting the families of officers killed in the line of duty who meet the criteria to receive the LAPD Purple Heart. If a family desires to be considered for the LAPD Purple Heart, OSS will act on the family's behalf to contact the Area/division of occurrence to which the officer was last assigned. The Area/division of occurrence will obtain records of the incident from Medical Liaison Section (MLS) and submit a completed Commendation Report, via their chain of command, to the Commendations Board.

### **Definitions and Guidelines for the LAPD Purple Heart.**

- Traumatic physical injury is defined as a substantial bodily injury, permanent disfigurement or serious impairment of the physical condition;
- General guidelines for traumatic physical injuries that merit the LAPD Purple Heart are as follows:
  - Any serious and substantial physical injury which involved a substantial risk of death;
  - A serious physical injury requiring inpatient treatment and a protracted hospital stay;
  - The loss or protracted physical impairment of the function of any body part; or,
  - Serious physical disfigurement.

**Note:** The injury must have required treatment by a medical doctor for the injuries received in the line of duty and must have been a matter of an official record.

Commendation Reports submitted for officers who suffered traumatic physical injury in the line of duty should include an Authorization to Release Medical Information, Form 05.03.00, available from MLS, completed and signed by the officer, whenever possible.

**Police Star.** The Police Star may be awarded to:

- Employees who distinguish themselves by bravery or heroism above and beyond the normal demands of duty, but to a lesser degree than required for the Police Medal.
- Employees who distinguish themselves by performing in stressful situations with exceptional tactics and/or judgment.

It is awarded by the Commendations Board in the name of the Department and presented by the Chief of Police at an appropriate ceremony. The award consists of a medal, lapel pin, and ribbon.

**Lifesaving Medal.** The Lifesaving Medal is awarded to recognize the actions of Department personnel that result in the saving or preservation of human life that otherwise would have been lost without the employee's direct involvement. An employee can receive only one lifesaving award per incident, regardless of how many victims were involved. The award consists of a medal, lapel pin, and ribbon.

**756.10 INDIVIDUAL AWARDS FOR SERVICE.** Individual awards for service are based on exceptional performance of duty, clearly above that normally expected, which has contributed materially to the success of a major project or field operation. Long and faithful service is not considered for purposes of such an award.

**Police Distinguished Service Medal.** The Police Distinguished Service Medal is the Department's highest award for service and may be awarded to **employees** who distinguish themselves by performing exceptional service in a duty of great responsibility or of critical importance to law enforcement.

The Police Distinguished Service Medal is awarded by the Board of Police Commissioners in the name of the Department and presented by the President of the Board, or the President's designee, at an appropriate ceremony. The award consists of a medal, ribbon, lapel pin, and citation.

**Police Meritorious Service Medal.** The Police Meritorious Service Medal may be awarded to employees who perform meritorious service similar to, but to a lesser degree than required for the Police Distinguished Service Medal.

It is awarded by the Chief of Police in the name of the Department and presented by the Chief, or the Chief's designee, at an appropriate ceremony. The award consists of a medal, lapel pin, and ribbon.

**Police Meritorious Achievement Medal.** The Police Meritorious Achievement Medal may be awarded to Department personnel for either sustained, long-term, noteworthy achievement or service; or for a single significant, noteworthy achievement, including but not limited to, administrative, clerical, or craft-type duties. These achievements are of a lesser nature than those required for the Police Meritorious Service Medal, but greater than those for a bureau commendation. The Police Meritorious Achievement Medal may be awarded to an individual or to an organization entity (e.g., members of a task force, unit, section, division) within the Department. The award consists of a medal, lapel pin, and ribbon.

**Police Commission Distinguished Service Medal.** The Police Commission Distinguished Service Medal may be awarded to citizens and employees of other City departments who distinguish themselves by performing exceptional service to this Department or by performing in a stressful emergency situation with good judgement

and bravery. Department employees who distinguish themselves by performing exceptional service to this Department may be awarded this medal.

The Commission Distinguished Service Award is awarded by the Board of Police Commissioners in the name of the Department and represented by the President of the Board, or the President's designee, at an appropriate ceremony. The award consists of a medal, ribbon, lapel pin, and citation.

**Note:** This award is **not** to be awarded to Department employees for acts of valor or bravery since there are existing medals and awards which apply to these circumstances.

**Police Commission Integrity Medal.** The Police Commission Integrity Medal was established to formally recognize deserving employees who display an act of exemplary integrity, especially when that act requires exceptional character, fortitude, and moral courage in the face of substantial obstacles. The medal can be awarded by the Board of Police Commissioners directly, or at the recommendation of the Chief of Police. The award consists of a medal, lapel pin, and ribbon.

**Community Policing Medal.** The Community Policing Medal is awarded to Department personnel who have solved a significant community problem, included the community in the problem solving process, and/or shown a commitment to the Department's Community Policing philosophy. The award is presented by the Chief of Police. The Community Policing Medal may be awarded to an individual or to an organizational entity within the Department.

Recommendations for the Community Policing Medal may come from a variety of sources including community, peer, or supervisory recognition. The award consists of a medal, lapel pin, and ribbon.

**Human Relations Medal.** The Human Relations Medal was established to appropriately recognize and award Department employees who have in their day-to-day activities shown great compassion and have gone above and beyond the call of duty in their response to fellow human beings. The award is presented by the Chief of Police and is primarily intended for on-duty actions.

**Reserve Officer Service Ribbon.** The Reserve Officer Service Ribbon is awarded to recognize the commitment of reserve police officers who have worked 500 or more shifts. An oak leaf cluster is awarded for each additional increment of 250 shifts.

**756.15 UNIT CITATIONS.** A unit citation for outstanding performance maybe conferred upon an organizational unit of the Department. The commendatory accomplishment must be the result of a combined effort by members of the unit.

**Note:** The awarding of a unit citation does not preclude the conferring of individual awards to members of the unit for individual accomplishments during the unit's activity.

**Police Commission Unit Citation.** The Police Commission Unit Citation is the Department's highest unit award and may be awarded to an organizational unit of the Department for bravery or outstanding service by its members functioning as a team.

It is awarded by the Board of Police Commissioners in the name of the Department and presented by the President of the Board, or the President's designee, at an appropriate ceremony. The award is given to each employee assigned to the unit at the time the commendatory act was performed. It consists of a medal, ribbon, and a copy of the citation.

**Police Meritorious Unit Citation.** The Police Meritorious Unit Citation may be awarded to an organizational unit of the Department for action similar to, but to a lesser degree than required for the Police Commission Unit Citation.

It is awarded by the Chief of Police in the name of the Department and presented by the Chief, or the Chief's designee, at an appropriate ceremony. The award is given to each employee assigned to the unit at the time the commendatory act was performed. It consists of a medal, ribbon, and a copy of the citation.

**756.20 SPECIAL CATEGORY - THE PARKER CITATION.** The Parker Citation is awarded in memory of sworn personnel who die from injuries sustained in the line of duty.

The award, consisting of a citation and the officer's badge mounted in a "shadow box" is presented by the Chief of Police, or the Chief's designee, to a member of the officer's family at an appropriate ceremony.

**Note:** The presentation of the Parker Citation does not preclude the awarding of another award posthumously to a deserving officer.

**756.25 SPECIAL CATEGORY - THE LIBERTY AWARD.** The Liberty Award is awarded to a police service dog (K9) that has been killed or seriously injured while engaged in police duties.

The incident shall be recorded on a Commendation Report, Form 01.18.00, with the canine's name and serial number placed in the "name" box. At the bottom of the Commendation Report, the words "request for Liberty Award" shall be printed or typed. The report shall be submitted according to established procedures for individual awards. The award, consisting of a medal mounted in a "shadow box," shall be displayed at the canine's division of assignment.

### **756.30 REPORTING COMMENDATIONS.**

**Duty to Report.** An employee of supervisory rank shall report to his/her immediate superior:

- Acts worthy of commendation which he/she may observe involving persons under his/her supervision; and,
- Acts worthy of commendation reported to him/her which involve employees of the Department.

**How to Report.** A written commendation may be made by any Department supervisor regarding another employee of the Department if the reporting supervisor is superior in rank or paygrade to, or is the officer in charge of, the employee reported upon. A Department supervisor may also make a written recommendation for a unit commendation regarding any organizational unit of the Department if the reporting supervisor is superior in rank or paygrade to the officer in charge of the unit reported upon.

- **Minor Commendation.** A Minor Commendation Report, Form 01.27.00, is used to record a minor commendation. If there is not sufficient space to make the report on a Minor Commendation Report, an Employee's Report, Form 15.07.00, shall be used.

**Note:** The commanding officer of an employee receiving four (4) minor commendations within a 12-month period is encouraged to acknowledge this accomplishment on a Commendation Report, Form 01.18.00. A brief synopsis of each commendation shall be included in the report with copies of the four completed commendations attached as addenda. Copies of the correspondence shall be placed in the employee's personnel file at Personnel Division, and Division Employee Folder, Form 01.01.00.

- **Major/Bureau Commendations.** A Commendation Report, Form 01.18.00, shall be used to recommend a major or bureau commendation. A detailed report shall be made for each involved employee or unit.
- Supervisors reporting a commendable incident on a Commendation Report, Form 01.18.00, shall submit the form to the concerned commanding officer as soon as practicable, preferably *within three days* of the incident.

**Note:** Charts, diagrams, and photographs may be used.

### **756.35 ROUTING COMMENDATION REPORTS.**

**Commanding Officer Review.** Commendation reports shall be forwarded to the commanding officer of the commended employee or unit for review. A minor commendation, after approval by the commanding officer, shall be read and initialed by the commended employee and filed in the employee's Division Employee Folder, Form 01.01.00.

A commanding officer receiving a Commendation Report, Form 01.18.00, regarding an employee under his command shall review the report and, if approved, forward the signed Form 01.18.00 to the concerned group or bureau commanding officer *within two days* after receipt of the form.

**Group or Bureau Commanding Officer Review.** Group or bureau commanding officers receiving an approved Commendation Report shall review the report and, if approved, forward the signed Form 01.18.00 to the Chairperson of the Commendations Board *within five days* after receipt of the form. Others shall be returned to the division of origin and, if appropriate, may be reclassified as minor commendations.

**Note:** Upon reviewing a Commendation Report, group or bureau commanding officers may confer the Group/Bureau Commendation without forwarding the Form 01.18.00 to the Commendations Board.

**Commendations Board.** The reviewing responsibilities of the Commendations Board are set forth in Manual Section 2/092.20.

### **756.50 APPROVING COMMENDATIONS.**

**Commendation Reports Approved by the Director, Office of Support Services.** Commendation Reports, Form 01.18.00, recommending either the Police Medal, the Police Meritorious Service Medal, or the Police Meritorious Unit Citation received from the Commendations Board, and approved by the Director, Office of Support Services shall be submitted to the Chief of Police for final review.

**Commendation Reports Approved by the Chief of Police.** Commendation Reports, Form 01.18.00, recommending either the Medal of Valor, the Police Distinguished Service Medal, or the Police Commission Unit Citation approved by the Chief of Police, will be submitted to the Board of Police Commissioners for final review.

Commendation Reports, Form 01.18.00, recommending the Police Commission Distinguished Service Award or the Police Commission Integrity Medal received from the Commendations Board and approved by the Chief of Police will be submitted to the Board of Police Commissioners for final review.

**Note:** The Office of the Chief of Police shall notify Community Outreach and Development Division when:

- Police Medal, Police Meritorious Service Medal, or Police Meritorious Unit Citation Commendation Reports received from the Director, Office of Support Services have been reviewed and approved by the Chief;
- Medal of Valor, Police Distinguished Service Medal, or Police Commission Unit Citation Commendation Reports approved by the Chief and forwarded to the Board of Police Commissioners for final review; and,
- Police Commission Distinguished Service Award received from the Commendations Board has been approved by the Chief and forwarded to the Board of Police Commissioners for final review.

Following approval and final review by the Board of Police Commissioners, Community Outreach and Development Division shall schedule an appropriate ceremony for the presentation of the award except in the case of the Medal of Valor which will be presented at the annual Medal of Valor ceremony.

#### **756.60 RECOGNITION OF EMPLOYEE.**

**Individual Awards.** A copy of an individual award citation if any and a copy of the approved Commendation Report, Form 01.18.00, shall be placed in the commended employee's Division Employee Folder, Form 01.01.00, and the Personnel Division personnel file with the appropriate remarks entered on the Personal Summary, Form 01.02.00.

**Unit Commendations.** The original citation shall be displayed at the recipient unit's duty location. Copies of the citation shall be placed in the Division Employee Folder, Form 01.01.00, and the Personnel Division personnel file of each employee assigned to the unit at the time the commendatory acts were performed. The appropriate remarks shall be entered on each recipient's Personal Summary, Form 01.02.00.

**Publication of Awards.** Medal of Valor, Police Distinguished Service Medal, and Police Commission Unit Citation Awards shall be, and all other major or unit awards may be, acknowledged in an official publication of the Department or as otherwise directed by the Director, Office of Support Services.

**756.80 COMMENDATIONS FROM OUTSIDE SOURCES.** A written commendation originating from outside the Department shall be reviewed by the commended officer's commanding officer. The report shall be handled as follows:

**Minor Commendations.** A commendation received from an outside source which appears to fall within the minor commendation category shall be filed in the employee's Division Employee Folder, Form 01.01.00, after being read and initialed by the commended employee.

**Major Commendations.** A commendation received from an outside source which appears to fall within the major commendation category shall be the basis for a Commendation Report, Form 01.18.00, prepared at the direction of the employee's commanding officer.

#### **756.90 CERTIFICATES FOR PRIVATE PERSONS AND MEMBERS OF THE DEPARTMENT.**

Recommendations for commendation of a private person may be initiated by any member of the Department who becomes aware of an act of assistance to the Department which is believed to be exceptional. Such recommendation must be recorded on an Employee's Report, Form 15.07.00, and forwarded through channels to the concerned commanding officer.

**Police Commission Certificate.** A Police Commission Certificate may be requested of the Chief of Staff for the following:

- Recognition of private persons/groups who have contributed to the mission of the Los Angeles Police Department (LAPD) in a significant and measurable way;

**Note:** The contribution may be in the form of an act of heroism which involves great risk of personal injury or death or an event of outstanding volunteerism and assistance.

- The rare occasion when recognition of Department personnel, sworn or civilian, is not best served through the Awards and Decorations Board process, or a commendation
- Recognition of an employee, sworn or civilian, honorably retiring from the LAPD; or,
- Recognition of a Police Commission employee who is either transferring or promoting from the Police Commission staff.

**Note:** The employee must be recommended by the Inspector General or the Commanding Officer of Commission Investigation Division to the Police Commission Executive Director for final approval.

**Department Certificate of Appreciation.** A Department Certificate of Appreciation may be awarded for an exemplary contribution or an outstanding act of service which assists the Department or the law enforcement profession in fulfilling its objectives.

**Certificate of Recognition.** A Certificate of Recognition may be awarded for a high degree of service or assistance to the Department, an Area, or a division in accomplishing its objectives.

**Certificate of Acknowledgement.** A Certificate of Acknowledgement, Form 01.86.02, may be awarded for service or assistance to the Department at the Area/divisional level when no other certificate is appropriate. The certificate is completed and signed by the concerned commanding officer.

**Commanding Officer's Responsibilities - Certificates for Private Persons and Members of the Department.** When commanding officers become aware of an act of exceptional assistance by a private person or receive a proposed commendation for such an act, they must ensure that all facts of the incident are verified, the merit of their commendation is established, and ascertain the relative fitness of the prospective recipient of the award.

**Note:** Accessing the Federal or State Automated Criminal History Systems (ACHS) or Wanted Persons Systems (WPS) via the California Law Enforcement Telecommunications System (CLETS) is prohibited when ascertaining the relative fitness of the recipient.

**Commendations at Divisional Level.** When a recommendation for a commendation is the result of a high degree of assistance or service to a divisional or Area level of the Department, the concerned commanding officer must cause the following to be awarded:

- Certificate of Acknowledgement, Form 01.86.02.

**Commendations at Department Level.** When a recommendation for a commendation is the result of a high degree of assistance or service to the Department or the law enforcement profession, the concerned commanding officer must include all pertinent information on an Intradepartmental Correspondence, Form 15.02.00, which must be transmitted, along with pertinent documentation, to the concerned group/bureau commanding officer. After review and concurrence with the recommendation, the concerned group/bureau must forward the recommendation, via the chain of command, to the Chief of Staff.



**Responsibility of the Chief of Staff.** Upon receipt of a proposed commendation, the Chief of Staff, must:

- Review the recommendation and supporting documentation and determine whether the presentation of the award will be in the best interest of the Department; and,
- If appropriate, forward the commendation to Community Outreach and Development Division to cause appropriate publicity and the proper setting to be arranged for presentation of the award. Community Outreach and Development Division must notify the concerned commanding officer of the action taken.

**Certificates for Private Persons and Members of the Department Signed by the Chief of Police.** When a recommendation for a Police Commission Certificate or a Department Certificate of Appreciation is approved by the Chief of Staff, the appropriate document must be prepared by the Community Outreach and Development Division, and forwarded through channels to the Chief of Police for signature. The document must then be forwarded to the Police Commission. Upon the signing of the document by the members of the Board of Police Commissioners, the Community Outreach and Development Division must be notified to arrange an appropriate presentation at a Police Commission meeting.

## **757. EMPLOYEE COMMENDATION.**

**757.05 EMPLOYEE COMMENDATION FORM.** This form is used solely by members of the public to commend Department employees. It shall be maintained in areas accessible to the public within police facilities.

**757.10 RESPONSIBILITY FOR MAKING FORMS AVAILABLE TO THE PUBLIC.** The following entities have the responsibility of ensuring that a supply of Employee Commendation forms and preaddressed business reply envelopes marked "Attn: Personnel Division" are maintained in areas accessible to the public:

- Area commanding officers shall provide forms to all City Council field offices within their Areas, and ensure forms are available in the portions of their Area stations that are accessible to the public;
- The Commanding Officer, Custody Services Division, shall ensure forms are made available to the Parker center and Police Administration Building desk;
- The Office of the Secretary, Police Commission, will ensure forms available at the Police Commission;
- All bureau and group commanding officers whose command is accessible to the public shall ensure forms are made available to the public; and,
- The Council Liaison Officer, Governmental Liaison Section, shall provide forms to all City Hall offices of the City Council and to the Mayor's Office.

Whenever a form is received from a Department entity that was unable to determine the employee's current assignment, Personnel Division shall determine the employee's assignment and forward the commendation form to the employee's commanding officer.

## **757.15 RESPONSIBILITY OF DEPARTMENT PERSONNEL WHEN AN EMPLOYEE COMMENDATION FORM, FORM 01.18.01 IS RECEIVED.**

**Employee's Responsibility.** Any employee who receives an Employee Commendation Form, Form 01.18.01, shall ensure that it is forwarded to the concerned commanding officer.

**Note:** Department personnel shall not solicit completion of the Employee Commendation Form.

**Commanding Officer's Responsibility.** Commanding officers shall ensure that the Employee Commendation Form is served upon the commended employee and that a copy is filed in the employee's divisional employee folder. The original of the served Employee Commendation form shall be forwarded to Personnel Division for filing in the employee's Department personnel package. If multiple employees are commended, the original and sufficient copies of the served Employee Commendation Form shall be forwarded to Personnel Division for filing.

Upon determination that the Employee Commendation Form is for an employee assigned to another command, the commanding officer shall ensure that the form is forwarded to the employee's commanding officer. If the commanding officer is unable to determine where the employee is assigned, the commendation form shall be forwarded to Personnel Division.

**Personnel Division's Responsibility.** Upon receiving an Employee Commendation Form from the public, Personnel Division shall route the form through appropriate channels to the commended employee's commanding officer to ensure proper source. Upon receiving an Employee Commendation Form that has been served to and initialed by the commended employee, Personnel Division shall ensure that the form is placed in the employee's Department personnel file.

Whenever a form is received from a Department entity that was unable to determine the employee's current assignment, Personnel Division shall determine the employee's assignment and forward the commendation form to the employee's commanding officer.

#### **757.20 RESPONSIBILITY FOR COMMUNITY COMPLAINT AND COMMENDATION POSTERS.**

The following entities have the responsibility of ensuring that Community Complaint and Commendation Posters, Form 01.81.28, are placed conspicuously throughout the Department and City Council field offices:

- Area commanding officers shall provide posters to all City Council field offices within their Areas, and ensure posters are displayed at their stations where they are visible to the public;
- The Commanding Officer, Custody Services Division, shall ensure posters are made available to the Parker Center and the Police Administration Building front desk;
- The Office of the Secretary, Board of Police Commissioners, will ensure the posters are available at the offices of the Board of Police Commissioners and the Inspector General;
- All bureau and group commanding officers whose commands are accessible to the public shall ensure posters are displayed; and,
- The Commanding Officer, Internal Affairs Division, shall provide posters to all City Hall offices of the City Council and to the Mayor's Office.

**758. MOTION PICTURE REQUESTS.** Requests for the production of Department-made motion pictures, based on prepared scripts or scenarios, shall be submitted by Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Technical Investigation Division. All requests shall include:

- An outline of the purpose and the justification for the proposed motion picture; and,
- An estimate of the running time and whether the film is to be sound or silent, in color or black and white.

The Commanding Officer, Technical Investigation Division, shall see that all necessary information is included in the request before forwarding it to the Motion Picture Approval Board for consideration.

**758.40 MOTION PICTURE SYNOPSIS AND TECHNICAL ADVICE.** After a request for a motion picture has been approved by the Motion Picture Approval Board, the commanding officer who originated the request shall provide:

- Competent personnel to write a detailed synopsis of the proposed motion picture;
- Competent personnel to act as technical advisors for the actual production of the motion picture; and,
- Additional personnel for necessary casting purposes, when requested by the Commanding Officer, Technical Investigation Division.

**758.80 SHOOTING SCRIPTS.** The commanding officer requesting production of a motion picture shall assign qualified personnel to prepare the shooting script.

**758.82 MOTION PICTURE PRODUCTION.** The Commanding Officer, Technical Investigation Division, shall supervise the production and processing of approved motion pictures and shall assure conformance to established Department procedures.

**758.85 MOTION PICTURE STOCK SHOTS.** Approval for stock shots for possible use in motion pictures approved by the Motion Picture Approval Board (Manual Section 3/758.40) shall be obtained from the Commanding Officer, Technical Investigation Division.

**758.90 CRIME SCENE REENACTMENTS.** Approval for on-the-scene motion pictures or crime scene reenactments shall be obtained from the office of the concerned bureau commanding officer or Chief of Staff.

**759. PHOTOGRAPHIC EQUIPMENT, SUPPLIES, PERSONNEL.** The use of Department personnel, photographic equipment, and supplies shall be authorized only for the following:

- Official Department photographs;
- Official photographs requested by other agencies of the City;
- Public information;
- Press releases;
- Employee relations;
- Approved motion pictures;
- Motion picture stock shots;
- Crime scene reenactments and on-the-scene motion pictures;
- Recruitment. Approved by the Commanding Officer, Personnel Division; and,
- Training. Approved by the Commanding Officer, Training Division.

All requests for Department-made photographs or motion pictures shall be approved as outlined in Manual Sections 3/758 and 3/759.

**Exception:** Concerned group or bureau commanding officers may approve intradepartment requests for still photographs if, in their opinion, the requests made are according to Department policy and routine procedure would cause undue delay.

**759.16 OFFICIAL DEPARTMENT PHOTOGRAPHS.** Official Department photographs shall include those taken in relation to:

- Crime scenes or evidence;
- Dead bodies;

- Search warrant locations;
- Traffic crashes;
- Arrestees or victims;
- Department employees;
- Department publications;
- Possible dangerous or defective City property which may have been the cause of an injury; and,
- Department-produced motion picture films.

Requests for still photographs shall be submitted to Technical Investigation Division, except when they are taken in conjunction with duties of:

- Geographic detective division;
- Accident investigation officers; and,
- Jail personnel.

**759.32 OFFICIAL PHOTOGRAPHS - OTHER GOVERNMENT AGENCIES OF THE CITY.** Other governmental agencies of the City of Los Angeles desiring photographic services from the Department shall be directed to submit their requests to the Executive Officer, Office of the Chief of Police.

**759.35 POLICE MULTIMEDIA INSTRUCTIONAL MATERIALS.** Training Division shall be responsible for the following duties relating to police multimedia instructional materials:

- Storing master copies;
- Processing requests for sale or rental; and,

**Note:** Prior to processing a film request, Training Division shall ensure the sufficiency of funds in Technical Investigation Division's Motion Picture Fund to cover the cost of reproduction.

- Packaging and shipping.

**Notification to Police Accountant.** When police multimedia materials are sold or rented, the Police Accountant shall be notified of the date of shipment or mailing, the cost of reproduction, the amount charged for sale or rental, and the agency or organization to whom shipped.

**759.48 PUBLIC INFORMATION.** Public information photographs shall include those of persons, situations, or police activities of unusual interest which may be desirable for publication in various newspapers or magazines. These shall be approved by the Commanding Officer, Media Relations and Community Affairs Group.

Photographs of traffic situations to be used for public education or for publication in various newspapers or magazines shall be approved by the Officer in Charge, Traffic Coordination Section.

**759.64 PRESS RELEASES.** Press release photographs shall be made upon approval of the Commanding Officer, Media Relations and Community Affairs Group.

**759.80 EMPLOYEE RELATIONS.** Photographs pertaining to employee relations or morale shall include, but not be limited to, those taken in recognition of service, such as retirement dinners or Medal of Valor awards. Requests for photographs of this nature shall be submitted in writing to the Commanding Officer, Technical Investigation Division, by concerned commanding officers. Sufficient notice shall be given to allow for assignment of required photographers.

Requests for photographs for possible publication in "The Beat" shall be submitted to the Media Relations and Community Affairs Group for approval.

**760. SERVICE RATINGS.** Systematic, periodic, written evaluations of the performance of employees in their daily work shall be made, utilizing uniform procedure and standards.

Each employee rated shall have an interview with the rater or an appropriate supervisor delegated by the rater to discuss the rating with the employee.

Reports containing an unsatisfactory evaluation in any category or as an overall evaluation shall be discussed with the employee by the concerned commanding officer and shall then be reviewed and initialed by the concerned group or bureau commanding officer.

Personnel performance evaluation reports for sworn or civilian supervisors, command or staff officers shall include, when applicable, an evaluation of the individual's success in carrying out the equal opportunity responsibility of their position. The evaluation shall be documented in the appropriate portion of the service rating report.

Personnel performance evaluation reports for all sworn personnel shall include, when applicable, a narrative evaluation of the individual's success in meeting the community relations responsibilities of their positions.

**Note:** Supervisors shall conduct, at a minimum, one individual performance assessment for each sworn subordinate employee during the employee's 12-month rating period.

The employee rated shall be provided with a copy of the completed performance evaluation report along with his/her Training Evaluation And Management System II (TEAMS II) report.

**Note:** All performance evaluation reports shall be written in ink or type written and shall be signed in ink by the reporting supervisor.

The Performance Evaluation Report Action Item (PERAI) shall be completed by a supervisor no later than 90-calendar days after the date it was issued.

**TEAMS II and Police Applications Section's Responsibility.** TEAMS II and Police Applications Section shall be responsible for generating an automated PERAI for **all sworn employees**. The PERAI will automatically be generated 30-calendar days prior to the anniversary date of the employee's appointment to his/her current rank, regardless of paygrade. For example, a police officer's anniversary date is the employee's hire date upon initial entrance into the police academy. When a police officer is promoted to detective or sergeant, the employee's new anniversary date is the promotion date to detective or sergeant.

**Note:** The PERAI will automatically be forwarded to the responsible commanding officer's TEAMS II Personal Worklist.

**760.10 SERVICE RATINGS CONSIDERED PRIVATE COMMUNICATIONS.** Completed performance evaluations shall be considered as private (official) communications between the Chief of Police; seniors in the chain of command; the Director, Office of Support Services; the reporting senior; the employee reported on; and such other persons as the Chief of Police may direct.

**760.12 SPECIAL USES OF SERVICE RATINGS.** Completed performance evaluation reports may be inspected by members of boards meeting to determine qualifications of employees participating in promotional examinations, boards of inquiry, and such other persons as the Chief of Police may direct.

**760.13 EMPLOYEE COMMENT FILES.** Written documentation of an incident or counseling is not a requirement for initiation of administrative action against an employee. The absence of written documentation does not preclude administrative action at a later date. However, written records assist supervisors in completing employee evaluations, assessing training needs, processing administrative reports, and ensuring that proper recognition is given.

**Supervisor's Responsibility.** While documenting every incident or counseling session is not always required or practical, supervisors shall document significant substandard performance and related counseling. In those instances where a supervisor elects not to document an incident or minor substandard performance, the supervisor shall be prepared to attest to the incident or performance if necessary at a later date.

**Note:** A supervisor's failure to comply with procedures for documenting substandard performance does not necessarily invalidate the supervisor's statements about any incident or counseling in any administrative action.

When documenting positive and negative duty performance, training needs, and accomplishments of employees, supervisors shall:

- Use the Employee Comment Sheet, Form 01.77.00;
- Review each employee comment entry with the concerned employee as soon as possible after the entry is made;
- Have the employee initial the entry.

**Note:** If the employee refuses to initial the entry, write the employee's name and the word "refused" in the space where the employee was asked to initial, and have another supervisor witness the refusal and date and initial the refusal entry.

- Tell the employee that he or she may use an Employee's Report, Form 15.07.00, to make a written response to the employee comment entry within 30 days after the review; and,

**Note:** The supervisor making a comment entry shall ensure that any employee response received is attached to the Employee Comment Sheet.

- Submit the Comment Sheet to the watch commander or commanding officer, as appropriate, for review.

**Commanding Officer's Responsibility.** Commanding officers shall ensure that:

- Employee comment files are properly maintained and audited;
- Employee comment files are indexed by the employee's surname;
- Employee comment files are secured within the concerned division or unit administrative office and made available for review by authorized employees during their regularly scheduled watch; and,
- Employee comment files are retained in the division or unit for two years, then forwarded to the City Records Center in accordance with existing records retention requirements.

**Note:** If an employee transfers to a new assignment, all employee comment files not stored at the City Records Center shall be transferred to the new assignment with the employee.

If a computer comment file system is used in addition to the procedures outlined in this Section, commanding officers shall ensure that a hard copy back-up file is maintained to prevent loss of records in the event of computer failure.

**760.15 SERVICE RATING REPORTS - CAPTAINS AND ABOVE.** The following procedures shall be utilized for the completion of a service rating for an officer of the rank of Captain and above:

**Rating Periods and Special Ratings.** A Performance Evaluation Report – Captains and Above, Form 01.33.00, shall be completed for each officer of the rank of Captain and above:

- Rating and reviewing of an employee's performance must be completed at least annually. Ratings will be completed in the month corresponding with the employee's promotion anniversary date (for Captain I, Commander, or Deputy Chief I) or pay grade anniversary date (for Captain II, or Captain III, or Deputy Chief II);
- Upon his/her transfer, provided no rating report has been completed for the officer within four months;
- Every three months during his/her probationary period;
- At any time the officer's performance or standard of service indicates the need for a revised rating report; and,
- The Performance Evaluation Report Action Item shall be completed no later than 90-calendar days after the date it was issued.

### **Supervisor's Responsibilities.**

Supervisors who receive a PERAI shall:

- Review the concerned employee's TEAMS report and all other available documents (e.g., Commendation Report, Form 01.18.00; Employee Comment Sheet, Form 01.77.00; and Notice to Correct Deficiencies, Form General 78);

**Note:** If the supervisor determines further action is required as a result of the review, the supervisor shall generate a separate Supervisor Action Item (SAI) and reference the SAI number in the Investigative Narrative section of the PERAI.

- Complete the Performance Evaluation Report (PER) - Captains and Above, Form 01.33.00; and,
- Serve the employee with the final paper copy of the PER, and complete the PERAI no later than 90-calendar days after the date it was issued.

**Note:** Once the supervisor completes the PERAI, it will automatically be routed back to the commanding officer's TEAMS II Personal Worklist.

**COMMANDING OFFICER'S RESPONSIBILITIES.** The commanding officer, or the commanding officer's designee, shall:

- Regularly review the commanding officer's TEAMS II Personal Worklist to check for newly-issued PERAIs;
- Delegate each PERAI to the employee's direct supervisor;

- Review and approve or kickback the supervisor's completed PERAI in the commanding officer's TEAMS II Personal Worklist;
- Record the date the paper copy was signed by the employee in the PERAI or select the date from the calendar icon; and,
- Ensure the accurate and timely completion of the PERAI and the PER paper copy form.

**Performance Evaluation Report Preparation-Distribution.** Performance Evaluation Reports for staff and command officers shall be prepared by an officer at least one *paygrade* above the officer being rated. Captains III or II may prepare the *recommended* ratings for captains of a lower paygrade under their command. Assistant chiefs shall prepare the recommended ratings for deputy chiefs under their command. The Chief of Police shall determine the final ratings for deputy chiefs.

**Note:** Performance Evaluation Reports for each captain, commander, and deputy chief shall be initially prepared and submitted as *recommended* ratings. The completed evaluation report shall be approved by the respective commanding officer, in the case of deputy chiefs I or II, by the Chief of Police

For management personnel (captains), although additional reports may be available for an SAI, the review, at a minimum, shall include the following reports as outlined in Manual Section 1/668.01:

- TEAMS Report; and,
- Comparison of Employee Average Activity for Selected Organizations.

The original and four copies of the report, unsigned by the rated officer, shall be forwarded, through channels, to the Director, Office of Support Services by January 15.

Upon receipt of all Forms 01.33.00, the Director, Office of Support Services shall cause the reports to be distributed as follows:

- Performance Evaluation Reports for captains shall be forwarded to the Director, Office of Support Services, for evaluation by a board comprised of the Director, Office of Support Services, as Chairperson; the Director, Office of Operations; and the Assistant to the Director, Office of Support Services, as members;
- Performance Evaluation Reports for officers of the rank of commander shall be evaluated by a board comprised of two deputy chiefs and the Chief of Staff. The Director, Office of Support Services shall be the Chairperson of the Board; and,
- Performance Evaluation Reports for officers of the rank of deputy chief shall be reviewed by the Chief of Police.

**Performance Evaluation Report-Distribution.** The reports shall be forwarded to the concerned *rating officers*, who shall review the reports with the officers being rated and cause them to be distributed as soon as practicable. A rating officer who disagrees with the findings of the review board may request further review by submitting an Intradepartmental Correspondence, Form 15.02.00, to the Director, Office of Support Services *prior to reviewing the report with the rated officer.*

**760.20 STANDARDS BASED ASSESSMENT - LIEUTENANTS AND BELOW.** A Standards Based Assessment – Lieutenants and Below, Form 01.87.00, shall be used to evaluate sworn employees at the rank of lieutenant and below as follows:

- The reports shall be completed on an annual basis, (Annual), or (Regular);



- Upon transfer to another Area, group, or bureau, to the same class position, when no other assessment or evaluation has been completed within 90 days prior to the transfer, (Transfer); or,
- During each month of a probationary period following promotion to the rank of lieutenant (Probationary); or,
- At any time the officer's performance or standard of service indicates the need for a revised assessment, (Special); or,
- For any officer who was assigned to any function other than his or her normal duties for any period exceeding 90 days (Special).

For supervisory personnel: Although additional reports may be available for an SAI, the review, at a minimum, shall include the following reports as outlined in Manual Section 1/668.01:

- TEAMS Report;
- Summary of Employee Activity; and,
- Comparison of Employee Average Activity for Selected Organizations.

### **Supervisor's Responsibilities.**

Supervisors who receive a PERAI shall:

- Review the concerned employee's TEAMS report and all other available documents (e.g., Commendation Report, Form 01.18.00; Employee Comment Sheet, Form 01.77.00; and Notice to Correct Deficiencies, Form General 78);

**Note:** If the supervisor determines further action is required as a result of the review, the supervisor shall generate a separate Supervisor Action Item (SAI) and reference the SAI number in the Investigative Narrative section of the PERAI.

- Complete the Standards Based Assessment, Lieutenant and Below, Form 01.87.00; and,
- Serve the employee with the final paper copy of the SBA, and complete the PERAI no later than 90-calendar days after the date it was issued.

**Note:** Once the supervisor completes the PERAI, it will automatically be routed back to the commanding officer's TEAMS II Personal Worklist.

**COMMANDING OFFICER'S RESPONSIBILITIES.** The commanding officer, or the commanding officer's designee, shall:

- Regularly review the commanding officer's TEAMS II Personal Worklist to check for newly-issued PERAIs;
- Delegate each PERAI to the employee's direct supervisor;
- Review and approve or kickback the supervisor's completed PERAI in the commanding officer's TEAMS II Personal Worklist;
- Record the date the paper copy was signed by the employee in the PERAI or select the date from the calendar icon; and,
- Ensure the accurate and timely completion of the PERAI and the SBA paper copy form.

A Training Evaluation And Management System II (TEAMS II) report shall be provided to each employee in conjunction with the service of the employee's annual (post-probationary) performance evaluation report.

**Note:** The Annual or Regular assessment need not be completed when a Special or Transfer evaluation has been completed within 60 days prior to the regularly scheduled Annual or Regular assessment.

All sworn employees at the rank of lieutenant and below will be rated during the month that they were appointed to their current rank, regardless of their paygrade. For example, the month of a police officer’s date of hire remains his/hers rating month until he/she is promoted to detective or sergeant, then the month of promotion becomes the new rating month for the employee.

**760.30 SERVICE RATING REPORTS - RESPONSIBILITY FOR COMPLETION.** Appropriate service rating reports, Form 01.87.00 or Form 01.33.00 (Manual Section 3/760.20), shall be submitted as follows:

Reporting	Reporting Upon
Police Commission	Chief of Police Commanding Officer. Commission Investigation Division
Chief of Police	Deputy Chiefs I and II All staff officers assigned to the Office of the Chief of Police

Commanding officers of bureaus; assistant bureau commanding officers; group, Area, and division commanding officers; and officers in charge of a section or unit shall be responsible for completing recommended rating reports for assigned personnel including those who are in the same rank but a lesser paygrade or subordinate position. The Standards Based Assessment – Lieutenants and Below, Form 01.87.00, or the Performance Evaluation Report – Captains and Above, Form 01.33.00, shall be approved by the commanding officer most immediate to the employee who has been rated.

**760.40 PROBATIONARY SERVICE RATING REPORTS.** Probationary service rating reports shall be completed as follows:

**Captains and Above.** A Performance Evaluation Report – Captains and Above, Form 01.33.00, shall be completed for each officer in the rank of Captain and above every three months during his or her probationary period.

**Lieutenants.** A Standards Based Assessment – Lieutenant and Below, Form 01.87.00, shall be completed each month during the probationary period of all lieutenants.

**Sergeants.** The Probationary Sergeant Performance Checklist, Form 01.87.04, shall be completed for probationary sergeants. Watch commanders shall evaluate performance on an ongoing basis and regularly document the progress on the Checklist. Each probationary sergeant must complete the training by being signed off as “Competent” in all of the Checklist tasks by the end of each probationary sergeant’s six month probationary period.

**Detectives.** The Probationary Detective Performance Checklist, Form 01.87.05, shall be completed for probationary detectives. Detective supervisors shall evaluate performance on an ongoing basis and regularly document the progress on the Checklist. Each probationary detective must complete the training by being signed off as "Competent" in all of the categories and tasks by the end of the six-month probationary period.

**Note:** If a probationary period is interrupted for another assignment (e.g., detectives and sergeants), the employee shall complete all Checklist task items and his or her six-month period before the probation is deemed complete.

**Entry-level Police Officers.** A Probationary Police Officer Weekly Evaluation Report (PPOWER), Form 01.78.01, shall be completed for each entry-level probationary police officer who has completed the recruit phase of training.

During the Structured Field Training Program Period (SFTPP), each probationary police officer shall be rated weekly on the PPOWER. During the Final Probationary Period, no ratings are required.

**Note:** When the commanding officer of a probationary police officer extends the SFTPP, probationary ratings shall be continued on a weekly basis until the probationary police officer is passed to the Final Probationary Period.

Only *actual observed performance* shall be evaluated. Field training officers and supervisors are not obligated to rate every function delineated on the PPOWER. The Probationary Police Officer Daily Observation Report, Form 01.78.11, shall have documentation to explain any rating given below the "Standard" level of performance.

**Civilian Employees.** An Employee Evaluation Report, Form PDAS-28E, shall be used to record evaluations for entry-level civilian employees. A Supervisory Evaluation Report, Form PDAS-28S, may be used to record evaluations for newly promoted civilian employees promoted to a line supervisory position (refer to Department Manual Section 3/135).

**760.45 ADJUSTMENTS OF PROBATIONARY PERIOD - POLICE OFFICERS.** In the event a probationary officer is absent in excess of seven calendar days **in the aggregate**, except for vacation or time off for overtime, that probationary officer's probationary period shall be extended by the entire period or periods missed. Additionally, the probationary period shall also be extended by the number of days the probationary officer is on **restricted duty** because of an on-duty injury or illness, or pregnancy.

Absences such as military leave, family illness leave, or bereavement leave shall be included as time off that will be considered an extension of probation (Civil Service Commission Rule 5.26).

**Note:** Holiday and regular days off, falling within the period of absence or restricted duty **shall** be calculated as an absence, provided they do not fall at the beginning or end of the period.

**Example:** A probationary officer working a Monday through Friday schedule is absent due to illness on Friday and Monday and returns to work on Tuesday. Four days (Friday, Saturday, Sunday, and Monday) shall be counted toward the probationary period extension. Had the probationer returned on Monday, only one day (Friday) would have counted toward the extension.

**Example:** Probationary Officer John Jones will be off probation on May 31, 20--. This date reflects an **eight-day** extension of the probationary period for the following restrictions/absences:

January 20, 21, 22, and 23, 20--: restricted duty.

March 1, 2, 3, and 4, 20--: sick time used.

(The eight calendar days of absence required to extend a probationary period need **not** be consecutive. This example clarifies "in the aggregate.")

**Note:** A commanding officer, without prior approval, is authorized to extend the probationary period.

**Concerned Employee's Commanding Officer-Responsibility.** The concerned employee's commanding officer shall:

- When it has been determined that a probationary period is to be extended, immediately cause an Intradepartmental Correspondence, Form 15.02.00, addressed to the Commanding Officer, Personnel Division, to be prepared detailing the dates of the absences and stating the reasons for the extension of the probationary period;
- Promptly notify the probationary officer of the adjustment to the probationary period and review the Form 15.02.00 with the probationer:

**Note:** If the probationary officer is on off-duty status at home due to illness or injury, the commanding officer shall insure prompt service of the Form 15.02.00 to the probationer.

- Direct the probationary officer to sign and date the Form 15.02.00, and provide him or her with a copy;
- Attach a copy of the Form 01.78.10, indicating the dates of restricted duty status to the Form 15.02.00;
- Indicate the new end of probation date in the Form 15.02.00, and inform the probationary officer that additional absences or periods of restricted duty status will result in further adjustments of the probationary period;
- Advise the probationary officer that he or she is **automatically** advanced to Police Officer II after one and one-half years of service; however, a probationary officer is still required to successfully complete (18) full months of probation prior to attaining permanent status with the Department:

**Note:** Police Officer II status does **not** signify tenure with the Department.

- Ensure that the Probationary Officer Restricted Duty/Absences Log, Form 01.78.10, is reviewed, and if appropriate, updated with each rating report by the probationary officer's field training program coordinator to reflect any restricted duty assignments and/or absences and to amend the end of probation date;
- Place a copy of the **signed** Form 15.02.00 and any attachments in the probationary officer's divisional personnel package.
- Forward the Form 15.02.00 and any attachments to Personnel Records Section, Personnel Division, within five calendar days of the date it was served.

## **760.50 UNSATISFACTORY PERFORMANCE OF A PROBATIONARY POLICE OFFICER.**

**Supervisor's Responsibilities.** A supervisor assigned to monitor the training of a probationary police officer who is not progressing at a satisfactory level shall:

- Review the Probationary Police Officer Daily Observation Report, Form 01.78.11, and ensure the remedial training is given to the probationary police officer;
- Identify the probationary police officer's performance deficiencies and ensure the necessary remediation is provided;
- Monitor the remediation provided and accurately document the probationary police officer's performance and progress; and,

- Coordinate with the supervisors assigned by Training Division (TD) to monitor the probationary police officer's progress.

**Commanding Officer's Responsibilities.** The probationary police officer's commanding officer has the primary responsibility of guiding the probationary police officer in correcting deficiencies. When Area commanding officers become aware that a probationary police officer under their command is performing in a manner that would warrant an "unsatisfactory" rating, they shall notify the Commanding Officer of TD in addition to initiating a remediation program at the Area for the probationary police officer.

The Area commanding officer shall ensure that a copy of the unsatisfactory Probationary Police Officer Weekly Evaluation Report, Form 01.78.01, is forwarded to the Field Training Officer Unit (FTOU), TD, within **five** (5) calendar days of serving the probationary police officer, and:

- Any subsequent unsatisfactory ratings shall be forwarded to TD within three calendar days;
- Assign a supervisor, other than the field training sergeant to monitor the training of the probationary police officer;
- Ensure that the probationary police officer assigned to the field receives compensation when attending directed remediation, when necessary;
- Ensure that the monitoring continues and the probationary police officer's performance is properly documented until the progress is at a satisfactory level; and,
- Following remediation, ensure that termination proceedings are initiated, if the probationary police officer's performance continues to be unsatisfactory.

**Note:** Remedial training **should** be completed during a probationary police officer's regular work schedule. However, in the event that he or she is required to attend remedial training outside his or her regular work schedule, overtime compensation **shall** be provided.

**Training Division-Responsibilities.** Upon completion of the Field Training Program, the Commanding Officer TD, shall ensure that a Field Training Critique Form, Form 01.78.12, has been completed. In addition, when notified that a probationary police officer is performing unsatisfactorily, the Commanding Officer, TD, shall ensure that a member of his or her command:

- Interviews the employee;
- Attempts to ascertain the problems underlying the employee's unsatisfactory performance; and,
- Provides remedial training when appropriate.

**760.60 TEMPORARY - EMERGENCY EMPLOYEES - SERVICE RATING REPORTS.** A Standards Based Assessment – Lieutenants and Below, Form 01.87.00, shall be completed each month for each temporary-emergency employee. Personnel Division shall forward the report to the employee's commanding officer, who shall complete the report in duplicate and return the original report in a sealed envelope to the Commanding Officer, Personnel Division, on or before the due date indicated on the report. The duplicate shall be given to the concerned employee.

**760.70 SERVICE RATING REPORTS - CIVILIAN EMPLOYEES.** Service ratings shall be completed annually for all civilian employees. Service ratings for civilian supervisors shall be completed on a Supervisory Evaluation Report, Form PDAS-28S. For all other civilian ranks, ratings shall be completed on an Employee Evaluation Report. An Action Item will be generated in the Training Evaluation and Management System (TEAMS) II when a service rating is due for each non-probationary civilian employee.

The Employee Evaluation Report shall be completed at the close of the calendar year for each civilian commanding officer and the Chief Psychologist, Behavioral Science Services.

The service rating shall be completed by the employee's immediate supervisor and approved by the next level of review.

Following review by the employee's commanding officer, distribution of the completed Employee Evaluation Report shall be:

- 1 - Original, Personnel Division
- 1 - Rated employee
- 1 - Rated employee's Division Employee Folder
- 3 - TOTAL**

**Note:** Any relevant provisions of a Memorandum of Understanding shall apply to members of representation units.

**760.75 NOTICE TO CORRECT DEFICIENCIES.** The Notice to Correct Deficiencies (NTC), Form General 78, may be used to document deficient performances or censurable incidents, involving Department employees, including members of the Police Reserve Corps.

The concerned employee shall receive the original (white) copy of the form and the blue copy shall be placed in his/her Division Employee Folder, for one year; then sent to Personnel Division, Personnel Records Section, for permanent retention and the pink and yellow copies shall be destroyed.

Although the NTC may be suitable to document a wide variety of unacceptable behaviors, it is not to be used to replace mandatory personnel complaints such as those required when a member of the public reports officer misconduct.

If other procedures for the retention of the NTC exist in an employee's Memorandum of Understanding, those procedures prevail where applicable.

**760.80 TERMINATION RECORDS.** The Termination Record, Form 01.8.00, shall be prepared by the commanding officer of each employee whose employment with the Department is terminated. The report is not made when employees retire or go on sick leave or military leave.

#### **760.90 DEPARTMENT PERSONNEL RECORDS.**

**Review and Security.** Employees may review their **divisional** personnel records only under the supervision of their commanding officer or the commanding officer's designee. Employees may review their **Department** personnel records, maintained by the Records and Medical Liaison Sections, Personnel Division, only under the supervision of the Commanding Officer, Personnel Division, or the commanding officer's designee. Personnel records include:

- Division Personnel records;
- Personnel Package.
- Medical Records.

Personnel records shall not be removed from Department premises without the approval of the commanding officer responsible for the security of such records.

Employees shall not review any other employee's personnel records except when such review is in the performance of their official duties and approved by the commanding officer responsible for the security of such records.

**Note:** The Commanding Officer, Personnel Division, shall make the final decision whenever a dispute arises regarding the authorization of an employee to review another employee's Department personnel records. Division commanding officers shall make the final decision whenever such a dispute arises over the review of divisional personnel records.

Commanding officers shall establish a system within their commands to ensure that personnel records are secure and safe from access by unauthorized persons. This system shall include a provision for locating personnel records whenever they have been removed from the storage location for any purpose.

**Note:** When commanding officers forward divisional personnel records to the organizational unit to which an employee is transferring, they shall ensure that:

- The divisional records are placed in a serviceable envelope and the ends secured with tape;
- The envelope containing the records is marked "Confidential" and addressed to the concerned commanding officer.
- The records are forwarded via Departmental mail.

**Division Personnel Records.** Commanding officers shall establish and maintain a Division Employee Folder, Form 01.01.00, for each employee under their command. The contents shall be limited to that information regarding the employee's:

- Conduct.
- Performance.
- Attitude.
- Capabilities.

The contents of the Division Employee Folder, Personal and Work History Summary shall be reviewed by the concerned employee and designated supervisor at least once every twenty-four months.

When an employee is transferred, the employee's new commanding officer shall cause the employee to be interviewed, as soon as practicable, to review the Division Employee Folder and Personal and Work History Summary.

#### **760.92 APPEAL PROCESS WHEN ADVERSE INFORMATION IS TO BE PLACED IN A FORMER SWORN EMPLOYEE'S PERSONNEL FILE.**

**Sustained Personnel Complaints.** When a sustained personnel complaint is to be placed in a former sworn Department employee's personnel file, the Commanding Officer, Internal Affairs Division, shall notify the former employee via registered mail. When the former employee sends a written appeal requesting the personnel complaint not be placed in his/her personnel file, the Commanding Officer, Internal Affairs Division, shall:

- Review the appeal and the information to be included in the personnel file;
- Approve or deny the appeal;
- Notify the former employee of the determination of his/her appeal; and,
- Forward the report to the Commanding Officer, Personnel Division, for filing.

**Note:** The decision of the Commanding Officer is final. When no response is received within 30 days following the notification to the former employee, the investigation is to be marked "No Response," and forwarded to Personnel Division and placed in the personnel file.

**Adverse Comments.** When adverse comments not amounting to a personnel complaint are to be placed in a former sworn Department employee's personnel file, the Commanding Officer, Personnel Division, shall notify the former employee via registered mail. When the former employee sends a written appeal requesting the comments not be placed in his/her personnel file, the Commanding Officer, Personnel Division, shall:

- Review the appeal and the information to be placed in the personnel file;
- Approve or deny the appeal;
- Notify the former employee of the determination of his/her appeal; and,
- File the report in the appropriate file.

**Note:** The decision of the Commanding Officer, Personnel Division, is final. When no response is received within 30 days following notification of the former employee, the information shall be marked "No Response," and placed in the personnel file.

## **760.95 DEPARTMENT PERSONNEL COMMITTEE - CIVILIAN EMPLOYEES.**

**Committee Membership.** The Department Personnel Committee consists of:

- One member appointed by the Civil Service Commission as chairperson;
- One member appointed by the Chief of Police; and,
- One member elected by the employee group of the appealing employee.

**Employee Groups.** For the purpose of Committee representation, civilian employees are grouped organizationally as follows:

- Each bureau; and,
- All employees not assigned within a bureau.

**Exception:** Employees assigned to divisions within the Critical Incident Review Division, Employee Relations Group, Media Relations, Administrative Section, Governmental Liaison and Community Outreach and Development Division shall be included in the representation group of the Chief of Staff.

### **Elections.**

- The civilian employees of each group shall elect one employee as the group's Committee member and one employee as an alternate member.

Bureau commanding officers shall ensure that elections are conducted as needed, in accordance with rules developed by Office of Support Services. The Commanding Officer, Personnel Division, shall ensure that elections are held for employees not assigned within a bureau.

The term of elected Committee members is three years, unless disqualified by:

- Promotion.
- Transfer to an assignment within a different employee group.



- Termination of employment.

When an elected member is unavailable or disqualified, the alternate shall serve. If both are disqualified, an election shall be held.

### **Appeals to the Personnel Committee.**

- When a civilian employee receives a service rating which he/she believes to be unfair and wishes to appeal, he/she shall discuss the rating with his/her commanding officer prior to filing an appeal.
- After discussion with the commanding officer, an employee who still believes the rating to be unfair may request a hearing before the Personnel Committee. *Within 15 calendar days* of the date he/she received the rating, a written request must be submitted to: Chairperson, Police Personnel Committee, Personnel Department.
- An employee may have a representative present at the Committee hearing.

**Note:** Upon receipt of a request for a hearing, the Chairperson will convene the Personnel Committee to consider all pertinent information, including that provided by witnesses, and render a decision to either sustain or adjust the rating. Copies of the decision, and the amended rating if any, will be forwarded to the employee, the Chief of Police, and the Civil Service Commission.

**Appeals to the Civil Service Commission.** Within *5 calendar days* after being notified of the Personnel Committee's decision, an employee may file an appeal with the Board of Civil Service Commissioners.

## **761. SUITABILITY FOR PROMOTION PROCEDURES AND APPEAL PROCESS FOR DENIAL OF PROMOTION.**

### **POSITION CONTROL SECTION, PERSONNEL DIVISION, RESPONSIBILITIES.**

- Send an "Anticipated Promotion to RANK" Intradepartmental Correspondence, Form 15.02.00, to the employee's commanding officer; and,
- Notify Medical Liaison Section, Personnel Division, of the names of employees being considered for promotion or reversion.

**Note:** Medical Liaison Section will determine if the employee has any medical restrictions that would prevent fulfillment of the essential functions of the promotion rank. A decision to deny promotion or reversion based on medical restrictions that prevent fulfillment of essential functions cannot be appealed through this process.

### **ASSISTANT TO THE DIRECTOR, OFFICE OF SUPPORT SERVICES (OSS), RESPONSIBILITIES.**

- Check with Internal Affairs Division, Professional Standards Bureau, to determine if the employee has received any **sustained** personnel complaints since the employee was placed on the list of eligibles for promotion;
- Check with Internal Affairs Division to determine if the employee has received any **pending** personnel complaints;
- Check with Employee Relations Group to determine if the employee has been administratively transferred, downgraded, or deselected from a bonus position since the employee was placed on the list of eligibles for promotion;
- Check with the Risk Management Executive Committee for any current duty restrictions; and,
- Brief the Director, Office of Support Services (OSS).

**DIRECTOR, OFFICE OF SUPPORT SERVICES, RESPONSIBILITIES.** The Director, OSS, shall decide if the employee is no longer fit for promotion. The employee will be notified in writing of the decision. The notification shall include the specific reason(s) for the denial of promotion.

When determining whether to deny a promotion, the Director, OSS, shall give considerable weight to any of the following acts of misconduct:

- Acts of dishonesty or fraud;
- Felonies;
- Hit-and-run traffic crashes;
- Falsification of an official document;
- Driving under the influence;
- Inappropriate sexual or physical conduct;
- Failure to report misconduct of another employee or employees;
- Discrimination;
- Retaliation; and,
- Insubordination.

This list in no way restricts the Director, OSS, from considering any other sustained act of misconduct or pattern of misconduct that would be inconsistent with the duties and standards of performance for the promotional civil service rank.

A pattern of conduct for these purposes shall be defined as two or more sustained complaints concerning similar misconduct within 15 years prior to the date of the written examination. The Management Guide to Discipline shall be referred to for the purpose of categorizing complaints of similar misconduct.

**Note:** Failure to Appear and Failure to Qualify shall be combined.

The employee will have **20 calendar days** from the date of the notification to submit a request for Administrative Appeal, Form 01.84.00, to the Commanding Officer, Personnel Division.

**COMMANDING OFFICER, PERSONNEL DIVISION, RESPONSIBILITIES.** The Commanding Officer, Personnel Division, shall conduct a Promotional Suitability Appeal Hearing no more than **30 calendar days** from the date of the Administrative Appeal request.

**Note:** Although the employee's right to a Promotional Suitability Appeal Hearing is governed by Section 9.0 of Memorandum of Understanding (MOU) No. 24 (Lieutenants and Below), the hearing rules and procedures set forth in this Order shall supersede the rules and procedures described in Section 9.0 of MOU No. 24.

If the Commanding Officer, Personnel Division, is not available during the 30 calendar days due to an absence from command, the hearing may be postponed a reasonable amount of time until he/she returns. If there is an exigent reason for the hearing to occur during an absence of the Commanding Officer, Personnel Division, the Director, OSS, shall appoint an appropriate uninvolved command or staff officer to conduct the hearing.

If the employee contends he/she has a conflict with the Commanding Officer, Personnel Division, as the Hearing Officer, the Director, OSS, shall determine the validity of the conflict and, if necessary, appoint an appropriate uninvolved command or staff officer to conduct the hearing.

The following rules will apply exclusively to these hearings:

- The employee will be allowed to have representation as defined in Section 10.0 of MOU No. 24;

**Note:** The lack of availability of the employee's representative of choice shall in no way delay the hearing beyond the 30-calendar day limit.

- Witnesses will be allowed at the discretion of the Hearing Officer. The employee may bring letters of recommendation and submit them for consideration by the Hearing Officer;
- The hearing will generally be limited to a review of the personnel material subsequent to being placed on the list of eligibles for promotion;
- The Hearing Officer may consider prior misconduct **only** if there is a clear nexus to recent misconduct that demonstrates a pattern of misconduct; and,
- The hearing may be recorded by the employee for the employee's use. The Department will not record the hearing.

The Commanding Officer, Personnel Division, shall submit a hearing report recommending the employee be promoted or denied promotion to the Chief of Police within 10 calendar days of the conclusion of the hearing.

The Chief of Police will make the final decision within 30 calendar days of receipt of the hearing report. The Chief shall send written notification to the employee of the final decision. A copy of the hearing report will be included with the notification. If the Chief decides to deny promotion, the written notification shall include a specific rationale for the decision.

**DOCUMENTS TO BE PROVIDED TO THE EMPLOYEE.** When promotion is denied, the following documents shall be provided to the employee:

- Intradepartmental Correspondence from the Assistant to the Director, OSS, advising the employee of the decision to deny promotion;
- Copies of all documents used by the Director, OSS, to make the determination that the employee is no longer fit for promotion;
- Promotional Suitability Appeal Hearing Report from the Commanding Officer, Personnel Division, to the Chief of Police;
- Decision of the Hearing Officer, Administrative Appeal Hearing and Order of the Chief of Police, Form 01.73.01; and,
- Rationale of the Chief of Police's decision when the Chief decides to deny promotion.

#### **PROCEDURES FOR DENIALS OF PROMOTION BASED ON PENDING PERSONNEL**

**COMPLAINT.** Whenever a sworn employee on a promotional eligibility list has an open personnel complaint, the Director, OSS, may place the employee's promotion on hold pending the final adjudication of the open complaint. If the complaint is adjudicated prior to the expiration of the eligibility list, the procedures listed above shall apply if the promotion is denied.

A denial of promotion due solely to a pending complaint shall only be made when the published expiration date of a promotional eligibility list is due to expire within 45 calendar days. A "pending complaint" is one that has not received its final adjudication (i.e., Execution of Decision by the Chief of Police or Board of Rights decision). The employee will be notified in writing of the denial of promotion by the Director, OSS.

A sworn employee seeking to appeal a denial of promotion based solely on the basis of a pending personnel complaint may submit a request for a One-Day Status appointment within seven calendar days of the date of the denial of promotion notice. The procedures for making this request are as follows:

- Submit an Employee's Report, Form 15.07.00, to Position Control Section, Personnel Division, requesting the One-Day Status appointment along with a Request for Transfer, Reversion or Class Change Under Charter Section 1014, Form General 16-B (Reversion Form, Form Gen. 16-B); and,
- Attach a signed "Waiver of One-Day Status Reversion for Denial of Promotion Due to a Pending Complaint of Misconduct, Form No. 01.73.02" to the Employee's Report.

Upon receiving the One-Day Status request with the waiver, the Commanding Officer, Personnel Division, shall determine if the request meets the criteria, and if so, approve and immediately process the request.

If the allegation(s) in the personnel complaint that led to the denial of promotion has been adjudicated as Exonerated, Unfounded, Not Guilty, No Misconduct, Not Resolved, or Non-Disciplinary, the employee may then submit an Employee's Report to the Commanding Officer, Personnel Division, requesting reversion to the civil service rank granted in the One-Day Status Appointment. This Employee's Report shall include a wish list for assignment (geographic patrol and detective divisions only) and their city of residence.

The request for reversion shall be processed following the normal procedures.

**PROCEDURES FOR PENDING APPEALS THAT WILL NOT BE RESOLVED BEFORE THE EXPIRATION OF AN ELIGIBILITY LIST FOR PROMOTION.** Whenever a sworn employee has an active administrative appeal of a denial of promotion for which the final decision of the Chief of Police has not been rendered **and** the published expiration date of the applicable promotional eligibility list is due to expire within 45 calendar days, the employee may submit a request for One-Day Status Appointment. The procedures for making this request are as follows:

- Submit an Employee's Report to Position Control Section, Personnel Division, requesting a One-Day Status Appointment;
- Submit a Request for Transfer, Reversion or Class Change Under Charter Section 1014, Form General 16-B (Reversion Form, Form Gen. 16-B); and,
- Attach a signed "Waiver of One-Day Status Reversion for Denial of Promotion Pending the Outcome of an Administrative Appeal of Said Denial, Form No. 01.73.03" to the Employee's Report.

Upon receiving the One-Day Status request with the waiver, the Commanding Officer, Personnel Division, shall determine if the request meets the criteria, and if so, approve and immediately process the request.

Once the Decision of the Hearing Officer, Administrative Appeal Hearing and Order of the Chief of Police, Form 01.73.01, has been received and if the decision determines that the employee should be promoted, the employee may then submit an Employee's Report to the Commanding Officer, Personnel Division, requesting reversion to the civil service rank granted in the One-Day Status appointment.

This Employee's Report shall include a wish list for assignment (geographic patrol and detective divisions only) and their city of residence.

The request for reversion shall be processed following the normal procedures.

**762. TRANSFERS.** The assignment of employees to divisions and other units within the Department is made by the Chief of Police.

**762.20 TRANSFERS REQUESTED BY EMPLOYEES.** When an employee requests a transfer (other than an administrative transfer), to another division of assignment or change in paygrade, he/she must submit a Transfer and/or Change in Paygrade, Form 01.40.00, to his/her commanding officer (CO) for approval. The employee's CO must:

- When the Form 01.40.00 is approved, forward the form to the CO of the Area/division requested by the officer. When the CO of the requested Area/division approves, he/she must forward the form to the CO, Personnel Division.
- When the approved Form 01.40.00 involves advancement in paygrade to a Detective II or Detective III position or a lateral to another Detective II or Detective III position, he/she must review the Completed Supervisory School section on the Form 01.40.00 for appropriate action (Manual Section 3/763.07); or,

**Note:** When a transfer request involves the advancement of an officer to a higher paygrade position, his/her CO may disapprove the transfer only when it has been verified that the concerned officer is ineligible for the advancement. The requesting officer is to be notified by his/her CO when his/her request is denied for ineligibility.

- When the Form 01.40.00 is disapproved and the request does not involve an advancement in paygrade, the form must be immediately forwarded to the CO, Personnel Division, with an explanation for the disapproval. Personnel Division will be responsible for notifying the officer of the disapproval.

**762.30 TRANSFERS REQUESTED BY COMMANDING OFFICERS.** When a commanding officer requests that an employee be transferred into (or from) his/her command, (except in cases of an administrative transfer), the commanding officer shall complete a Form 01.40.00 and forward it to the concerned commanding officer, who, upon approval, shall forward it to the Commanding Officer, Personnel Division.

**Note:** A commanding officer who receives a transfer request shall indicate his/her recommendation and forward the request without unnecessary delay.

**Exception:** A request for the intra office transfer of an officer in the paygrade of Lieutenant II or above shall be approved by the concerned bureau commanding officer *prior* to being forwarded to the Commanding Officer, Personnel Division.

When a commanding officer has, or anticipates, a vacancy within his/her command, he/she shall be responsible for notifying Personnel Division in the following instances:

- When he/she is unable to fill the vacancy from personnel within his command; and,
- When he/she has not submitted or authorized a transfer request for an eligible officer outside his command.

The notification shall indicate the number of vacancies to be filled, the rank and paygrade position required to fill each vacancy, the duties of the position, and any special qualifications necessary to meet the requirements of the position.

### **762.35 ADMINISTRATIVE TRANSFERS.**

**Employee Requesting.** When an employee requests an administrative transfer, the employee will meet with his/her commanding officer, discuss the reason for the request and complete an Employee's Report, Form

15.07.00. The Form 15.07.00 must include the employee's reason for the request and the specific relief the employee is requesting. If the employee's commanding officer disapproves the request and the employee still believes it is necessary, the employee may forward a copy of the 15.07.00 with a statement documenting the date of the commanding officer's disapproval to Employee Relations Group (ERG) for consideration.

**Commanding Officer Requesting a Transfer of an Employee.** When a commanding officer determines that an administrative transfer is appropriate, the commanding officer must complete an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Personnel Division, requesting the transfer. The request must include approval signature blocks for the employee's chain of command up to the bureau commanding officer or equivalent.

**Note:** Employee Relations Group must be listed on the Official Correspondence Review, Form 15.75.00, that accompanies the Form 15.02.00. However, ERG will only make a recommendation for approval or disapproval of the request. When a disapproval is recommended, ERG must attach a Form 15.02.00 stating the reasons for the disapproval recommendation and forward the request through the remaining review process.

If the request involves reassignment to a lower paygrade or deselection from a bonus position, a signature block for the Director, Office of Support Services (OSS), must be included before the Commanding Officer, Personnel Division. All requests for administrative transfers for the purpose of refreshing or enhancing employee performance, resolving a conflict within a command, reduction in paygrade, or deselection from a bonus position, must have copies attached of the most recent Performance Evaluation Reports covering a two-year period. Requests for administrative transfers that fall within the below listed categories must also include a copy of the indicated documentation.

**Employee request.** Form 15.07.00 completed by the employee stating the reason(s) for the request and the relief being requested.

**Medical restrictions.** Specific restrictions and/or the need for accommodations, (i.e., handrails in bathrooms, etc.), must be attached to facilitate determination of an assignment in which the person can be accommodated. Documents containing a medical diagnosis are confidential and **should not** be included.

**Duty restrictions.** Any duty restriction placed on the employee, (i.e., not to drive a city vehicle, restricted to administrative duties, no wearing of a uniform, no public contact, limited or no possession of a weapon, no contact with drugs or narcotics, no contact with arrestees/inmates, etc.) If these restrictions are known but have not been served on the employee, the restrictions must be articulated in the Form 15.02.00.

**Reduction in paygrade, deselection from a bonus position, or unsatisfactory performance of duties.** Documents specified in Department Manual Sections 3/763.55, 3/764.30, or 3/764.50 in support of the request.

**Demotion of a sworn employee.** The Decision of the Board of Rights and Execution of the Order, Form 01.73.00, or in its absence, a copy of the Complaint and Relief from Duty, Suspension or Demotion, Form 01.61.00. The effective date of a demotion and the rank/paygrade to which a person is reduced is specified in Sections 272.60 and 272.65 of the Board of Rights Manual.

**All other requests.** Any pertinent documentation used in justifying the need for the administrative transfer, or as requested by ERG or other entity.

Generally, the commanding officer will consult with ERG **prior to** discussing an administrative transfer request with an employee and **prior to** signing a request. Employee Relations Group will review the content of the request and advise the commanding officer of the request's appropriateness.

After a commanding officer has consulted with ERG, he/she should meet with the employee, discuss the reason(s) for the transfer request, determine if the employee agrees or disagrees with the transfer, and obtain the employee's choice of assignments in order of preference. The option of selecting an assignment will apply only to employees below the rank of lieutenant. The choice of assignments should include the names of three Areas in at least two different bureaus that the employee would like the Chief of Police (COP) to consider.

**Exception:** An employee being reassigned from a specialized division may include a specialized division as one of their choices; however, the other two choices must be Areas in two different bureaus.

Whether the employee agrees or disagrees with the transfer, his/her choice of assignment, in order of preference, needs to be included in the Form 15.02.00; however, they are not binding on the COP. Copies of all the appropriate documentation must be attached to the Form 15.02.00. Additionally, a Request For Transfer and/or Change in Paygrade, Form 01.40.00, must be completed, **except for** the division of assignment, position, and effective date, which are to be left blank, and forwarded with the Form 15.02.00.

**Exception:** When the COP or a bureau commanding officer has already designated a specific division and position an employee is to be transferred to, it should be included in the Forms 15.02.00 and 01.40.00. In such a case, it is not necessary to include the three choices of assignment the employee may prefer.

**Note:** Bureau commanding officers will only designate an employee's transfer to Areas or commands within their bureau.

**Reviewing Requests.** The Employee Relations Administrator, will review all requests for administrative transfers after approval by the chain of command and before being forwarded to Personnel Division or the Director, Office of Support Services. The Employee Relations Administrator, will ensure there is sufficient justification and that all criteria required for the transfer are met. After review and a recommendation by ERG, the request must be forwarded to Personnel Division or to OSS if the request involves reassignment to a lower paygrade or deselection from a bonus position. When a request is disapproved after routing through the complete review process, ERG will complete an Intradepartmental Correspondence, Form 15.02.00, documenting specifically why the request was disapproved and provide information about any possible alternate resolutions for the request. A disapproved request must be returned to the requestor via the chain of command. Employee Relations Group will maintain a file of all administrative transfer requests.

**Approved Transfer.** When ERG is notified by Personnel Division of an administrative transfer approved by the COP, ERG must notify the commanding officer of the command to which the employee is being transferred. The commanding officer must contact the employee's current commanding officer to discuss the transfer. The discussion will provide the new commanding officer with information to assist the employee in adjusting to the new assignment. Generally, the new commanding officer should meet with the employee to facilitate the employee's assimilation into the new command and make provisions for any special needs, including medical or duty restrictions.

**Disapproved Transfer.** When a commanding officer is notified by ERG that the COP has disapproved an administrative transfer of an employee in their command, the commanding officer must notify the employee of the disapproval. The decision to transfer an employee is solely that of the COP pursuant to the City Charter and no inference should be drawn or reason stated for the approval or disapproval of an administrative transfer.

**Personnel Division's Responsibilities.** Personnel Division must present a request for administrative transfer to the COP. If the COP approves a request, he/she may designate the command to which the employee is to be transferred, or select a bureau and defer that decision to the designated bureau commanding officer. When a

request for an administrative transfer is approved by the COP, Personnel Division must notify ERG and provide the name of the command to which the employee is to be transferred. When the request is disapproved by the COP, ERG must be notified. In all cases, the original Forms 15.07.00 and 15.02.00 requesting the administrative transfer must be returned to ERG for the purpose of notifications and record retention. Additional copies will be attached to the Form 01.40.00 and retained by Personnel Division.

**Ombuds Officer's Responsibilities.** The Ombuds Officer will generally work through an employee's commanding officer. However, the Ombuds Officer may initiate a request for an administrative transfer and follow the same procedure outlined for a commanding officer.

**Limitations On Administrative Transfers.** An employee administratively transferred from a command may not be transferred back to that command for a minimum of 26 deployment periods without the approval of the COP.

**Exception:** An employee administratively transferred at his or her request solely to relieve a hardship may transfer back to that command prior to 26 months following the transfer, using the established procedures for routine transfers.

**762.40 TRANSFER ORIGINATING FROM PERSONNEL DIVISION.** The Commanding Officer, Personnel Division, shall complete a Request for Transfer and/or Change in Paygrade, Form 01.40.00, for inclusion in the employee's personnel file, when the transfer of an employee is initiated by Personnel Division.

**762.60 TRANSFER LISTS.** A list of employees transferred to new assignments within the Department will normally be issued each deployment period and become effective as indicated; different effective dates will be indicated in the body of the Transfer Order.

**Special Transfers.** A transfer order may be issued on any day of the month, other than the regular transfer days, if necessary, to meet a particular operating condition.

#### **762.70 TRANSFER ACTION ITEM.**

Application Development and Support Division's Responsibilities. Application Development and Support Division (ADSD) shall:

- Generate an automated Transfer Action Item (TAI), which shall include a hyperlink to the TEAMS Report, for each sworn employee (below the rank of Captain I) on the Transfer Order who is transferring into a new command; and,
- Send the TAI, after the Transfer Order is published, to the commanding officer (CO) receiving the employee.

**Note:** The TAI shall be sent to the CO's TEAMS Personal Worklist.

**Supervisor's Responsibilities.** Upon receipt of the TAI, supervisors shall:

- Open the delegated TAI;
- Click the "TEAMS Report" hyperlink and review the transfer employee's TEAMS Report;
- Enter answers to the guideline questions in the "Investigative Narrative"; and,
- Route the TAI to the Commanding Officer and click "Complete"

**Note:** Once the supervisor completes the TAI, it will be electronically routed back to the CO's TEAMS Personal Worklist.



For positions that require the completion of a TEAMS Evaluation Report (TER), (as delineated in Department Manual Section 3/762.80), a separate TAI form is not required. Once it has been verified that a TER has been completed, the TAI can be closed with no further action needed. An upgrade within a division/group or lateral transfer within Internal Affairs Division does not require a new TER or TAI; however, a transfer from one division to another within PSB (other than internally within IAD) does require a new TER.

**Commanding Officer's Responsibilities.** The CO or his or her designee (e.g., TEAMS II coordinator or adjutant) shall:

- Delegate each TAI to the employee's supervisor at the new assignment;
- Enter all TAI'S are routed back to the CO for final review and completion;
- Upon receiving the TAI back from the employee's supervisor, review the supervisor's responses to the items listed in the "Investigative Narrative;"
- Closeout the TAI by clicking on the "Final Complete" button; and,
- Ensure the accurate and timely completion of the TAI **prior** to the start of the next deployment period.

**Note:** If a TAI is not issued for an officer listed on the Transfer Order, or for officers assigned on loans, the CO shall ensure that a paper copy of the Transfer Action Item Form, Form 01.78.20, is completed for each incoming transferred officer **prior** to the start of the next deployment period. When a hard copy Transfer Action Item Form is completed due to system failure or a TAI was not generated for the transferring employee, the original signed and dated Transfer Action Item Form, with the TEAMS Report attached, shall be maintained in the Area/divisional TAI file.

**762.80 COMMANDING OFFICER'S DUTIES - TRANSFERS.** Commanding officers, or his or her designee, shall review the transfer list and ensure those employees of their command whose names appear on the transfer list are promptly advised of their transfer.

Commanding officers, or his or her designee shall determine the proper assignment of duties for employees transferred to their command, including the particular duties to be performed by the employees and the time they are to report to the new assignment.

When an officer transfers or is loaned into a new command, the commanding officer shall ensure that the watch commander or officer in charge reviews the officer's TEAMS report and completes the Transfer Action Item (TAI) or TEAMS Evaluation Report (TER), Form 01.78.04. Probationary police officers transferring from Training Division (Academy) are exempt from this requirement. The intent of the review is to ensure supervisors are aware of an officer's history in order to provide appropriate supervision and oversight over the employee(s).

For lateral transfers, a TAI, created by Application Development and Support Division, shall be completed, or a TER applicable. A TER is required when selecting sworn personnel for assignments to Professional Standards Bureau, (which includes Internal Affairs Division, Special Operations Division and Force Investigation Division), Field Training Officer, Gang Enforcement Detail, Community Law Enforcement and Recovery Program, Narcotics Enforcement Detail or Narcotics Section, Gang and Narcotics Division.

**File Maintenance.** Each commanding officer shall maintain an Area/divisional TER/TAI file of all TERs and paper copy of TAIs (when no automated TAI was generated) completed for transfers and loans. The file shall contain the original TER and/or paper copy TAI (when no automated TAI was generated) for each incoming transfer or loan with the officer's TEAMS report attached.

**Note:** The TER form and the TAI form **shall not** be filed in the officer's Department or divisional personnel package. The TER is considered **confidential** and the information contained therein shall only be made available on a "right to know/need to know" basis (Department Manual Section 3/408.16). A sworn employee may review his or her own TEAMS report at any time.

**762.90 TRANSFERRED EMPLOYEE'S DUTIES.** An employee who has been transferred to a new assignment shall:

- Contact the unit to which the employee has been newly assigned for the purpose of determining his/her duty assignment and the time he/she is to report to the new assignment.
- Contact the commanding officer, or employee acting in his/her stead, of the unit to which the employee was formerly assigned.

The contact shall be for the purpose of turning in citation books, and such other equipment as is necessary, or receiving any special instructions regarding the transfer.

### **762.91 TRAINING ASSIGNMENTS - EMPLOYEES.**

**Training Order.** The Training Order, Form 15.02.00, is used by Training Division and is sent to Area and bureau commanding officers to notify employees of training assignments.

**Completion - General.** A Training Order shall be issued by Training Division to each employee assigned to training.

#### **Distribution.**

- 1 - Original, retained at Training Division.
- 1 - Copy, Bureau Training Coordinator.
- 1 - Copy, Area/division Training Coordinator.
- 1 - Copy, Area/division subpoena control officer.
- 1 - Copy, retained by the concerned employee.

**5 - TOTAL**

**Notification of a Training Assignment.** Upon receipt of the Training Order, the concerned commanding officer shall ensure that the Training Order is served to each named employee. Employees listed on a Training Order shall be carried "Loaned to Training Division" on all assigned dates. The training assignment is a primary duty assignment (with the exception of court and pre-scheduled vacations) for all personnel and any scheduling conflicts are to be resolved in favor of the training assignment.

**Note:** For timekeeping purposes, employees assigned to training shall be shown as "L/P" (leave with pay) on all timekeeping documents.

Training Orders shall be controlled by the subpoena control officer and shall be distributed for service in the same manner as subpoenas.

**Subpoena Control Officer's Responsibility.** The subpoena control officer shall:

- Upon receipt of the Training Order, cause an entry of the training information to be made in the Employee Subpoena Record, Form 15.29.00;

- Forward two copies of the Training Order, and the Employee Subpoena Record to the concerned employee's watch commander for service.
- Forward all initialed Training Orders to the training coordinator.

**Note:** The subpoena control officer shall maintain the Training Orders for Department entities that do not have a training coordinator.

Training Orders that cannot be served shall have a reason for non-service documented on the Order and shall be signed by a supervisor. The Training Order shall then be immediately returned to the In-Service Training Unit, Training Division.

The subpoena control officer should keep a copy of all Training Orders for his/her files.

**Supervisor's Responsibility.** Supervisors serving a Training Order shall:

- Issue a copy of the Training Order to the concerned employee and ensure that the employee **initials** both **copies** of the order; and,
- Cause the concerned employee to initial the corresponding entry in the Employee Subpoena Record, Form 15.29.00.

**Note:** Supervisors shall initial the appropriate entry in the Employee Subpoena Record, Form 15.29.00, documenting service of the Training Order.

Training Orders that cannot be served shall have a reason for non-service documented on the Order and shall be signed by a supervisor.

**Training Coordinator's Responsibility.** Training coordinators shall ensure that served Training Orders are filed alphabetically in a three-ring binder until it is verified through the Training Evaluation and Management System II (TEAMS II) that the employee has completed the course. Once verified through TEAMS II, the Training Order with the employee's initials shall be pulled from the three-ring binder and retained in accordance with applicable records retention requirements.

**Note:** The subpoena control officer shall assume the training coordinator duties for Department entities that are not allocated, or do not require, a full-time training coordinator.

## **762.92 TEMPORARY ASSIGNMENTS - POLICE OFFICERS.**

**Interdivisional.** A temporary loan of an officer to a division other than his/her regular division of assignment may be made by mutual agreement of the concerned bureau commanding officers or the concerned Area or division commanding officers within the same bureau. A temporary loan normally shall not exceed one deployment period. A commanding officer may request the extension of a temporary loan of an officer from another division for one additional deployment period by completing an Intradepartmental Correspondence, Form 15.02.00. The Form 15.02.00 shall be forwarded through channels to the Director, Office of Support Services, to arrive by the third calendar day of the new deployment period. When it is anticipated that a temporary loan assignment may exceed two deployment periods, the requesting commanding officer shall:

- Initiate a Request for Transfer and/or Change in Paygrade, Form 01.40.00, and forward it to the Commanding Officer, Personnel Division; or,
- Initiate a request for substitute authority for the position being filled.

When no vacancy exists at the appropriate paygrade level and substitute authority is denied, the officer shall be returned to his/her regular division of assignment.

**Exception:** The Director, Office of Support Services, may approve a temporary loan in excess of two deployment periods when the loan involves an intrabureau assignment.

**Intradivisional.** When an officer is temporarily assigned within his/her division to a position outside of his/her regular job classification for a period in excess of one deployment period, the concerned commanding officer shall notify the Sworn Personnel Services Section, Personnel Division. This notification shall be made on an Intradepartmental Correspondence, Form 15.02.00, and shall be submitted by the third calendar day of the deployment period. The commanding officer shall indicate that the assignment is temporary and shall estimate the proposed duration of the assignment.

**Emergency Assistance.** These provisions shall not restrict any officer from assisting, defending, or protecting other officers who need help of an emergency nature while in the performance of their duties.

**762.93 ASSIGNMENT OF PREGNANT EMPLOYEES.** When an employee experiences symptoms of pregnancy, the employee shall consult their physician. Upon confirmation that the employee is pregnant, the employee shall submit to their commanding officer a written statement from their physician, which shall include the following information:

- Verification of the employee's pregnant condition; and,
- The physician's recommendation as to the proper duty assignment for the employee which should include one of the following:
  - Immediate assignment to sedentary duties.
  - Continued assignment in present duties until the employee's condition necessitates assignment to sedentary duties.
  - Immediate assignment to off-duty status.

**Note:** The employee may elect to take a maternity leave of absence (Manual Section 3/730.30) or use accumulated sick leave benefits, including 100 percent, 75 percent, and 50 percent paid sick leave time, for that period of time during which the employee is certified by a physician as unable to work. Accumulated vacation time may be used in conjunction with, or in lieu of, sick time. Sick leave will not be granted, however, after an employee has elected to take a maternity leave of absence and has begun such leave.

The concerned commanding officer shall comply with the recommendation of the physician and, when appropriate, reassign the employee.

**Note:** If a commanding officer (CO) desires verification of the recommendation, the CO shall assign the employee to sedentary duties and forward to the Commanding Officer, Personnel Division, an Intradepartmental Correspondence, Form 15.02.00, requesting that the employee be examined by a City physician. The employee shall submit to such examination. The City physician's recommendation will then be forwarded to the Commanding Officer, Personnel Division, who shall forward it to the concerned commanding officer. The concerned commanding officer shall evaluate the recommendation and then determine the appropriate assignment of the employee.

An officer who seeks accommodation to wear a maternity uniform shall comply with Department Manual Section 3/640.

When wearing of a uniform is no longer practical, the concerned employee shall be reassigned to non-uniformed duty and permitted to dress in appropriate civilian attire.

**762.94 CIVILIAN EMPLOYEES PERFORMING DUTIES OF A POLICE NATURE.** A civilian employee, shall not be assigned to duties of a police nature.

If an urgent condition exists and a female officer is not immediately available, a female civilian employee may:

- Temporarily act as an observer during the care or detention of a female.
- Act as a witness during the photographing of a female crime victim.

### **763. ASSIGNMENT OF SWORN PERSONNEL TO ADVANCED PAYGRADES.**

**763.05 PAYGRADE ADVANCEMENT ELIGIBILITY REQUIREMENTS.** The requirements necessary to qualify for advanced paygrade assignments are indicated below. All requirements, including any specified minimum period of service, must be met at the time of application to an advanced paygrade assignment.

**Police Officer II.** A Police Officer I who completes one and one-half years of service must be *automatically* advanced. Police Officer II is not considered an advanced paygrade position.

**Note:** Police Officer II status does **not** signify tenure with the Department.

**Police Officer III.** Sworn personnel of the rank of Police Officer II are eligible for advancement Police Officer III (PO III), if they have:

- Successfully completed the probationary period for the rank of Police Officer or Police Specialist; and,
- Completed 26 deployment periods in an eligible Los Angeles Police Department geographic field (patrol), Transit Bus/Rail patrol, and/or traffic assignment **AND** meet at least one of the following:
  - Possess an Intermediate or Advanced California Peace Officer Standards and Training (POST) Certificate and completed three (3) years full-time, paid law enforcement experience as a peace officer with a POST-participating agency; **OR**,
  - Possess a Basic California POST Certificate and completed five (5) years full-time, paid law enforcement experience as a peace officer with a POST-participating agency.

**Note:** Police Specialists are ineligible for advancement to the rank and paygrade of PO III until they receive a Los Angeles City Charter, Volume II, Article X, Civil Service, Section 1014 transfer to the classification of Police Officer and meet the existing eligibility requirements for PO III.

**Police Sergeant II.** Sworn personnel who have one year of experience as a Police Sergeant I are eligible for advancement to Police Sergeant II.

**Police Detective II.** Sworn personnel who have one year of experience as a Police Detective I are eligible for advancement to Police Detective II.

**Police Detective III.** The following sworn personnel are eligible for consideration for advancement to Police Detective III:

- Sworn personnel who have one year of experience as a Police Detective II; or,

- Sworn personnel who have one year of experience as a Police Detective and one year of experience as a Police Sergeant.

**Note:** Commanding officers are reminded that additional time may be required to obtain approval of the General Manager, Personnel Department, to process reversions between civil service classifications in accordance with Charter Section 1014. Employees wishing to revert must complete a Request for Transfer, Reversion or Class Change Under Charter Sec. 1014, Form General 16-B, along with the Transfer and/or Change in Paygrade, Form 1.40.00. Both forms must be submitted through channels, to Personnel Division.

**Police Lieutenant II.** Sworn personnel who have one year of experience as a Police Lieutenant I are eligible for advancement to Police Lieutenant II.

**Police Captain II and Police Captain III.** Sworn personnel who have one year of experience as a Police Captain I are eligible for advancement to either Police Captain II or Police Captain III.

**763.07 ELIGIBILITY REQUIREMENTS FOR ADVANCEMENT TO DETECTIVE SUPERVISOR.** In addition to existing requirements, the following training requirements shall be met to qualify for advanced paygrade assignments within the rank of Detective.

- **Detective II.** Department personnel will not be eligible for advancement to Detective II until they have successfully completed the California Commission on Peace Officer Standards and Training (POST) certified Supervisory Course, POST No. 1850-004000.
- **Detective III.** Department personnel will not be eligible for advancement to Detective III until they have successfully completed the POST certified Supervisory Course.

**Supervisory Training Requirements for Detective Supervisors.** Detective II and Detective III positions are supervisory level assignments. Accordingly, personnel assigned to detective supervisor positions must not perform any supervisory functions until they have successfully completed the POST certified Supervisor Course.

**Note:** Supervisory functions include, but are not limited to, directing, guiding, training subordinates, evaluating the work of subordinates, conducting administrative investigations (e.g., personnel complaints, uses of force, pursuits, etc.), providing booking advice, approving reports, and coordinating the service of a search warrant.

**Detective Supervisor's Responsibilities.** A Detective II or Detective III who transfers due to a paygrade advancement or lateral transfer, shall ensure that the "Completed Supervisory School (Detective II and Detective III only)" section of the Transfer and/or Change in Paygrade, Form 01.40.00, is completed.

**Commanding Officer's Responsibilities.** Commanding officers have the following responsibilities when they become aware of an employee transferring, due to a paygrade advancement or lateral transfer to a detective supervisor position has **not** completed the Supervisory Course.

- Assign the detective supervisor to non-supervisory duties until training is completed;
- Notify the Area/division Training Coordinator to schedule for supervisory training for any detective supervisor who has not completed the requisite training; and,
- Ensure the detective supervisor does not perform any supervisory duties by conducting an audit every deployment period until training is completed.

**763.10 EXAMINATION AND EVALUATION RESPONSIBILITIES - PERSONNEL DIVISION.** Personnel Division shall be responsible for the administration of the advanced paygrade evaluation procedures in accordance with present and anticipated Department needs.

**763.25 ADVANCED PAYGRADE ASSIGNMENT PROCEDURES.** Advanced paygrade assignment procedures shall apply to personnel who are eligible for assignment to a higher paygrade position within their respective civil service classes.

**763.40 ADVANCEMENT AND TRANSFER OPPORTUNITIES.** The "Sworn Paygrade Advancement and Transfer Opportunities" bulletin is published by Personnel Division to inform eligible officers within the ranks of Lieutenant II and below of vacancies in advanced paygrade or coveted positions.

Commanding officers who have, or anticipate, either an advanced paygrade or coveted position vacancy within the rank of Lieutenant II and below under their command shall notify Personnel Division as soon as they become aware of the vacancy by forwarding a Request for Advertisement of Vacant Sworn Position, Form 15.89.00, through the chain of command to Sworn Personnel Services Section, Personnel Division. This notification shall indicate the number of vacancies to be filled, the rank and/or paygrade position required to fill the vacancies, the duties of the position, and any special qualifications necessary.

The Commanding Officer, Personnel Division, shall ensure that all Request for Advertisement of Vacant Sworn Position forms are properly reviewed and approved by the Officer in Charge, Sworn Personnel Services Section, prior to publication on a subsequent "Sworn Paygrade Advancement and Transfer Opportunities" bulletin.

**Note:** Anticipated vacancies should be based on transfers, retirements, or resignations that are reasonably certain to occur within 60 days from the date of the advertisement.

To ensure that all officers are aware of vacancies in advanced paygrade or coveted positions, commanding officers shall cause the "Sworn Paygrade Advancement and Transfer Opportunities" bulletin to be read at all roll calls for three successive days, and then cause the bulletin to be posted in a **designated, conspicuous location** on the Area/divisional bulletin board for a one-week period.

**763.45 ADVANCEMENT TO HIGHER PAYGRADE POSITION.** An officer below the rank of lieutenant may be reassigned to a higher paygrade position when the following procedure is followed:

- The commanding officer requesting the assignment of an officer to a higher paygrade position shall cause verification of the officer's current eligibility for advancement and cause the Request for Transfer and/or Change in Paygrade, Form 01.40.00, to be forwarded through channels to the concerned bureau commanding officer or Chief of Staff for approval.

**Exception:** When a Police Officer II is recommended for a higher paygrade position, the Form 01.40.00 shall be forwarded through channels to the concerned group or bureau commanding officer.

- Upon approval of the recommendation, the Form 01.40.00 shall be forwarded to the Commanding Officer, Personnel Division.

**763.46 COMMAND OFFICER DEVELOPMENT.** Participants in Command Officer Development, POST No. 1850-10819, will be civilian equivalents and personnel assigned from the existing Captain Promotional List, with the approval of the Chief of Police. Eligible personnel shall be assigned to attend all sessions of Command Officer Development. Selection and participation in this program does not necessarily mean that all participants will be promoted to the rank of Captain. Employees promoted to Captain must begin their Command Officer Development training prior to, or within 12 months of assuming their new position.

**763.47 DETECTIVE SUPERVISORY TRAINING REQUIREMENTS.** All Detective II and Detective III positions require the successful completion of the California Commission on Peace Officer Standards and Training (POST) certified Supervisory Course, POST No. 1850-004000. Commanding officers must ensure that such personnel do not perform any supervisory duties until training is complete.

**763.48 FIELD SUPERVISOR TRAINING REQUIREMENT.** All field supervisors shall complete the POST certified Supervisory Course, POST No. 1850-00400, prior to assuming their supervisory responsibilities. The priority of assignments is in the following order:

- 1st priority - Any officer on a current Sergeant Promotional List or,
- 2nd priority - Any sergeant that has not yet attended the Supervisory Course.

**763.49 WATCH COMMANDER TRAINING REQUIREMENT.** All lieutenants and sergeants who are assigned as watch commanders shall complete Watch Commander School, POST No. 1850-10822, prior to assuming watch commander responsibilities. The priority of assignments is in the following order:

- 1st priority - Sergeants on a current Lieutenant Promotional List;
- 2nd priority - Any lieutenant that has not yet attended Watch Commander School; or
- 3rd priority - Field supervisors, on the basis of nomination, via an Intradepartmental Correspondence, Form 15.02.00.

**763.50 TRANSFER OF PERSONNEL WITHIN THE SAME PAYGRADE.** Transfers of personnel within the same advanced paygrade, below the rank of lieutenant, shall be coordinated by the concerned commanding officers.

**763.53 ADMINISTRATIVE APPEAL HEARING PROCESS FOR MATTERS INVOLVING REASSIGNMENT TO A LOWER PAYGRADE POSITION OR REMOVAL FROM POSITION OF DEPUTY CHIEF OF POLICE.**

**Matters Subject to an Administrative Appeal Hearing:**

**Reassignment from an Advanced Paygrade Position.** A reassignment from a Deputy Chief II paygrade position to Deputy Chief I paygrade position resulting in a salary reduction. This does not include a merit step reduction.

**Removal from Deputy Chief Position.** Removal of a Deputy Chief from his or her position as a Deputy Chief.

**Notification and Representation.** The Chief of Police shall serve a Deputy Chief with written notification explaining the reason or reasons for any action subject to appeal pursuant to this Order. Following service of written notification, a Deputy Chief may be represented by counsel or a representative who is not a City employee, at the Deputy Chief's own expense.

**Administrative Appeal Hearing Request.** A Deputy Chief electing to administratively appeal a matter subject to the provisions of this Order shall submit an Administrative Appeal, Form 01.84.00, to the Chief of Police or the Chief of Police's designee within 20 calendar days after the appellant is notified of the Chief of Police's action. If the last day of the appeal period falls on a weekend or City holiday, such period shall be extended to the next business day. All time periods shall be calculated in calendar days. If the appellant fails to request a hearing within the prescribed time, the decision of the Chief of Police shall be final and binding.



**Limited Purpose and Scope of an Administrative Appeal Hearing.** The purpose and scope of an administrative appeal hearing is based on the matter being appealed. The appellant shall have the right to appear in person at the hearing, with or without representation. The appellant shall have the right to present evidence and argument in an effort to establish that the reason or reasons for the reassignment or removal are false or incorrect, that mitigating circumstances exist, or that other factors should be considered.

**Reassignment from an Advanced Paygrade Position.** The purpose of an administrative appeal hearing for a reassignment from Deputy Chief II to Deputy Chief I is to provide the appellant an opportunity to challenge and respond to the paygrade reduction in order to convince the Chief of Police to restore the paygrade.

**Removal from Deputy Chief Position.** The purpose of an administrative appeal hearing for removal from the position of Deputy Chief is to provide the appellant an opportunity to clear the appellant's name, to establish a formal record of the circumstances surrounding the removal, and to convince the Chief of Police to reverse the removal.

**Hearing Officer's Responsibility.** The hearing officer for any administrative appeal conducted pursuant to this Order shall be from the ranks of Deputy Chief I, Deputy Chief II, and Police Administrator III, excluding those who are in the appellant's chain of command. In selecting a hearing officer, the appellant shall draw three names of eligible members. The Department representative and the appellant shall each strike one of the three names selected.

The Department representative shall strike the first name and the appellant shall strike the second name. The person whose name remains shall serve as the hearing officer. The hearing officer shall convene the hearing in no less than 15 days nor more than 30 days from the date the Chief of Police is notified that the appellant is administratively appealing the action of the Chief of Police. If, due to illness or pre-scheduled vacation, the hearing officer is unable to begin the hearing within 30 days, the hearing officer shall commence the hearing within 30 days of returning from illness or vacation. The hearing officer may continue the proceedings, once commenced, for periods of up to 21 days.

At the outset of the hearing, the Department shall present an explanation of the basis of the Chief's decision to reassign or remove the affected Deputy Chief. During the hearing, both the Department and the employee shall have the right to present witnesses, exhibits, and arguments to the hearing officer, to which the other party shall be entitled to respond.

The hearing officer may examine witnesses testifying for the Department or the appellant, if any are presented. However, the hearing officer shall not consider issues or matters that were not originally stated at the time the administrative appeal was filed or matters that are beyond the scope of the administrative appeal hearing purpose.

The formal rules of evidence shall not apply, although the hearing officer shall have discretion to exclude evidence that is irrelevant or the presentation of which will otherwise consume undue time.

**Record of Hearing.** All testimony shall be given under oath and reported by a stenographer for possible transcription. Upon the appellant's prepayment of a preparation fee, the appellant shall be entitled to a certified copy of the transcript. However, the appellant will be given a free copy of the transcript if the Department has all or a portion of the record transcribed within 60 days of the end of the hearing and the appellant requests a copy of the transcript within 90 days of the end of the hearing.

**Finding and Decision of Hearing Officer.** After the hearing concludes and after reviewing all information presented, the hearing officer shall prepare a report stating his or her findings, reasons, and conclusions in

rendering his or her recommendation. The hearing officer's proposed Findings and Decision, attached to a completed Decision of the Hearing Officer, Form 01.73.01, shall be forwarded to the Chief of Police within 30 days after the conclusion of the hearing.

**Decision of the Chief of Police.** The Chief of Police shall make a final decision in the matter within 30 days of receiving the hearing officer's Findings and Decision. The Chief of Police may adopt or reject, in whole or in part, the proposed findings of the hearing officer, and shall do so in written form with reasons set forth therein. The decision of the Chief of Police and signed Form 01.73.01 shall be returned to the Employee Relations Administrator, who shall cause it to be served on the appellant within ten days thereafter. The decision of the Chief of Police shall be final.

## **763.54 ADMINISTRATIVE APPEAL HEARING PROCESS FOR REASSIGNMENT OF CAPTAINS TO POSITIONS OF LOWER PAYGRADE.**

**Matters Subject to Paygrade Reduction Administrative Appeal Hearing.** A non-probationary Captain may administratively appeal a reassignment resulting in a reduction in paygrade.

**Administrative Appeal Hearing Request.** A Captain electing to administratively appeal a reassignment to a lower paygrade position shall submit an Administrative Appeal, Form 01.84.00, to the Employee Relations Administrator, within 20 calendar days of having been served a written notice of the Department's intent to reassign the Captain to a lower paygrade.

**Administrative Appeal Hearing Purpose.** The purpose of an administrative appeal hearing for a reassignment from an advanced paygrade position is to provide the affected Captain the opportunity to present evidence and argument in an effort to convince the Department that he or she should not be reassigned to a lower pay grade.

At the outset of the hearing, the Department shall present an explanation of the basis of the Chief's decision to reassign the affected Captain pursuant to the authority provided in the Department Manual. During the hearing, both the Department and the employee shall have the right to present witnesses, exhibits, and arguments to the hearing officer, to which the other party shall be entitled to respond.

**Calculation of Time Periods.** All time periods shall be calculated in calendar days. When the last calendar day falls on a weekend or City holiday, the time period shall extend to the next business day.

**Representation.** A Captain has the right to an administrative appeal representative from the rank of Captain or Commander, or legal counsel, or both. Legal counsel is at the employee's expense.

**Selection of a Hearing Officer.** The hearing officer shall be a member of the Department from the ranks of Deputy Chief-I and Police Administrator-III, who shall be selected within seven days of the date the Captain requests a hearing. In selecting a hearing officer, the employee shall draw three names of eligible members. The Department representative and the employee shall each strike one of the three names selected. The Department representative shall strike the first name and the employee shall strike the second name. The remaining member shall serve as the hearing officer.

The hearing shall be a primary duty assignment for the hearing officer. The hearing officer shall resolve any initial scheduling conflicts, except scheduled Boards of Rights, in favor of an administrative appeal hearing.

Deputy Chiefs-I and Police Administrators-III are ineligible to act as a hearing officer in cases where they are or were in the employee's chain-of-command from the time of the incident through the date the hearing begins; when they are prejudiced through actual contact with the matter; when disqualified by reason of being a material

witness to the matter; or where a conflict of interests exists. Disputes regarding the exclusion of a hearing officer for any of the above reasons shall be resolved by the Employee Relations Administrator whose decision shall be final.

**Hearing Officer's Responsibilities.** The hearing officer shall convene the hearing in no less than 15 days nor more than 30 days from the date of his or her selection. The hearing officer may examine witnesses testifying for the Department or employee, if any are presented. However, the hearing officer shall not consider issues or matters that were not originally stated at the time the administrative appeal was filed or matters which are beyond the scope of the administrative appeal hearing purpose.

The formal rules of evidence do not apply, although the hearing officer shall have discretion to exclude evidence that is irrelevant or the presentation of which will otherwise consume undue time.

The decision, findings, and recommendations of the hearing officer shall be based solely on the evidence presented at the hearing.

**Discovery.** Discovery shall consist of copies of all reports and materials, if any, the Department's representative intends to present to the hearing officer to substantiate the Department's position. Discovery shall be provided as soon as practicable after selection of a hearing officer, but no later than fourteen days prior to the date the hearing commences.

**Subpoenas.** Subpoenas shall be issued pursuant to the authority provided by the Los Angeles City Charter. Subpoenas may be quashed by written motion to the hearing officer, who will decide the issue.

**Witnesses.** The Department and the employee have the right to call and cross-examine witnesses, whose testimony shall be given under oath. A complete list of witnesses to be called shall be delivered to the other party no later than seven days before the hearing, except rebuttal witnesses. Department employees called as witnesses shall be served with a Notice of Hearing, and witnesses other than Department employees shall be served by subpoena. The Department representative shall be responsible for obtaining all subpoenas. Each party is responsible to serve their own subpoenas.

**Record Of Hearings.** All testimony shall be given under oath and reported by a stenographer for possible transcription. Upon the employee's prepayment of a preparation fee, the employee shall be entitled to a certified copy of the transcript. However, the employee will be given a free copy of the transcript if the Department has all or a portion of the record transcribed within 60 days of the end of the hearing and the employee requests a copy of the transcript within 90 days of the end of the hearing.

**Findings and Recommendations of the Hearing Officer.** At the conclusion of the hearing, the hearing officer shall prepare and transmit a report to the Chief of Police with a recommendation to either restore the Captain's paygrade or leave standing the paygrade reduction. The report shall consider the appellant's evidence and arguments, and evaluate the Department's compliance with the relevant provisions of the Department Manual. The hearing officer shall articulate in the report the basis for the findings.

The hearing officer shall also complete the decision portion of a Decision of the Hearing Officer Administrative Appeal Hearing and Order of the Chief of Police, Form 01.73.01, and forward this with the Hearing Officer's Report to the Chief of Police within 30 days of the conclusion of the hearing.

**Decision of the Chief of Police.** The Chief of Police shall make a final decision on the matter within 30 days of receiving the Hearing Officer's Report and shall complete the Order of the Chief of Police portion of Form

01.73.01. The Chief of Police may adopt or reject, in whole or in part, the proposed findings of the Hearing Officer, as appropriate under the circumstances. The decision of the Chief of Police shall be final.

The Form 01.73.01 and Hearing Officer's report shall be returned to the Employee Relations Administrator, who shall cause it to be served on the employee and distributed to appropriate entities within ten calendar days.

**Chief of Police Rejection of Hearing Officer's Recommendation to Restore Employee.** If the hearing officer recommends to the Chief of Police that the employee's advanced paygrade position be restored and the Chief of Police rejects that recommendation, the Chief of Police shall, in writing, articulate the reason(s) for rejecting the Hearing Officer's recommendation, and shall attach that report to the Form 01.73.00 and hearing officer's report for appropriate distribution.

**763.55 DESELECTION FROM ADVANCED PAYGRADE OR BONUS POSITION.** An officer below the rank of lieutenant may be reassigned to a position of lower paygrade to a non-bonus position, or both, in any of the following conditions:

- A commanding officer, in his or her discretion, decides that reassignment is appropriate after determining that a subordinate officer has been unwilling or unable to perform the duties of the position;
- A commanding officer, in his or her discretion, decides that reassignment is appropriate after determining that a subordinate officer committed an act that merits the reassignment to a lower paygrade position, a non-bonus position, or both. Such a reassignment may be done with or without a personnel complaint;
- The position held by the officer is eliminated for budgetary, deployment, or other Department needs. If the position is restored to the budget, deployment, etc., within one year of the officer having been removed, the officer, if otherwise eligible for the position, shall have the right of first refusal to return to the position;
- The officer requests reassignment; or,
- The officer completes a limited tour assignment.

An officer who is reassigned based on condition "A" or "B" above shall not be assigned to a bonus or advanced paygrade position for at least 26 Deployment Periods (two years).

If an officer is reassigned based solely on a Personnel Complaint and the final disposition of the Complaint is "Unfounded," "Exonerated," or "Not Guilty," the officer shall be restored to the paygrade and bonus pay he or she had before the reassignment.

Upon being served with a reassignment document, the employee may, within ten calendar days, contact Employee Relations Group (ERG) and meet with an ERG representative to allow the employee to state reasons why the proposed reassignment is unwarranted. This is an opportunity for the employee to be heard prior to a final decision by the Department and shall not prevent the employee from exercising rights granted by law or by the Memorandum of Understanding (MOU). The employee may be represented by an employee representative pursuant to the MOU during the meeting with the ERG staff.

**COMMANDING OFFICER'S RESPONSIBILITIES.** Commanding officers shall ensure the following:

- Complete a request for Transfer and/or Change in Paygrade, Form 01.40.00;

**Note:** When an administrative transfer is determined appropriate for an employee as a result of reassignment to a lower paygrade or deselection from a bonus position, the commanding officer shall refer to Department Manual Section 3/762.35 regarding administrative transfers.

- Complete an Intradepartmental Correspondence, Form 15.02.00, citing the reasons for recommending reassignment to a lower paygrade or deselection from a bonus position and include a statement that the officer was advised of the right to provide a written response to the proposed personnel action within 30 calendar days of the date of notice;
- Provide the employee copies of the documents;
- Maintain original documentation until the officer's response is received or 30 calendar days have elapsed; and,
- After 30 calendar days have elapsed, forward all documentation, including the employee's response if one was submitted, through the officer's bureau and the Employee Relations Administrator, to the Director, Office of Support Services.

**DIRECTOR, OFFICE OF SUPPORT SERVICES RESPONSIBILITIES.** The Director, Office of Support Services (OSS), shall be the independent authority to grant or deny the request for paygrade reduction and/or bonus deselection and to execute the decision through a Transfer Order and is responsible for notifying the involved employee of the final decision. The Director, OSS, or his/her designee, must serve the involved employee with Notice of Downgrade/Deselection, Form 01.73.05, within 30 days of the final decision, with the anticipated effective date, unless the employee is unavailable.

#### **763.56 ADMINISTRATIVE APPEAL HEARING PROCESS FOR MATTERS INVOLVING REASSIGNMENT FROM ADVANCED PAYGRADE POSITIONS OR DESELECTION FROM BONUS POSITIONS FOR LIEUTENANTS AND BELOW.**

**MATTERS SUBJECT TO PAYGRADE/BONUS ADMINISTRATIVE APPEAL HEARING.** A sworn non-probationary employee from the rank of Lieutenant or below may administratively appeal a reassignment from an advanced paygrade position or a deselection from a bonus position.

**ADMINISTRATIVE APPEAL HEARING REQUEST.** An employee electing to administratively appeal a reassignment from an advanced paygrade position or a deselection from a bonus position shall submit an Administrative Appeal, Form 01.84.00, to the Employee Relations Administrator, within 20 calendar days after the Transfer Order reporting the change in paygrade or bonus status is published or the effective date of the employee's change in paygrade or bonus status, whichever is later. If the employee fails to request an Administrative Appeal Hearing within the specified time, the Department's action to reassign the employee to a lower paygrade or deselect the employee from a bonus position shall be final. However, the 20 calendar day period shall be tolled during any period when an employee is on an authorized leave of absence, is away from work sick or injured, or is otherwise reasonably and legitimately absent from duty when the Transfer Order is published. The time period shall resume when the employee returns to duty or is otherwise notified of the action taken on the Transfer Order.

**ADMINISTRATIVE APPEAL HEARING PURPOSE.** The purpose of an Administrative Appeal Hearing for a reassignment from an advanced paygrade position or a deselection from a bonus position is to ascertain whether there is sufficient cause to support the employee's reassignment from an advanced paygrade position or deselection from a bonus position as set forth in the Department Manual. The Department must present a case and shall bear the burden of proving the grounds for the reassignment from an advanced paygrade position or deselection from a bonus position by a preponderance of the evidence. The employee shall have the right to appear in person at the hearing and present evidence specifically related to the purpose of the hearing.

During the hearing, both the Department and the employee shall have the right to present witnesses, exhibits, and arguments to the hearing officer, to which the other party shall be entitled to respond.

**CALCULATION OF TIME PERIODS.** All time periods shall be calculated in calendar days, except for the selection of the Hearing Officer. When the last calendar day falls on a weekend or City holiday, the time period shall extend to the next business day.

**REPRESENTATION.** In accordance with Section 10.0 of Memorandum of Understanding No. 24, a sworn employee from the rank of Lieutenant or below has the right to an Administrative Appeal Representative from the rank of Lieutenant or below or legal counsel, or both. Legal counsel is at the employee's expense.

**SELECTION OF A HEARING OFFICER.** The hearing officer shall be a sworn member of the Department from the ranks of Captain and Commander, who shall be selected within five business days of the date the employee requests a hearing. In selecting a hearing officer, the employee shall draw three names of eligible members. The Department representative and the employee shall each strike one of the three names selected. The Department representative shall strike the first name and the employee shall strike the second name. The remaining member shall serve as the hearing officer.

The hearing shall be a primary duty assignment for the hearing officer. The hearing officer shall resolve any initial scheduling conflicts, except scheduled Boards of Rights, in favor of an Administrative Appeal Hearing. Once a hearing officer is scheduled to conduct an Administrative Appeal Hearing, subsequent selection as a member of a Board of Rights shall not cause the rescheduling of the Administrative Appeal Hearing. Those ineligible to serve as hearing officers are the following:

- Captains and Commanders who are or were in the employee's chain-of-command from the time of the incident through the date the hearing begins;
- Those who are prejudiced through actual contact with the matter;
- Those disqualified by reason of being a material witness to the matter;
- Those with a conflict of interests;
- The Employee Relations Administrator; and,
- Those who are exempt from Boards of Rights as outlined in the Board of Rights Manual.

**Note:** Disputes regarding the exclusion of a hearing officer for any of the above reasons that cannot be resolved by the Employee Relations Administrator shall be submitted to the Director, Office of Support Services, for resolution, whose decision shall be final.

**HEARING OFFICER'S RESPONSIBILITY.** The hearing officer shall convene the hearing in no less than 15 calendar days nor more than 30 calendar days from the date of his/her selection. The hearing officer may continue the proceedings, once commenced, for periods up to 21 calendar days. If the hearing officer, due to illness or pre-scheduled vacation, is unable to begin the hearing within 30 calendar days, the employee appealing may either select another hearing officer by starting the selection process anew or may waive the 30 calendar day period to allow the hearing officer to return. If the employee opts to waive the 30 calendar day period, the hearing officer, upon return from illness or vacation, shall commence the hearing within 30 calendar days.

The hearing officer may examine witnesses testifying for the Department or employee, if any are presented. However, the hearing officer shall not consider issues or matters that were not originally stated at the time the Administrative Appeal was filed or matters that are beyond the scope of the Administrative Appeal Hearing purpose.

The formal rules of evidence do not apply, although the hearing officer shall have discretion to exclude evidence that is irrelevant or the presentation of which will otherwise consume undue time.

**DISCOVERY.** Discovery shall consist of copies of all reports and materials used to substantiate the employee's reassignment from an advanced paygrade position or deselection from a bonus position. Discovery shall be provided as soon as practicable after the selection of a hearing officer, but no later than 14 calendar days prior to the date the hearing commences.

**SUBPOENAS.** Subpoenas shall be issued pursuant to the authority provided by the Los Angeles City Charter. Subpoenas may be quashed by written motion to the hearing officer, who will decide the issue.

**WITNESSES.** The Department and the employee have the right to call and cross-examine witnesses, whose testimony shall be given under oath. A complete list of witnesses to be called shall be delivered to the other party no later than seven days before the hearing, except rebuttal witnesses. Department employees called as witnesses shall be served with a Notice of Hearing, and witnesses other than Department employees shall be served by a subpoena. The Department representative shall be responsible for obtaining all subpoenas. Each party is responsible to serve their own subpoenas.

**RECORD OF HEARINGS.** All testimony shall be given under oath and reported by a stenographer for possible transcription. Upon the employee's prepayment of a preparation fee, the employee shall be entitled to a certified copy of the transcript. However, the employee will be given a free copy of the transcript if the Department has all or a portion of the record transcribed within 60 calendar days of the end of the hearing and the employee requests a copy of the transcript within 90 calendar days of the end of the hearing.

**FINDINGS AND RECOMMENDATIONS OF THE HEARING OFFICER.** At the conclusion of the hearing, the hearing officer shall prepare and transmit a report to the Chief of Police stating whether the Department has established, by a preponderance of the evidence, the requirements for reassignment from an advanced paygrade position or deselection from a bonus position as set forth in the provisions of the Department Manual. The hearing officer shall articulate in the report the basis for the findings. The hearing officer shall also complete the decision portion of a Decision of the Hearing Officer Administrative Appeal Hearing and Order of the Chief of Police, Form 01.73.01, and forward this with the Hearing Officer's Report to the Chief of Police within 30 calendar days of the conclusion of the hearing.

**DECISION OF THE CHIEF OF POLICE.** The Chief of Police shall make a final decision on the matter within 30 days of receiving the Hearing Officer's Report and shall complete the Order of the Chief of Police portion of Form 01.73.01. The Chief of Police may adopt or reject, in whole or in part, the proposed findings of the hearing officer, as appropriate under the circumstances. The decision of the Chief of Police shall be final.

The Form 01.73.01 and Hearing Officer's Report shall be returned to the Employee Relations Administrator, who shall cause it to be served on the employee and distributed to the appropriate entities within ten calendar days.

**CHIEF OF POLICE REJECTION OF HEARING OFFICER'S RECOMMENDATION TO RESTORE EMPLOYEE.** If the hearing officer recommends to the Chief of Police that the employee's paygrade or bonus position should be restored and the Chief of Police rejects the hearing officer's recommendation to restore the employee's paygrade or bonus position, the Chief of Police shall, in writing, articulate the reason(s) for rejecting the hearing officer's recommendation, and shall attach that report to the Form 01.73.01 and Hearing Officer's Report for appropriate distribution.

**763.58 ADMINISTRATIVE APPEAL HEARING PROCESS FOR MATTERS NOT SUBJECT TO BOARD OF RIGHTS HEARINGS FOR CAPTAINS AND ABOVE.**

**MATTERS SUBJECT TO PAYGRADE REDUCTION ADMINISTRATIVE APPEAL HEARING.** A manager (i.e., sworn Police Captains and above) may administratively appeal a paper penalty.

**ADMINISTRATIVE APPEAL HEARING REQUEST.** A manager electing to administratively appeal a paper penalty shall submit an Administrative Appeal, Form 01.84.00, to the Advocate Section, Internal Affairs Administrative Division, within 20 calendar days of having been served a written notice of the paper penalty.

**ADMINISTRATIVE APPEAL HEARING PURPOSE.** The purpose of this administrative appeal hearing is to provide the affected manager the opportunity to appear in-person and present evidence and argument in an effort to convince the Department that he or she should not have received a paper penalty. The Department shall bear the burden of proof to establish by a preponderance of evidence that the Department's action should remain.

At the outset of the hearing, the Department shall present an explanation of the basis of the Chief's decision. During the hearing, both the Department and the employee shall have the right to present witnesses, exhibits, and arguments to the hearing officer, to which the other party shall be entitled to respond.

**CALCULATION OF TIME PERIODS.** All time periods shall be calculated in calendar days. When the last calendar day falls on a weekend or City holiday, the time period shall extend to the next business day.

**REPRESENTATION.** A manager has the right to an administrative appeal representative from the rank of Captain or Commander, or legal counsel, or both. Legal counsel is at the employee's expense.

**SELECTION OF A HEARING OFFICER.** The hearing officer shall be a member of the Department from the ranks of Captains and Commanders, who shall be selected within seven days of the date the manager requests a hearing. In selecting a hearing officer, the employee shall draw three names of eligible members. The Department's representative and the employee shall each strike one of the three names selected. The Department's representative shall strike the first name and the employee shall strike the second name. The remaining member shall serve as the hearing officer.

The hearing shall be a primary duty assignment for the hearing officer. The hearing officer shall resolve any initial scheduling conflicts, except scheduled Boards of Rights, in favor of an administrative appeal hearing.

Captains and Commanders are ineligible to act as a hearing officer in cases where they are or were in the employee's chain-of-command from the time of the incident through the date the hearing begins; when they are prejudiced through actual contact with the matter; when disqualified by reason of being a material witness to the matter; or where a conflict of interests exists. Disputes regarding the exclusion of a hearing officer for any of the above reasons shall be resolved by the Commanding Officer, Professional Standards Bureau, whose decision shall be final.

**HEARING OFFICER'S RESPONSIBILITIES.** The hearing officer shall convene the hearing in no less than 15 days nor more than 30 days from the date of his or her selection.

The hearing officer may examine witnesses testifying for the Department or employee, if any are presented. However, the hearing officer shall not consider issues or matters that were not originally stated at the



time the administrative appeal was filed or matters which are beyond the scope of the administrative appeal hearing purpose.

The formal rules of evidence do not apply, although the hearing officer shall have discretion to exclude evidence that is irrelevant or the presentation of which will otherwise consume undue time.

The decision, findings, and recommendations of the hearing officer shall be based solely on the evidence presented at the hearing.

**DISCOVERY.** Discovery shall consist of copies of all reports and materials, if any, the Department's representative intends to present to the hearing officer to substantiate the Department's position. Discovery shall be provided as soon as practicable after selection of a hearing officer, but no later than fourteen days prior to the date the hearing commences.

**SUBPOENAS.** Subpoenas shall be issued pursuant to the authority provided by the Los Angeles City Charter. Subpoenas may be quashed by written motion to the hearing officer, who will decide the issue.

**WITNESSES.** The Department and the employee have the right to call and cross-examine witnesses, whose testimony shall be given under oath. A complete list of witnesses to be called shall be delivered to the other party no later than seven days before the hearing, except rebuttal witnesses. Department employees called as witnesses shall be served with a Notice of Hearing, and witnesses other than Department employees shall be served by subpoena. The Department representative shall be responsible for obtaining all subpoenas. Each party is responsible to serve their own subpoenas.

**RECORD OF HEARINGS.** All testimony shall be given under oath and audio tape-recorded.

**FINDINGS AND RECOMMENDATIONS OF THE HEARING OFFICER.** At the conclusion of the hearing, the hearing officer shall prepare and transmit a report to the Chief of Police with a recommendation. The report shall consider the appellant's evidence and arguments, and evaluate the Department's compliance with the relevant provisions of the Department Manual. The hearing officer shall articulate in the report the basis for the findings.

The hearing officer shall also complete the decision portion of a Decision of the Hearing Officer Administrative Appeal Hearing and Order of the Chief of Police, Form 01.73.01, and forward this with the hearing officer's report to the Chief of Police within 30 days of the conclusion of the hearing.

**DECISION OF THE CHIEF OF POLICE.** The Chief of Police shall make a final decision on the matter within 30 days of receiving the hearing officer's report and shall complete the Order of the Chief of Police portion of Form 01.73.01. The Chief of Police may adopt or reject, in whole or in part, the proposed findings of the hearing officer, as appropriate under the circumstances. The decision of the Chief of Police shall be final.

The Form 01.73.01 and hearing officer's report shall be returned to the commanding officer, Professional Standards Bureau, who shall cause it to be served on the employee and distributed to appropriate entities within ten calendar days.

**CHIEF OF POLICE REJECTION OF HEARING OFFICER'S RECOMMENDATION TO RESTORE EMPLOYEE.** If the hearing officer recommends to the Chief of Police that the employee's paper penalty be altered and the Chief of Police rejects that recommendation, the Chief of Police shall, in writing, articulate the

reason(s) for rejecting the hearing officer's recommendation, and shall attach that report to the Form 01.73.01 and hearing officer's report for appropriate distribution.

### **763.65 EXCEPTIONAL PAYGRADE ASSIGNMENTS.**

**Temporary Assignment.** Officers from a lower paygrade position may be temporarily assigned to a position normally assigned to officers in an advanced paygrade for a period of time not to exceed 56 consecutive calendar days. The officers so assigned shall continue to receive compensation at the salary level held prior to their temporary assignment. At the conclusion of the 56-day period, the officer shall be removed from the position for a minimum of two deployment periods.

**Officer Absent from Duty.** Officers who are authorized to be temporarily absent from their duties, with pay, may continue to receive compensation at the salary level corresponding to their advanced paygrade position.

**763.67 LIMITED TOUR ASSIGNMENTS.** Limited tour assignments are considered to be training or management development positions. Officers assigned to these positions should be strongly encouraged to take the appropriate promotional examination at the next scheduled date.

**Adjutant/Aide Positions.** Officers assigned to adjutant/aide positions will be assigned for a period *not* to exceed two years.

**Note:** Time in the assignment may be extended beyond the two year period in special situations only with the written approval of:

- The Chief of Staff or group/bureau commanding officer for a commander's aide; or
- Chief of Police for an adjutant to a group/bureau commanding officer.

**Area Vice Positions.** Officers assigned to Area vice units must be assigned for a period *not* to exceed 26 deployment periods. Officers must *not* be reassigned to an Area vice unit until 26 deployment periods have elapsed since their previous vice assignment.

**Note:** Time in the assignment may be extended beyond the 26 deployment periods in special situations with the written approval of the concerned bureau commanding officer.

**Detective Trainee-Defined.** A Detective Trainee is a Police Officer III who performs in all areas of investigation such as burglary, robbery, and forgery under the close direction of an experienced detective for the purpose of exposing the officer to investigative techniques used in the field; performs preliminary and follow-up investigations, gathers evidence, prepares reports, obtains complaints, makes arrests and testifies in court; and performs related duties.

**Detective Trainees-Securing Another Assignment.** Officers assigned to detective trainee positions will be given the opportunity to take two detective examinations during their tour of duty as a detective trainee. Detective trainees who do not receive a passing score on the second examination, or who have passed the second examination but are not within the portion of the first Detective Promotional List published by Office of Support Services (OSS), will be given two deployment periods to secure another assignment after publication of the promotional list by OSS.

**Transfer From One Detective Trainee Assignment To Another-Period of Eligibility.** Detective trainees who transfer to another detective trainee position prior to the completion of the tour of duty in the original

detective trainee assignment must have their time of eligibility continue to run. For purposes of continued eligibility as a detective trainee, it will be as though they had not transferred.

**Detective Trainees-Retention of Advanced Paygrade.** Officers who were assigned Police Officer III positions prior to selection as a detective trainee must not be downgraded. In the event that such officers are unable to secure Police Officer III positions on their own, they will be reassigned to a Police Officer III position within the Department. The assignment will be at the discretion of the Chief of Police.

**Re-Application For Detective Trainee Assignment-Waiting Period.** Officers removed from a detective trainee position will be required to wait a minimum of two years after their previous detective trainee tour of duty before being eligible to apply for another detective trainee position.

**Note:** Time in the assignment may be extended in special situations in individual cases with the written approval of the concerned bureau commanding officer.

**Professional Standards Bureau.** Officers assigned to one of the following Internal Affairs Division (IAD) functions within Professional Standards Bureau must be assigned for a period **not** to exceed **three** years:

- Administrative Section;
- Investigative Section;
- Advocate Section; and,
- Support Section.

Officers assigned to PSB, Special Operations Division (SOD), must be assigned for a period not to exceed three years.

A two-year extension of such an assignment may be granted by the Commanding Officer (CO), PSB, for a total of five years in any one assignment. Employees transferring to a new assignment would begin a new three-year term.

An employee who has had a three-year tour of duty extended in any one assignment will be restricted to one additional assignment within IAD or SOD. A two-year extension may also be granted by the CO, PSB, for the second assignment. The maximum length of assignment to IAD and SOD is ten years, regardless of individual assignments worked.

**Note:** A new three-year tour of duty will apply when an employee is upgraded to Detective III while assigned to IAD or SOD or returns to the division after being selected for a Detective III or Lieutenant II position.

**Exception:** Any deviation from the five-year maximum in any one assignment or the ten-year overall maximum limit for an assignment to IAD or SOD will be at the discretion of the CO, PSB, and must be based upon an overwhelming need and/or operational necessity.

**Commanding Officer's Responsibility.** Commanding officers of sworn personnel assigned to limited tour assignment positions within their command must:

- Ensure that a Request for Transfer and/or Change in Paygrade, Form 01.40.00, is completed on each affected employee and forwarded through the chain of command to Personnel Division whenever there is a personnel change in a limited tour assignment; and,
- Monitor limited tour assignment positions to ensure that assigned personnel do not exceed the maximum allowable time in the positions.

**Bureau Commanding Officer's Responsibility.** Limited tour assignments may be extended with written approval of the CO, PSB, the concerned bureau commanding officer, the Chief of Staff, or bureau equivalent, as appropriate. When a limited tour assignment has been extended, a copy of the written approval must be forwarded to OSS.

**Personnel Division-Responsibility.** Personnel Division must monitor limited tour assignments and notify the officer's commanding officer and the concerned bureau commanding officer whenever an officer approaches or exceeds the expiration date of a limited tour assignment.

## **763.68 SELECTION FOR LOANS TO INTERNAL AFFAIRS DIVISION.**

**Loan Assignments.** Currently, a limited tour assignment to Internal Affairs Division (IAD) as a Sergeant II or Detective II is contingent on an employee's successful completion of a two-month loan to IAD. This loan process enables IAD to select from a pool of qualified candidates when filling regular assignments. A detective/sergeant with at least one year in grade is eligible for loan to IAD, and candidates must possess outstanding leadership, supervisory, and administrative skills. Investigative experience is desirable, but not required for an investigator position. The selection of candidates who lack investigative experience must be justified in writing on a Training Evaluation and Management System II (TEAMS II) Evaluation Report, Form 01.78.04.

Applicants may seek assignment as a loanee in several ways, most commonly by:

- Employee Request; or,
- Referral by any current IAD staff or a commanding officer.

Prior to consideration, all loanee applicants will submit the following:

- Transfer Applicant Data Sheet, Form 15.88.00;
- Standards Based Assessment – Lieutenants and Below, Form 01.87.00 (two most recent); and,
- Current TEAMS II report (promotion/paygrade advancement version only).

**Assessment of Eligibility for Loan.** A Loan/Transfer package must be prepared to assess the eligibility of all selected candidates. As part of this package, a TEAMS II Evaluation Report must be completed to indicate that the following documents were reviewed as part of a comprehensive background check:

- Current TEAMS II report (promotion/paygrade advancement TEAMS II report only);
- Transfer Applicant Data Sheet, Form 15.88.00;
- Standards Based Assessment – Lieutenants and Below, Form 01.87.00 (two most recent);
- Complaint Index, Form 1.80;
- Any pending or sustained complaint investigations, via a Complaint Information Tracking System (CITS) report;
- Any other investigations being conducted by IAD; and,
- Adverse judicial findings.

**Note:** The Legal Unit, Risk Management and Legal Affairs Division, must be contacted for information on adverse judicial findings.

The intent of reviewing a selected candidate's work history is to assist in the evaluation of that candidate's appropriateness for IAD duties and responsibilities.

**763.69 SELECTION FOR LIMITED TOUR ASSIGNMENT TO INTERNAL AFFAIRS DIVISION.** All lieutenants and below seeking selection to IAD shall submit a Transfer Applicant Data Sheet, their two most recent Performance Evaluation Reports, and a TEAMS II report (promotion/paygrade advancement TEAMS II report only).

**Assessment of Eligibility for Assignment.** Managers shall utilize existing Departmental databases, information and documents to assess eligibility for a limited tour assignment to IAD. A Loan/Transfer package, including a TEAMS II Evaluation Report, shall be prepared for all selected candidates indicating that the following documents were reviewed as part of a comprehensive background check:

- Interview Evaluation/Questions;
- IAD Loan Rating;
- TEAMS II report (promotion/paygrade advancement only);
- Any pending or sustained complaint investigations, via a CITS report;
- Complaint Index; and,
- Adverse judicial findings.

**Note:** If a loanee is selected for permanent assignment to IAD within 90 days of completing the loan, a new eligibility assessment is not required. However, a loanee's Interview Evaluation/Questions and IAD Loan Rating shall still be reviewed and considered.

**Disqualification – Loan and Limited Tour Assignment.** In most cases, sworn employees who have a sustained complaint in any of the following categories shall be disqualified from consideration for an IAD position:

- Excessive use of force;
- False arrest or charge;
- Improper search or seizure;
- Sexual harassment;
- Discrimination; or,
- Dishonesty.

The Commanding Officer, IAD, may decide to select or retain a sworn employee with a sustained complaint in one or more of these categories. However, that decision must be justified on a TEAMS II Evaluation Report and retained in the interview/selection package. Additionally, the consideration of any adverse judicial finding or discipline against a sworn employee for any of the above categories shall also be documented in the TEAMS II Evaluation Report form.

**Deselection.** Sworn personnel selected and assigned to IAD may be deselected for acts or behaviors that would have disqualified them from selection to IAD. Deselection shall be consistent with the Department's downgrade and/or administrative transfer procedures (Manual Sections 3/762.35 and 3/763.55).

Deselection shall be considered if it involves any of the sustained allegations listed above. The Letter of Transmittal for the involved complaint shall include either a recommendation to deselect or justification for retention.

**Evaluation of Performance - Tour Extension.** Assignment to IAD is a limited tour assignment (Manual Section 3/763.67). A sworn employee **may** have his/her tour extended or begin a new tour in a different section only if:

- He/she has performed in a competent manner, including adherence to the policies and procedures for conducting and reviewing complaint investigations; and,
- Upon completion of an eligibility assessment, it is determined by the Commanding Officer, IAD, that such an extension would be in the best interests of the Department and IAD.

### **763.70 SELECTION TO AND/OR LOANS TO FORCE INVESTIGATION DIVISION.**

**Qualifications and Requirements.** Candidates must possess the requisite experience, as well as outstanding leadership, supervisory, and administrative skills. Sworn personnel seeking selection to FID must submit a Transfer Applicant Data Sheet, Form 15.88.00, their two most recent Standards Based Assessment - Lieutenants and Below, Form 01.87.00, and a current copy of their Training Evaluation and Management System II (TEAMS II) report (promotion/paygrade advancement TEAMS II report only).

Unless they have already attended, selected employees must attend and successfully complete the first available Police Officer Standards and Training (POST) certified Homicide School following selection. In the event a selected candidate has not attended Supervisory School, managers and supervisors must ensure the candidate is scheduled as soon as practicable.

**Assessment of Eligibility.** In addition to reviewing the submitted documentation, supervisors and managers will utilize existing Departmental databases, information and other documents to assess eligibility for assignment to FID, to include:

- Complaint Index, Form 01.80.00;
- Any pending or sustained complaint investigations, via a Complaint Information Tracking System (CITS) report; and,
- Any adverse judicial findings.

**Note:** The Legal Unit, Risk Management and Legal Affairs Division, will be contacted for information on adverse judicial findings.

The intent of the review of an officer's work history is to assist in the evaluation of a candidate's appropriateness for FID duties and responsibilities.

**Evaluation of Findings.** Supervisors and managers will be required to document their consideration of any sustained complaint, adverse judicial finding, or discipline against an officer on a TEAMS Evaluation Report, Form 01.78.04, for each of the following:

- Excessive use of force;
- False arrest or charge;
- Improper search or seizure;
- Sexual harassment;
- Discrimination; or,
- Dishonesty.

The Commanding Officer, FID, may decide to select or retain an officer with a sustained complaint or adverse judicial finding in one or more of these categories. However, that decision must be justified in writing on a TEAMS Evaluation Report, Form 01.78.04, and retained in the selection package.

**Deselection of FID Personnel.** Sworn personnel assigned to FID may be deselected for acts or behaviors that would have disqualified them from selection to FID. Deselection will be consistent with the Department's downgrade and/or administrative transfer procedures (Manual Sections 3/762.35 and 3/763.55). Deselection will be considered if it involves a sustained allegation listed in this section under "Evaluation of Findings." If deselection is appropriate, the Letter of Transmittal for the involved complaint must include either a recommendation to deselect or justification for retention.

**763.71 SUPERVISORY CROSS - TRAINING PROGRAM.** The Supervisory Cross-Training Program (SCTP) has been developed to provide sergeants and detectives with the opportunity to enhance their promotability through broadening their experience and knowledge of Department operations. The SCTP is open to persons assigned to the rank and paygrade of Detective II (D-II) and Detective III (D-III), and to non-probationary Sergeants. In selecting persons for participation in the SCTP, commanding officers (CO) shall consider each applicant's future ability to promote, based upon the applicant's past work performance, as well as goals enumerated in the Hunter-La Ley Consent Decree.

The SCTP is designed to operate within a geographic Area or traffic division. All other bureaus, Groups, and divisions are considered specialized divisions for purposes of these guidelines. If an applicant is unable to participate at his/her Area/division of assignment, the commanding officer shall submit a copy of the application and an Intradepartmental Correspondence, Form 15.02.00, to the bureau commanding officer explaining why the loan cannot be arranged. The bureau commanding officer will then arrange a loan between the Areas/divisions within his/her bureau.

**Note:** All original SCTP applications shall be retained according to current records retention requirements.

**Program Guidelines.** Prior to selecting persons for participation in the SCTP, commanding officer's shall consider the following:

- Loans will be for a period of six deployment periods (DPs);
- The Department's deployment needs must be considered in all cross-training assignments;
- The number of employees allowed to participate at any given time should be limited to an equal number of sergeants and detectives;
- Loans are on a voluntary basis. Participants are allowed to revert back to their regular assignment before expiration of the loan if the deployment needs of the Department permit;

**Note:** Participants are reminded that should they revert back to their regular assignment prior to the loan expiration, the person who is loaned to their assignment may also be forced to prematurely return to their regular assignment at the discretion of the commanding officer.

- Cross-training assignments shall not be used to fill vacant positions;
- Sergeants shall not be placed in D-III positions, nor shall detectives be placed in Sergeant II positions;
- Sergeants I and II must work in an Area/division detective assignment. They shall not work in specialized detective divisions under the provisions of the SCTP;
- Participation in any training course shall be at the discretion of the recipient Area/division's commanding officer; and,
- If an applicant is the subject of a pending personnel complaint, participation in the SCTP will be at the discretion of both the participant's regularly assigned commanding officer and the recipient's commanding officer.

**Selection Criteria.** Employees of the rank of D-II, D-III, Sergeant II, and non-probationary Sergeant I are eligible to participate in the SCTP.

**Detective Applicants.** Detectives II and III with at least one year in their current paygrade and with no prior supervisory experience in patrol will have priority in the selection process.

Detectives II and III who have prior supervisory experience in patrol may also be selected; however, they will have a lower priority in the selection process.

**Note:** According to the 2003-2006 MOU, detectives are not eligible to receive the Uniform Field Assignment Incentive pay. Participation in the SCTP does not affect a participant's basic pay.

**Sergeant Applicants.** Sergeants I and II with at least one year in their current paygrade and with no prior detective experience will have priority in the selection process.

Sergeants I and II who have prior detective experience may also be selected; however, they will have a lower priority in the selection process.

**Note:** According to the 2003-2006 MOU, eligible field personnel will be paid their Uniform Field Assignment Incentive pay for two DPs following commencement of their loan. Thereafter, they shall not receive the incentive until they resume the duties covered by the incentive. Participation in the SCTP does not affect a participant's basic pay.

**Selection of Employees.** Participants in the SCTP will be selected by the Area/division commanding officer based on priority ranking.

**Note:** If the loan will be outside of a participant's Area/division of assignment, the bureau commanding officer will coordinate the loan.

When an applicant is notified that he/she is to participate in the SCTP, he/she may decline the assignment; however, the applicant will be placed at the end of the existing priority list. The applicant will be allowed to decline two assignments. Declining a third assignment will result in removal from the list.

**Note:** An employee may reapply to the SCTP after a six-month period.

When an employee receives a loan assignment, his/her specific duties and work hours will be determined by the recipient commanding officer.

An applicant who transfers to a new Area/division after being included on the applicant list in the previous Area/division must notify the new commanding officer and request to be placed on the list for the new Area/division. The new commanding officer will decide what priority the applicant will have on the list.

### **Geographic Area and Traffic Divisions - Participation Procedures.**

**Applicant Responsibility.** An employee wishing to participate in the SCTP must apply by completing a Supervisory Cross-Training Program Application form and submitting it to his/her commanding officer.

**Commanding Officer - Responsibility.** Upon receipt of an SCTP application, a commanding officer shall:

- Prioritize the applicants according to the guidelines in Section I;
- Accommodate as many applicants as possible based on deployment needs;



- Notify concerned employees as they are selected for SCTP participation and complete the appropriate section on the SCTP application;
- Maintain a tracking system in order to notify participants when the end of their loan is approaching;
- If unable to accommodate an applicant, submit a copy of the applicant's SCTP application, along with an Intradepartmental Correspondence, Form 15.02.00, to the bureau commanding officer:
- Explain why an applicant is not able to participate within his/her own Area/division.
- Request that the bureau commanding officer coordinate a loan with another Area/division within the bureau.
- When necessary, obtain advice from Training Division (TD) regarding the SCTP;
- Ensure that personnel no longer eligible for the Uniform Field Assignment Incentive pay are identified on the roster provided by Fiscal Group.

**Note:** According to the 2003-2006 MOU, eligible field personnel shall be paid their Uniform Field Assignment Incentive pay for two DPs following commencement of their loan.

Thereafter, they shall not receive the incentive until they resume the duties covered by the incentive. Personnel of detective rank are not eligible for the incentive. Participation in the SCTP does not affect a participant's basic pay.

- At the end of each fiscal year, each concerned commanding officer shall prepare and submit to TD via the bureau commanding officer, a written report containing the following information:
- The sex, race, rank, and paygrade of the SCTP participants who are regularly assigned to the commanding officer's Area/division;
- The number of participants who completed the loan;
- If applicable, a brief summary of the reason(s) program participation was not completed;
- How the SCTP functioned; and,
- Commendations or recommendations pertaining to the operation of the SCTP.

**Specialized Divisions - Participation Procedures.** For purpose of this Section, all bureaus, Groups, or divisions, other than geographic Areas and traffic divisions, are considered specialized divisions. Detectives and sergeants in specialized divisions may participate in the SCTP. However, commanding officers must be aware that a recipient participant will not be allowed to replace the detective/sergeant in his/her regular work assignment. The intent and purpose of the SCTP is to provide overall detective/sergeant training to a participant who has never worked in, or had limited exposure to, his/her counterpart's role. This cannot be effectively accomplished by placing an individual in a specialized division.

**Applicant's Responsibility.** An employee wishing to participate in the SCTP must apply by completing a Supervisory Cross-Training Program Application and submitting it to his/her commanding officer.

**Commanding Officer's Responsibility.** Upon receipt of a SCTP application, a commanding officer shall:

- Prioritize applicants according to the Guidelines as noted in Section I;
- Determine, based on deployment needs, if it is possible for the applicant(s) to participate in the SCTP;
- If it is possible, submit a copy of the SCTP application along with a Form 15.02.00, requesting participation to each of the entities selected by the applicant;

**Note:** Every effort should be made to place the applicant in the Area/division of his/her first choice.

- Notify concerned employees when they are selected and complete the appropriate section on the SCTP application;
- Coordinate with the recipient commanding officer the date the loan will commence;
- Advise the bureau commanding officer of an employee's participation in the SCTP;
- Maintain a tracking system in order to notify a participant(s) when the end of the loan is approaching;
- At the end of each fiscal year, each concerned commanding officer shall prepare and submit to TD, via the bureau commanding officer, a written report containing the following information:
  - The sex, race, rank and paygrade of the SCTP participants who are regularly assigned to the commanding officer's Area/division;
  - The number of participants who completed the loan;
  - If applicable, a brief summary of the reasons(s) program participation was not completed;
  - How the SCTP functioned; and,
  - Commendations or recommendations pertaining to the operation of the SCTP.
- If it is not possible to permit an applicant to participate in the in SCTP;
- Advise the applicant of the reason(s);
- Advise the applicant if participation is possible at a later date;
- Document on the SCTP application the reason(s) for denial; and,
- Submit a copy of the application with denial reason(s) to the commanding officer, TD for inclusion into TD's annual report to the federal court.

**Note:** If there were no participants in the SCTP, a commanding officer is not required to complete a year-end report. If applicable, submission of the denied application(s) to TD is all that is required.

**Bureau Commanding Officer's Responsibility.** A bureau commanding officer shall be responsible for:

- Coordinating all SCTP loans between Area/divisions within the bureau.
- Forwarding the reports submitted by the Areas/divisions regarding the SCTP to TD.

**Training Criteria - Sergeant to Detective.** Detective commanding officers are encouraged to implement a detective detail rotation in order to provide each participant with as much experience as possible.

Until adequate training has been received, the participant shall be assigned to an experienced detective. This would also apply to any new internal assignment resulting from detail rotation.

**Training Criteria - Detective to Sergeant.** An Area/division commanding officer shall ensure that a detective is fully equipped for assignment as a field sergeant. This can be accomplished by using the Individual Uniform and Equipment Division Inspection Record, Form 01.41.00.

For training purposes, the participant shall be assigned to ride along with a senior sergeant on the watch. When the watch commander determines that the participant has received adequate training, the participant will no longer be required to ride along with a senior sergeant and, at that time, he/she will be assigned all regular supervisory duties.

Personnel complaints and projects may be assigned to detectives loaned to patrol assignments in the same manner as they are assigned to regularly assigned sergeants.

**Completion of the SCTP.** Participation in the SCTP for six DPs constitutes successful completion of the cross-training assignment. Completion of this assignment shall be recorded on the participant's Training Evaluation and Management System record.

**Employee Ratings.** A Special Rating, Standards Based Assessment – Lieutenants and Below, Form 01.87.00, shall be prepared by the entity to which the participant was loaned. The rating shall be completed at the end of the loan period.

**Loan Extensions.** A loan beyond six DPs will not be permitted unless exigent circumstances exist. The need for an extension must be evaluated on a case-by-case basis. Final extension approval will rest with the participant's regularly assigned commanding officer.

**Return to Regular Assignment Prior to Program Completion.**

**Employee's Request.** Although the established duration of the SCTP is six DPs, a participant may revert back to his/her regular assignment at any time, as Department deployment needs permit. Participants wishing to return to their regular assignment prior to completion of the loan period must prepare an Employee's Report, Form 15.07.00, and submit it to the commanding officer of the loaned assignment.

**Note:** Participants are reminded that should they prematurely revert back to their regular assignment, the person who is loaned to their assignment may also be forced to return to their regular assignment at the discretion of the commanding officer.

**Commanding Officer's Request.** A commanding officer may end a loan and return the participant back to his/her regular assignment due to unsatisfactory performance. Documentation of the participant's unsatisfactory performance shall be noted on a Special Rating report.

**Note:** If a participant request termination of the loan due to personal reasons or hardship, a Special Rating report is not necessary.

If a participant is returned to his/her regular assignment due to unsatisfactory performance, the commanding officer may or may not require the participant's counterpart to revert back to his/her regular assignment.

**Deferment of Participation.** If an applicant wishes to defer program participation after being placed on a prioritized participation list, the applicant shall submit a Form 15.07.00, to the commanding officer to request deferment. The Form 15.07.00 shall include the date the deferment will expire or indicate it is indefinite. If the applicant becomes available for SCTP participation prior to the date previously submitted, he/she shall notify the commanding officer via a Form 15.07.00. When a deferment is of an indefinite time period, a Form 15.07.00 shall be submitted to the commanding officer when the applicant is available to participate.

**Withdrawal of Application.** If an applicant wishes to withdraw his/her SCTP application, the applicant shall complete a Form 15.07.00 requesting the application be withdrawn. The Form 15.07.00 shall be retained with the application.

**Training Division's Responsibility.** Training Division shall be responsible for:

- Providing direction and advice regarding the SCTP based on the goals and intent of the Consent Decree.
- Submitting an annual report to the federal court regarding the SCTP and its adherence to the Consent Decree.

**763.72 REASSIGNMENT OF LIEUTENANTS AND ABOVE.** The Chief of Police is authorized to advance or reassign officers in the paygrade positions of Lieutenant I through Deputy Chief II within their respective

classes, based upon the immediate needs and the best interests of the Department. When the needs or best interests of the Department dictate the reassignment to a lower paygrade of an officer holding one of these advanced paygrade positions, the officer shall be given ten days notice prior to such reassignment.

**Exception:** When captains are reassigned to a lower paygrade position, they shall be given a 15-day notice or one day for every year of completed service, whichever is greater, up to a maximum of 30 days notice.

### **763.75 GANG ENFORCEMENT DETAIL AND COMMUNITY LAW ENFORCEMENT AND RECOVERY PROGRAM- QUALIFICATION AND SELECTION REQUIREMENTS.**

**Basic Eligibility Requirements - Officers.** Prior to applying for a Gang Enforcement Detail (GED) or Community Law Enforcement and Recovery Program (CLEAR) position, officers shall have:

- Completed probation and have acquired three years as a police officer with the Department, two years [26 deployment periods (DP's)] of which must have been service performed in a geographic field (patrol), Transit Bus/Rail, and/or traffic assignment; and,
- Demonstrated a history and/or proficiency in a variety of law enforcement activities (i.e., interpersonal skills, administrative skills, cultural and community sensitivity, and a commitment to police integrity and professional conduct) as documented in an applicant's Standards Based Assessment-Lieutenant and Below, Form 01.87.00.

**Basic Eligibility Requirements - Supervisors.** Prior to applying for a GED/CLEAR position, supervisors shall have:

- A minimum of one year as a patrol supervisor;
- Completed and transferred from a probationary Area of supervisory assignment; and,
- Demonstrated outstanding leadership, supervisory, and administrative skills, as documented in an applicant's Standards Based Assessment-Lieutenant and Below.

**Application Requirements for a GED/CLEAR Position.** In addition to participating in a formal documented oral interview, sworn personnel applying for assignment to a GED/CLEAR assignment shall submit the following:

- Transfer Applicant Data Sheet, Form 15.88.00;
- Standards Based Assessment-Lieutenant and Below a minimum of the last two most recent ratings (annual or transfer) due prior to the start of the selection process. The two most recent ratings reviewed to determine selection to a GED/CLEAR must cover a period over a year;
- GED Selection Checklist, New Selection/Loans, Form 12.16.00; and,
- Training, Evaluation and Management Systems (TEAMS) Evaluation report (Promotion/Paygrade Advancement and BOR).

**Note:** An employee's TEAMS report, specifically, "Promotion, Paygrade Advancement and BOR" should not be over 30 days old.

**Transfer/Loan Requirements.** A transfer/loan of a supervisor or officer(s) into a GED/CLEAR assignment may be made to meet operational needs (e.g., a need for language/supervisory expertise, to address a dramatic increase in violent crime, or fill unexpected vacancies) by mutual agreement of the respective bureau commanding officers. In such cases:

**Note:** If the employee being transferred/loaned has objections or expresses concerns about being assigned to this assignment, the employee's concerns should be addressed and considered by the concerned bureau commanding officer.

- The application requirements listed in this section shall still be met except for submission of a Transfer Applicant Data Sheet and the formal documented oral interview. However, a supervisor from the gaining command must still have a meeting with the proposed employee being transferred/loaned. The date of this meeting shall be documented;
- Transfers/loans to GED/CLEAR based on operational needs shall be justified in writing on an Intradepartmental Correspondence, Form 15.02.00, and submitted along with the transferred/loaned employee's TEAMS Evaluation Report interview/selection package via the chain of command to the Commanding Officer, Detective Services Group, for informational purposes and review, as appropriate. The approved Intradepartmental Correspondence shall be maintained in the transferred/loaned employee's interview/selection package.
- Sworn employees loaned to a GED/CLEAR are exempt from the 13 DP limitation even if they leave the unit and then return for a permanent assignment prior to 13 DPs having elapsed. An employee that is loaned to a GED/CLEAR then permanently assigned without leaving the unit shall include their loan as part of the 39 DP limited tour assignment; and,

**Note:** A loan to a GED/CLEAR shall be limited to one 90-day loan within 13 DPs.

- Sworn employees transitioning from loanee status to permanent status in a GED/CLEAR shall not be subjected to the entire selection process anew if they do so during the 90-day loan period.

## **763.76 SELECTION PROCESS FOR GANG ENFORCEMENT DETAILS AND COMMUNITY LAW ENFORCEMENT AND RECOVERY PROGRAM.**

**Selection Process.** To be selected for a Gang Enforcement Detail (GED)/Community Law Enforcement and Recovery Program (CLEAR) assignment, candidates shall participate in either the advanced paygrade process or a Suitability Interview, as determined below:

### **Police Officer II**

- A Police Officer II (PO II) on a Police Officer III (PO III) eligibility list competing for a PO III GED/CLEAR vacancy (**advanced paygrade process**); or,
- A PO II applying for any PO II GED/CLEAR vacancy within or outside his or her assigned Area (**Suitability Interview**);

### **Police Officer III**

- A PO III transferring into a PO III GED/CLEAR vacancy (advanced paygrade process).

**Advanced Paygrade Selections.** The process and documentation requirements established for filling advanced paygrade positions have not changed, including the requirement that the position be advertised.

For selectees chosen via the advanced paygrade process, an Intradepartmental Correspondence, Form 15.02.00, justifying the selection is required (Human Resources Bureau Notice, dated March 29, 2001). The 15.02.00 shall be reviewed and approved by the respective bureau and the Office of Operations. The Office of Operations shall have final approval authority.

**Suitability Interview.** In addition to meeting all application requirements established in Department Manual Section 3/763.75, these applicants shall participate in an oral interview with the commanding officer and/or his or her designee. The Suitability Interview is not intended to mirror the oral interview process for advanced paygrade assignments. It is a method used to confirm a selectee's suitability for assignment to a GED/CLEAR.

**Note:** The Suitability Interview applies only to P IIs applying for a GED/CLEAR vacancy within or outside his or her assigned Area.

The commanding officer and/or his or her designee conducting the Suitability Interview shall ensure that the following information is documented on a TEAMS Evaluation Report, Form 01.78.04, or a GED Selection Checklist, Form 12.16.00, after the interview:

- Name of interviewer;
- Date of interview; and,
- Summary of discussion detailing suitability for GED/CLEAR assignment, emphasizing traits that indicate the selectee has demonstrated proficiency in a variety of law enforcement activities, necessary interpersonal and administrative skills, cultural and community sensitivity, and a commitment to police integrity.

**Documentation Requirements for All GED/CLEAR Selectees.** Commanding officers shall be responsible for documenting on a TEAMS Evaluation Report, a brief, positive evaluation of **all** GED/CLEAR selectees, incorporating reasons for that employee's selection. For applicants selected via the Suitability Interview, one TEAMS Evaluation Report may be used to document both the positive evaluation and the Suitability Interview. The Teams Evaluation Report shall be reviewed and approved by the respective bureau and the Office of Operations. The Office of Operations shall have the final approval authority.

Additionally, commands shall complete a Request for Transfer/Change in Paygrade, Form 01.40.00, for **all** GED/CLEAR selections and submit it to Position Control Section, Personnel Division (Human Resources Bureau Notice, dated March 29, 2001).

**763.77 REVIEW OF SELECTED CANDIDATE'S WORK HISTORY AND EVALUATION OF FINDINGS.** An interview/selection package must be prepared for each GED applicant or "operational need" transfer/loan as part of an eligibility review and assessment. Until such time as TEAMS II is available, supervisors and managers will, in addition to reviewing documentation listed in Manual Section 3/763.75, utilize existing Departmental databases, information, and other documents to conduct this eligibility review and assessment, to include:

- The applicant's Divisional Employee Folder, Form 01.01.00, and Department personnel package; and,
- Adverse judicial findings.

**Note:** The Legal Unit, Risk Management and Legal Affairs Division, will be contacted for information on adverse judicial findings.

The intent of reviewing an officer's work history is to assist in the evaluation of a candidate's appropriateness for GED duties and responsibilities.

**Documentation of Findings.** Supervisors must document in writing on a TEAMS Evaluation Report, Form 01.78.04, their consideration of any sustained complaint, adverse judicial finding, or discipline against an officer for each of the following:

- Excessive force;
- False arrest or charge;
- Improper search/seizure;
- Sexual harassment;
- Discrimination; or,
- Dishonesty.

Supervisors and managers may decide to select or retain (i.e., extension of assignment) an officer with a sustained complaint or adverse judicial finding in one or more of these categories. However, that decision must be justified in writing on a TEAMS II Evaluation Report and retained in the interview/selection package.

**Selection.** The interview/selection package for the selected candidate must be submitted to the Area commanding officer for review. If approved, the commanding officer must sign the TEAMS II Evaluation Report. Interview/selection packages must be securely maintained within the administrative offices of the Area commanding officer.

**Deselection.** Sworn personnel assigned to a GED may be deselected if they commit an act or behavior that would have disqualified them from selection to GED. Deselection will be considered if it involves any of the sustained allegations or adverse judicial findings resulting in a determination of misconduct in the categories listed in Manual Section 3/763.77. The Letter of Transmittal for the involved complaint must include either a recommendation to deselect or justification for retention.

**763.78 GANG ENFORCEMENT DETAIL AS A LIMITED TOUR ASSIGNMENT.** The Gang Enforcement Detail is a limited tour assignment. Officers and supervisors are limited to 39 deployment periods in a GED assignment. A GED officer **shall not** work in a GED assignment beyond the tour limit of 39 Deployment Periods until his/her extension request has been approved by the appropriate entity (i.e., the Bureau commanding officer or the Chief of Police, as determined by the duration of the extension requested) **and** placed in the officer's interview/selection package. To facilitate this, original extension requests (as submitted via a TEAMS II Evaluation Report) and related attachments shall, upon approval, be returned directly to the originating Area. Approving entities shall forward informational copies of approved extensions to the Commanding Officer, Counter Terrorism and Special Operations Bureau.

Additionally, officers and supervisors, at the end of their GED tours, are not eligible for another GED assignment, except with Chief of Police approval, until 13 deployment periods have elapsed since completion of their most recent GED assignment.

**Note:** A lapse period shall not apply to personnel currently assigned and transitioning from a Specialized Enforcement Unit (SEU) to a GED. A limited tour assignment is cumulative to include time spent in both an SEU and a GED.

Commanding officers must anticipate the culmination of these limited tours of duty and prepare for the transition of officers and supervisors assigned to a GED.

**Extension of Assignment.** An extension of up to three deployment periods in a GED may be granted upon written approval by a bureau commanding officer. Any longer extension shall require written approval from the Chief of Police. The Chief of Police will consider extensions of up to 26 additional deployment periods.

**Extension Review.** Sworn personnel may be considered for an extended GED tour if:

- They have performed in a competent manner, including adherence to the policies and procedures; and,
- Upon completion of an eligibility review and assessment, it is determined that such an extension would be in the best interests of the Department and the involved GED.

**Process for Extending a GED Assignment.** Prior to the end of an employee's GED tour, a GED supervisor interested in extending an employee's assignment shall conduct another eligibility review and assessment on the employee as outlined in this section. This assessment, i.e., the GED Selection Checklist, Extension Request, Form 12.16.01, a current TEAMS II report (promotion/paygrade advancement TEAMS II printout only), and all available attachments shall be submitted via the employee's chain of command for consideration and approval by the appropriate entity (as determined by the duration of the requested extension), and a copy placed in the employee's interview/selection package. Additionally, another eligibility review and assessment shall be conducted for employees after completion of 13 deployment periods in their extended capacity.

**Extension of Tour Limits for GED Personnel Affected By Military Leave of Absence.** Department personnel assigned to GEDs, who are activated by the military for 30 consecutive calendar days or more shall receive extensions of their GED tour-of-duty periods equal to the amount of time of their military leave. Upon an officer's return, the policy and procedures set forth in Department Manual Section 3/763.78 shall apply.

Area commanding officers and Gang Impact Team officers-in-charge shall ensure that the selection packages of GED personnel affected by military leave of 30 consecutive calendar days or more shall contain the following information:

- A copy of the military orders;
- A printout of the Deployment Planning System, documenting the officer's military duty status; and,
- An Intradepartmental Correspondence, Form 15.02.00, documenting the date of military activation, the officer's anticipated return date, and any other pertinent information. The original should be forwarded to Personnel Division and a copy placed in the individual's GED Selection Package maintained at their assigned division.

**Note:** In addition, the GED Tour Database shall be updated with new extension dates.

**763.79 TRAINING REQUIREMENT FOR SWORN PERSONNEL SELECTED FOR A GANG ENFORCEMENT DETAIL OR COMMUNITY LAW ENFORCEMENT AND RECOVERY PROGRAM ASSIGNMENT.** All officers and sergeants selected for a GED or CLEAR assignment shall be scheduled to attend the next available Department's Basic Gang Awareness Course and complete the training no later than six months after appointment into a GED or CLEAR assignment.

**COMMANDING OFFICER'S RESPONSIBILITIES.** Each commanding officer shall ensure that all officers and sergeants selected for a GED or CLEAR assignment are scheduled to attend the next available Department's Basic Gang Awareness Course and complete the training no later than six months after appointment into a GED or CLEAR assignment.

Each commanding officer shall ensure that a Supervisory Action Item (SAI) is initiated for each newly-appointed officer or supervisor, indicating that training is required with a due date of 180 calendar days. Upon completion of the training, the SAI shall be closed out, indicating the date of completion.



Commanding officers shall ensure that personnel currently assigned to GED and CLEAR units who have not attended the Department's Basic Gang Awareness Course are scheduled for attendance and complete the training during the next available course.

**763.80 SELECTION FOR LIMITED TOUR ASSIGNMENT TO EVIDENCE AND PROPERTY MANAGEMENT DIVISION.** Evidence and Property Management Division (EPMD) sworn personnel assigned to the Courier Unit are limited to 39 Deployment Periods (DPS).

**Note:** Sworn personnel assigned to the Courier Unit shall not work or be reassigned within EPMD beyond the limited tour (39 DPs), unless they have been approved for an extension by the Commanding Officer (CO) of EPMD.

**Courier Unit Limited Tour Assignment.** Sworn personnel seeking an assignment to the Courier Unit shall submit a Transfer/Loan package, which includes the following:

- A Transfer Applicant Data Sheet, Form 15.88.00;
- Two most recent Standards Based Assessments, Form 01.87.00; and,
- The TEAMS II report (Promotion/Paygrade Advancement TEAMS II report only).

**Loan Assignments.** Sworn personnel may seek a loan assignment to the Courier Unit by submitting an Employee's Report, Form 15.07.00, or receiving a referral from current staff or the CO, EPMD. Prior to consideration, all loanee personnel shall submit a Transfer/Loan package.

**Note:** If a loanee is selected for permanent assignment to EPMD within 90 days of completing the loan, a new eligibility assessment is not required. However, a loanee's Interview Evaluation/Questions and the EPMD Loan Rating shall still be reviewed and considered.

**Extension of Assignment.** Courier Unit assignments may be extended in special situations with the written approval of the CO, EPMD. The CO, EPMD, will consider one extension of up to 13 DPs. Prior to the end of an employee's limited tour assignment, an EPMD supervisor interested in extending an employee's assignment shall submit an Employee's Report, Form 15.07.00, justifying the reasons for the extension to the CO of EPMD.

**Commanding Officer's Responsibility.** The Commanding Officer, EPMD, shall monitor limited four assignment positions to ensure that assigned personnel do not exceed the maximum allowable time in the positions

## **763.85. FIELD TRAINING OFFICER QUALIFICATION AND SELECTION/ASSIGNMENT REQUIREMENTS.**

**Basic Eligibility Requirements.** Prior to applying for a FTO position, officers must have:

- Met the eligibility requirements established in the Field Training Manual; and,
- Demonstrated analytical skills, cultural and community sensitivity, diversity and commitment to police integrity that meet or exceed standards.

**Selection/Assignment Requirements.** Sworn personnel can be assigned to a FTO position in the following ways:

- A current Police Officer III in a non-FTO position (e.g., coming from an assignment in the same Area and competing for a FTO position);

- A Police Officer II on a Police Officer III eligibility list competing for a FTO position via the advanced paygrade selection process; or,
- A Police Officer III (an existing FTO or non-FTO) laterally transferring into a FTO position (Manual Section 3/762).

Sworn personnel competing for an FTO assignment must submit a Transfer Applicant Data Sheet, Form 15.88.00, their two most recent Standards Based Assessments - Lieutenant and Below, Form 01.87.00, and a current copy of their Training Evaluation and Management System II (TEAMS II) report (promotional/paygrade advancement TEAMS II report only).

**Review of Selected Candidate's Work History and Evaluation of Findings.** In addition to reviewing documentation listed above, commanding officers will utilize existing Departmental databases, information and other documents to assess a selected FTO candidate's work history, to include:

- Review the employee's entire complaint history, including failure to appear, failure to qualify, and preventable traffic crash;
- Review **all** sustained and pending complaints to ascertain if they contain elements of excessive force, false arrest or charge, improper search/seizure, sexual harassment, discrimination, or dishonesty;

**Note:** Listing the complaint history or attaching a TEAMS II report is insufficient.

- Review any adverse judicial findings that contain any element of excessive force; false arrest or charge, improper search/seizure, sexual harassment, discrimination, or dishonesty and the judicial finding in making the selection; and,
- Ensure that any information obtained regarding LERI and In-Custody Deaths from the Use of Force Division is documented in the narrative section.

**Note:** The Legal Unit, Risk Management and Legal Affairs Division, must be contacted for information on adverse judicial findings.

The intent of reviewing a selected candidate's work history is to assist in the evaluation of that candidate's appropriateness for FTO duties and responsibilities.

Commanding officers must document their consideration of any sustained complaint, adverse judicial finding, or discipline against a selected candidate on a TEAMS Evaluation Report (TER), Form 01.78.04, for each of the following:

- Excessive use of force;
- False arrest or charge;
- Improper search or seizure;
- Sexual harassment;
- Discrimination; or,
- Dishonesty.

Commanding officers may decide to select or retain an employee with a sustained complaint or adverse judicial finding in one or more of these categories. However, that decision must be justified in writing on a TER and retained in the interview/selection package.

It remains the responsibility of each FTO to maintain proficiency in the performance as an FTO including the requirements established for eligibility and in the Field Training Manual. The FTO must also remain in

compliance with current requirements, including the successful completion of the Peace Officer Standards and Training mandated FTO Course and any required FTO recertification course(s). It is incumbent upon commanding officers to continually monitor the performance of their command's FTOs and their compliance with FTO training standards.

The Department must ensure that FTOs receive adequate training, including training to be an instructor, and training in Department policies and procedures to enable them to carry out their duties. Training requirements are detailed in the Department's Field Training Manual.

**Review of Candidate's Work History and Evaluation of Findings — Lateral Transfers.** Sworn employees seeking to laterally transfer into an FTO position must submit the following for review and approval by both the current commanding officer and the commanding officer of the receiving Area/division:

- Request for Transfer and/or Change in Paygrade, Form 01.40.00;
- Current TEAMS II report (promotional/paygrade advancement TEAMS II report only); and,
- Standards Based Assessment - Lieutenant and Below, Form 01.87.00 (two most recent).

When approved, the documents will be forwarded to and maintained at Personnel Division. Upon actual transfer of a sworn employee, the receiving commanding officer must conduct another work history review and assessment as required in Manual Section 3/762.80.

**Conditional Assignment Pending Training.** Every employee selected for or assigned to an FTO position must have successfully completed FTO School prior to working with a probationer in the Structured Field Training Program, and he/she must meet the training requirements detailed in the Field Training Manual.

An officer's FTO assignment is **conditional** upon successful completion of the requisite school(s). If the officer is unable to successfully complete the requisite school, a Notice to Correct Deficiencies (NTCD), Form General 78, will be served to the officer, who will then have **90 days** to complete remedial training.

Absent exigent circumstances such as extended illness or injury, the FTO candidate will be downgraded or transferred to a non-FTO position if he/she fails to successfully complete remedial training, pursuant to Manual Sections 3/763.55 and 3/762.35. In the case of a downgrade and/or transfer of an employee during this conditional assignment phase, the employee may seek an administrative appeal via Employee Relations Group.

**Note:** The current Memorandum of Understanding (MOU #24) outlines the administrative appeal process and filing requirements.

Additionally, an officer who is deselected and downgraded from an FTO position, per Manual Section 3/763.55, must not be assigned an advanced paygrade position for at least 26 Deployment Periods (two years).

An FTO's commanding officer will have final authority for removing an FTO from the responsibility of training a probationer in the Structured Field Training Program.

**763.87 ACKNOWLEDGMENT RECEIPT.** All sworn employees seeking assignment to an FTO position must complete an Acknowledgment Receipt (Acknowledgement). The Acknowledgment provides notice to employees that assignment to an FTO position is conditional pending successful completion of the requisite training, and that failure to complete the training will result in an employee's reassignment to a lower pay grade.

Sworn employees must submit a signed Acknowledgment along with the Transfer Applicant Data Sheet and other required documentation as required to apply for an FTO position. Upon selection as an FTO, the Acknowledgment shall be filed in the employee's divisional personnel package. In the case of a lateral transfer

from one FTO position to another, signing a new Acknowledgment is not be necessary. If an employee leaves an FTO position for another paygrade advancement position, then returns to an FTO position at a later time, a new Acknowledgment must be signed.

**763.89 COMMANDING OFFICER'S RESPONSIBILITY.** Commanding officers will, either prior to the oral interview for an FTO position or prior to approving a lateral transfer, ensure that each employee who may be conditionally assigned as an FTO reads and signs an Acknowledgment Receipt (Acknowledgement). For employees selected, the original Acknowledgement will be placed in their divisional personnel package, and a copy must be placed in their interview/selection package. For employees not selected, the original Acknowledgement will be retained in their interview/selection package.

Commanding officers must ensure that FTOs who fail to meet minimum FTO training requirements, or who otherwise display weakness in their job performance of a particular area are provided appropriate remedial training. Commanding officers are also responsible for initiating a request for reassignment to a lower paygrade position when an FTO fails to successfully complete an FTO certification or recertification course, or otherwise demonstrates an inability or unwillingness to perform the essential duties of an FTO. The commanding officer must report FTO deselections (limited to those resulting from poor performance or misconduct that would have precluded their initial selections as FTOs) within seven days of the action via an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Training Division. The Form 15.02.00 must include the date of the action, the employee's name and serial number, and reason for the deselection.

In limited circumstances where it may be appropriate to initiate an administrative transfer without a reduction in paygrade, the commanding officer must submit a request for an exception to the Chief of Police via the commanding officer's chain of command and Employee Relations Group. If that request is approved, the employee will either be reassigned to a non-FTO position or administratively transferred pursuant to the provisions of Manual Section 3/762.35.

**Commanding Officer, Training Division, Responsibility.** The Commanding Officer, Training Division, must ensure that all employees completing FTO School have been evaluated on their ability to perform the duties and responsibilities listed in Manual Section 3/763.85. Each officer will be evaluated on these requirements. A checklist of these duties and responsibilities will be prepared for each employee successfully completing the training and forwarded to that employee's assigned Area/division upon completion of training. The duties and responsibilities checklist will be maintained in the employee's divisional personnel package.

In the event an FTO fails to successfully complete the 40-hour basic FTO School or other required FTO 24-hour recertification or refresher course, the Commanding Officer, Training Division, must schedule the employee for remedial training as soon as practicable and must, without delay, assign a supervisor to counsel the employee and complete a Notice to Correct Deficiencies (NTCD), Form General 78. In the event an employee fails to successfully complete FTO School and remedial training, the employee's commanding officer will be notified both verbally and via an Intradepartmental Correspondence.

**763.90 FIELD TRAINING OFFICER DESELECTION.** Sworn employees assigned as FTOs may be deselected for acts or behaviors that would have disqualified them from selection as an FTO. Deselection of an FTO must be consistent with the Department's downgrade and/or administrative transfer procedures (Department Manual Sections 3/762.35 and 3/763.55). Deselection will be considered if it involves a sustained allegation in the categories listed in Manual Section 3/763.85. The Letter of Transmittal for that complaint must include either a recommendation to deselect or justification for retention.

**764. ASSIGNMENT OF CIVILIAN EMPLOYEES TO ADVANCED PAYGRADES.**

**764.10 EVALUATION RESPONSIBILITY - OFFICE OF SUPPORT SERVICES.** Office of Support Services shall be responsible for the following duties relative to advanced paygrade evaluation procedures for civilian employees:

- Administration of advanced paygrade evaluation procedures in accordance with present and anticipated Departmental needs;
- Establishment of eligibility requirements for applicants to each advanced paygrade assignment in compliance with the provisions of Chief Administrative Officer (CAO) Rule 12;
- Determination and verification of individual eligibility for advanced paygrade assignments; and,
- Advertisement of advanced paygrade positions in the Civilian Paygrade Advancement and Transfer Opportunities for ten (10) days.

**764.20 ADVANCED PAYGRADE ASSIGNMENT PROCEDURES.**

**Reporting Vacancies.** Commanding officers who have, or anticipate a civilian advanced paygrade vacancy within their command shall notify Civilian Personnel Services Section, Personnel Division, as soon as they become aware of such a vacancy. To ensure that all employees are aware of vacancies in advanced paygrade positions, commanding officers shall cause the notice of Civilian Paygrade Advancement and Transfer Opportunities to be posted in a designated, conspicuous location on the divisional bulletin board for a one-week period.

The commanding officer may also elect to advertise Citywide. If, after advertising Citywide there are no qualified candidates who meet the minimum standards for that position, a request for certification of the eligible list may be made.

**Note:** Available Department and/or Citywide candidates who have applied and were not appointed to advanced paygrade vacancies shall be notified prior to any certification of the eligible list.

**Application/Selection of Civilian Employees to Advanced Paygrades.**

**Employee's Responsibility.** Civilian employees interested in applying for an advertised position shall forward the following forms to the concerned commanding officer:

- A completed Departmental Application for Employment Form.
- Copies of their last two annual Employee Evaluation Reports, Form PDAS-28.

**Commanding Officer's Responsibility.** When a commanding officer has six candidates or less, all of the candidates shall be interviewed. If there are more than six candidates, the commanding officer may screen the candidates to reduce the number to the six best qualified. The screening process shall include the following considerations:

- The relevancy and recency of the candidate's experience and education as indicated on the Departmental Application for Employment Form;
- The candidate's last two Employee Evaluation Reports, Form PDAS-28; and,
- Other written job-related criteria and minimum acceptable standards as established by the concerned commanding officer and the Commanding Officer, Personnel Division.

Selection shall be made by the concerned commanding officer based upon the criteria outlined above and approved by the concerned bureau commanding officer. Upon approval of the recommendation, the concerned commanding officer shall:

- Forward a completed Request for Transfer and/or Change in Paygrade, Form 01.40.00, to the Civilian Personnel Services Section, Personnel Division, for the candidate selected;
- List on the back of the original copy of the Form 01.40.00 submitted for the successful candidate the name, serial number, gender, ethnicity, and City department (for candidates from other than the Police Department) of those candidates who have applied for the advanced paygrade position and were not selected; and,
- Retain any documentation generated in the selection process, including the Departmental Application for Employment Form, and the Employee Evaluation Report, Form PDAS 28, for the advanced paygrade assignment in the concerned Area/division in accordance with the Los Angeles City Administrative Code, Section 12.3, Records Retention Schedule. The documentation shall be retained for a period of ten years, three years in the concerned Area/division and seven years at the City Records Center.

**764.30 REASSIGNMENT TO LOWER PAYGRADE - PROCEDURES.** A civilian employee may be reassigned to a lower paygrade position within his/her classification when one of the following conditions exists:

- The position is terminated;
- The employee requests the assignment;
- The employee has unsatisfactorily performed his duties; or,
- The best interests of the Department will be served.

The Form 01.40.00 shall be initiated by the employee's commanding officer when an employee is to be reassigned to a lower paygrade position.

**Exception:** When the assignment to a lower paygrade is requested by the employee, the employee shall initiate the Form 01.40.00.

The following procedures shall apply to civilians reassigned to lower paygrades:

- The concerned commanding officer shall cause the Form 01.40.00 to be forwarded, through channels, to the concerned bureau commanding officer;
- Upon concurrence, the concerned bureau commanding officer shall cause the Form 01.40.00 to be forwarded to the Commanding Officer, Personnel Division; and,
- The Commanding Officer, Personnel Division, shall:
- Cause a review of the reassignment action to ensure adherence to proper personnel practices;
- Cause the effective date of the reassignment to be entered on the Form 01.40.00; and,
- Cause the appropriate changes to be made in the employee's payroll records.

**764.40 CIVILIAN ADVANCEMENT TO HIGHER PAYGRADE POSITION.** The commanding officer requesting the advancement in paygrade of a civilian employee under his command shall cause verification of the employee's current eligibility. The requesting commanding officer shall cause the Form 01.40.00 to be forwarded, through channels, to the concerned group or bureau commanding officer for approval. Upon approval of the recommendation, the concerned group or bureau commanding officer shall cause the Form 01.40.00 to be forwarded to the Commanding Officer, Personnel Division.

The Director, Office of Support Services, shall:

- Also cause verification of the employee's eligibility for advancement and cause the effective date of the advancement to be entered on the Form 01.40.00; and,

- Be responsible for the initiation of procedures to cause appropriate changes to be made in the employee's payroll records. The Form 01.40.00 shall be filed in the employee's personnel folder.

**764.50 REASSIGNMENT FOR UNSATISFACTORY PERFORMANCE OF DUTIES.** When an employee fails to satisfactorily perform the duties of the paygrade position to which he/she is assigned, the following procedures shall apply:

- The employee's immediate supervisor shall counsel the employee regarding the performance deficiencies and shall complete a Notice to Correct Deficiencies, Form General 78, and cause distribution of the form.
- Should the employee's performance remain unsatisfactory, the commanding officer shall:
  - Complete an Intradepartmental Correspondence, Form 15.02.00, recommending the reassignment of the employee to a lower paygrade position and citing the reasons for the recommendation;
  - Complete a Request for Transfer and/or Change in Paygrade, Form 01.40.00, on the employee;
  - Cause the completion of a Standards Based Assessment – Lieutenants and Below, Form 01.87.00, on the employee;
  - Forward the Forms 15.02.00, 01.87.00, and 01.40.00 through channels to the Director, Office of Support Services; and,

**Exception:** When the concerned group or bureau commanding officer, or Chief of Staff does not concur in the recommendation, the Forms 15.02.00, 01.87.00, 01.40.00, and a Form 15.02.00 explaining the reasons for non-concurrence shall be returned to the employee's commanding officer.

- Inform the employee of the recommendation and provide him/her with a copy of the Forms 15.02.00 and 01.87.00.

**765. MERIT PAY PROCEDURES.**

**765.05 MERIT PAY - ELIGIBILITY REQUIREMENTS.** Merit pay is awarded to officers of all ranks upon completion of a specified length of service at the appropriate pay step and the certification of the required standard of service.

**Ranks of Police Officer through Lieutenant.** For the ranks of police officer through lieutenant, merit pay (Pay Step 5) is awarded after the completion of one year of service at the fourth pay step and certification of a satisfactory standard of service.

**Ranks of Captain through Deputy Chief.** To be eligible for each merit step, an officer must maintain a standard of service based on the following criteria:

Performance Rating	Minimum Service at Preceding Step		
	(Pay Step 5)	(Pay Step 6)	(Pay Step7)
Satisfactory	2 Years	---	---
Excellent	1 Year	2 Years	---
Outstanding	1 Year	1 Year	2 Years

**Note:** The minimum standard of service specified must have been maintained during the entire period required for qualification.

Officers of all ranks must maintain the following minimum level of performance to continue to receive each applicable merit step:

<b>Step 5</b>	<b>Step 6</b>	<b>Step 7</b>
Satisfactory	Excellent	Outstanding

When the standard of service of an officer falls below the minimum level required for the merit step which he/she is currently receiving, action shall be initiated to reduce the officer's salary to a level appropriate to his/her standard of service.

#### **765.10 APPROVAL OF ELIGIBILITY FOR MERIT PAY.**

**Lieutenants and Below.** The Commanding Officer, Fiscal Group, shall cause the upper portion of the Certification of Standard of Service, Form 01.37.00, to be completed and forwarded to the commanding officer of the concerned officer at least 30 days prior to the officer's completion of one year of service at the fourth pay step. When the officer's standard of service is at the required level, the commanding officer shall sign the Form 01.37.00 and forward it to Fiscal Group.

**Captains and Above.** The Commanding Officer, Personnel Division, shall cause the eligibility status of officers of the ranks of captain and commander to be verified through the administrative office of Office of Support Services and the eligibility status of an officer in the rank of deputy chief to be verified through the Office of the Chief of Police, at least 30 days prior to a staff or command officer's completion of the required period of service for merit-pay advancement.

If the concerned staff or command officer is eligible for merit-pay advancement, the Commanding Officer, Personnel Division, shall cause the upper portion of the Form 01.37.01 to be completed and forwarded to the concerned Office, Chief of Staff, or bureau commanding officer. The Form 01.37.01, upon approval, shall be returned to the Commanding Officer, Personnel Division.

#### **765.15 WITHHOLDING, REMOVAL, OR REDUCTION OF MERIT PAY.**

**Ranks of Commander and Below.** When a commanding officer receives a Form 01.37.00 and it is determined that the concerned officer's standard of service does not meet the minimum criteria necessary for merit-pay advancement, the commanding officer shall immediately complete an Intradepartmental Correspondence, Form 15.02.00, stating the reasons for recommending that the merit-pay advancement be denied. A copy of the latest service rating report, the Form 15.02.00, and the Form 01.37.00 shall be forwarded, through channels, to the Director, Office of Support Services.

When a commanding officer determines that an officer's standard of service is such that his/her existing merit pay is in jeopardy, the commanding officer shall cause the officer to be advised of the deficiency and shall cause a Notice to Correct Deficiencies, Form General 78, to be completed and distributed. The commanding officer shall retain one copy. When the deficiency is not corrected within a reasonable time, the commanding officer shall complete the appropriate service rating report and a Form 15.02.00 containing a comprehensive report of the officer's deficiency and failure to take corrective action. The rating report, the Form 15.02.00, and the commanding officer's copy of the Form General 78 shall be forwarded, through channels, to the Director, Office of Support Services.



**Exception:** When a bureau commanding officer has reclassified the recommended rating of a captain or commander, and such reclassification requires a change in the officer's merit pay step, the concerned bureau commanding officer or Chief of Staff shall immediately forward a Form 15.02.00 and a copy of the related Performance Evaluation Report – Captains and Above, Form 01.33.00, to the Director, Office of Support Services.

**Rank of Deputy Chief.** Determination for the advancement, withholding, removal, or reduction of merit pay for officers of the rank of deputy chief shall be made by the Chief of Police. The concerned deputy chief shall be given written notice relative to merit-pay determination and may request a hearing with the Chief of Police to discuss the merit-pay evaluation. An appeal of the determination of the Chief of Police relative to merit-pay changes for officers of the rank of deputy chief may be made to the Board of Police Commissioners within five administrative working days.

**765.20. Appeal Procedures for the Denial, Removal or Reduction of Merit Pay - Lieutenant and Below.** Upon receipt of the notification that the Chief of Police has authorized the denial, removal or reduction of merit pay, the concerned employee may file, within five business days, a written appeal with the Board of Police Commissioners. The Board of Police Commissioners will hear the appeal and render the final decision.

When an employee who has been disqualified to receive merit pay achieves the required standard of service, the employee's commanding officer must, without delay, complete the appropriate Standards Based Assessment (SBA) - Lieutenant and Below, Form 01.87.00, and an Intradepartmental Correspondence, Form 15.02.00, requesting the initiation of recertification procedures. The bureau commanding officer must add his/her recommendations and forward the SBA and the Intradepartmental Correspondence, through channels, to the Chief of police for the final determination.

## **766. LONGEVITY PAY PROCEDURES-SWORN PERSONNEL.**

**766.10 DISQUALIFICATION.** When a commanding officer determines that an officer receiving longevity pay has an unsatisfactory standard of service, he shall:

- Cause a Notice to Correct Deficiencies, Form General 78, to be completed and distributed. The Notice shall contain a statement that the officer's longevity pay is in jeopardy; and,
- Six months after issuing the Notice, if the officer's standard of service has not improved to a satisfactory level, complete a rating report and an Intradepartmental Correspondence, Form 15.02.00, comprehensively recording the officer's deficiencies. The Form 15.02.00, along with a copy of the rating report and Notice, shall be forwarded through channels to the Director, Office of Support Services.

**766.20 REINSTATEMENT.** When a commanding officer determines that an officer previously disqualified from receiving longevity pay has improved his/her standard of service to a satisfactory level, the commanding officer shall complete a rating report and a Form 15.02.00, recording the improvement, and forward them through channels to the Director, Office of Support Services.

**766.30 REVIEW AND APPROVAL.** Upon receipt of a recommendation to withhold or reinstate longevity pay, the Director, Office of Support Services, shall ensure that the information is complete and forward it through channels to the Chief of Police. Upon approval of the Chief of Police, Personnel Division shall forward a Payroll/Personnel Change Document, Form General 41, to Fiscal Group.

## **767. CAREER OPPORTUNITY INFORMATION.**

**767.10 CAREER OPPORTUNITY NOTICES - BINDER.** Copies of career opportunity information shall be maintained in the "Career Opportunity Notice" binder until no longer current. Career opportunity information includes the following:

- Department Paygrade Advancement and Transfer Opportunity Notices;
- Department Paygrade Advancement Examination announcements;
- Office of Support Services Notices relating to training or educational opportunities;
- Personnel Department Newsletter;
- Weekly Summary of City Job Opportunities;
- Weekly Summary of City Promotional Examinations; and,
- Citywide Civil Service open and promotional examination bulletins.

Career Development Section, Training Division shall be responsible for:

- Maintaining a copy of **all** career opportunity notices issued;
- Distributing "Career Opportunity Notice" binders to all Department commands; and,
- Maintaining a list of the locations of all binders.

**767.30 COMMANDING OFFICERS' RESPONSIBILITY.** All Department commanding officers shall ensure that:

- "Career Opportunity Notice" binders are maintained in a conspicuous and readily accessible location;
- Each binder contains a current copy of all pertinent publications, and that any missing notices are immediately obtained from the Career Development Section, Training Division; and,
- All employees under his/her command are made aware of the "Career Opportunity Notice" binder and are encouraged to review its contents frequently.

## **768. INTEGRITY OF CIVIL SERVICE EXAMINATIONS.**

**Rules Prohibiting Communications With, or By, Examination Board Members.** Except during communications among members of a board discussing a candidate's qualifications, and presentations by candidates during interviews:

- Communication shall not be made to any member of an examination board in an attempt to influence that member's appraisal of a candidate, and,
- An examination board member shall not communicate with any other person regarding a candidate to be interviewed.

**Examination Board Members-Instructions.** Department employees selected as examination board members for entry-level, promotional, and advanced-paygrade interviews for sworn and civilian personnel shall acquaint themselves with, and adhere to, the principles and objectives outlined in the **JOB INTERVIEW HANDBOOK FOR EXAMINATION BOARD MEMBERS**, which is maintained by Personnel Division.

Personnel Division shall ensure that board members are afforded the opportunity to familiarize themselves with the contents of the handbook prior to serving on such boards.

**Violation of Rules.** A violation of these rules by a Department employee shall be considered serious, unethical misconduct.

**768.05 EMPLOYEES SELECTED TO ASSIST THE PERSONNEL DEPARTMENT WITH CIVIL SERVICE EXAMINATIONS -RESPONSIBILITY.** Employees selected to participate in either developing, reviewing, grading, or interviewing candidates for civil service examinations shall not:

- Tell anyone, except their immediate supervisor, that they will be serving; or,
- Discuss or divulge any information concerning the content of an examination.

**Note:** Employees eligible as a member of the candidate group shall not participate in any aspect of developing, reviewing, or grading of the civil service examination.

**Examination Documentation and Test Preparation.** An employee selected as a subject matter expert to develop written or interview questions for any civil service examination will be required to sign an agreement with the Civil Service Commission to become a Special Examining Assistant. The employee shall comply with the conditions detailed in the agreement provided by the Civil Service Commission.

**Examination Interviewer.** An employee selected to be an interviewer on any civil service examination shall **not** discuss **specific** rating factors, candidates, or scores outside the interview room.

**Note:** An employee selected as an interviewer will not be prohibited from assisting with promotion seminars, participating in promotion motivated career counseling sessions, or from teaching in-service training which provides for the enhancement of another employee's promotability, as long as the disseminated information is of a general nature.

**Examination Grader and Protest Reviewer.** An employee selected to grade civil service examinations or review civil service examination protests shall work on the test material in a secure area where exposure of the material to others is impossible. When the material is not being reviewed it shall be locked in a location accessible only to the grader.

**768.10 CANDIDATES PARTICIPATION IN CIVIL SERVICE EXAMINATIONS - RESPONSIBILITY.** Candidates who participate in a civil service examination process shall not:

- Contact any member of the oral examination board before or after their interview to discuss the interview or grades given; or,
- Discuss the content of their oral interview with other candidates prior to the completion of the examination process.

**769. ASSIGNMENT AS CLASS INSTRUCTOR IN TRAINING DIVISION.** An officer who is assigned as an instructor for a training class conducted by Training Division shall consider such assignment as his/her primary duty during the period for which the class is scheduled. Notification to an officer that he/she will instruct a training class shall be considered as a direct order from his/her immediate commanding officer to be present at the scheduled time and place.

**Absence from Scheduled Class.** An officer who is unable to conduct his/her scheduled training class shall secure permission from the Commanding Officer, Training Division, to absent himself/herself from the class. Permission shall be requested in time to permit substitute instruction to be arranged.

**769.40 PREPARATION OF TRANSPARENCIES AND TRAINING AIDS.** Photographic transparencies and other training aids shall be prepared at Department expense following the approval of the Commanding Officer, Training Division.

**769.60 CUSTODY OF TRANSPARENCIES AND TRAINING AIDS.** Photographic transparencies and other training aids shall be in the custody of the Commanding Officer, Training Division. Written permission from the Commanding Officer, Training Division, shall be obtained before such material is removed from the premises.

**770. PHYSICAL FITNESS AND PHYSICAL FITNESS TESTS.**

**770.20 TRAINING DIVISION - COMMANDING OFFICER'S RESPONSIBILITY.** The Commanding Officer, Training Division, shall:

- Provide information and assistance relevant to divisional physical fitness programs;
- Provide information regarding a minimal, low-stress physical fitness test that may be used by physical fitness coordinators;
- Monitor divisional programs to assure compliance with program objectives; and
- Ensure that certification of employees in the use of Department-approved weight equipment is accomplished by an accredited physical fitness coordinator and that the name of the certified officer is entered into the Training Management System File.

**770.30 PHYSICAL FITNESS COORDINATOR - RESPONSIBILITY.** Divisional physical fitness coordinator or training coordinator shall:

- Encourage all officers, particularly those who are not physically fit, to participate in a voluntary physical fitness and health maintenance program, including annual medical examinations with their private physicians, and provide them with physical fitness information.

Physical fitness coordinators certified by Training Division to train employees in the use of Department-approved weight training equipment shall:

- Certify Department personnel in the use of approved weight training machines and related equipment;
- Review all reports relating to weight training machine injuries within their assigned Area/division to ensure the involved officer was properly trained and the equipment was not defective; and,
- Forward the names of employees certified in the use of Department-approved weight training equipment to the Arrest and Control/Physical Training Unit, Training Division.

**Inspection of Weight Equipment.** Physical fitness coordinators or training coordinator assigned to geographic Areas shall conduct a monthly inspections of Department approved weight training equipment for safety hazards and advise the watch commander of the inspection for recordation on the Watch Commander's Daily Report, Form 15.80.00. In addition, an audit of the sign-in sheets should be conducted quarterly to determine if employees have been weight-training certified. If an unsafe condition is discovered, the physical fitness coordinator shall:

- Place a sign in a conspicuous location on the machine advising concerned personnel of the hazard;
- Telephonically contact the officer in charge of the Arrest and Control/Physical Training Unit, Training Division, and be guided by their advice; and,
- Follow the procedures outlined in Department Manual Section 3/275.30.

**Note:** The commanding officers of all locations where Department-approved weight training rooms are located, shall assign their physical fitness coordinator to inspect Department-approved weight training equipment.

## **771. WEIGHT CONTROL PROGRAM.**

**771.20 CONCERNED COMMANDING OFFICER'S RESPONSIBILITY.** The commanding officer of an officer who, based on a physical examination at Central Receiving Clinic, is overweight shall:

- Counsel the officer;
- Ensure periodic divisional weight checks and maintain a record of each weighing;
- Report the officer's progress, or lack of progress, on the appropriate rating report;
- Notify the Medical Liaison Section, Personnel Division, when an officer attains the recommended weight; and,
- Advise any officer who, due to aggravated circumstances, is in need of a *medically supervised* weight-reduction program to telephonically contact the Medical Liaison Section for possible assignment to the Overweight Clinic.

**Note:** A commanding officer who feels an officer's physical condition is adversely affecting the officer's duty performance may order an officer to appear at Central Receiving Clinic for a physical examination and evaluation. The Officer's examination shall be scheduled through the Medical Liaison Section, Personnel Division.

**772. DEPARTMENT ATHLETIC ACTIVITIES.** An Injury resulting from an athletic activity will be considered as Injured on Duty, providing:

- It was sustained while participating in an approved athletic activity at an approved location;
- The injured employee had signed an Athletic Activity Register, Form 13.14.00, prior to the actual participation;
- The employee complied with all conditions established by the Commanding Officer, Training Division; and,
- The injured employee was examined by City-contracted First Care Panel Provider or a pre-designated physician. The City of Los Angeles Pre-Designated Physician Form must be on file at Medical Liaison Section (MLS) prior to the date of the injury.

**Employee's Responsibility.** All Department employees using Department athletic sites and equipment or participating in Department athletic activities are required to be on full unrestricted duty status. Unrestricted duty status is defined as having no physical or medical restrictions.

**Exception:** Employees who are on restricted duty status, but have received documentary approval from MLS, Personnel Division, may participate in Department athletic activities defined by the documentary approval. Employees can receive documentary approval by submitting medical documentation to their Sick and Injured on Duty Coordinator that:

- The off-duty use of Department athletic sites or equipment is part of an injury recovery program; and,
- The Department athletic activity will not hinder the recovery or aggravate the employee's condition.

**Note:** Medical documentation may be subject to review by a physician designated by the Department. Officers on restricted duty status shall not engage in Department athletic activity unless documentary approval has been granted.

**Sick and Injured on Duty Coordinator's Responsibilities.** Upon receipt of medical documentation, Sick and Injured on Duty Coordinators shall forward the documentation to MLS for review and approval.

**Commanding Officer's Responsibilities.** Commanding officers shall ensure that Sick and Injured on Duty Coordinators forward the medical documentation to MLS for review and approval.

**Medical Liaison Section-Special Duties.** Medical Liaison Section shall approve medical documentation for restricted duty employees who wish to use Department athletic sites and equipment or participate in Department athletic activities. Medical Liaison Section shall also arrange to have medical documentation reviewed by a City physician at their discretion. Additionally, MLS shall provide the concerned Sick and Injured on Duty Coordinator with the results of their findings.

**772.05 DEPARTMENT-APPROVED ATHLETIC ACTIVITIES.** The Director, Office of Support Services (OSS), shall be responsible for approving and maintaining a list that clarifies the athletic activities selected for the purpose of determining Injured on Duty (IOD) status. The Director, OSS, shall periodically review, and, if necessary, update this list, with insight from the Commanding Officer, Training Bureau; the Commanding Officer, Training Division; and, the Athletic Director, Los Angeles Police Revolver and Athletic Club (LAPRAAC). The following athletic activities are classified as the only activities approved for purposes of determining IOD status, if performed at an approved location:

- Athletic activities requested for approval by the LAPRAAC; recommended for approval by the Commanding Officer, Training Division, and approved by the Director, OSS;

**Note:** Recreational athletic activities held during Department social activities are **NOT** authorized for IOD status in accordance with California Labor Code Section 3600(a) (9).

- Basketball, intradepartmental teams under the supervision of an athletic coach appointed by LAPRAAC, or basketball at the Police Academy Gymnasium;
- Handball, when wearing eye protectors and padded safety gloves;
- Racquetball, when wearing eye protectors;
- Running, jogging, bicycling, or walking on courses which start and end at a Department facility;

**Note:** Bicyclists must wear a safety helmet and padded gloves.

- Self-defense training under the supervision of a Department approved instructor;
- Slow pitch softball, intradepartmental teams under the supervision of an athletic coach appointed by LAAPRAC;
- Swimming;
- Tennis;
- Volleyball;
- Wrestling; and,
- Weight training at a Department facility, after receiving the Department's Weight Training Certification conducted by the Arrest and Control/Lifetime Fitness Unit, Training Division.

**Exception:** The Director, OSS, may approve additional athletic activities on a case-by-case basis, as needed, for the purpose of determining IOD status.

**Note:** Safety equipment required by the approved athletic activity shall be worn by all employees.

**772.07 DEPARTMENT-APPROVED ATHLETIC ACTIVITY LOCATIONS.** For the purpose of determining Injured on Duty status, approved athletic activity locations are defined as Department facilities, Training Division sites, and any other locations recommended for approval by the Commanding Officer, Training Division, and approved by the Director, Office of Support Services.

**772.09 DEPARTMENT-APPROVED POLICE GAMES AND SIMILAR EVENTS.** The Director, Office of Support Services (OSS), shall be responsible for approving police games and similar events for the purpose of determining Injured on Duty (IOD) status.

**Note:** The Department-approved athletic activities, as referenced in Department Manual Section 3/772.05, shall be the **only** athletic activities approved for the purpose of determining IOD Status during police games and similar events.

The Director, OSS, shall maintain a list of approved police games and similar events and shall periodically review, and, if necessary, update the list with insight from the Commanding Officer, Training Bureau (TRB); the Commanding Officer, Training Division; and, the Athletic Director, Los Angeles Police Revolver and Athletic Club (LAPRAAC). The Commanding Officer, TRB, shall be responsible for publishing the police games and similar events list, as needed. Examples of approved police games and similar events include, but are not limited to, the following events: World Police and Fire Games, United States Police and Fire Championships, Nevada Police and Fire Games, Arizona Police and Fire Games, and Western States Police and Fire Games, by approved team members who are listed on an Athletic Activity Register, Form 13.14.00, and under the supervision of an athletic coach.

**Note:** Training for a Department-approved athletic activity in preparation for police games and similar events, when it is conducted at a Department-approved location, shall be classified as approved for the purpose of determining IOD status.

**772.10 APPROVED ATHLETIC ACTIVITIES - CIVILIAN EMPLOYEES.** Detention Officers assigned to jail duties are authorized to use Department weight machines and related equipment (free weights and barbells) after they have received a weight training certificate from a physical fitness coordinator certified by Training Division.

An injury incurred during the use of approved weight machines or related equipment will be considered as injured-on-duty providing:

- The employee has been Department certified in the use of approved weight machines and related equipment; and,
- The employee has met all other required provisions (Manual Section 3/772.).

**772.45 REGISTRATION OF ATHLETIC ACTIVITY PARTICIPATION.** An Athletic Activity Register, Form 13.14.00, is maintained in the Police Academy locker room and swimming pool office and by each team manager. Prior to participation in an approved athletic activity, employees shall place their names on the register (Manual Section 3/772.60).

**772.60 DUTIES OF ATHLETIC TEAM MANAGER.** An employee appointed as a team manager of a Department or intradepartment athletic activity team shall:

- Submit to the commanding officer a current roster of team members. This roster shall also include those team members whose units of assignment are other than those represented. The

commanding officer shall forward copies of the roster directly to the Commanding Officer, Training Division; the Officer in Charge, Medical Liaison Section, Personnel Division. the commanding officer of each of those team members from a different organizational unit;

**Note:** Employees shall not participate in any Department or intradepartment team athletic activity unless their names appear on the roster submitted by the commanding officer of the team represented. Additions or deletions to the team roster shall be forwarded in the same manner as the original roster.

- Determine that, prior to athletic activity participation, all team players have entered their names on an Athletic Activity Register, Form 13.14.00;
- Forward completed Athletic Activity Registers to the Commanding Officer, Training Division, within twenty-four hours after completion of a team event; and,
- If a team member is injured during athletic activity participation, forward an Employee's Report, Form 15.07.00, to the Medical Liaison Section, Personnel Division, stating how the employee was injured.

**772.75 REPORT ON ATHLETIC ACTIVITY INJURY.** An employee who is injured while participating in an approved athletic activity at an approved location shall:

- Be examined at a First Care Panel Provider, i.e., US HealthWorks Medical Group, Kaiser On-the-Job Center, Kerlan-Jobe Orthopaedic Clinic, or Southern California Orthopedic Institute; or, if one is unavailable, an appropriate medical facility as soon as practicable; and,
- Promptly report the injury to a supervisor, ensuring that the supervisor is apprised of the circumstances.

**Supervisor's Responsibilities.** When notified that an employee in an approved athletic activity at an approved location has been injured, the supervisor shall:

- Ensure that the injured employee has received proper medical treatment;
- Promptly initiate a thorough investigation of the circumstances pertinent to the injury, such as verification of weight training certification from the Arrest and Control/Lifetime Fitness Unit, Training Division, and, TEAMS II, etc.;

**Note:** The supervisor shall carefully analyze the cause of an injury to ensure that any hazards or safety concerns disclosed during the investigation are mitigated immediately and/or isolated to avoid further injuries and reported to the appropriate City of Los Angeles entity or agency to repair or remove such hazards.

- Ensure that the following forms are completed and signed: Employer's Report of Occupational Injury or Illness, State Form 5020; Accident Investigation Forms (Employee's Report of Injury Form; Supervisor's Accident Investigation; and, Accident Witness Statement are all attached to the Employer's Report of Occupational Injury or Illness in the LAPD E-Forms); State of California Workers' Compensation Claim Form, State Form DWC1; City of Los Angeles Injury Status Report, Form Gen. 195; and the physician's note;
- Obtain a copy of the Athletic Activity Register, Form 13.14.00, listing the date, time, name and serial number of the injured employee for the date that the employee was injured; and,
- Ensure that the above forms are forwarded to the injured employee's Area/division of assignment's Sick and Injured on Duty Coordinator for entry into iVOS and its distribution.



**772.90 ATHLETIC ACTIVITY PHYSICAL EXAMINATION.** The Commanding Officer, Personnel Division, may direct an employee who is a member of a team engaging in approved athletic activities to take a physical examination. The Officer in Charge, Medical Liaison Section, Personnel Division, shall notify the Commanding Officer, Personnel Division, when such examinations are considered necessary.

**776. LOYALTY OATH.** Every employee of the Department shall take the Loyalty Oath required by State law and municipal ordinance. No compensation may be paid to any employee who does not conform with the provisions of the Loyalty Oath Law.

**776.20 RESPONSIBILITY FOR ADMINISTERING LOYALTY OATH.** The Commanding Officer, Personnel Division, shall administer, or cause to be administered, to all personnel employed by the Department subsequent to October 3, 1950, the Loyalty Oath required by State law. If necessary to assist in discharging this responsibility, the Commanding Officer, Personnel Division, may direct certain other employees of the Department to appear before the City Clerk for deputization in connection with the administration of the Loyalty Oath. Employees so deputized may be directed by the Commanding Officer, Personnel Division, to administer the Loyalty Oath.

**776.30 DEPUTIZATION - LOYALTY OATH.** The Commanding Officer, Personnel Division, and other employees designated by him/her to administer the Loyalty Oath, shall appear before the City Clerk of Los Angeles for the purpose of deputization to administer the Loyalty Oath. The deputization shall be in effect until the termination of the employee or until the Chief of Police informs the City Clerk that the employee is no longer to administer such oath.

**776.40 PROCEDURE FOR ADMINISTERING LOYALTY OATH.** The Loyalty Oath shall be taken, executed, and signed before a person authorized by law to administer oaths. The actual procedure is at the discretion of the person administering the oath. He or she may administer the oath to an individual employee or to a group of employees in a formal manner.

The employee shall affix his/her signature to the oath in the presence of the person administering the oath, and the date that the employee takes and subscribes to the oath shall then be entered on the oath.

**776.50 REFUSAL TO TAKE LOYALTY OATH.** If an employee refuses to take the oath or to execute the affidavit, the Commanding Officer, Personnel Division, and the Commanding Officer, Internal Affairs Division, shall be notified of this fact by the person administering the oath.

**778. PUBLIC APPEARANCES BY EMPLOYEES.** Prior to appearing as a representative of the Department, on or off-duty, for the purpose of making a speech, participating in a panel discussion, or other similar function, an employee must obtain permission for the appearance from his/her commanding officer. The commanding officer must determine if the content of the message conforms with existing Department policy and whether the speaker is competent to properly represent the Department.

**Exception:** Permission need not be obtained if such appearance is part of the employee's assigned duties.

Officers intending to make any presentation or provide education specifically related to gang or drug prevention to any group, at any school must:

- Notify their Commanding Officer at least one week prior to the scheduled appearance;
- Provide the name and address of the school;
- Indicate the date and time of the presentation; and,
- Indicate the subject matter of the presentation.

In the event a role-playing exercise is planned for minors (i.e., simulating arrests, detentions, suspect interrogations, etc.) where the students are participants, officers must also:

- Obtain their Commanding Officer's approval for the role-playing exercise;
- Provide the name and contact information of the school official who will be responsible for making parental notification of the presentation and role-playing exercise; and,

**Note:** Officers are not required to verify that the school actually made the appropriate parental notifications. Failure by the school to make such notifications is in no way a violation of Department policy, nor does it bar or prohibit the officers from conducting or proceeding with their presentation or role-playing exercise.

- At the beginning of the presentation, prior to the role-playing exercise, the officer(s) must inform the students that they can exclude themselves from participating in the role-playing exercise.

**778.20 ON - DUTY SPEECHES GIVEN OUTSIDE THE CITY.** Public-speaking appearances by **on-duty** personnel outside the City shall not be approved except when compelling circumstances indicate that such an appearance will be of direct benefit to the citizens of Los Angeles.

**778.25 ON - DUTY SPEECHES GIVEN OUTSIDE THE CITY - EMPLOYEE REQUESTS.**

- An employee desiring to make an on-duty public-speaking appearance outside the City shall submit a request on an Employee's Report, Form 15.07.00, to his/her commanding officer.
- The request shall include the location, date, name of the organization, the purpose for the appearance, and the topic of discussion.
- The employee's commanding officer shall be responsible for the approval or denial of such requests.

**778.30 ON - DUTY SPEECHES GIVEN OUTSIDE THE CITY - CITIZEN REQUESTS.** An employee who receives a citizen's request for an on-duty public-speaking appearance outside the City shall:

- When the appearance will contribute to the operation of a Department-sponsored program, instruct the citizen to direct his/her request to the concerned commanding officer, who shall be responsible for the approval or denial of such requests;
- When the request is for a speaker on a specialized or controversial topic, or is a general request for any police officer to make an appearance, instruct the citizen to direct a written request to Community Affairs Section which shall be responsible for the approval or denial of such requests; and,
- Advise the citizen to submit, at least two weeks prior to the date of appearance:
  - The name of the requesting organization.
  - Date, time, location, and subject of the speech.
  - Length of time allotted and the anticipated attendance.
  - The name, address, and telephone number of the requesting person.

**778.50 TELEVISION AND RADIO APPEARANCES.** Officers shall refer invitations to appear on television or radio programs to the Officer in Charge, Media Relations Section, Media Relations and Community Affairs Group, for approval. Prior approval is not required for news-media interviews.

## **779. WRITING AND SUPPLYING INFORMATION FOR PUBLICATION BY DEPARTMENT EMPLOYEES.**

**Employee's Responsibility.** Employees requesting the publication of a Department directive (e.g., Special or Administrative Order, Office of Operations Notice, Chief of Detectives Notice, etc.) shall forward the approved and signed directive through their appropriate chain of command, then to the Office of Constitutional Policing and Policy (OCP). The publication will then be published on the Department's Local Area Network (LAN), retained in the Department's Virtual Library, and forwarded to Media Relations Division for posting on the Department's public website, as appropriate, pursuant to the California Public Records Act.

If an employee requests to introduce a directive regarding policy or procedure which will add, delete, or revise content in the Department Manual, the employee shall forward the request through their appropriate chain of command, then to OCP. The request shall be documented on an Intradepartmental Correspondence, Form 15.02.00, and shall contain the background and purpose of the request. The Intradepartmental Correspondence shall also clearly delineate the new or revised policy or procedure and list the appropriate subject matter expert and contact phone number.

**Note:** Any employee who wishes to submit their own personal article to a specific publication without seeking Department approval may do so as long as the article does not convey an official Department policy, procedure, or position. An employee submitting an article on their own may include their Department status or rank, work history, or expertise in the article or biographical information.

Department employees shall not publish or cause to be published any writing, paper, social media posting, or other article which would disclose any procedure, case, investigation, or other matter which is confidential. For the purpose of this section, confidential matters include, but are not limited to, the following:

- Records that are exempted from disclosure under the California Public Records Act, Section 6254 of the Government Code;
- Events, details, persons or circumstances of any investigation conducted by the Department, the disclosure of which would impair that investigation, future investigations, pending litigation, or the law enforcement activities of the Department; and,
- Procedures, techniques, tactics, and methods used by the Department in the performance of its duties, the disclosure of which would impair the law enforcement activities of the Department.

**Office of Constitutional Policing and Policy's Responsibilities.** OCP shall be responsible for:

- Reviewing each submitted publication request to ensure it is appropriate for publishing and properly completed;
- Editing and ensuring the submitted publication reflects the Department's standard for style and grammar; and,
- Publishing the directive on the Department's LAN, retaining it in the Department Virtual Library, and forwarding it to Media Relations Division for review and posting, if appropriate, on the Department's public website.

If the directive introduces a policy or procedure which will add, delete, or revise content in the Department Manual, OCP shall:

- Review the content to ensure that it reflects the Department's standard for style and grammar;
- Vet and reconcile the content, as appropriate, through all Department and/or City stakeholders;
- Ensure the content is reviewed and approved by all Direct Reports;

- Forward the completed publication through the appropriate chain of command for approval and signature by the Board of Police Commissioners (as appropriate) and the Chief of Police;
- Publish the approved and signed directive on the Department's LAN; and,
- Update the Department Manual, as appropriate, with the content of the directive.

**779.50. OUTSIDE TRAINING.** The Department regularly sends employees to training courses and seminars that are sponsored by other organizations. Occasionally, techniques and/or procedures that are taught in outside training courses conflict with existing Department policies and procedures. While this conflict does not invalidate the training, existing Department policies and procedures take precedence over what is taught by the outside training institution.

An employee who receives training from an outside training course or seminar that conflicts with existing Department policies or procedures shall not train other employees on the conflicting procedures, or practice them, without obtaining Department approval. To obtain Department approval, an employee shall submit a request through the employee's chain of command to the Office of Support Services. Only after the technique, policy, or procedure has been approved by the Chief of Police may the employee train others to use it in the course of his or her duties.

## **780. CIVIL SUBPOENA.**

**780.40 CIVIL SUBPOENAS FOR TESTIMONY OR DEPOSITION.** Upon receiving a civil subpoena to appear as a witness or to give a deposition in a matter to which the City is a party, the employee, if **not** listed as a defendant, shall:

- Telephonically notify the Civil Litigation Section, Risk Management and Legal Affairs Division, as soon as practicable after the receipt of the subpoena; and,
- When any City employee, other than the subpoenaed employee or the City of Los Angeles, is listed as a defendant, complete and forward an Employee's Report, Form 15.07.00, to the Civil Litigation Section, Risk Management and Legal Affairs Division. The Employee's Report shall contain the following items:
  - A detailed account of the incident, including the names and addresses of all parties and possible witnesses;
  - Name, watch, and assignment of investigating officers;
  - Name of defendant;
  - Name of plaintiff;
  - Court number;
  - Case number;
  - Date and time of required appearance; and,
  - Location where hearing is to be held.

The words "*Confidential-This report is for the confidential use of the City Attorney in the performance of his duty as Attorney for the City of Los Angeles*" shall be typed conspicuously on the face of each page. No copies of this Employee's Report shall be made.

**Note:** This Employee's Report *shall not* be approved by a Department supervisor. If the subpoena is served on an employee's supervisor or watch commander, it will be accepted as if service were made personally on the employee.

The applicable information shall be entered on the Employee's Subpoena Record, Form 15.29.00. The requesting attorney's name must be entered in *red* in the *Defendant* column of this form.

**Exception:** A summons and complaint will normally be accepted by the employee named on it (Manual Section 3/782.10).

A supervisor accepting a civil subpoena shall determine the duty status of the subpoenaed employee. If the employee, at time of service, is sick, on vacation, or otherwise unavailable for service and cannot be served before the appearance date of the subpoena, the person serving the subpoena shall be so informed. After accepting the subpoena, the supervisor must notify the concerned employee.

**780.50 WITNESS FEE CIVIL SUBPOENA - EMPLOYEE RESPONSIBILITIES.** When an employee receives a civil subpoena, he/she shall check the subpoena to determine if the required witness fee has been paid. If the fee has been paid, the subpoena should bear an endorsement by the clerk of the court or tribunal. If the subpoena does not bear this endorsement, the employee shall determine from the clerk of the court or tribunal if the fee has been paid.

When the fee has not been paid, the employee shall request the clerk to notify the judge or members of the tribunal.

The court, upon good cause shown, may relieve a party of the duty to make any deposit or payment, or portion thereof, pursuant to Section 68097.55 of the California Government Code (CGC).

Regardless of whether the witness fee has been paid, an employee is required to appear in court pursuant to a civil subpoena, or at the discretion of the court for subsequent days.

Following participation in a civil proceeding, an employee shall complete an original and two copies of the Declaration of Receipt/Expenditure of Funds, Form 15.24.00, from the information available on the subpoena. This procedure shall be repeated for each day of scheduled attendance. The employee shall indicate whether he/she actually attended the proceeding. When an employee determines that the witness fee has been waived by the court, he/she shall so indicate on the Form 15.24.00.

**Note:** This form shall be completed whenever an employee has been subpoenaed, regardless of cancellation of the proceeding or nonattendance for any reason. The court number shall be included in court cases. If the subpoena relates to other types of proceedings, the location shall be given.

The original shall be forwarded with the civil subpoena to the Employee's supervisor. One copy shall remain in the employee's Area/division of assignment. If an employee incurred any parking fees or requires mileage reimbursement, the original Declaration of Receipt/Expenditure of Funds form and a copy of the civil subpoena shall be forwarded to the Commanding Officer, Fiscal Group.

**780.60 TRANSPORTATION TO CIVIL PROCEEDING.** When a Department employee is subpoenaed as a witness in a civil proceeding wherein the City is not a party, and the subpoena is related to the course and scope of the employee's duties, under the authority of California Government Code (CGC) Sections 68096.1, 68097.2 or 68097.6 the employee may use a Department vehicle, or his or her own vehicle for transportation. The employee may go directly to the proceeding from his or her home.

**Note:** An off-duty employees responding to a civil subpoena pursuant to CGC Sections 68096.1, 68097.2 or 68097.6 shall receive compensation for travel time to and from the proceeding, and additional incurred incidental travel expenses, as deemed necessary by a reviewing supervisor. The compensation for the incidental

travel expenses shall be requested by completing the applicable parts of the Declaration of Receipt/Expenditure of Funds, Form 15.24.00. The form shall be completed by the requesting employee and submitted to the employee's immediate supervisor.

**780.80 MILEAGE COMPENSATION - CIVIL CASES.** When a Department employee attends a civil proceeding in response to a civil subpoena wherein the City is not a party, and the subpoena is related to the course and scope of the employee's duties, under the authority of California Government Code Sections 68096.1, 68097.2 or 68097.6 the employee shall be entitled to personal vehicle mileage compensation to and from the hearing, along with the associated parking costs, if applicable. The compensation shall be requested by completing the applicable part of the Declaration of Receipt/Expenditure of Funds, Form 15.24.00. The form shall be completed by the requesting employee and submitted to the employee's immediate supervisor.

**Exception:** If an employee is on-duty, he or she shall be entitled to personal vehicle mileage compensation from home to place of appearance, less the mileage from home to work location, along with any associated parking expenses.

**Note:** Parking costs are sometimes incurred with the use of a City vehicle.

## **782. CIVIL SUITS.**

### **782.10 ACCEPTANCE OF SUMMONS AND COMPLAINT.**

**Officer's Responsibility.** Area and division desk officers or Department employees who are contacted by a process server, an attorney, a marshal, or any person serving a Summons and Complaint to a Department employee, or who receive a Summons and Complaint via mail for a Department employee, must immediately notify a supervisor.

**Supervisor's Responsibility.** When notified that a process server is present at a Department facility for the purpose of serving a Summons and Complaint to a Department employee, the supervisor must meet with the process server and verify that the employee is currently assigned to the Area, division, section or unit.

**Note:** When the employee to be served is not assigned to the Command, the process server must be advised where the employee is currently assigned. If requested, the server will be provided the address and telephone number of the employee's current work location and directed to serve the employee at the location. In cases when an employee's work location cannot be determined, or the process server leaves a Summons and Complaint for an employee not assigned to the Area, the supervisor must immediately forward an Employee's Report, Form 15.07.00 documenting the circumstances of the service and the document to the Civil Investigation Section, Risk Management and Legal Affairs Division (RMLAD).

**Employee On-Duty.** When an employee to be served is on duty, the supervisor will:

- Ensure that the employee accepts the Summons and Complaint with minimal delay;
- Record the Summons and Complaint on the officer Subpoena Record, Form 15.29.00; and,
- When the Summons and Complaint is a result of activities occurring during the employee's course and scope of City employment, direct the served employee to comply with Department Manual Sections 3/782.30, 3/784.40 and complete a Form 15.07.00. The supervisor must advise the employee to hand carry the 15.7 and Summons and Complaint to the Civil Investigation Section, RMLAD within two business days.

**Employee Off-Duty.** If the employee is off-duty, the supervisor must inform the process server when and where the off-duty employee will be available to accept the Summons and Complaint. The process server should only be told the expected date of return of the employee and will not be informed of his/her current employment status or the circumstances regarding the employee's absence, or unavailability. **Under no circumstances should an employee's home address or other personal information be given to the process server.**

When a process server insists on leaving the Summons and Complaint, the supervisor must accept the documents. The supervisor may sign or initial a document that only acknowledges receipt. In those instances, they must make a copy of the signed receipt and attach it to the Summons and Complaint.

**Note:** Acceptance of a Summons and Complaint by anyone other than the named employee is not considered "service" to an employee. The supervisor must inform the process server that they are not the designated agent of the employee to accept service and must not sign or initial any document stating they are the designated agent to accept service.

A supervisor accepting a Summons and Complaint by mail or by other means for an off-duty employee must:

- Request that the process server leave a complete Summons and Complaint for each employee for whom the person is attempting service and ensure that the process server has marked, highlighted or otherwise identified the individual employee on each Summons and Complaint;
- Record it on the Officer Subpoena Record, Form 15.29.00;
- Deliver the Summons and Complaint to the named employee as soon as practicable;
- When the employee will not be available for acceptance of the Summons and Complaint within 10 days, and the lawsuit is a result of the employee's official duties, the supervisor must complete an Employee's Report, Form 15.07.00, document the date, time received, and the circumstances explaining the employee's absence as well as the circumstances of the attempted service. The 15.7 must be hand delivered to the Civil Investigation Section, RMLAD; and,

**Note:** If the Summons and Complaint was received via mail, the envelope in which it was received, must be forwarded with the 15.07.00 to the officer in charge, Civil Investigation Section, RMLAD.

- When the employee will not be available for acceptance of the Summons and Complaint within 10 days and the process resulted from a personal matter involving the employee, the supervisor must:
  - Immediately notify the serving attorney of the employee's absence and estimated time of return to duty; and,
  - Document the receipt of the Summons and Complaint in the Sergeant's Daily Report, Form 15.48.00, and immediately forward the document to the employee's residence via certified United States mail. **Department employees must not release any personal information, including an employee's home address or telephone number, to any process server without the employee's consent.**

**782.25 NOTIFICATION OF PENDING CIVIL TRIALS.** Upon notification from the Civil Division, Office of the City Attorney, of a civil trial date of an employee, the commanding officer shall meet with the involved employee to provide support, as necessary.

**Note:** This applies only to those summons and complaints in which a Department employee is named due to circumstances arising from duty performance as a City employee.

**782.30 PROCEDURE WHEN SUED.** When an employee is served with a Summons and Complaint resulting from activities within the course and scope of City employment, the employee must within two (2) business days of service complete a Form 15.07.00 (Manual Section 3/782.40). The completed Form 15.07.00 and the Summons and Complaint must be hand-carried to the Civil Investigation Section, Risk Management and Legal Affairs Division.

**Note:** The form 15.07.00 is **in addition** to any previously completed reports regarding the incident. No copies of this report will be made, and the report must not be approved by a Department supervisor.

**782.40 COMPLETING REQUIRED REPORTS.** All reports will have the words "*Confidential-This report is for the confidential use of the City Attorney in the performance of his duty as attorney for the City of Los Angeles*" typed conspicuously on the face of each page.

The Form 15.07.00 completed by the employee will be addressed to the City Attorney and contain:

- A statement requesting that the City Attorney represent him in the matter;
- The date, time, exact address, and the city where the summons and complaint was served upon the employee;
- The identity and occupation of the person who served the complaint;
- A detailed account of the incident, including the complete names and addresses of all parties and possible witnesses;
- Name, watch, and location of assignment of investigating officers;
- Name of plaintiff(s); and,
- Case number.

**Note:** No copies of this report will be made, and the report must not be approved by a Department supervisor.

**782.50. CIVIL SUITS ORIGINATED BY EMPLOYEES.** Employees instituting a civil suit as a result of an incident which occurred while performing their official duties or which occurred while on-duty must notify the Civil Investigation Section, Risk Management and Legal Affairs Division, of their intent to do so by an Employee's Report, Form 15.07.00.

If the action results from the operation of a City-owned or operated vehicle or other vehicle being used in the performance of City business, they must consult the deputy city attorney assigned to the Civil Liability Section.

If the action arises from an injury received by employees for which they receive the services of City-owned medical facilities, or which necessitated the employee's absence from duty on an injured-on-duty status, they shall consult with the Worker's Compensation Office, Personnel Department.

**782.60 CIVIL DISCOVERY REQUESTS.** Commanding officers must ensure that requests for documents or material made by Risk Management and Legal Affairs Division (RMLAD) personnel are completed and **returned within five working days** upon receipt, or as otherwise specified, to the requesting RMLAD unit. Any divisional rule, policy, or procedure that restricts dissemination of documents or materials will not be applicable to requests made by RMLAD.

**Note:** Risk Management and Legal Affairs Division will ensure that requests are given to commands in a timely manner and without delay.

Requests by RMLAD may be accompanied by a verification, which is a legal document, signed under penalty of perjury, that attests to the completeness of the submission by the requested Area/division or Department



entity. The Area/division commanding officer or Officer in Charge responsible for the return of the requested material must sign the verification. When a verification accompanies a request, it must be signed and returned to RMLAD with the requested materials.

In the event that requested materials cannot be produced within the allocated time period, the Department employee assigned to gather the material must immediately notify the RMLAD unit that requested the material, and that unit will provide advice and guidance on how to proceed.

**782.70 PRESERVATION OF EVIDENCE REQUEST PROCEDURES.** A Preservation of Evidence Request (PER), also known as a litigation hold, is a written correspondence, usually from a plaintiff's attorney, advising the Department to preserve or hold certain records or evidence in anticipation of future litigation. The requested records or evidence would then be preserved and held from destruction pursuant to regular Department records retention/destruction schedules, to prevent potential Department exposure to costly discovery sanctions.

In most cases, the PER will list the items to be preserved. If it does not specify, the Department is required to preserve all relevant evidentiary records such as:

- Body-Worn Video (BWV);
- Digital In Car Video (DICV);
- Surveillance videos;
- All other videos;
- Audio recordings;
- Radio transmissions;
- 911 calls;
- Physical evidence;
- Dispatch logs;
- Daily Field Activity Reports;
- Incident reports;
- All written reports;
- Witness statements;
- Witness contact information;
- Suspect interviews; and,
- All other items Related to the referenced incident.

In addition, all evidence seized and booked in conjunction with a related criminal case shall have a hold placed on it by completing a Property Disposition/Update Request, Form 10.06.00. Special hold consideration shall be given for the preservation of electronically stored information such as emails, Department storage files, etc. This can be accomplished by transferring electronic data to a Department hard drive.

#### **Geographic Areas/Specialized Division's Responsibilities.**

- Upon receipt of a PER at a geographic Area or specialized division, personnel shall notify Risk Management and Legal Affairs Division (RMLAD) within five working days via an Intradepartmental Correspondence, Form 15.02.00;
- The Intradepartmental Correspondence shall document receipt of the PER, include a copy of the original PER, indicate the date the PER was received and the name of the contact person responsible for processing it;
- A copy of the Intradepartmental Correspondence and the original PER shall also be maintained at the geographic Area or specialized division; and,

- A designated PER Coordinator or a Property Disposition Coordinator in each geographic Area or specialized division shall immediately process the PER and maintain the evidentiary records at the geographic Area or specialized division, or, book them into Evidence and Property Management Division accordingly.

### **Risk Management and Legal Affairs Division's Responsibilities.**

- When the evidentiary records are needed for litigation, RMLAD shall submit a discovery request to the corresponding geographic Area or specialized division, and the respective commanding officer (CO) shall ensure that it is fulfilled within five working days upon receipt, or as otherwise specified, according to Department Manual Section 3/782.60;
- If the PER is received at RMLAD, RMLAD will send an Intradepartmental Correspondence and a copy of the original PER to the corresponding geographic Area or specialized division, notifying the CO of the request and directing that all relevant and referenced evidentiary records be preserved. Risk Management and Legal Affairs Division will also maintain a copy of the Intradepartmental Correspondence and original PER in its files.
- The obligation to preserve all evidentiary records shall continue to remain in effect until the geographical Area or specialized division receives a subsequent written notice from RMLAD that the litigation hold has been updated, modified, or released.

**783. WEAPONS IN THE COURTROOM.** When an officer appears in any California State, County or Municipal Court, not in Los Angeles County, as a party to any civil or criminal action, he/she shall secure his/her weapon(s) **prior** to entering the **courtroom**. In any **Los Angeles** County or Superior Court, when appearing as a party to an action or when present but not conducting official business, the officer shall secure his/her weapon **prior** to entering the **facility**.

**Note:** A court facility shall be defined as, but not necessarily limited to, any designated court building, trailer, annex, lobby and administrative office of the Superior or Municipal Courts of the County of Los Angeles (includes all criminal, civil, traffic, juvenile, family law, reconciliation and small claims courts).

Weapons may be secured in Metropolitan Jail Section, 77th Jail Section, Valley Jail Section, or Operations Section Jail gun lockers, officers' residences, Sheriff's gun lockers within court facilities (depending on availability and with the permission of the concerned Sheriff's Department personnel), or other appropriate locations.

Weapons include any firearm, TASER, chemical irritant spray (Oleoresin Capsicum spray), sap and knife with a blade longer than four inches.

Officers who are conducting official business and who are not a party to any action pending before the court shall, upon entering any courtroom or court office, immediately identify themselves to the concerned bailiff or clerk, indicate they are carrying a weapon(s) and state the purpose for their visit.

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**Note:** A court facility shall be defined as, but not necessarily limited to, any designated court building, trailer, annex, lobby and administrative office of the Superior or Municipal Courts of the County of Los Angeles (includes all criminal, civil, traffic, juvenile, family law, reconciliation and small claims courts).

Weapons may be secured in Metropolitan Jail Section, 77th Jail Section, Valley Jail Section, or Operations Section Jail gun lockers, officers' residences, Sheriff's gun lockers within court facilities (depending on availability and with the permission of the concerned Sheriff's Department personnel), or other appropriate locations.

Weapons include any firearm, TASER, chemical irritant spray (Oleoresin Capsicum spray), sap and knife with a blade longer than four inches.

Officers who are conducting official business and who are not a party to any action pending before the court shall, upon entering any courtroom or court office, immediately identify themselves to the concerned bailiff or clerk, indicate they are carrying a weapon(s) and state the purpose for their visit.

## **784. JURY DUTY.**

### **784.05 RECEIPT OF JURY DUTY AFFIDAVIT.**

**Juror Affidavits.** When an officer receives a Juror Affidavit questionnaire, he/she shall complete the affidavit, indicating that he/she is a peace officer and follow all applicable instructions. If available, the officer shall utilize the appropriate check box(es) for law enforcement personnel, requesting to be excused. If no check box is available, officers shall write the following statement in the explanation section of the affidavit:

“I am a sworn officer of the Los Angeles Police Department and I request to be excused, per California Code of Civil Procedure Section 219(b) (1).”

Upon completion of the appropriate sections of the affidavit, officers shall return it to the jury commissioner as directed.

**784.20 JURY DUTY SUMMONSES - CIVILIAN EMPLOYEE'S RESPONSIBILITY.** When an employee receives a *summons* for jury duty, he/she shall, as soon as practicable, submit a copy of the summons to his commanding officer.

**Note:** An employee need not present a jury duty questionnaire or affidavit of jury qualification to his/her commanding officer.

If the concerned commanding officer determines that an excuse or deferment is not necessary, he/she shall so inform the employee.

**784.24 REQUEST TO BE EXCUSED - COMMANDING OFFICER'S RESPONSIBILITY.** If the concerned commanding officer determines that a *summoned* employee's absence would seriously affect Department operations, the commanding officer shall, as soon as practicable, prepare a letter to the concerned jury commissioner, requesting that the employee be excused or have his/her service deferred. The letter shall describe the employee's specific duties and indicate the effect his absence would have on Department operations. It shall also include a request for a reply to the concerned commanding officer. The letter, along with the employee's signed request to be excused (on the summons or other court-supplied form), shall be mailed to the concerned jury commissioner.

## **784.29 DENIED REQUESTS OR NO RESPONSE.**

**Commanding Officer's Responsibility.** If a reply from the jury commissioner is not received prior to the employee's first scheduled day of attendance, the commanding officer shall telephonically contact the office of the jury commissioner to ascertain whether the employee has been excused.

**Employee's Responsibility.** Unless otherwise notified, the employee shall report for jury service as indicated on the summons.

If, upon reporting for jury service, the employee does not obtain an excuse or deferment, he/she shall immediately notify his/her commanding officer.

**784.30 CIVILIAN EMPLOYEES' DUTY STATUS.** Employees attending jury duty are also "on-duty" working for the Department, and shall conduct themselves accordingly. Therefore, when an employee does not have to attend jury duty on a regularly scheduled court day or any part of the day, the employee shall notify his/her supervisor as soon as practicable to receive a duty assignment. If deployment needs permit, and the employee so desires, he/she may be scheduled to use any time off to which he/she is entitled.

**784.32 NOTIFICATION TO POLICE ACCOUNTANT.** Upon establishing that an employee will not be excused from jury duty, the concerned commanding officer shall prepare an Intradepartmental Correspondence, Form 15.02.00, indicating the period that the employee will be on jury duty and forward it to the Police Accountant.

**784.36 TIMEKEEPING PROCEDURES.** An employee on jury duty is considered "on-duty," working day watch. The Deployment Planning System (DPS) shall be marked "JD" (Jury Duty) for each day or partial day of attendance. When an employee attends jury duty for a partial day and then reports for regular duty or is granted time off for the remainder of the day, the time book shall reflect the number of hours of jury duty on that day.

**Example:** When an employee attends jury duty for four hours and works four hours, "JD4" shall be entered in DPS. When an employee attends jury duty for four hours and is granted accumulated overtime off for the remainder of the day, "J4/TO4" shall be entered in DPS.

**784.40 CRIMINAL SUBPOENAS DURING JURY DUTY.** A civilian employee who is subpoenaed for a criminal matter which will require his or her attendance while serving on jury duty shall notify the jury coordinator and attempt to be excused from jury duty on the day indicated on the criminal subpoena. When the employee is actually serving on a jury or is not excused by the jury coordinator, follow established procedures (Manual Section 3/210.30).

**Note:** Subpoenas received prior to the beginning of jury duty which will necessitate the employee's presence during jury duty shall be brought to the attention of the jury coordinator as soon as practicable.

**784.42 JURY DUTY COMPENSATION.** Jurors receive mileage compensation and a daily attendance fee. Employees receiving such compensation shall, within ten working days of receiving compensation, cash the check and forward to Fiscal Group a personal check, money order, or personally deliver cash in the amount of the compensation. Fiscal Group will then issue a receipt to the reporting employee.

**Note:** Mileage fees will be retained by the employee if the employee used his or her personal vehicle.

Upon completion of the jury service period, the employee shall obtain a copy of his/her jury attendance record from the jury coordinator. The employee shall present the attendance record to his/her supervisor within five

days. The supervisor shall compare the entries in DPS with the attendance record and indicate in the space provided for notes in DPS that the attendance has been verified. The supervisor shall then sign the attendance record in a conspicuous place and forward it to the Police Accountant, Fiscal Group.

**785. CORONER'S INQUEST.** Officers called to testify at a Coroner's Inquest regarding a death which resulted from action taken by them in performance of their official duties shall consult with a deputy city attorney of the Public Liability Division, City Attorney's Office, as soon as the date and time of the Inquest is known.

**788. COMPUTER TERMINALS.**

**788.20 PROCEDURES GOVERNING THE USE OF COMPUTER TERMINALS.** Procedures governing the use of computer terminals include, but are not limited to, the following:

- Only personnel who have been trained and assigned an individual operator identification number and password shall be allowed to operate a Department terminal;

**Note:** This includes officers from outside agencies.

- Permission to operate a Department terminal may be given at the discretion of the concerned commanding officer;
- Verification of authorization to use terminals may be obtained through Information Technology Division. During off-hours, this verification may be obtained through the Watch Commander, Records and Identification Division;

**Note:** Volunteer employees are not authorized to access Department computer systems.

- The operator identification number and password shall be considered confidential and shall be used only by the assigned operator;
- An operator shall not operate a terminal without first inputting the operator's number into the terminal; and,
- Automated systems, and information obtained through them, shall be used for official purposes only.

**788.22 USE OF DEPARTMENT TERMINALS BY OUTSIDE AGENCIES.** Personnel from outside agencies who have been trained and have a verification of authorization on file may be allowed to operate Department terminals at the concerned commanding officer's discretion.

Requests to use Department terminals from agencies for which there is no verification of authorization on file must be in writing.

**788.25 MDT/ACC ADMINISTRATIVE "TO" MESSAGES.** All personnel are reminded that it is inappropriate to transmit "TO" messages which violate State or Federal law and/or City or Department policy. Inappropriate comments include, but are not limited to sexist comments, sexual comments, racial comments, religious comments, profanity or any other non-business related functions. All personnel shall not send any message of a personal nature and shall not engage in an exchange of non-business related messages. Personnel transmitting unofficial, non-business related MDT/ACC messages are considered to be engaged in misconduct and face disciplinary action.

"TO" messages which are appropriate include:

- Inquiries necessary to update a unit's current status;
- Radio call information;
- Cordial messages at the beginning of watch (e.g., good morning);
- Messages involving tactical situations; and,
- Messages that provide information to assist in the accomplishment of official police business.

A commanding officer who receives a written request from an outside agency seeking permission to use Department terminals shall forward the request with a recommendation to his or her bureau commanding officer. Bureau commanding officers shall review the request, make a recommendation, and forward both recommendations and the written request to the Commanding Officer, Information Technology Bureau, for approval.

**Note:** This procedure applies only to requests from outside agencies **not** already authorized to use Department terminals.

**788.30 PROVISIONS FOR THE USE OF PERSONAL COMPUTERS.** The Personal Computer Guidelines and Standards contains provisions for the use of personal computers within the Department. This includes computers that are donated, loaned, or purchased by the Department, as well as employee-owned personal computers to the extent that they are used in Department activities. Copies of the guidelines shall be maintained by Information Technology Division.

**Employee's Responsibility.** Department employees wishing to use employee-owned computers for Department business, at a Department facility, shall submit their request on an Employee's Report, Form 15.07.00 (two copies), to their commanding officer. The Form 15.07.00 shall describe the functions to be performed by the computer and the objectives to be achieved. Upon approval of the request by the employee's commanding officer, the employee shall:

- Adhere to the provisions of the Personal Computer Guidelines and Standards; and,
- Adhere to the provisions of Manual Section 3/405 relating to the confidentiality of Department records, reports, and information when using computers. These provisions apply to the use of computers that are donated, loaned, or purchased by the Department, as well as to employee-owned personal computers used for Department business.

**Note:** Additional care shall be exercised concerning Department-sensitive data. Department-sensitive data is that data which is not routinely available to the public. Under no condition is Department-sensitive data to be created, stored, processed, or duplicated by employees outside of official Department facilities, without specific **written** permission by the concerned employee's commanding officer. The commanding officer granting such permission shall also ensure that the Department business performed on other than Department-owned personal computers is continuously monitored to ensure compliance with the Personal Computer Guidelines and Standards.

**Commanding Officer's Responsibility.** Commanding officers shall be responsible for:

- Reviewing requests to use personal computers for Department business within their command;
- Approving or disapproving requests based upon the functions to be performed and the Department objectives to be achieved, within the following general parameters:
- No Department-sensitive data is to be created, stored, processed, or duplicated by users outside of official Department facilities without specific written permission of the concerned commanding officer;
- All software used must be legally acquired and installed;

- If Department sensitive data is stored within a Department entity, access shall be limited to Department employees on a right-to-know, need-to-know basis; and,
- Attention must be directed towards the avoidance of duplication of Department developed and supported systems.
- Forwarding a copy of the approved request to the Department Personal Computer Coordinator;
- Maintaining a copy of the Personal Computer Guidelines and Standards accessible to employees using personal computers; and,
- Ensuring that the Department business performed on such personal computers is continuously monitored and is in compliance with the Personal Computer Guidelines and Standards.

**788.40 INTERNET USAGE GUIDELINES.** The use of the Internet or e-mail on a Department computer shall be restricted to “official Department business.” Personal use of the Department computer or time spent on it for personal gain is prohibited. Violation of any of these guidelines may be considered misconduct and may result in disciplinary action.

These guidelines are applicable to all City or Department-owned or controlled computers, (LAN, Personal Computers and Laptops) and telephone lines. This includes access to computers at sites and facilities that are owned, leased, rented, or utilized by Department employees. Department employees utilizing the Internet or e-mail **shall** cooperate with any investigation regarding the use of computer equipment.

Department employees **shall not**:

- Gain access to or transmit California Law Enforcement Telecommunications System (CLETS) information through the Internet, including secondary dissemination of Criminal History Record information through a communications media such as Internet e-mail facilities and remote access file transfer;
- Conduct an unauthorized attempt or entry into any other computer, known as hacking, which is a violation of the Federal Electronic Communications Privacy Act (FECPA) 18 United States Code 2510;
- Copy or transfer electronic files without permission from the copyright owner;
- Send, post, or provide access to any confidential Department materials or information;
- Send private or confidential e-mail as delineated in Manual Section 4/105.15;
- Transmit chain letters;
- Send threatening, slanderous, offensive, racially and/or sexually harassing messages; and,
- Represent oneself as someone else, real or fictional, or send messages anonymously.

**Note:** Use of the Internet for certain investigations may require a deviation from the Internet guidelines. This could include the use of offensive language, impersonation, or use of an alias, and the accessing or downloading of offensive or explicit material. Department personnel must submit an Employee's Report, Form 15.07.00, and obtain approval from his/her commanding officer prior to engaging in such conduct. The Employee's Report must be filed in the employee's divisional package. When conducting a Department authorized investigation that requires these tactics for investigative purposes, they are not considered misconduct.

In addition to these general guidelines, employees utilizing the Internet are advised that the Department has the right to access all e-mail files created, received, or stored on Department systems, and such files can be accessed without prior notification.

**788.42 PROHIBITING ACCESS TO PERSONAL EMAIL ACCOUNTS ON DEPARTMENT WORKSTATIONS.** Due to phishing being the number one method of initial compromise in cyberattacks, Department workstations (any desktop PC joined to the Department domain) shall only be utilized to access

Department email accounts issued by Information Technology Division (ITD). “Phishing” is the use of electronic mail to acquire unauthorized access to sensitive information or to infect a workstation with malicious software.

**Note:** The provisions of this Section apply to all Department personnel including sworn, civilian, volunteers, reserves, and any third-party vendors contracted by the Department.

**Employee’s Responsibilities.** Employees are prohibited from accessing any email accounts not issued or authorized by ITD on any Department workstation.

**Exemptions:** Employees who require access to a non-ITD issued or authorized email account on a Department workstation to conduct Department business shall complete an Intradepartmental Correspondence, Form 15.02.00 (15.02), to ITD.

All requests for exemptions shall be approved by each respective requesting Area/division Commanding Officer (CO) and ITD prior to the employee gaining access.

**Area/Division Commanding Officer’s Responsibilities.** Area/division COs shall approve or deny all requests for access to non-ITD issued or authorized email accounts from a Department workstation prior to submitting the 15.02 to ITD.

**Information Technology Division’s Responsibilities.** Information Technology Division shall restrict access to non-ITD issued or authorized email accounts on any Department workstation and shall provide final approval for exemption. Information Technology Division shall also conduct periodic exemption audits to ensure exemptions remain current and applicable.

## **789. AREA/DIVISION SAFETY COMMITTEES.**

### **789.05 COMMANDING OFFICER’S RESPONSIBILITY.**

- Each Area commanding officer shall establish an Area Safety Committee composed of a lieutenant, as chairperson, and two employees; and,
- The commanding officer of each specialized division shall establish a Division Safety Committee composed of three employees, including a supervisory employee designated as chairperson by the commanding officer.

**Note:** Safety Committees shall include at least one non-supervisory employee.

**789.10 SAFETY COMMITTEE’S RESPONSIBILITY.** The responsibilities of Safety Committees shall include:

- Ensuring dissemination of information contained in CAL-OSHA notices;
- Developing a safety program in the Area/division to identify and correct hazards and to scrutinize Department procedures which may be related to occupational injuries;
- Conducting monthly safety inspections of facilities within their purview;
- Coordinating safety activities with the Safety Unit, Personnel Division; and,
- Reviewing and analyzing “Employer’s Reports of Occupational Injury or Illness,” State Form 5020, and supervisors’ investigation reports, to determine whether the injuries were preventable, and submitting findings and recommendations to the commanding officer.



**Note:** The commanding officer shall submit a report on each preventable injury to the bureau commanding officer and Medical Liaison Section outlining the injury, the Safety Committee's findings, action taken, and recommendations.

**790. REPORTING CHANGES OR ADDITIONS TO EMPLOYEE INFORMATION RECORD.**

Employees will use the Employee Record Form, Form 01.38.00, to notify Personnel Division of any of the following changes or additions:

- A temporary or permanent change of address and/or telephone number.;
- A change of persons to be notified in case of emergency;
- A change of marital status;
- The birth or adoption of a child;
- The death of a spouse or child;
- A change of religious or fraternal organizations to be notified in event of death;
- Membership or change of status in an Armed Forces reserve;
- A change in Selective Service status; and,
- Any personal information of administrative value to the Department.

All Department employees are required to provide their current residential addresses. A Post Office Box number **must not** be used to indicate the employee's current address on the Employee Record Form, Form 01.38.00.

**Note:** The employee must insert any of the above changes or additions on the Divisional copy of the Employee Record Form, Form 01.38.00. Personnel Division will provide the employee with the Family Protection Checklist, Form 01.38.01, whenever the Form 01.38.00 is revised by the employee.

**791. TRAINING EVALUATION AND MANAGEMENT SYSTEM II (TEAMS II).**

**791.05 EMPLOYEE REVIEW OF OWN TEAMS II REPORT.**

**Employee's Responsibility.** Each employee is responsible for reviewing his/her TEAMS II report to ensure that the information is accurate and complete. Any discrepancies shall be brought to the attention of the appropriate entity responsible for the data entry/maintenance (Manual Section 3/791.10).

**Performance Evaluation.** Commanding officers shall ensure that supervisory personnel provide a TEAMS II report to each employee in conjunction with the service of the employee's annual (post-probationary) performance evaluation report.

**791.10 RESPONSIBILITY FOR MAINTAINING TEAMS II.** The Department entities responsible for the data entry/maintenance of the specific categories are as follows:

CATEGORY	RESPONSIBLE DEPARTMENT ENTITY
Arrest/Crime Reports**	Area Records Unit
Attendance	Fiscal Group
Citations	Information Technology Division
Civil Litigation	Risk Management and Legal Affairs Division
Commendations-Major	Personnel Division

Commendations-Minor	Employee's Command
Discipline	Internal Affairs Division
In-Service Training	Training Division
Pursuits	Emergency Operations Division
Rank/Assignment	Personnel Division
STOPS	Audit Division (AD)
Traffic Crash	Emergency Operations Division
Use of Force (All)	Critical Incident Review Division
Work Permit	Personnel Division

**\*\* Note:** Specialized Units who process reports through Specialized Reports Distribution Unit (SRDU), R& I should forward their requests for corrections (Arrest/Crime Reports) to SRDU.

**Entering Data.** The Department entity responsible for maintaining information available for access through TEAMS II will ensure that data is entered into the appropriate management information system within **30** days of receiving the information.

**Correcting Data.** After receiving a request to correct inaccurate or incomplete information, the commanding officer of the entity responsible for entering the information into TEAMS II will:

- Investigate the disputed information;
- Ensure that a resolution is obtained within **30** days of the request;
- Correct the disputed information, if appropriate; and,
- Notify the employee's commanding officer of the resolution in an Intradepartmental Correspondence, Form 15.02.00.

**791.12 PROCEDURE TO DISPUTE INFORMATION CONTAINED IN TEAMS II.** An employee who disputes any information in his/her TEAMS II report shall complete an Employee's Report, Form 15.07.00, include a thorough description of the disputed information, attach any supporting documentation, and submit it to his/her commanding officer.

The employee's commanding officer shall conduct a preliminary investigation of the disputed information, and submit an Intradepartmental Correspondence, Form 15.02.00, to the commanding officer of the entity responsible for entering the information into TEAMS II recommending that the information be corrected, if appropriate.

**791.14 INFORMATION TECHNOLOGY DIVISION'S RESPONSIBILITIES.** The Commanding Officer, Information Technology Division, shall:

- Provide training and system support to Department authorized TEAMS II users;
- Generate an annual report of all Department authorized users and alternate users for review by commanding officers; and,
- Assist commanding officers with audits of TEAMS II transactions.

**791.20 INFORMATION TECHNOLOGY BUREAU'S RESPONSIBILITY.** The Commanding Officer, Information Technology Bureau (ITB), shall have functional responsibility over TEAMS II. All disputes and/or issues surrounding TEAMS II shall be resolved by the Commanding Officer, ITB.

**792. ADJUDICATION OF CATEGORICAL USE OF FORCE INCIDENTS.** This section can also be found on LAPD Local Area Network (LAN) under the TacOps tab on the home page.

### **792.05 DEFINITIONS**

**Categorical Use of Force:** A Categorical Use of Force (CUOF) is defined as:

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All deaths while the arrestee or detainee is in the custodial care of the Department [also known as an In-Custody Death or (ICD)];
- A use of force incident resulting in death;
- A use of force incident resulting in an injury requiring hospitalization, commonly referred to as a law enforcement related injury or (LERI);
- Officer-involved animal shootings;
- Unintentional discharges;
- A K-9 bite or contact where hospitalization is required;

**Note:** A K-9 contact occurs when a department K-9 strikes or makes forcible contact with a person other than a bite that results in a complained of or visible injury.

- All uses of a carotid restraint and choke hold; and,

**Note:** A carotid restraint is defined as a vascular neck restraint or any similar restraint, hold, or other defensive tactic, including a c-clamp in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person." A choke hold is defined as "any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe."

**Note:** The department does not authorize the use of upper body control holds, including the use of a modified carotid, full carotid, or locked carotid hold; therefore, any use is unauthorized and shall be investigated as a categorical use of force.

- All intentional head strikes with an impact weapon or device (e.g., baton, flashlight) and all unintentional (inadvertent or accidental) head strikes that results in serious bodily injury, (as defined below), hospitalization or death;

**Note:** Serious bodily injury, as defined in California Penal Code Section 243(f)(4), includes, but is not limited to, the following:

- Loss of consciousness;
- Concussion;
- Bone fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

**Note:** All other unintentional head strikes shall be investigated as Level I Non-Categorical Use of Force (NCUOF) incidents

**Substantially Involved:** The term “substantially involved” includes the employee(s) applying force or who had a significant tactical or decision making role in the incident.

**72–Hour Brief:** The briefing for the Chief of Police (COP) and other concerned command staff regarding the preliminary information about a CUOF incident.

**General Training Update:** Generalized training provided by In-Service Training Division (ISTD) personnel, to personnel substantially involved in a CUOF incident, or as directed by the COP. The General Training Update (GTU) is not an inquiry into the specific details of the CUOF incident. The intent of the update is to provide involved personnel with general training on the material area of the incident (e.g., foot pursuit, vehicle pursuit) including tactical issues and actions readily identified in the CUOF incident as well as an update on the Use of Force policy. (Refer to Department Manual Section 3/796.35 for additional information regarding the GTU.

**Categorical Use of Force Debrief Facilitator:** A Categorical Use of Force Debrief Facilitator shall be a Department recognized expert appointed by the COP to conduct the Tactical Debrief of substantially involved personnel.

**Unintentional Discharge:** The unintentional discharge of a firearm regardless of cause. Unintentional discharges are evaluated and then determined to be Tactical or Non-Tactical. During the adjudication, they are then classified as “Accidental Discharges” or “Negligent Discharges.”

**Tactical unintentional Discharge:** Any unintentional discharge of a firearm that occurs during a tactical situation (e.g., warrant service, building search).

**Non-Tactical Unintentional Discharge:** Any unintentional discharge of a firearm that does not occur during a tactical situation.

**Accidental Discharge:** The determination that the unintentional discharge of a firearm resulted from an accident such as a firearm malfunction or other mechanical failure, not the result of operator error.

**Negligent Discharge.** The determination that the unintentional discharge of a firearm resulted from operator error, or negligence, such as the violation of a firearm safety rule.

**Drawing and Exhibiting and/or Use of Force - Administrative Disapproval - Out of Policy:** A finding, supported by a preponderance of the evidence, that the actions of the employee relative to drawing and exhibiting a firearm or use of force were not within the applicable Department’s policies.

**Extensive Retraining:** Formal training on identified areas or concerns completed by ISTD, subsequent to a finding of Administrative Disapproval on Tactics or Administrative Disapproval - Out of Policy on Drawing and Exhibiting or Use of Force.

**Drawing and Exhibiting and Use of Force - In-Policy – No Further Action:** A finding, supported by a preponderance of the evidence that the actions of the employee relative to drawing and exhibiting a firearm or use of force were within the applicable Department’s policies.

**Tactics - Administrative Disapproval:** A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training.

**Tactics – Tactical Debrief:** A finding, supported by a preponderance of the evidence, that the tactics employed during a CUOF incident did not unjustifiably and substantially deviate from Department approved tactical training.

**Tactical Debrief:** The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could be improved. The intent of a Tactical Debrief is to enhance future performance by reviewing and analyzing Department-wide training, practices, policies and procedures. The Tactical Debrief analysis shall not focus on, or document findings, recommendations, or analysis of individual employees or the incident. (Refer to Department Manual Section 3/792.15 for additional information regarding the tactical debrief.)

**792.06 CATEGORICAL USE OF FORCE INVESTIGATION ADMINISTRATIVE STATUTE**

**DEADLINE.** To ensure that a categorical use of force (CUOF) is properly reviewed and adjudicated in a timely manner, the Chief of Police (COP) shall submit all CUOF recommended administrative findings to the Board of Police Commissioners (BOPC) 60 calendar days prior to the administrative statute of limitations (SOL) date. The administrative SOL date is either one year from the date the CUOF incident is reported to a Department supervisor or from the amended administrative SOL date. If the administrative SOL date is amended due to tolling, the Commanding Officer (CO), Force Investigation Division, shall provide the BOPC with the amended administrative SOL date.

The COP will submit correspondence to the BOPC, detailing the recommended administrative findings 60 calendar days prior to the administrative SOL date, unless sufficient cause exists for an extension of that deadline. Grounds for such extension are as follows:

- The Force Investigation Division (FID) investigation has not been completed within 125 calendar days prior to the administrative SOL date, causing delay in the review and Use of Force Review Board (UOFRB) process; or,
- Critical Incident Review Division (CIRD); the Director, Office of Support Services; or the COP identifies a need for additional or supplemental investigation.

When FID anticipates that its investigation will not be submitted within 125 days of the administrative SOL date the CO, FID, shall provide the BOPC with an explanation for the delay and an estimated completion date. When such delay occurs during the review period as a result of the need for additional or supplemental investigation, the CO, CIRD, shall provide the BOPC with an explanation for the extension and an estimated completion date.

**792.10 CATEGORICAL USE OF FORCE ADJUDICATION FINDINGS.** Tactics, drawing and exhibiting a firearm, and use of force shall be evaluated during the Categorical Use of Force (CUOF) adjudication process. The Use of Force Review Board (UOFRB) shall convene and evaluate the CUOF incident. The UOFRB shall make recommendations to the Chief of Police (COP). The COP shall evaluate the CUOF incident and report his or her recommendations to the Board of Police Commissioners (BOPC). The BOPC will evaluate the CUOF incident and make findings consistent with the following:

Adjudication Area	Finding	Outcome
Tactics	Standard Debrief	Tactical Debrief and additional training if needed

	Administrative Disapproval	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> <li>▪ Extensive retraining</li> <li>▪ Notice to Correct Deficiencies</li> <li>▪ Personnel Complaint</li> </ul>
Drawing and Exhibiting the Firearm	In policy – No Further Action	Tactical Debrief
	Administrative Disapproval - Out Of Policy	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> <li>▪ Extensive retraining</li> <li>▪ Notice to Correct Deficiencies</li> <li>▪ Personnel Complaint</li> </ul>
Use of Force	In policy – No Further Action	Tactical Debrief
	Administrative Disapproval - Out of Policy	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> <li>▪ Extensive retraining</li> <li>▪ Notice to Correct Deficiencies</li> <li>▪ Personnel Complaint</li> </ul>

**Police Facility In-Custody Death Adjudication Protocol.** If the In-Custody Death (ICD) occurs in a Police Facility, in addition to the above listed Categorical Use of Force Adjudication Findings, inmate intake procedures, inmate welfare procedures, inmate emergency medical procedures, and post in-custody death procedures, shall be evaluated during the CUOF adjudication process, when applicable. This evaluation shall include the substantially involved sworn and civilian Department employees that fulfilled a custody role in relation to the incident, including those assigned to Custody Service Division. The UOFRB shall convene and evaluate the CUOF incident. The UOFRB shall make recommendations to the COP. The COP will evaluate the CUOF incident and report his or her recommendations to the BOPC. The BOPC will evaluate the CUOF incident and make findings consistent with the following:

Adjudication Area	Finding	Outcome
Inmate Intake Procedures <ul style="list-style-type: none"> <li>• Custody Transfer Communication (between law enforcement personnel and CSD personnel)</li> <li>• Booking process</li> </ul>	Consistent with Established Criteria	Tactical Debrief and additional training if needed
	Not Consistent with Established Criteria	Tactical Debrief and one or more of the following: <ul style="list-style-type: none"> <li>• Extensive retraining</li> </ul>

<ul style="list-style-type: none"> <li>Juvenile Booking Procedures (when applicable)</li> <li>Classification/Segregation</li> <li>Medical Screening</li> <li>Suicide Prevention</li> </ul>		<ul style="list-style-type: none"> <li>Notice to Correct Deficiencies</li> <li>Personnel Complaint</li> </ul>
<p>Inmate Welfare Procedures</p> <ul style="list-style-type: none"> <li>Safety Checks</li> <li>Pill/Sick Calls</li> <li>Dispensary Visits</li> <li>Cameras and Monitoring</li> </ul>	Consistent with Established Criteria	Tactical Debrief
	Not Consistent with Established Criteria	<p>Tactical Debrief and one or more of the following:</p> <ul style="list-style-type: none"> <li>Extensive retraining</li> <li>Notice to Correct Deficiencies</li> <li>Personnel Complaint</li> </ul>
<p>Inmate Emergency Medical Procedures</p> <ul style="list-style-type: none"> <li>Notification</li> <li>Cell Entry</li> <li>Medical Assistance</li> <li>Rescue Ambulance Request</li> </ul>	Consistent with Established Criteria	Tactical Debrief
	Not Consistent with Established Criteria	<p>Tactical Debrief and one or more of the following:</p> <ul style="list-style-type: none"> <li>Extensive retraining</li> <li>Notice to Correct Deficiencies</li> <li>Personnel Complaint</li> </ul>
<p>Post In-Custody Death Procedures</p> <ul style="list-style-type: none"> <li>Notifications</li> <li>Title 15, 30-Day Review</li> </ul>	Consistent with Established Criteria	Tactical Debrief
	Not Consistent with Established Criteria	<p>Tactical Debrief and one or more of the following:</p> <ul style="list-style-type: none"> <li>Extensive retraining</li> <li>Notice to Correct Deficiencies</li> <li>Personnel Complaint</li> </ul>

**792.15 TACTICAL DEBRIEF.** A Tactical Debrief shall be conducted for all Categorical Use of Force (CUOF) incidents within 90 calendar days of the conclusion of the BOPC review process.

During the CUOF adjudication process, the Use of Force Review Board (UOFRB), Chief of Police (COP), and the BOPC may identify areas of conduct that should be included during the Tactical Debrief. After the adjudication, Critical Incident Review Division (CIRD) shall compile the list of issues to be covered, provide it to the CUOF Debrief Facilitator, and track the Tactical Debrief Facilitation process.

The CUOF Debrief Facilitator shall conduct the Tactical Debrief with the substantially involved personnel and any other personnel identified by the COP or BOPC and shall be responsible for presenting the fact pattern of the case and leading a facilitated discussion on the training, tactics, force, and leadership issues applicable to the incident. The CUOF Debrief Facilitator will present those tactical practices identified by the adjudication process as “strengths” and “lessons learned” so that future practices, policies, or procedures can be enhanced. The Tactical Debrief shall include training in the areas of tactics, drawing and exhibiting a firearm and use of force.

The CUOF Debrief Facilitator shall summarize the Tactical Debrief analysis on an Intradepartmental Correspondence, Form 15.02.00, and within 21 calendar days forward it to GIRD, Training Division, and Force Investigation Division, who shall collect and analyze the results to further enhance adjudication, training, and critical incident investigations. In some circumstances, the UOFRB, COP, or BOPC may identify additional specific individual training needs for employees not identified during the 72-Hour Brief. In those cases, training shall be provided in addition to the Tactical Debrief. The intent of the additional training is to enhance future performance and is not to be considered punitive.

The CUOF Debrief Facilitator shall ensure that the Tactical Debrief is recorded on the involved employees’ TEAMS II Report, using the Learning Management System (LMS) code for the Tactical Debrief.

**792.20 ADMINISTRATIVE DISAPPROVAL (TACTICS, DRAWING AND EXHIBITING OR USE OF FORCE).** When the Board of Police Commissioners (BOPC) finds that an employee’s actions (tactics, drawing and exhibiting, or use of force) should be classified as “Administrative Disapproval,” the matter will be referred back to the Department for the appropriate actions. The remedial action taken shall be completed within 90 days. The Chief of Police (COP) shall specify in writing the specific recommended remedial actions and state why they expect that the remedial actions will reduce the risk of the officer repeating the disapproved behavior. Such remedial actions may include:

- Completion of Extensive Retraining;
- Notice to Correct Deficiencies, Form General 78; and/or,
- Personnel Complaint Investigation, Form 01.28.00.

In certain circumstances, it may be appropriate for the Department to initiate a personnel complaint or a Notice to Correct Deficiencies. Those instances may include when routine training clearly would not be appropriate or has already been provided and proven ineffective, or the employee intentionally disregarded policy or procedure. In some cases, an extensive retraining program may be appropriate when the employee clearly displayed a lack of aptitude or understanding of the circumstances resulting in a CUOF incident.

When the BOPC does not adopt the recommendations of the COP regarding tactics, drawing and exhibiting, or use of force, the BOPC will provide a written rationale for the finding. The findings of the BOPC are final in the CUOF administrative adjudication process.

**Note:** This procedure does not affect the right of grievance, Boards of Rights or other legal remedies or appeals processes.



## **793. ADJUDICATING A NON - CATEGORICAL USE OF FORCE INCIDENT.**

**793.01 LEVELS OF REVIEW.** All Non-Categorical Use of Force (NCUOF) Incidents shall be reviewed and approved at the following levels:

**Level I and Level II Incident (as defined in Department Manual Section 4/245.11)** - Upon completion by the investigating supervisor, the completed NCUOF investigation shall be routed to the following entities for the following purposes:

**Watch Commander/Unit Officer in Charge (OIC) Responsibilities.** The Area Watch Commander or Unit OIC shall:

- Review the investigation for completeness and the appropriate level designation;
- Provide a recommended administrative disposition for the tactics and the force used; Identify training issues; and,
- Provide recommended corrective action, if necessary.

**Area/Division Training Coordinator Responsibilities.** The Area or division Training Coordinator shall:

- Review the investigation for completeness; and,
- Verify the appropriate level designation as received from the watch commander/unit OIC.

**Area/Division Commanding Officer Responsibilities.** The Area or division commanding officer shall:

- Confirm the appropriate Use of Force level designation;
- Provide a recommended disposition for tactics and the force used; and,
- Recommend any corrective action, if necessary.

**Bureau Commanding Officer Responsibilities.** The bureau commanding officer shall:

- Review the recommended disposition for tactics and the force used;
- Review the recommended corrective action provided by the Area/division commanding officer; and,
- Approve or amend the recommended dispositions and corrective actions taken.
  - If amended, provide written justification in the NCUOF report.

**Critical Incident Review Division Responsibilities.** Critical Incident Review Division shall:

- Review the recommended disposition for tactics and the force used;
- Review any recommended action provided by the Area/division commanding officer and the bureau commanding officer;
- Provide a final disposition of the tactics and the force used; and,

**Note:** Any amendment to the recommended disposition of the bureau commanding officer will require a written justification in the NCUOF report.

- Notify the affected employee(s) and their commanding officer(s) of the final

disposition.

**Level III Incident (as defined in Department Manual Section 4/245.11)** - Upon completion by the investigating supervisor, the completed Level III NCUOF investigation shall be routed to the following entities for their respective responsibilities:

**Watch Commander/Unit OIC Responsibilities.** Upon receiving completed Level III NCUOF investigations, Area watch commanders or Unit OICs shall:

- Review the investigation for completeness and the appropriate level designation;
- Identify training issues; and,
- List any recommended corrective action, if necessary.

**Area/Division Training Coordinator Responsibilities.** Upon receiving completed Level III NCUOF Investigations, Area or division training coordinators shall:

- Review the completed Level III use of force investigation;
- Verify the appropriate level designation as received from the watch commander/unit OIC;
- Identify training issues; and,
- List any recommended corrective action, if necessary.

**Area/Division Commanding Officer Responsibilities.** Upon receiving completed NCUOF investigations, Area or division commanding officers shall:

- Review the completed Level III use of force investigation to ensure appropriate classification within the 14 calendar-day review period.
- Ensure identified training issues and recommended corrective action(s) are addressed; and,

**Note:** If the commanding officer determines the completed Level III use of force investigation is appropriately classified, and that the force itself will not be adjudicated as “out of policy,” then the completed Level III use of force investigation shall be closed out.

- Forward all closed out Level III use of force investigations to Critical Incident Review Division.

**Note:** If the commanding officer determines the force itself would be adjudicated as “out of policy,” the completed Level III use of force investigation shall be re-classified as a Level I use of force investigation.

**793.05 COMMANDING OFFICER'S RESPONSIBILITIES.** Upon receipt of a Non-Categorical Use of Force (NCUOF) investigation, the commanding officer shall:

- Utilize the Area/division Training Coordinator to evaluate the incident and confirm that it meets the criteria for the prescribed investigation level;
- Reclassify NCUOF investigations, when necessary, and direct the investigating supervisor to conduct a review of the investigation, ensure pertinent information is included, and resubmit the investigation;
- Contact subject matter experts (e.g., Training Division, Critical Incident Review Division, and the Mental Evaluation Unit) to obtain additional information, as needed;
- Review all reports and make a recommendation on the disposition;

- Sign the Use of Force Internal Process Report, Form 01.67.04;
- Notify the employee of the Critical Incident Review Division final disposition as soon as practicable; and,
- Ensure the officer is served with a copy of the Non-Categorical Use of Force Administrative Disapproval Internal Process Receipt, Form 01.67.07, when the final disposition for tactics and/or the use of force is Administrative Disapproval.

Non-Categorical Use of Force investigations shall be reviewed by Area/division commanding officers or the acting commanding officer within 14 calendar days of the incident. Investigations not reviewed within the 14 calendar day time frame require a written explanation on the Non-Categorical Use of Force Internal Process Report (IPR). Upon Area/division commanding officer approval, the IPR shall be forwarded to the bureau immediately.

**793.10 BUREAU COMMANDING OFFICER'S RESPONSIBILITY.** Upon receipt of a Non-Categorical use of force investigation, the bureau commanding officer shall:

- Cross-staff with Internal Affairs Division (IAD) to determine if a related complaint investigation has been initiated regarding the use of force incident and, if so, take that information into consideration;
- Review all reports and make a recommendation on the disposition;
- Sign the IPR;
- Forward the IPR, with all related reports attached, to the Commanding Officer, Critical Incident Review Division, within seven calendar days of receipt; and,
- Upon receipt of the disposition from Critical Incident Review Division, notify the employee's commanding officer of that disposition.

**793.15 COMMANDING OFFICER, CRITICAL INCIDENT REVIEW DIVISION, RESPONSIBILITY.** The Director, Office of Support Services, is the Department's review authority for the administrative review of all use of force incidents. For Non-Categorical uses of force, that authority is generally exercised through the Commanding Officer, Critical Incident Review Division, who shall:

- Review the Non-Categorical use of force investigation and all related reports to ensure compliance with Department policy and procedure;
- Approve or disapprove the recommended disposition and provide a written rationale for any finding that differs from that of the bureau commanding officer;
- Retain the original Non-Categorical Use of Force Internal Process Report and copies of all related reports; and,
- Forward a copy of the completed Internal Process Report to the bureau commanding officer.
- If the Commanding Officer, Critical Incident Review Division, requires further information prior to adjudication, such a request shall be submitted to the employee's bureau commanding officer.

**793.18. USE OF FORCE OUT OF STATUTE DISPOSITION.** All Categorical and Non-Categorical Use of Force investigations that are adjudicated after the statute date (one-year limitation) shall be classified as, "Out of Statute."

## **793.20 INCIDENTS INVOLVING MULTIPLE COMMANDS, MULTIPLE USES OF FORCE, MULTIPLE ADMINISTRATIVE INVESTIGATIONS OR TRAINING.**

**793.25 MULTIPLE COMMANDS INVOLVED.** If officers from different commands (e.g., Gang and Narcotics Division and Hollenbeck Area) are involved in a single Non-Categorical use of force, only one commanding officer shall adjudicate the incident. Generally, an operational command should complete the use of force investigation and that same command should assume adjudicating responsibility. The commanding officer adjudicating the incident should discuss the adjudication with the other commanding officer(s). The next level of review shall be the adjudicating command's chain of command.

**793.30 MULTIPLE USES OF FORCE.** When multiple uses of force occur during a single incident, each use of force must be identified and evaluated separately. In such cases, there may be varying dispositions for each use of force (e.g., the baton strike was in policy, but the front kick was out of policy). In these instances, each level of review shall complete an attached narrative identifying and classifying each separate use of force. The most serious classification (e.g., Administrative Disapproval), shall be indicated on the face sheet of the Internal Process Report.

**793.35. USE OF FORCE INVOLVING A PURSUIT OR TRAFFIC CRASH.** On occasion, a use of force will occur in conjunction with a pursuit or employee-involved traffic crash, each of which requires an on-scene administrative investigation by a supervisor. In such cases, the same uninvolved supervisor may conduct each of the administrative investigations and prepare the required administrative reports.

When a use of force, pursuit and/or traffic crash are involved, they shall be reviewed together through the process for reviewing Non-Categorical uses of force. The Commanding Officer, RMLAD, must coordinate his/her determination with the staff officer responsible for final determination of the related administrative investigation(s). This includes providing sufficient information to facilitate their record-keeping responsibilities.

**793.40 RECORDATION OF TRAINING.** In cases where formal training is directed as the result of a use of force review (i.e., any training provided by Training Bureau, Training Division shall enter all completed training into the Training Evaluation and Management System II (TEAMS II). All other forms of directed training (e.g., divisional training) shall be entered into TEAMS II by the employee's Area/division. In all cases, the corresponding administrative file number (usually the DR number) shall be included in the TEAMS II entry.

**793.45 RECORDING SUPPLEMENTAL INFORMATION.** When additional information is discovered prior to completion of the use of force investigation, that information shall be incorporated into the report with the date, time and circumstances under which the supplemental information was received. However, on occasion, supplemental information is obtained after the use of force investigation has been completed. When that occurs, the following procedure shall apply:

**Prior to Adjudicating the Use of Force.** When supplemental information is obtained prior to adjudicating the use of force, that information shall be added to the use of force investigation via an Employee's Report, Form 15.07.00 and considered in conjunction with the original report.

**After a Complaint Has Been Initiated.** When a complaint has been initiated, supplemental information shall be reported in writing to the assigned investigator(s) via Intradepartmental Correspondence, Form 15.02.00.

**After Adjudicating a Use of Force, No Complaint Initiated.** When a use of force has been adjudicated and no complaint was initiated, the supplemental information shall be included on a Form 15.02.00 and considered by the chain of command reviewing the original use of force.

The document containing the supplemental information shall be attached to and retained with the initial use of force investigation (e.g., original retained by RMLAD, copies retained by the involved employee's bureau and Area/specialized division commanding officer).

(See also Initiating a Complaint Investigation Involving a Use of Force Manual Section 3/830).

#### **794. INVESTIGATIVE RESPONSIBILITY OF OFFICER INVOLVED SHOOTINGS, CUSTODIAL AND IN - CUSTODY DEATHS, AND USE OF FORCE INCIDENTS RESULTING IN INJURY.**

**794.01 SERIOUS INJURY DEFINED.** For the purpose of this section, an injury shall be considered **serious** when there is a substantial possibility that a person will die as a result of the injury.

**794.02 SIGNIFICANT INJURY DEFINED.** For the purpose of this section, a **significant** injury is defined as an injury, other than a traffic crash-related injury, which requires the individual to be admitted to a hospital for treatment or observation.

**794.10 CATEGORICAL USE OF FORCE INVESTIGATIONS.** Force Investigation Division (FID) is responsible for investigating all aspects of Categorical Use of Force (CUOF) incidents (except as detailed below) and any other investigation at the direction of the Chief of Police (COP).

Force Investigation Division is also responsible for investigating CUOF and/or Non-Categorical Use of Force (NCUOF) incidents where the Department has agreed to conduct similar critical incident investigations for other non-Department entities, such as the Los Angeles Fire Department Arson Unit, the Los Angeles World Airport Police and other non-City entities (e.g., University of California, Los Angeles; University of Southern California Department of Public Safety, and California State University Northridge, Department of Police Services).

**In-Custody Deaths.** Force Investigation Division shall complete a CUOF In-Custody Death (ICD) investigation in all cases where there is a death of any arrestee or detainee in the custodial care of the Department unless all of the following conditions exist:

- The Los Angeles County Coroner makes a preliminary determination that the death was caused by natural, accidental or undetermined means;
- The incident did not involve a use of force or evidence of foul play;
- There is no misconduct which would rise to the level of negligence or risk management issues associated with the incident to include: commission of a criminal offense, neglect of duty, violation of Department policies, rules, or procedures, and, conduct which may tend to reflect unfavorably upon the employee or the Department;
- The investigation reveals that there were no violations of Department policies and procedures which directly led to the death;
- The toxicology report supports the Coroner's determination; and,
- The investigation reveals no problematic evidence or seriously-conflicting witness statements regarding the incident.

When all of these aforementioned circumstances exist, the assigned FID investigator shall review the investigation with their section lieutenant and receive approval to close out the incident via a Death Investigation Report, Form 03.11.00, consistent with existing Department procedures.

After the approval to reclassify the ICD is provided by the section lieutenant, the assigned FID investigator shall:

- Complete an extensive Follow-Up Investigation Report, Form 03.14.00, thoroughly documenting the investigative efforts and its completion;
- Complete an Intradepartmental Correspondence, Form 15.02.00, documenting a synopsis of the incident, the Coroner's findings, investigative steps, and the rationale for closing the investigation; and,
- Attach all relevant addenda items, (e.g., Autopsy Report, Toxicology Report and Follow-Up Investigation Report) to the Intradepartmental Correspondence.

If the ICD occurred in a Department Jail Facility, FID and Media Relations Division personnel shall adhere to procedures listed in Department Manual Section 4/648.14, Notifications When an Inmate Dies in a Department Jail Facility, including notifications and internet publications mandated by state law.

The FID investigator shall compile the Intradepartmental Correspondence and all relevant addenda items into an ICD Case Reclassification Package (CRP). After the reclassification is approved by the Commanding Officer (CO), FID, the ICD CRP will be forwarded by the CO, FID, to the CO, Critical Incident Review Division (CIRD), for concurrence. Simultaneously, the CO, FID, will forward an informational copy to the Office of the Inspector General (OIG).

Once concurrence is obtained from the CO, CIRD, the ICD CRP will be presented to the COP for their signature and transmission to the Board of Police Commissioners (BOPC) for approval. The Intradepartmental Correspondence, along with the ICD CRP to support the recommended action, shall serve as the COP's recommendation to the BOPC to have the incident reclassified.

Should the BOPC agree with the request to reclassify the ICD, the FID investigator will work with the detectives in the Area of occurrence to facilitate the exchange of information and ensure that the case is closed properly.

In the event that concurrence does not take place at any level during the process, the established FID investigative process will continue and the incident will remain as the original classification of the CUOF ICD.

**Animal Shootings and Non-Tactical Unintentional Discharges of Firearms.** Upon responding to a use of force incident involving an animal shooting or a non-tactical unintentional discharge (defined in Manual Section 3/792.05), all Department employees must presume that a CUOF has occurred and follow all CUOF protocols.

**Exception:** Procedures are detailed below regarding investigations of off-duty animal shootings in rural areas that meet the specified criteria.

Force Investigation Division is responsible for investigating any on/off-duty animal shooting and unintentional discharge. An Officer-Involved Firearm Discharge Investigation, Form 01.67.08, may be used to document tactical or non-tactical unintentional discharges and animal shootings if all of the following criteria exist:

- No injuries to person(s);
- No misconduct involved other than the unintentional discharge;
- No violations of Department policy and/or procedure (other than a violation associated with the unintentional discharge); and,
- No significant conflicts in witness statements or evidence.

**Note:** If any of the above criteria are not met, the CUOF investigation shall be handled and documented utilizing existing CUOF procedures.

The initial determination of whether the Form 01.67.08 will be used to document the investigation will be made by the on-call FID lieutenant. The final determination will be made by the CO, FID. The COP retains the authority to determine the reporting method.

The on-call FID lieutenant will send the required resources from FID to conduct the investigation with the support of personnel from the involved employee's command or personnel from the Area of occurrence. An FID investigator will complete the Form 01.67.08, and submit the report to the CO, FID, for approval. The CO, FID, will forward the approved report to the CIRD within 120 calendar days of the incident. In addition, the CO, FID, will forward a copy of the investigation to the involved employee's CO and to his or her bureau for review.

**Note:** If additional time is required to complete the investigation, the CO, FID, must submit an Intradepartmental Correspondence to the CO, CIRD, explaining the reason for the delay and the anticipated date of its completion. The CO, FID, will forward a copy of the Intradepartmental Correspondence to the involved employee's Area/division and bureau commanding officer.

**Investigations of Off-duty Animal Shootings in Rural Areas.** Force Investigation Division will no longer respond to and no Department investigation is required for off-duty animal shootings in a rural area when all of the following criteria are met:

- The employee is off-duty;
- The incident occurred in an area which would reasonably be considered a rural district, including ranchland, farmland, parkland, or other sparsely populated areas, as opposed to cities and towns;
- The incident was the result of the need to stop a vicious, predatory, or venomous animal presenting a direct threat to the officer, other persons or pets; and,
- There is no misconduct involved or violation of Department policy or procedures.

**Note:** Force Investigation Division will continue to respond if all of the above criteria are not met or as directed by the COP.

**Employee's Responsibilities.** When all of the above criteria are met, the employee must:

- Notify his/her watch commander or officer in charge of the incident without delay;
- Contact the local law enforcement authorities and be guided by their advice;
- Complete the Off-Duty Officer-Involved Firearm Discharge Investigation – Animal Shooting In A Rural Area, Form 01.67.11 and submit to his/her watch commander or officer in charge. The employee must ensure a detailed description of the circumstances, action(s) taken and threat posed by the animal are included in the report. The employee must submit the completed report on the next working day, but no later than seven calendar days after reporting the incident; and,

**Note:** If the employee's service weapon was involved, the employee must have the weapon inspected by a Department Armorer within seven business days after reporting the incident, if practicable. The Department Armory will complete the Weapon Discharge Inspection Report and it must be attached to the Form 01.67.11.

- Complete an Overtime Report, Form 02.24.00, as soon as practicable and ensure compliance with the Department's Fair Labor Standards Act policy and overtime procedures (Manual Sections 3/222.20 and 3/708.02).

**Watch Commander's or Officer in Charge's Responsibilities.**

- Document the notification by the involved officer on the Watch Commander 's Daily Report, Form 15.80.00;
- Notify the on-call FID Lieutenant via DOC, and document the information on the Watch Commander's Daily Report;
- Upon receipt of the Form 01.67.11, the watch commander or Officer in Charge will review the circumstances and documentation to ensure all applicable criteria were met and are properly documented and forward the Form 01.67.11 to the employee's CO; and,
- If the employee's service weapon was involved, the Weapon Discharge Inspection Report must be attached prior to submission to the CO.

**Commanding Officer's Responsibilities.** Upon receipt of the Form 01.67.11, the CO will review the incident and take appropriate action if needed. The CO will then ensure distribution of the Form 01.67.11 to FID, CIRD, and the concerned bureau within 30 calendar days after the incident

**794.12 USE OF FORCE INVESTIGATIONS INVOLVING HEAD STRIKES.** Upon responding to a use of force incident involving a head strike, the investigating supervisor shall presume that a CUOF has occurred. The investigating supervisor shall follow all CUOF protocols, until the Commanding Officer, FID, determines if the incident will be handled as a CUOF or a Level I NCUOF incident. The following additional protocols shall be followed for incidents involving head strikes:

- The assigned field supervisor shall determine whether the head strike occurred through an preliminary assessment of the facts and circumstances. The field supervisor shall handle any incident involving a head strike as a CUOF until a determination is made by the Commanding Officer, FID;
- The assigned field supervisor shall ensure that a rescue ambulance is requested to treat and/or evaluate the subject(s) involved;
- The assigned field supervisor shall notify the watch commander of the Area where the incident occurred regarding the occurrence of a head strike and provide the preliminary facts and circumstances of the incident;
- The watch commander shall notify the on-duty Force Investigation Division (FID) supervisor via DOC and provide the facts and circumstances of the incident;
- The FID supervisor shall respond to conduct an assessment of the incident to determine whether the head strike was intentional or unintentional and contact the Commanding Officer, FID, to provide the facts and circumstances of the incident;
- The Commanding Officer, FID, shall make the final determination if the incident will be handled as a CUOF or a Level I NCUOF and ensure that the watch commander is advised of the decision; and,

**Note.** The Commanding Officer, FID, may direct a CUOF investigation for a head strike incident that meets the criteria for a Level I NCUOF incident.

- The watch commander shall notify the on-scene investigating supervisor whether the incident will be handled as a CUOF or a Level I NCUOF incident.



**794.14 CRIMINAL INVESTIGATION SECTION-RESPONSIBILITIES.** When conducting a CUOF investigation, Criminal Investigation Section shall be responsible for:

- The use of deadly force (e.g., discharge of a firearm) by a Department employee;
- The use of an upper body control hold by a Department employee;
- An incident involving a death;
- Conducting the preliminary investigation of any crime associated with an incident for which FID has investigative responsibility;

**Exception:** In cases where the crime committed by the civilian suspect(s) is not against the involved officer (e.g. driving a stolen vehicle), Area detectives may, at the discretion of FID, be assigned the responsibility for investigating the criminal components of the case and conducting the related follow-up investigation. Additionally, at the discretion of the Commanding Officer, PSB, Robbery-Homicide Division may continue to investigate incidents where an employee is killed or seriously injured as a result of being the victim of, or suspect in a crime.

- Conducting the criminal investigation, if appropriate, of the actions of the officer(s) involved in a CUOF incident;
- Taking charge of the scene of a CUOF incident;
- Interviewing civilian and non-involved Department employee witnesses;
- Investigating any incident involving a sworn officer from an outside agency who uses deadly force within the City of Los Angeles; and,
- Investigating any other incident at the direction of the COP.

Though FID is in charge of the scene, FID is not responsible for investigating any crime(s) associated with an incident for which they have administrative investigative responsibility. Many incidents investigated by FID are strictly administrative and do not require an on-scene criminal investigation. However, when an on-scene criminal investigation is required for an incident being investigated by FID, Robbery-Homicide Division (RHD) shall assume criminal investigative responsibility for the following incidents:

- An incident in which a department employee is the victim of a crime directly related to the incident being investigated by FID, (e.g., Assault with a Deadly Weapon or Battery on a Police Officer); and,
- When the Chief of Police or his designee determines the RHD should handle the criminal investigation.

All other crimes shall be investigated at the Area/divisional level except for incidents that are assigned to Internal Affairs Division (IAD), in which case IAD shall assume responsibility for both the administrative and criminal investigations.

**794.20 ADMINISTRATIVE INVESTIGATION SECTION RESPONSIBILITIES.** The Administrative Section shall be responsible for:

- Liaising with Criminal Investigation Section during their investigation;
- Conducting the compelled interviews and walk-throughs of involved officers;
- Completion of the arrest, booking, reporting and investigative follow-up of a suspect involved in the CUOF incident;

**Note:** In order to protect statements which may be contained in an arrest report and were provided by victim officers involved in the CUOF incident, the Administrative Investigation Section shall handle the arrest and

booking of civilian suspects, except in those cases where Robbery-Homicide Division or Area Detectives are responsible for the follow-up criminal investigation.

- Completion of the administrative CUOF Report; and,
- Presenting the findings of the CUOF investigation at Use of Force Review Board hearings.

All incidents that do not meet the criteria for being investigated by Force Investigation Division (FID) shall continue to be reported and investigated at the Area/divisional level. The commanding officer of the involved employee(s) shall be responsible for the administrative investigation of all employee-involved and employee-influenced injuries which are not the responsibility of FID. A supervisor from the involved employee's command shall respond to the scene and:

- Investigate the incident to ensure that Department policies and procedures were followed;
- Take appropriate action if training, personnel, or other administrative issues arise; and,
- Ensure that the incident is documented in the appropriate Department report(s) (e.g., crime, arrest, use of force, and/or pursuit reports.)

**794.25 CRIMINAL INVESTIGATIVE RESPONSIBILITY.** The geographic detectives in the Area where the crime occurred shall be responsible for the criminal investigation related to all employee-involved and employee-influenced injuries which are not the responsibility of a specialized command. The Area or specialized division commanding officer shall ensure that appropriate investigative personnel are assigned to the criminal investigation of these incidents.

**794.26 STATEMENTS FOR OFFICER-INVOLVED SHOOTINGS, IN-CUSTODY DEATHS, AND USE OF FORCE INCIDENTS RESULTING IN SIGNIFICANT INJURY.** The statements of involved officers and civilian witnesses who actually witnessed the incident shall be electronically recorded, unless certain criteria are met and approval by the on-scene Force Investigation Division Lieutenant/Officer in Charge (OIC) is obtained (Department Manual Section 3/794.37)

**794.30 INVESTIGATIONS INVOLVING MISCONDUCT.** Whenever a FID investigation identifies an allegation(s) of serious misconduct the officer, in charge of the FID investigation, shall ensure that a Personnel Complaint, Form 01.28.00, is completed in accordance with Department policy. The officer in charge of the FID investigation shall cause the Chief of Police or his designee and the Commanding Officer, PSB, to be notified regarding allegation(s) of serious misconduct.

**794.32 FORCE INVESTIGATION DIVISION - INVESTIGATION INVOLVING SERIOUS MISCONDUCT.** When a Force Investigation Division (FID) investigation involves an allegation(s) of serious misconduct or the investigation reveals serious misconduct, the Commanding Officer, FID, or the senior officer in charge of the FID investigation shall immediately notify the Chief of Police or his designee; the Commanding Officer, IAD; and, the Inspector General (IG). When it is determined that an officer is involved in serious misconduct, IAD shall assume responsibility for the criminal and administrative investigations, though the Chief may assign the criminal investigation to any entity other than FID. The Chief will notify the Board of Police Commissioners (Police Commission) in writing, with a copy to the IG, that the investigation has been transferred to IAD (or another entity) and include the new investigative control number as well as the old FID control number (e.g., OIS number) if one was issued.

When IAD completes its investigation, the Chief shall forward a summary of the investigation to the Police Commission for its review with a copy to the IG. If that investigation is not completed at least 60 days before the running of any disciplinary (administrative) statute of limitations, the Chief will provide a status report of the investigation to the Police Commission, with a copy to the IG. The status report will identify the reason(s) the

investigation is not completed, a description of investigative steps yet to be completed and a schedule for completing the investigation.

**Note:** Any element of the Department necessary to complete the investigation shall be at the disposal of the Commanding Officer, Internal Affairs Division.

**794.35 CATEGORICAL USE OF FORCE – NOTIFICATIONS.** Notification responsibilities after a Categorical Use of Force (CUOF) are established as follows:

**Area Watch Commander/Incident Commander.** The Area watch commander/Incident Commander shall make the following notifications within 30 minutes of learning that a CUOF incident has occurred:

- Department Operations Center (DOC);
- Area commanding officer of the Area of occurrence; and,
- Bureau commanding officer of the Area of occurrence.

**Note:** In such instances where the notification is beyond the 30 minutes, the justification shall be documented in the Watch Commanders Daily Report, Form 15.80.00

**Department Operations Center.** Department Operations Center shall make the following notifications within 20 minutes of being notified by the Area watch commander/Incident Commander that a CUOF incident has occurred:

- Office of the Chief of Police or his or her designee;
- Chief of Staff;
- Force Investigation Division (FID) or FID on-call team during non-business hours; and,
- Office of the Inspector General (OIG);

**Additional Notifications Requirements.** As soon as possible after the initial required notifications, DOC shall make notifications to the following entities:

- Commanding Officer, Professional Standards Bureau;
- Involved employee(s) commanding officer;
- Department Risk Manager;
- Family Liaison Section; and,
- Los Angeles District Attorney's Office for those cases identified in the roll out protocol governing such notifications.

**Note:** For officer-Involved Shootings or any other categorical use of force, which results in death or where death is deemed likely by FID, and for any In-Custody Deaths, the Commanding Officer, FID, shall notify the Family Liaison Section, Office of the Chief of Staff.

#### **794.37 FORCE INVESTIGATION DIVISION - INVESTIGATIONS.**

**Response and Crime Scene Responsibilities.** Force Investigation Division (FID) shall be available to respond 24-hours a day to incidents for which it has investigative responsibility. Upon receiving notification of an incident, a FID investigator shall respond to the scene promptly. When multiple investigating entities are present (i.e. Area detectives), the senior FID member present shall have overall command of the crime scene and the on-scene investigation. This does not preclude the Chief of Police or his/her designee from assuming command when there is a specific need to do so.

**Force Investigation Division Investigative Guidelines.** Force Investigation Division investigators shall follow established Department procedure for investigating all incidents for which it has investigative responsibility. Additionally, FID investigators shall:

- Record all interviews (i.e., audio or video recording) of involved officers and witnesses (if not recorded, provide justification);

**Exception: This exception only applies to officer-involved shootings.** Heard only witness statements shall be documented on the Heard Only Witness Form for LAPD Sworn, Form 01.71.02, or a Heard Only Witness Form for Civilians, Form 01.71.03, when approved by the on-scene FID Lieutenant/Officer In Charge (OIC). The Heard Only Witness Form for Civilians is also used to document the statements of outside agency personnel classified as a "heard only" witness. These statements do not need to be electronically recorded.

**Note:** Whenever possible, recorded interviews should include a complete record of the interview including a preamble and interview conclusion.

- Interview civilian witnesses at locations and times convenient to them, whenever it is practical and appropriate;
- Prohibit group interviews;

**Note:** If the subject of the use of force or a civilian witness was not interviewed separately, document that the witness(s) was not interviewed separately along with an explanation.

- Interview all involved supervisors (applies only to those actively involved in managing the scene) regarding their management of the scene during the incident;
- Coordinate the collection and preservation of all appropriate evidence, including canvassing the scene to locate possible witnesses if appropriate;
- Ensure that all officer's and suspect's injuries are photographed (if no photographs are taken provide an explanation why); and,
- Identify and document all inconsistencies in officer and witness interview statements.

**Heard Only Witnesses. This applies to officer-involved shootings only.** Witnesses that meet the criteria for being classified as a "heard only" witness shall have their statements documented on the Heard Only Witness Form for LAPD Sworn or Heard Only Witness Form for Civilians. These statements do not need to be electronically recorded.

In order for a witness to be considered "heard only," the following requirements must be met:

For Sworn:

- The officer is not the partner of an officer who used force;
- The officer is not the partner of an officer who heard conversations or observed activity between the involved officer(s), suspect(s) or key witnesses;
- The officer only heard gunshots and did not witness any other aspect of the incident under investigation; and,
- The FID Lieutenant/OIC determined there is no further investigative value in determining the rate, sequence, or any other relevant audible characteristic of the gunshots heard in connection with the case under investigation.

For Civilians:

- The civilian witness only heard gunshots;
- The civilian witness did not witness any part of the incident leading up to the officer-involved shooting;
- The civilian witness did not hear any verbal conversations or commands prior to or after the officer involved shooting; and,
- The FID Lieutenant/OIC determined there is no further investigative value in determining the rate, sequence, or any other relevant audible characteristic of the gunshots heard in connection with the case under investigation.

**Liaison with the District Attorney and Inspector General.** The assigned FID investigator or his/her supervisor shall liaise with the assigned deputy district attorney and Inspector General to ensure that both are briefed and allowed to observe the investigation.

**Test Firing of Firearms Used in Categorical Use of Force Incidents.** As part of Categorical Use of Force (CUOF) Investigation protocol, FID investigators shall retain any firearm discharged by an officer during a CUOF incident so that ballistic testing of the firearm can be completed. The involved officer will receive a replacement firearm from FID until his/her firearm is returned. The firearm will be returned to the involved employee immediately after testing is completed.

In certain instances, it may be necessary to obtain all or portions of the involved officer's leather gear, badge, boots or uniform. If an officer requires leather gear replacement, he/she shall complete a Supply Order Form, Form 15.11.00, and forward it to the Uniform Shop, Supply Section, Fiscal Group (FG). If an officer requires a badge replacement, he/she shall complete an Intradepartmental Correspondence, Form 15.02.00, directed to the Commanding Officer, Personnel Division. If an officer requires uniform or boot replacement, he/she must purchase the items and then complete an Intradepartmental Correspondence directed to the Commanding Officer, FG, for reimbursement.

**Watch Commander/Incident Commander's Responsibilities.** After all public safety concerns have been addressed, the watch commander, Area of occurrence, or incident commander shall ensure that involved officers and witness officers are transported from the scene, physically separated unless logistical problems (e.g., the number of involved officers and/or supervisors) preclude individual separation, and monitored to eliminate the possibility of contaminating their statements prior to their interview by FID personnel. During that time, the watch commander/incident commander shall ensure that the welfare of the involved officer(s) is addressed.

**Duty to Assess Supervisor's Response.** Within seven calendar days of a CUOF incident, the commanding officer of a supervisor who responds to a CUOF, in consultation with FID, shall:

- Analyze the circumstances surrounding the presence or absence of a supervisor at a CUOF incident;

**Note:** "Supervisor" is defined as the first responding supervisor to a CUOF incident, not a supervisor who was a witness or an involved party. The analysis shall also address the response of any subsequent supervisor(s) who assumes command of the incident.

- Determine if a supervisor's response to, and actions at, the incident were appropriate (i.e., ensuring medical treatment was provided, facilitating the search for outstanding suspects and/or weapons, establishing a perimeter, protecting the crime scene, canvassing for witnesses, ensuring separation of officers, bringing appropriate resources to the scene, promptly notifying the Department Command Post, etc.);
- Identify training issues, if any;

- Document the analysis on an Employee Comment Sheet, Form 01.77.00, as outlined in Manual Section 3/760.13. The documented analysis shall reflect specificity and individuality;
- Discuss the commanding officer's analysis with the involved supervisor(s);
- Take appropriate administrative action as necessary; and,
- File the Employee Comment Sheet in the divisional Employee Comment File, and ensure the information is taken into account in the supervisor's next performance evaluation.

**Note:** Lieutenants in charge of Area detective divisions as commanding officers **shall not** conduct this assessment.

The involved employee's commanding officer shall prepare and forward an Intradepartmental Correspondence to the Commanding Officer, FID, no later than seven calendar days following the incident confirming that an assessment was conducted. The Intradepartmental Correspondence shall contain the following:

- FID case number;
- Date of occurrence;
- Name and serial number of the supervisor(s) assessed; and,
- Date the analysis was conducted.

The original Intradepartmental Correspondence shall be retained by FID with its investigation, and a copy shall be maintained at the Area/divisional level. Appropriate supervision for these incidents shall also be addressed by the Use of Force Review Board and any action with respect to supervision generally should flow from that process.

**794.39 DISTRIBUTION OF REPORT.** The original and all copies of the final FID administrative report must be marked "CONFIDENTIAL." The Commanding Officer, FID, will retain the original and distribute copies to the Office of the Inspector General (for the Board of Police Commissioners), Risk Management and Legal Affairs Division, and the Department's Use of Force Review Board.

**794.40 RETURN TO FIELD DUTY OF EMPLOYEES INVOLVED IN AN OFFICER-INVOLVED SHOOTING RESULTING IN INJURY OR A CATEGORICAL USE OF FORCE RESULTING IN DEATH OR THE SUBSTANTIAL POSSIBILITY OF DEATH.**

**Commanding Officer's Responsibilities - Initial Response and Preliminary Procedures.** Upon notification of an on- or off-duty employee(s) under his or her command who is involved in an officer-involved shooting resulting in an injury to any person or a Categorical Use of Force resulting in death or the substantial possibility of death, the commanding officer shall:

- Immediately remove the involved employee(s) from field duty;
- Meet with the involved employee(s) to discuss the process that will occur [e.g., Force Investigation Division (FID) interviews, Behavioral Science Services (BSS) referral, Use of Force Review Board];

**Note:** Supervisors and commanding officers shall not discuss an assessment of the incident.

- Ensure that the initial needs of the involved employee(s) are met (e.g., notification to family/friends, involved employee(s) and personal vehicle transported to residence at conclusion of interviews); and,
- Review the Training Evaluation and Management System II (TEAMS II) Report of the involved employee(s) to examine the areas of discipline information, use of force information and pursuits. Obtain the details in any of the areas of concern (e.g., contacting Professional Standards Bureau for details on a pending complaint(s), Intradepartmental Correspondence, Form 15.02.00, to the Board of Police Commissioners for the details on a prior shooting or a categorical use of force; and, discussions

with the involved employee's immediate supervisor or officer in charge to examine if a pattern in uses of force or discipline exists).

**Directed Referral to Behavioral Science Services.** The commanding officer of an on- or off-duty employee(s) who is involved in an officer-involved shooting resulting in an injury to any person or a Categorical Use of Force resulting in death or the substantial possibility of death shall:

- Notify BSS within two business days of the incident;
- Schedule three mandatory, on-duty appointments for the employee(s) with BSS for a psychological evaluation by a licensed mental health professional;

**Note:** The first appointment shall be scheduled for within 72 hours of the incident or as soon as practicable; the second appointment shall be scheduled for approximately four to eight weeks after the incident; and, the third appointment shall be scheduled before or after the Use of Force Review Board has concluded (predicated upon BSS's recommendation, with input from the employee's CO).

- Notify the involved employee of the appointment; and,

**Note:** An employee's attendance at a BSS session resulting from a directed referral is mandatory and shall be conducted on an on-duty basis.

- Consult with BSS after the involved employee's first mandated appointment to obtain their recommendation of whether or not to return the employee(s) to field duty. Other than the recommendation of BSS, matters discussed during the BSS evaluation shall be strictly confidential.

**Return to Field Duty.** Prior to returning an employee to field duty, approval is required from the Chief of Police. After obtaining the recommendation from BSS to return an involved employee to field duty (if applicable), the involved employee's commanding officer shall:

- Interview the employee(s) to assess the employee's readiness and suitability to return to field duty;
- Ensure that the General Training Update (GTU) has been completed;

**Note:** The GTU shall be completed prior to the employee returning to field duty, unless otherwise directed by the Chief of Police.

- Obtain concurrence from the bureau commanding officer, who will then obtain approval from the assistant chief within their chain of command and the Chief of Police regarding the involved employee's readiness to return to field duty;
- Notify the involved employee(s) of the determination to return or not return the employee to field duty status; and,
- Continue to assess and monitor the involved employee(s) upon their return to field duty to ensure the welfare of the involved employee considering liability factors, work products, subsequent interviews, and complaint or work history.

**Note:** Under no circumstances shall the officer(s) who discharged their weapons be returned to field duty until at least 14 calendar days have elapsed since the time of the incident.

**Notification to Use of Force Review Board.** Within 30 calendar days of the incident, the commanding officer of the employee who is involved in an officer-involved shooting resulting in an injury to any person or a categorical use of force resulting in death or the substantial possibility of death shall submit an

Intradepartmental Correspondence via his or her chain of command to the Chair of the Use of Force Review Board confirming compliance with these guidelines. The Intradepartmental Correspondence shall include:

- The date of the incident;
- The date of the officer's BSS visit;
- The date of the commanding officer's consultation with BSS;
- The recommendation of BSS regarding the duty status of the involved employee;
- The commanding officer's recommendation as to an employee's readiness and suitability to return or not return to field duty status shall be based on an employee interview, BSS recommendation, TEAMS II review, and Chief of Police approval;
- The dates that approval was obtained from the bureau commanding officer, assistant chief and Chief of Police to return the employee to field duty;
- The date the officer(s) was returned to field duty, if such a determination was made;
- The specific assignment(s) of the involved employee on each of the dates prior to the officer being returned to field duty; and,

**Note:** If the involved employee has not returned to field duty within 30 calendar days of the incident **due to the recommendation of BSS or non-approval by the Chief of Police**, an additional Intradepartmental Correspondence shall be submitted every 30 calendar days thereafter indicating specific assignment(s) of the involved employee pending his or her return to field duty until approved for return to full duty.

- Any duty restrictions attached to the return to field duty determination.

**Note:** Nothing in this section prevents a commanding officer from referring an officer to BSS under less serious circumstances (Department Manual Section 3/799).

**Bureau Commanding Officer's Responsibilities.** Upon notification by the involved employee's commanding officer of BSS's recommendation to return the employee who was involved in an officer-involved shooting resulting in an injury to any person or a Categorical Use of Force resulting in death or the substantial possibility of death to field duty, the bureau commanding officer shall:

- Discuss the involved employee's readiness and suitability to return to field duty with the involved employee's commanding officer and consider his or her recommendation for approval or disapproval;
- Consult with the assistant chief within the employee's chain of command and the Chief of Police or his or her designee, **within seven days** of the BSS recommendation (if applicable) to obtain approval for the employee to return to field duty; and,

**Note:** It is the responsibility of the involved employee's bureau commanding officer to ensure concurrence is obtained from the Chief of Police or designee through his or her chain of command in a timely manner. This may be accomplished telephonically, if necessary.

- Advise the involved employee's commanding officer of the decision by the Chief of Police.

**795. OBTAINING A PUBLIC SAFETY STATEMENT.** Following an officer-involved shooting Incident (OIS), and when appropriate for other categorical uses of force where information is necessary in order to quickly identify immediate public safety concerns, a public safety statement (PSS) shall be obtained individually from as many substantially involved employees as necessary in order for the supervisor to immediately determine:

- The type of force used;



- The direction and approximate number of any shots fired by the involved employee(s) and/or suspects;
- The location of each involved employee when he or she fired their weapon;
- The location of any injured persons, including those in need of medical attention;
- The description of outstanding suspect(s) and direction(s) of travel, the mode of travel, time elapsed since the suspect(s) was last seen, and any suspect weapon(s);
- The description and location of any known victims or witnesses;
- The description and location of any known evidence; and,
- The other information as necessary to ensure officer and public safety and/or assist in the apprehension of any outstanding suspect(s).

**Note:** Officers and supervisors shall stop recording of their Body-Worn Video (BWV) and Digital In-Car Video (DICV) prior to asking for a PSS. Supervisors shall ensure that each officer gives his or her PSS separately and apart from any involved officers. In accordance with current Department procedures, and employee shall be allowed to view his or her own BWV and/or DICV video footage prior to being interviewed by Force Investigation Division (FID).

The supervisor shall separately and individually obtain a PSS from the substantially involved employees using language from the Verbatim Public Safety statement, Form 15.03.00. After obtaining sufficient information, the supervisor shall continue to maintain the separation and monitoring of involved witness employees and order them not to discuss the incident with anyone other than the assigned investigators and the employee's representative(s). The supervisor shall direct each involved/witness employee not to view any media coverage, recordings, or reports of the incident to include television, DICV, BWV, social media, or any video or audio from any source; or, to communicate information regarding the incident via email, phone, text, Mobile Data Computer or social media until authorized by the assigned Force Investigation Division (FID) investigator or representative.

**Note:** Supervisors involved in the separation, transportation, and monitoring of an involved/witness employee following an OIS or other relevant Categorical Use of Force incident shall **not** discuss the specifics of tactics used in the incident with that employee.

**Substantially Involved - Defined.** The term "substantially involved" includes the employees(s) applying force or who had a significant tactical or decision making role in the incident.

**795.10 DOCUMENTING THE SEPARATION, TRANSPORTATION, AND MONITORING OF EMPLOYEES.** The actions of each Department employee involved in the separation, transportation and monitoring of employees will be critically evaluated at every Use of Force Review Board.

**Incident Commander's Responsibility.** After a public safety statement has been obtained and all public safety concerns have been addressed (e.g., establishing a perimeter, protecting the crime scene, locating witnesses/evidence, managing the response of additional resources, etc.), the incident commander shall:

- Ensure that supervisors transport previously separated involved/witness employees individually to the location of interview as soon as practicable (If the incident occurs outside the city, an outside law enforcement agency's facility may be used). Separation shall remain in effect until the employee is interviewed by Force Investigation Division (FID);

**Exception:** An involved/witness employee may remain at the scene to identify possible suspects. If this occurs, a supervisor shall accompany the employee at all times.

- Utilize all supervisory resources available as necessary (e.g., from Vice, Gang Enforcement Details, detectives, supervisors from adjacent Areas) to transport and monitor involved/witness employees individually to eliminate the possibility of contaminating their statements prior to their interview by FID; and,
- Ensure that the welfare of each involved/witness employee is addressed.

If logistical problems preclude individual separation of employees (e.g., the number of involved/witness employees exceeds the number of available supervisors), the incident commander shall determine the necessity for deviation from Department procedures. Any deviation shall be documented and justified in the incident commander's daily log (i.e., the Watch Commander's Daily Report, Form 15.80.00, or the Supervisor's Daily Report, Form 15.48.00, as applicable).

**Supervisor's Responsibility.** Any supervisor involved in the separation, transportation, and monitoring of involved/witness employees following a Categorical use of force incident shall advise the incident commander of his/her actions and document them on a Sergeant's Daily Report. Such documentation shall include:

- Date, time, and location the supervisor transported and/or monitored the employee;
- Verification that separation of the employee was maintained before, during, and after he/she was transported to the location of the interview; and,
- Specific setting where the employee was monitored (prior to interview) at the location of interview.

Each involved supervisor shall provide the watch commander with a copy of his/her Supervisor's Daily Report as soon practicable.

**Watch Commander's Responsibility.** In the event that the on-duty watch commander is not acting as the incident commander, the watch commander shall maintain overall accountability for documenting details of the separation, transportation, and monitoring of each involved/witness employee. This information shall be recorded on the Watch Commander's Daily Report as follows:

- Date and time **each** involved/witness employee was transported for interview and by whom;
- Name of all supervisor(s) involved in the monitoring of involved/witness employee(s);
- Deviations from Department procedure, if any; and,
- Any other information of potential interest to FID investigators (e.g., employee was transported to a non-Department facility, a change in personnel monitoring an involved/witness employee due to change of watch, etc.).

Any deviation from procedures shall be addressed in the Watch Commander's Daily Report.

**Note:** A copy of the Watch Commander's Daily Report and all applicable Sergeant's Daily Reports shall be provided to FID as soon as practicable.

## **796. OFFICER - INVOLVED SHOOTINGS/SERIOUS INJURY OR DEATH RESULTING FROM POLICE ACTION - SPECIAL DUTIES.**

**796.01 UPPER BODY CONTROL HOLDS, USE OF FORCE INCIDENTS.** Force Investigation Division shall be responsible for the administrative and criminal investigation of all upper body control hold use of force incidents. Supervisors shall adhere to Department procedures regarding lethal use of force incidents upon being made aware of an upper body control hold incident.

**796.05 INVESTIGATING OFFICER'S RESPONSIBILITY - FORCE INVESTIGATION DIVISION CONTROL NUMBER.** The officer responsible for conducting the administrative investigation of a FID incident shall:

- Obtain a Force Investigation Division (FID) control number from Administrative Section, FID.
- Place the FID control number on all related *administrative* reports.

**Note:** The FID control number shall *not* appear on the reports related to the criminal investigation.

- Prepare and forward a news release to Media Relations Section, Media Relations and Community Affairs Group, Office of Operations, and the Use of Force Review Board Coordinator, Office of Support Services; and,
- In all cases where an individual sustains a gunshot wound, and in other FID cases as appropriate.

**796.08 LOS ANGELES FIRE DEPARTMENT (LAFD) ARSON INVESTIGATOR - INVOLVED SHOOTING INVESTIGATIONS.** Los Angeles Fire Department personnel will investigate all arson investigator-involved accidental discharges not resulting in injury, and all LAFD arson investigator animal shootings.

All other LAFD arson investigator-involved shootings will be investigated by the Los Angeles Police Department. The LAFD will notify the Department Command Post. The Department Command Post will then notify the Force Investigation Division.

**Investigative Responsibility.** When a LAFD arson investigator-involved shooting falls outside the LAFD investigative purview, the Force Investigation Division shall:

- Conduct an administrative investigation of the incident in accordance with established Department procedures.
- Submit a report of the investigation **directly to** the Chief Engineer, LAFD, within 60 days of the date of occurrence. When it is impracticable to submit the report within 60 days, the Commanding Officer, Force Investigation Division, shall notify the Chief Engineer, LAFD, of the delay.

**796.10 USE OF FORCE INTERNAL PROCESS REPORT, FORM 01.67.04-COMMANDING OFFICER'S RESPONSIBILITY.**

**Probationary Employee Involved.** When any probationary employee is the subject of a personnel complaint, or discipline is recommended as a result of a use of force or traffic crash, the following shall be included in the commanding officer's portion of the report (i.e., letter of transmittal, narrative, etc.):

- Date probationary employee was hired; and,
- Current end of probation date, including explanations for any extensions.

**Note:** Civil Service Commission Rule 5.26 states that in the event a probationary officer is absent in excess of seven calendar days in the aggregate, except for vacation or time off for overtime, that probationary officer's probationary period shall be extended by the entire period or periods missed. Additionally, the probationary period shall also be extended by the number of days the probationary officer is on **restricted duty** because of an on-duty injury or illness, non-duty related injury or illness, or pregnancy.

**Example:** Probationary Officer John Jones will be off probation on May 31, 20--. This date reflects an **eight-day** extension of the probationary period for the following restrictions/absences:

- January 20, 21, 22, and 23, 20--: restricted duty
- March 1, 2, 3, and 4, 20--: sick time used

(The eight calendar days of absence required to extend a probationary period need not be consecutive. This example clarifies "in the aggregate.")

**796.15 DUTIES OF INTERNAL AFFAIRS DIVISION.** The Commanding Officer, Internal Affairs Division, upon receipt of a Use of Force Internal Process Report, Form 01.67.01, shall, within two (2) administrative working days:

- Notify the commanding officer when a divisional admonishment or a warning has been approved.
- Prepare formal charges and forward them to the employee's commanding officer for execution when the approved disciplinary action is an admonishment, a warning or a penalty not exceeding relinquishment of four regular days off.
- Forward the complaint to the employee's commanding officer for service when the Chief of Police orders relief from duty or when the approved penalty is suspension.

The Commanding Officer, Internal Affairs Division shall, upon notification that disciplinary action has been administered, return the Use of Force Internal Process Report, Form 01.67.01, and related reports to the Chairperson, Use of Force Review Board for filing. Appropriate reports shall be forwarded to the Commanding Officer, Personnel Division, for filing in the concerned officer's personnel package.

#### **796.25 EMPLOYEE'S COMMANDING OFFICER'S REVIEW OF CATEGORICAL USE OF FORCE.**

In order to provide an unbiased and informed presentation of a Categorical Use of Force (CUOF) incident to the Use of Force Review Board (UOFRB), it is essential that commanding officers are familiar with the incident they are presenting and have clarification on all issues of concern. In order to accomplish this, commanding officers must thoroughly review the investigation conducted by Force Investigation Division (FID).

Upon notification from the UOFRB, the commanding officer of the substantially involved employee shall:

- Conduct a thorough review of the FID investigation and supporting documents; and,
- Review the employee's work history, including information contained in the Training Evaluation and Management System (TEAMS), and the employee's Use of Force history, including the disposition findings and outcome) of each incident.

Commanding officers shall also participate in a walkthrough of the incident with the substantially involved officer(s) before making the presentation to the UOFRB unless extenuating circumstances prohibit it. It is advisable that the walkthrough be conducted at the same location and at a time that most closely replicates the conditions present for the officers during the incident.

**Note:** Prior to the walkthrough, officers shall be advised of their right to representation and be provided reasonable time to obtain such representation.

The walkthrough should be used to clarify issues that arise from the FID investigation and to gain any additional insight about the facts and circumstances of the event that may be relevant to the commanding

officer's presentation at the UOFRB. Any fact pattern, evidence or statement(s) identified during a walkthrough that are substantially different than the information contained in the FID investigation shall be documented on an Intradepartmental Correspondence, Form 15.02.00, and forwarded to the Commanding Officer (CO), FID, the CO, Critical Incident Review Division, (GIRD) and copied to the Chair, UOFRB. This correspondence should be as specific and detailed as possible and include references to those sections of the FID Report that differ from the new information. Commanding officers are strongly encouraged to review the PowerPoint presentation with the FID investigator and discuss the incident with GIRD prior to their presentation at the UOFRB. Commanding Officers shall attend the UOFRB and make a presentation to include recommended findings in each area including:

- Use of Force (all);
- Drawing and Exhibiting a Firearm (substantially involved employees);
- Tactics; and,
- Any other relevant areas (Department concerns, etc.).

During his or her presentation, the commanding officer shall provide a rationale for each of the recommendations.

After final adjudication of the incident, and upon receiving a Categorical Use of Force Internal Process Report (IR), Form 01.67.01, from the CIRD, employee's commanding officer shall meet with each substantially involved employee to:

- Discuss the adjudication by the Board of Police Commissioners;
- Provide each employee(s) with a copy of the Intradepartmental Correspondence (Chief of Police Report), regarding the CUOF;
- Provide each substantially involved employee with only his or her CUOF IPR, prior to the employee's attendance at the mandatory Tactical Debrief;
- Discuss any appeal rights, or rights to respond with the employee related to any adverse findings when applicable; and,
- Ensure the employee has attended the three mandated BSS appointments.

After the meeting(s), the commanding officer shall complete and return the completed IPR(s) to CIRD for final closure.

### **796.35 GENERAL TRAINING UPDATE.**

**Employee's Training Update - Commanding Officer's Responsibilities.** The Area/division commanding officer (CO) of any employee who is substantially involved in a Categorical Use of Force (CUOF) incident shall:

- Identify those personnel who were substantially involved in the event; and,
- Determine the relevant General Training Update (GTU) subjects applicable to the tactical and training issues identified during the Chief of Police (COP) 72-Hour Briefing to include, at a minimum, the following mandatory subjects:
  - Use of Force Policy;
  - Reverence for Human Life;
  - Tactical De-Escalation Techniques;
  - Command and Control'
  - Equipment Required/Maintained;

- Reality-Based Training/Force Option Simulator (FOS) [Only if the employee discharged his or her firearm during an Officer Involved Shooting (OIS) other than an unintentional Discharge]; and,

**Note:** The FOS training shall include scenarios that most closely replicate the conditions present for the officer(s) during the actual incident.

**Note:** In the event there is no COP 72-Hour Briefing, confer with the Office of Support Services representative.

- Ensure that all substantially involved personnel attend the GTU.

**Note:** The GTU shall generally be completed within two weeks of the incident, and prior to the employee returning to field duty, unless otherwise directed by the Chief of Police.

**Commanding Officer, In-Service Training Division, Responsibilities.** In-Service Training Division (ISTD) is designated to conduct the GTU. The CO, ISTD, shall:

- Ensure that ISTD staff provides only the GTU on the identified subject matter and does not conduct interviews of the officers to determine specific facts related to the incident;

**Note:** The respective Area and Bureau Training Coordinators shall attend and participate in the delivery of the GTU, and provide feedback to the CO.

**Note:** If the GTU is not completed within 90 days, forward an Intradepartmental Correspondence, Form 15.02.00, to Critical Incident Review Division (CIRD) noting the reason for the delay and provide an update every 30 days until the completion of the GTU. If the substantially involved employee is on a long/short term leave of absence, the GTU shall be completed within 45 days of his or her return to duty.

- Ensure that the GTU conducted by ISTD personnel is correctly entered into the identified employee's Learning Management System (LMS) within Training Evaluation and Management System (TEAMS II), and that the entry states "General Training Update" and includes the applicable Force Investigation Division Case Number or applicable tracking number; and,
- Forward an Intradepartmental Correspondence to CIRD noting the GTU was completed and a TEAMS II entry was made for the substantially involved employee(s).

## **797. DEATHS OF DEPARTMENT EMPLOYEES.**

**797.10 DEATHS OF DEPARTMENT EMPLOYEES-SUPERVISOR'S DUTIES.** The first supervisory officer to be informed of the death of a Department employee shall forward such information to the Employee Assistance Unit, Behavioral Science Services. During the hours that the Employee Assistance Unit is closed, notification shall be made to the Department Command Post.

**Note:** When the death is that of a civilian employee, immediate notification shall be made by telephone to the Worker's Compensation Office, Personnel Department. When this office is closed, the City Hall switchboard operator shall be requested to transfer the call to the home of the on-call employee assigned to this office.

**797.20 DEATHS OF EMPLOYEES-EMPLOYEE ASSISTANCE UNIT NOTIFICATION.** A notification to the Employee Assistance Unit, Behavioral Science Services, or to the Department Command Post, concerning

the death of a Department employee may be made by teletype, telephone, or in person. The following information shall be transmitted in such notification:

- Name and serial number of the deceased.
- Civil service title of the deceased.
- Date and time of death. The time of death shall be reported as accurately as possible particularly if death occurred near midnight.
- Location and a brief statement of the circumstances of the death.
- Relative to be notified of the death.

**797.30 RELEASE OF IDENTIFICATION OF A DEAD OR CRITICALLY INJURED OFFICER.** When an officer is killed or critically injured as a result of his/her official duties, the officer's identification shall not be released to any person outside of the Department. All inquiries from the news media or other interested parties shall be referred to the officer's commanding officer. The concerned commanding officer shall be responsible for determining, subsequent to notification of the officer's next of kin, when the officer's identification shall be released.

**797.40 DEATH OF DEPARTMENT EMPLOYEE-NOTIFICATION TO NEXT OF KIN.** A death notification will be made to the deceased employee's specified next of kin **and** all persons on the employee's Employee Record Form, Form 01.38.00.

**Responsibility of Notification.** The commanding officer of the deceased employee will cause the necessary notification to be made to the next of kin. Department personnel specified on the Employee Record Form, Form 01.38.00, will be requested to assist with the notification(s).

**Note:** The Employee Assistance Unit (EAU), Office of Support Services (OSS), is a Department resource that is available to provide advice and/or assistance with notifications which follow the death of a Department employee.

**Notification to be Made in Person.** A death notification by an employee of the Department must be made in person unless physical conditions make it impracticable.

**Within Other Area.** If necessary, death notification information may be transmitted by telephone or teletype to the uniformed division in the Area nearest the residence of the person to be notified; a supervisor of that division will then arrange for personal notification to be made.

**797.60 ANNOUNCEMENT OF DEATH OF EMPLOYEE TO DEPARTMENT.** A Death and Funeral Notice concerning the death of a Department employee shall be made except when there has been a considerable lapse of time between the death and the notification to the Department. The Death and Funeral Notice shall be prepared by the Officer in Charge, Employee Assistance Unit, Behavioral Science Services. The Death and Funeral Notice shall contain such information as the commanding officer believes to be appropriate.

**Death of Officer in Line of Duty.** When an officer is killed in the line of duty, or dies as the direct result of injuries incurred while in the performance of his or her official duties, the teletype broadcasts shall notify concerned personnel that the National Flag and all other flags flown at Department facilities shall be flown at half-staff (Manual Section 3/234.90).

**797.70 NOTIFICATION OF DEATH OF EMPLOYEE BY EMPLOYEE ASSISTANCE UNIT.** The following offices shall be notified of the death of a Department employee by the Employee Assistance Unit,

Behavioral Science Services, or by the Department Command Post during those hours when the Employee Assistance Unit is closed:

- Office of the Chief of Police.
- Department of Pensions or, if the deceased was a civilian employee, the All City Employees' Association.
- Accountant's Office Fiscal Group (FG).
- Personnel Records Unit, Personnel Division.

**797.80 DEATH OF OFFICER-POLICE MEMORIAL INSCRIPTION.** When an officer dies as the direct result of injuries incurred while in the performance of an activity directly related to fulfilling the primary objectives of the Department, the Employee Assistance Unit shall review the circumstances of the death to determine whether or not the officer was killed in the line of duty. The Employee Assistance Unit shall then forward an original and one copy of an Intradepartmental Correspondence, Form 15.02.00, through the Chief Police Psychologist, Behavioral Science Services, to the Director, Office of Support Services and the Chief of Staff, reporting the circumstances of the death and recommending the appropriateness of placing an inscription on the Police Memorial.

Upon receipt of a Form 15.02.00 from the Employee Assistance Unit regarding the circumstances relating to the death of an officer, the Director, Office of Support Services shall determine whether or not the officer was killed in the line of duty. When the Director, Office of Support Services determines that an officer's name should appear on the Police Memorial, he/she shall ensure that the appropriate correspondence is forwarded to the Bureau of Public Buildings, Department of Public Works, requesting that an inscription be made.

**797.90 CORONER'S INQUEST - DEATH OF DEPARTMENT EMPLOYEE.** In cases where a Coroner's inquest into the circumstances of the death of a Department employee is to be held, the investigating officer shall notify the City Attorney's Office of the date and the time set for the inquest and of the name and the detail of the investigating officer.

**798. FUNERALS OF DEPARTMENT EMPLOYEES.** The Officer in Charge, Employee Assistance Unit, Behavioral Science Services (Manual Section 2/390.25), is responsible for assisting the family of a deceased employee at the time of the funeral.

**798.05 DEPARTMENT RESPONSE AND CITY RESOURCES.** The Employee Assistance Unit (EAU), at the direction of the Assistant to the Director, Office of Administrative Services (OSS), is designated as the entity responsible for coordinating the Department's response and the City's resources used in connection with the death of an active employee. All requests to use Department resources (e.g., personnel, buildings, vehicles, equipment) in connection with the funeral or memorial services shall be submitted to the Assistant to the Director, OSS, for approval.

**Note:** For the purposes of this section, the term "active employee" includes both sworn and civilian Department employees and reserve officers. It does not include retired Department employees.

**Assistant to the Director's, Office of Support Services Responsibilities.** The Assistant to the Director, OSS, shall:

- Meet with the concerned commanding officer (CO), along with a designated EAU employee, within 24 hours of receiving notification that an active Department employee has died;
- Determine whether an Event Action Plan is to be completed for the funeral and/or memorial services; and,



- Approve requests by department personnel to attend funeral/memorial services of fallen officers or public safety employees from outside agencies.

**Note:** When the event is of local or national interest and the Chief of Police (COP) directs Department resources to be present, the Assistant to the Director, OSS, shall work with the involved outside agencies to coordinate the Department's appropriate response.

**Employee Assistance Unit's Responsibilities.** The designated EAU employee shall:

- Coordinate all activity (i.e., funeral, memorial services, viewing) relating to the death of an active employee;
- Assist the deceased employee's family in obtaining the appropriate benefits by providing information and facilitating the process;
- Liaise with the Military Liaison Unit (MLU), Administrative Services Bureau, upon notification that an active employee has been killed while serving on active duty with the United States military; and,
- Notify the Department Chaplain Corps Coordinator, EAU, when an active employee has died.

**Note:** The EAU does not normally coordinate funeral or memorial services for retired employees; however, a Death and Funeral Notice will be published upon request by a family member.

**Department Honor Guard's Responsibilities.** The Honor Guard is designated as the official Department ceremonial unit. The Honor Guard shall:

- Coordinate and render military style honors at all Department funeral/memorial services, including viewings, for active and retired employees;
- Coordinate the appropriate military honors with the applicable service in the event the deceased employee was an active or former member of the United States military; and,

Meet with the designated United States military liaison, in conjunction with the MLU, to determine and coordinate the honors and ceremonies aspect of the official funeral/memorial service if the employee was **on active military duty** at the time of death.

The Department has traditionally acknowledged the passing of a retired officer by sending one or more Honor Guard member(s) to the funeral/memorial services held in or around the Los Angeles County area. Honor Guard personnel shall coordinate the specific honors to be provided with the family.

**Note:** All decisions regarding the rendering of honors for active employees and retirees shall be evaluated by OSS on a case by case basis. The final decision regarding the rendering of honors are subject to approval by the COP.

**Military Liaison Unit's Responsibilities.** The MLU upon notification that an active employee has died, shall assist the EAU and the Honor Guard with contacting and coordinating with the applicable military service, when appropriate.

**Behavioral Science Services' Responsibilities.** Behavioral Science Services (BSS) upon notification that an active employee has died, shall authorize a BSS representative to assess the circumstances surrounding the death and provide assistance and direction as needed.

**Department Chaplain Corps Coordinator's Responsibilities.** The Department Chaplain Corps Coordinator upon notification that an active employee has died, shall request a Department clergy member to respond to the

needs of the Department (e.g. the deceased's Area of assignment, hospital, funeral services, field locations) and assist members of the decedent's family, when applicable.

**Area/Division Commanding Officer's Responsibilities.** Upon notification that an active Department employee within his/her command has died, the concerned Area/division CO shall:

- Meet with the Assistant to the Director, OSS, and designated EAU employee, within 24 hours of receiving the notification; and,
- In the event that an individual employee within his/her command expresses a strong desire to assist the family of the deceased employee, the CO shall ensure that EAU is promptly provided with the employee's contact information.

**Note:** This responsibility should not be construed as having to identify and assign someone to assist the concerned family but as a reminder to work closely with the EAU and ensure that all individual efforts are coordinated through the EAU.

**Department Wellness Coordinators', Office of the Chief of Police, Responsibilities.** The Department Wellness Coordinators work closely with the EAU and personally represent the COP when responding to and assisting injured/ill employees or immediate family members during catastrophic events. The Department Wellness Coordinators upon notification that an active employee has died, shall assess the circumstances surrounding the death and provide assistance as needed.

**798.10 DEPARTMENT PIPE AND DRUM CORPS.** The LAPD Pipe and Drum Corps (P&DC) shall be comprised of sworn and reserve Los Angeles police officers under the direction of a Pipe Major designated by the Director, Office of Support Services (OSS). The Pipe Major shall be responsible for coordinating all LAPD P&DC activities and selecting appropriate musical arrangements. Membership in the LAPD P&DC shall be open to sworn and reserve officers who demonstrate proficiency with the bagpipe and/or drum. Department personnel who are interested in joining the LAPD P&DC should contact the Assistant to the Director, OSS. The Pipe Major will evaluate the performance level of the individual bagpiper and/or drummer and determine if he/she will be assigned as a member of the LAPD P&DC.

Personnel from any City or civic entities who wish to request the LAPD P&DC to perform at their functions shall contact the Assistant to the Director, OSS, for approval.

The LAPD P&DC members designated to participate in an approved function should be assigned to the working hours which will cover the event in which they are requested to appear. Their appearance shall be considered as their primary duty assignment. Upon the completion of the detail, they shall report to their respective divisions for deployment for the remainder of their working hours.

**798.30 COMMANDING OFFICER'S PARTICIPATION IN FUNERALS.** If a Department employee was in active service at the time of his/her death, his/her commanding officer shall attend the funeral services and the interment. If the employee was assigned to a uniformed division at the time of death, officers shall be encouraged to attend the services in uniform.

**798.90 EMPLOYEES DETAILED TO PARTICIPATE IN FUNERALS.** Employees detailed to attend the funeral of another Department employee shall be considered as being on-duty while so engaged.

**798.95 POLICE OFFICER FUNERALS - OUTSIDE AGENCIES.** When an officer of another California law enforcement agency is killed in the line of duty, the Employee Assistance Unit, Behavioral Science Services, shall:

- Ascertain the date, time, and location of the funeral and interment services.
- Notify the Wellness Coordinator, Office of the Chief of Police of the date, time, and location of the deceased officer's funeral and interment services.

The Wellness Coordinator shall notify the Chief of Police of all law enforcement agency funeral and interment services. When attendance by Department personnel at a funeral or interment service will require overnight travel, the Wellness Coordinator shall obtain approval from the Chief of Police and notify the Employee Assistance Unit of the Chief of Police's decision.

**Note:** Approval to select personnel from throughout the Department, if necessary, will be obtained at the time approval to send representatives is granted.

**Local Funeral Services.** When the funeral and interment services are within the local area, the Director, Office of Support Services, shall determine if the Department will send representatives to the services and how many representatives will be sent. Office of Support Services may select personnel from throughout the Department, as needed. When representatives are to be sent, the Employee Assistance Unit shall arrange for personnel to attend the services in Class A uniform.

**Note:** "Local area" includes any service that can be attended within one eight-hour tour of duty, including commuting time.

**Funeral Services Requiring Overnight Travel.** Department representation at funerals that will require overnight travel accommodations shall be approved by the Chief of Police on a case-by-case basis prior to selection of personnel to attend. The Employee Assistance Unit shall arrange for personnel to attend services requiring overnight travel. The number of personnel to attend shall be approved by the Chief of Police.

Personnel assigned to attend services shall submit the appropriate expense reports upon completion of the trip (Manual Section 3/390.73).

**On-Duty Attendance at Local Funeral Services by Non-Assigned Personnel.** Personnel not assigned to attend local funeral and interment services as part of the funeral detail or Police Honor Guard may attend services on duty at the discretion of their commanding officer.

**Note:** Off-duty personnel may attend local funeral and interment services or services requiring overnight travel in uniform at their own expense. Department vehicles shall not be used for transportation when attendance is in an off-duty status. Time off to attend services is at the discretion of the concerned commanding officer.

**799. REFERRALS TO BEHAVIORAL SCIENCE SERVICES.** When an employee's commanding officer or supervisor becomes aware that the employee is exhibiting behavior that may be interpreted as interfering with the individual's job performance and/or may pose a threat to the safety or well-being of the employee or others, a BSS psychologist shall be contacted to obtain their professional advice. Generally, the commanding officer shall contact BSS. However, under emergency circumstances, a supervisor may contact BSS.

**Note:** During off-hours, the commanding officer or supervisor should contact the on-call BSS psychologist via the Department Command Post, Department Operations Center (DOC).

The commanding officer or supervisor shall explain in detail the facts regarding the employee's behavior which have led to the belief that the employee may require the assistance of BSS. Behavioral Science Services will evaluate the request and advise the commanding officer or supervisor whether or not a directed or recommended

referral to BSS is appropriate. Documentation is not required by the commanding officer or supervisor. However, if initiated it should **only** indicate that the employee was either referred or directed to BSS and a copy of the documentation shall be provided to the employee.

**799.10 DIRECTED REFERRAL.** When a directed referral is recommended by BSS, the commanding officer shall meet with the employee. When an emergency exists and there may be an unacceptable delay in the commanding officer's arrival, a supervisor may meet with the employee.

When meeting with the employee, the commanding officer or supervisor shall discuss the rationale for the directed referral. The commanding officer or supervisor **shall** inform the employee that the directed referral is not disciplinary or punitive in nature, but is designed to assist the employee in resolving the relevant issues.

The commanding officer or supervisor shall schedule the appointment(s) with BSS and notify the employee of the date and time of the appointment(s).

**Note:** Commanding officers shall schedule an appointment for an employee, who has sustained an occupational bloodborne pathogen exposure, with BSS within two administrative working days for psychological counseling by a licensed mental health professional.

An employee's attendance at BSS sessions resulting from a directed referral is mandatory and shall be conducted on an on-duty basis. Following the session(s), BSS will contact the commanding officer to verify the employee's attendance and to provide appropriate information. Appropriate information is that information regarding the employee's temporary functional limitations for the purpose of determining temporary suitability of assignment. This does not prohibit BSS from releasing other information when disclosure is specifically authorized by the employee or required by law.

**799.20 RECOMMENDED REFERRAL.** When a commanding officer or supervisor contacts BSS for advice and a recommended referral is deemed to be appropriate, the commanding officer and/or supervisor shall meet with the employee to discuss the rationale for the recommended referral.

The commanding officer or supervisor **shall** inform the employee that the recommended referral is not disciplinary or punitive in nature; that the employee's attendance is voluntary; and the referral is completely confidential. Generally, the employee is the only person allowed to schedule a voluntary referral. However, at the employee's request, the commanding officer or supervisor may assist the employee in scheduling the appointment(s) with BSS.

An employee's attendance at a BSS session(s) resulting from a recommended referral, or self-initiated, shall be on an off-duty basis. This session(s) remains confidential and no information will be provided to a referring commanding officer or supervisor unless an appropriate release has been signed by the employee or when disclosure is specifically authorized and/or required by law.

## **DISCIPLINARY PROCEDURES**

### **805. DISCIPLINARY PROCEDURES-GENERAL PROVISIONS.**

**805.10 CAUSE FOR DISCIPLINARY ACTION.** Employees shall be subject to disciplinary action for acts of misconduct.

**805.25 MISCONDUCT - DEFINED.** For purposes of this Section, misconduct is defined as:

- Commission of a criminal offense.
- Neglect of duty.
- Violation of Department policies, rules, or procedures.
- Conduct which may tend to reflect unfavorably upon the employee or the Department.

**Note:** Complaints of Inequitable Conduct, as defined in Department Manual Section 3/814, are not necessarily considered misconduct by itself. Employees are reminded that more serious instances of Inequitable Conduct are already prohibited by the Department's harassment, discrimination, sexual harassment, and retaliation policies.

## **810. COMPLAINTS.**

**810.01 COMPLAINT - DEFINED.** The definition of a complaint includes any public complaint, anonymous or third person, regarding Department service, policy or procedure, claims for damages, or employee misconduct, regardless of whether the complaint alleges misconduct as defined by Manual Section 3/805.25, and any complaint of misconduct initiated by a Department employee.

**810.05 COMPLAINTS - CONDITIONS OF ACCEPTANCE.** Complaints shall be accepted from any source: written, verbal, in person or telephonic (or TTY), mail, facsimile transmission, or electronic means, or anonymously; at the Police Administration Building; any bureau, Area station or substation; at the Office of the Board of Police Commissioners and the Office of the Inspector General; or any other police facility accessible to the public.

**Exception:** A complaint shall not be initiated when the **sole** reason consists of one or more of the following issues, unless the initial conversation with the complainant identifies attributable misconduct:

- Low-flying airship;
- Complaint by an inmate regarding accommodations, cell assignment, quantity/quality of food, etc.;
- Delay in service;

**Note:** The delayed response of a patrol unit or a detective failing to conduct a follow up interview due to workload, is not considered a complaint, but rather a delay in providing service and no Complaint Form, Form 01.28.00, is required. If the preliminary investigation discloses there was negligence rather than a delay in providing service due to workload (e.g., call lost when passed from one unit to another at change of watch), a Complaint Form shall be completed.

- Disputed citations for traffic, parking, Administrative Citation Enforcement (ACE) for LAMC violations;
- Disputed Release From Custody (RFC)/Notice To Appear (NTA); and,

**Note.** Supervisors shall conduct a preliminary investigation of the violator's complaint about the issuance of the traffic citation, RFC, or NTA. If no error was identified in the issuance of the citation, ACE, RFC, or NTA, the complainant should be directed to the appropriate court for resolution, and no Complaint Form is required. However, if misconduct was alleged or discovered during the interview, then a Complaint Form is required. (Refer to Department Manual Section 4/326.67 for procedures on citation cancellations relating to complaint investigations.)

- Vehicle Impound.

**Note.** Supervisors shall interview the complainant regarding the incident that resulted in the vehicle being impounded. If no other allegation(s) is made regarding the vehicle impound itself, no Complaint Form is required and the complainant may be referred to the Vehicle Impound Hearing process as delineated in Department Manual Section 4/266.05. If the interview discloses an allegation(s), a Complaint Form shall be initiated regarding the allegation(s) outside of the vehicle impound, and the referral of the Complainant to the Vehicle Impound Hearing process documented on the Complaint Form.

**811. ACCEPTING COMPLAINTS.** A supervisor receiving a complaint in person, by telephone or in any written form, shall:

- Conduct a preliminary investigation, as established in *Complaint Investigations: A Guide for Supervisors* and as outlined in Manual Section 3/815.01;

**Exception:** Supervisors who find themselves the subject of alleged misconduct shall report the incident to an uninvolved supervisor who shall conduct the preliminary investigation.

- Complete a Complaint Form, summarizing the complaint and the complainant's statements under the Summary portion;
- Tape-record all interviews. If not practical, supervisors shall include a written justification under the Summary portion of the Complaint Form;

**Note:** If a non-employee complainant or witness refuses to be recorded, an attempt shall be made to record the refusal on tape or on a signed statement of refusal.

- Provide the complainant with the bottom copy of the Complaint Form, and advise the complainant that another copy will be mailed out with an assigned case number. If the complaint was made by telephone, leave the triplicate form intact and advise the complainant that a copy will be mailed out by IAD once a case number has been assigned;
- Attempt to resolve the matter to the satisfaction of the complainant and take appropriate action to prevent aggravation of the incident;
- Determine the complainant's willingness to participate in the Alternative Complaint Resolution (ACR) process, if appropriate; and,

**Note:** Regardless of whether a consensual resolution of the complaint is achieved by a supervisor through ACR or otherwise, **all** complaints shall still be recorded, investigated, and classified.

- Submit the Complaint Form and preliminary investigation to the watch commander, Section officer in charge (OIC), or civilian equivalent, for review.

**Note:** If, during the course of a complaint investigation, the investigating supervisor has reason to believe that additional misconduct may have occurred, other than that alleged by the complainant, the investigating supervisor shall either record the additional misconduct as a separate allegation on the original complaint or initiate a new complaint as appropriate.

**811.05 WATCH COMMANDER/ OFFICER IN CHARGE RESPONSIBILITY.** A watch commander, section officer in charge (OIC) or civilian equivalent who becomes aware of a complaint shall ensure that a Complaint Form is prepared without unnecessary delay. Upon receipt of a Complaint Form submitted by a supervisor, the watch commander, section OIC or civilian equivalent, shall:

- Review the form for completeness and accuracy, ensuring that a thorough preliminary investigation was conducted;
- Using the *Case Screening Factors* box on the Complaint Form, determine whether the complaint should be classified as Disciplinary or Non-Disciplinary (Refer to Manual Section 3/817 for classification guidelines);
- When appropriate, facilitate the Alternative Complaint Resolution process; and,
- Sign and date the Complaint Form and submit the complaint investigation and attachments as soon as practicable to the commanding officer for approval.

**811.15 COMMANDING OFFICER'S RESPONSIBILITY.** The primary responsibility for investigating complaint allegations rests with the employee's commanding officer. A commanding officer, upon becoming aware of a complaint, shall ensure that the original Complaint Form is forwarded to the Commanding Officer, Internal Affairs Division (IAD), within two business days of the complaint initiation (or in the event of a weekend, the following business day).

**Note:** Complaints received directly by IAD shall be handled in accordance with guidelines established in Manual Section 3/811.25. Upon receipt of a Complaint Form from IAD with a complaint form (CF) number already issued, commanding officers shall ensure that a supervisor promptly investigates the complaint.

**811.20 COMMUNITY REPORTING OF A COMPLAINT OR EMPLOYEE MISCONDUCT.** When a member of the community wishes to report misconduct and/or make a complaint, the employee shall immediately notify a supervisor.

**Use of Employee Misconduct Form.** Any employee assigned to areas accessible to the public, such as the front desks of Area stations, Police Administration Building, or other police facilities, shall first refer the complainant to a supervisor. If the community member is unwilling or unable to meet with a supervisor, the employee shall provide the individual with a Complaint of Employee Misconduct form appropriate for the language spoken; a preaddressed business reply envelope marked "ATTN: Internal Affairs Division," and a Personnel Complaint Information pamphlet appropriate for the language spoken.

Any employee who receives a completed Complaint of Employee Misconduct form shall immediately notify a supervisor. Upon the return of a Complaint of Employee Misconduct form to an Area station, Police Administration Building, the Police Commission, or any other police facility, the employee receiving the form shall ask the complainant to wait until a supervisor has reviewed the form. If the complainant is unable to wait for a supervisor, the employee shall ensure that the complainant receives the bottom copy of the form, and that a supervisor receives the original.

**Note:** During normal business hours, an employee receiving a complaint form at the Police Administration Building shall notify Internal Affairs Division. When a complaint form is received at the Police Administration Building after normal business hours or on weekends, the employee receiving the form shall contact the Department Command Post. The employee shall not forward the form, nor refer the individual submitting the complaint, to the division of occurrence.

**Supervisor's Responsibility.** When possible, a supervisor shall review the Complaint of Employee Misconduct form with the complainant to ensure that all necessary information has been obtained. If a supervisor determines that immediate action is required after the review, such action shall be taken. The supervisor shall ensure the appropriate distribution of Complaint of Employee Misconduct forms.

**Commanding Officer's Responsibility.** Commanding officers shall ensure that a supply of Complaint of Employee Misconduct forms (Forms 01.81.06, 1.81.7, 01.81.08, 01.81.09, 01.81.13, 01.81.14 and 01.81.15) with postage-paid, preaddressed business reply envelopes marked "ATTN: Internal Affairs Division," and Personnel Complaint Information pamphlets, Forms 1.81.3, 01.81.10, 01.81.17, 01.81.18, and 01.81.19, are maintained at a location accessible to the public 24 hours per day at all Area Stations, Police Administration Building, and any other police facility accessible to the public. In addition, commanding officers shall ensure that:

- Forms required to file a complaint are available, upon request, to community groups, community centers, and public and private service centers; and,
- All complaint forms received are reviewed for possible employee misconduct, and shall indicate on the form what action(s) were taken to address the matter. The author of the Complaint of Employee Misconduct form shall be notified of such action.

**811.25 COMPLAINTS MADE OTHER THAN IN-PERSON.** Letters of complaint from the public against Department employees may be comprised of any written material, including formal letters, notes, facsimiles, electronic mail correspondence, or completed Complaint of Employee Misconduct forms.

**Employee's Responsibility.** An employee who receives a letter of complaint from the public shall, without delay, deliver the letter to his/her watch commander or supervisor.

**Supervisor's Responsibilities.** When a division or Area receives a complaint other than in-person (including, but not limited to written, telephonic, electronic, audio or video) a watch commander or supervisor shall:

- Complete a Complaint Form (CF), Form 01.28.00, and attach the related correspondence, documents and statements; and,
- In cases involving an anonymous complaint, any investigating officer who believes that it is necessary to investigate the source of an anonymous complaint must submit a written request via Intradepartmental Correspondence, Form 15.02.00, with specific and compelling justification to the Commanding Officer, Professional Standards Bureau, for approval. Such requests should take into consideration whether the seriousness of the allegations (e.g. criminal misconduct, threats to public safety) outweighs the necessity of maintaining the anonymity of the complainant.

**Commanding Officer's Responsibilities.** Commanding officers shall:

- Ensure that the CF is forwarded to Internal Affairs Division (IAD) within two business days of complaint initiation. The original copy of the complainant's letter shall be included as an addendum in the complaint; and,
- If a letter of complaint involves an employee from another command, the commanding officer shall ensure that his own command completes and forwards a CF to IAD along with the *original* copy of the complaint letter. Commanding officers shall ensure that a *copy* of the complaint letter is forwarded to the commanding officer of the concerned command, along with transmittal correspondence confirming that a CF was already completed and forwarded to IAD along with the original complaint letter.

**Internal Affairs Division's Responsibility.** When IAD receives any complaint from the public, IAD shall:

- Complete a CF, documenting the preliminary information only and attach the related correspondence, documents, and statements;



- Issue a CF number;
- Assign and forward the CF to the appropriate division/Area for appropriate action; and,
- Mail an acknowledgment of the complaint to the complainant with the CF number referenced (second copy of CF).

**811.30 PERSONS COMPLAINING TO THE POLICE COMMISSION.** When a complaint is made to the Board of Police Commissioners or a member of the Commission staff, the Executive Director shall cause an evaluation of the complaint to be made.

The Executive Director shall bring the complaint to the attention of the Board when, in the Director's judgment, the Board should be informed, and in any of the following cases:

- There is reason to believe that established disciplinary procedures have not been followed;
- The nature or magnitude of the complaint, if true and made known, would be likely to cause great public concern; or,
- The complaint appears reasonable and there is evidence that repeated efforts by the complainant have not provided relief.

Normally, complaints made to the Commission staff shall be handled in the following manner:

- Complaints against a member of the Department or about Department policy or procedure, shall be referred to Internal Affairs Division and processed in accordance with Manual Section 3/822.05.

**Exception:** When a complaining person expresses a desire not to be interviewed by a sworn member of the Department, a non-sworn member of the Commission staff shall conduct the interview and complete any additional reports required by established procedures. Investigations shall be processed in accordance with Manual Section 3/815.

**812. COMMUNITY COMPLAINT AND COMMENDATION POSTER.** The following entities have responsibility for ensuring that Community Complaint and Commendation Posters, Form 01.81.28, are on display to the public throughout the Department and City Council field offices:

- Area commanding officers shall ensure posters are displayed at their facilities where they are visible to the public and provide posters to all City Council field offices within their Areas.
- The Commanding Officer, Custody Services Division, shall ensure the poster is made available at the Police Administration Building front desk.
- The Office of the Secretary, Board of Police Commissioners, shall ensure the poster is available at the offices of the Board of Police Commissioners and the Office of the Inspector General.
- All bureau and group commanding officers whose commands are accessible to the public shall ensure that the posters are displayed.
- The Commanding Officer, Internal Affairs Division, shall provide posters to all City Hall offices of the City Council and to the Mayor's Office.

**813. INITIAL ACTION – COMPLAINTS AND COMPLAINTS OF MISCONDUCT.**

**813.05 EMPLOYEE'S RESPONSIBILITY.** When an employee becomes aware of possible misconduct by another Department employee, the employee shall immediately report the incident to a supervisor and/or directly to Internal Affairs Division (IAD). This requirement applies to all employees, including supervisory personnel and managers (the rank of captain or above), who learn of possible misconduct through the review of an

employee's work. Generally, the supervisor accepting the complaint shall initiate the Complaint Form. Only supervisors shall initiate Complaint Forms.

**813.10 EMPLOYEE FAILURE TO PROPERLY ACCEPT A COMPLAINT.** A Complaint Form, Form 01.28.00, shall be used to document all complaints when a Department employee allegedly:

- Fails to inform any member of the public who indicates a desire to file a complaint, of the means by which a complaint may be filed;
- Attempts to dissuade a member of the public from filing a complaint; or,
- Refuses to accept a complaint.

**813.20 NOTIFICATION REQUIREMENTS.** When immediate action is necessary or the complaint is such that it may subject the employee or the Department to severe criticism or liability, the concerned supervisor shall ensure that the following notifications are made without delay to:

- The employee's watch commander/officer in charge (OIC), or civilian equivalent, who shall notify the employee's commanding officer; and,
- Internal Affairs Division.

**Note:** When the employee's commanding officer is not available or when Internal Affairs Division is closed, the notification shall be made to the Department Command Post.

**Complaints Regarding Employees Assigned Outside the Area/Division.** A watch commander shall, when a complaint concerns an employee from another division or Area, complete a Complaint Form and notify the on-duty watch commander or OIC at the employee's Area/division of assignment. If immediate action by that employee's commanding officer is necessary, the on-duty watch commander or OIC at the employee's Area/division of assignment shall be responsible for making such notification(s).

**Exception:** When a public allegation of misconduct is made at a Department Jail and the accused employee is not assigned to Custody Services Division, the Custody Services Division Watch Commander shall telephonically contact a supervisor at the employee's division of assignment to handle the complaint investigation.

**Note:** If the response of a supervisor from the accused employee's division of assignment would **severely** impact the operational needs of that command, a supervisor from Custody Services Division shall initiate a complaint investigation and complete all required reports. However, such a decision must be justified based on sound judgement and bona fide operational needs (e.g., major occurrence, etc.). A general shortage of supervisors or supervisory workload will not justify a refusal to respond.

If the complainant is not in the custody of Custody Services Division or is in the process of being released and indicates a desire not to wait for the responding supervisor, the concerned Custody Services Division supervisor shall accept the complaint. Also, if the entity the concerned employee is assigned to is unavailable (e.g., due to hours of operation, etc.), Custody Services Division shall also accept the complaint and conduct the preliminary investigation.

Upon receiving notification by the Custody Services Division Watch Commander of a complaint against an employee assigned to his/her Area, the watch commander of the accused employee shall ensure that a supervisor responds to Custody Services Division in a timely manner. The assigned supervisor shall initiate a complaint investigation and conduct a comprehensive preliminary investigation.

When the alleged complaint is of a nature that the integrity of the investigation might be jeopardized by reducing the allegations to writing, the supervisor shall verbally report to the employee's commanding officer, who shall verbally report to the Commanding Officer, Internal Affairs Division.

**814 WORKPLACE EQUITY COMPLAINTS.** Workplace Equity complaints involve conduct or misconduct that causes an employee to feel that they are being treated differently or wrongly, based on a protected class or activity. Misconduct includes harassment, discrimination, sexual harassment, and retaliation on the basis of any protected category or protected activity. Other conduct covered under this policy that may not be misconduct is defined as Inequitable Conduct.

Inequitable Conduct is any inappropriate conduct based on a protected category as defined below. Inequitable Conduct includes any instance of unwelcome conduct directed at one or more employees or applicants, that is committed by any City employee, because of the employee(s)' or applicant(s)' actual or perceived protected class or protected category. Similarly, unwelcome conduct that is sexual in nature may also violate this Policy.

**Note:** For purposes of this Section, "applicant" means any individual who has applied for a position within the Department, including all full and part-time employee positions, volunteers, contractors, or reserve officers.

Inequitable Conduct may be similar in nature to conduct defined as discrimination, harassment, sexual harassment, and retaliation under this Policy; however, to be considered Inequitable Conduct, the conduct shall be lesser in severity.

**Definitions.** Inequitable Conduct may include, but is not limited to, one or more instances of the following depending on the context in which it occurs:

- Microaggressions (Indirect, subtle or unintentional verbal or behavioral conduct that communicates hostile, derogatory, or negative attitudes toward protected classes);
- Stray remarks (e.g., a male employee says that a female co-worker is too emotional; a younger employee comments on how an older co-worker has no clue on how to use social media; an employee makes a mocking comment about a co-worker's religious belief);
- Hostilities in vocal tone and body language (e.g., elevated voice, sarcastic tone, or positioning one's body within uncomfortable proximity to another); or,
- Sexual innuendos (words or phrases that have a thinly-veiled hidden meaning of a sexual nature).

When a Workplace Equity complaint involves Inequitable Conduct that is not misconduct, the complaint is deemed to be a Non-Disciplinary Complaint with a Workplace Equity-Only Complaint classification that is subject to the procedures in Department Manual Section 3/818.

Protected Categories under this Policy include, but are not limited to:

- Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus (HIV) Status;
- Age (40 and over);
- Ancestry;
- Color;
- Disability - Mental or Physical;
- Domestic Violence Victim Status;

- Ethnicity;
- Gender, Gender Expression and/or Gender Identity;
- Genetic Information (including family medical history);
- Marital Status;
- Medical Condition (cancer and/or other genetic characteristics);
- Military and Veteran Status;
- National Origin (including but not limited to language use restrictions);
- Race (including natural hair texture and/or protected hairstyles);
- Religious Creed (including but not limited to religious dress and grooming practices);
- Sex (including but not limited to pregnancy, childbirth, breastfeeding and related medical conditions);
- Sexual Orientation; and,
- Any Protected Category under local, state or federal law.

**Supervisor's Duty to Report Workplace Equity Complaints.** Supervisors who receive a report of a Workplace Equity complaint, even without any additional allegation, shall initiate a Complaint Form, Form 01.28.00, with a completed preliminary investigation. To the extent practicable, supervisors shall include the complainant's rationale for believing the conduct occurred on the basis of a protected category or protected act.

Prior to submitting the Complaint Form in the Complaint Management System (CMS), supervisors shall contact the Workplace Investigation Section, Professional Standards Bureau (PSB), for advice on whether the behavior described contains an allegation of disciplinary misconduct or non-disciplinary behavior.

When the conduct described does not contain an allegation of misconduct, such as in a complaint for Inequitable Conduct from a perceived microaggression, the Department shall be named as the accused employee. Employees associated with the conduct occurring shall be listed as "Other Involved Employees."

In addition to the completion of the Complaint Form, Form 01.28.00, supervisors shall also cross report Workplace Equity Complaints to the City using the MyVoiceLA.org portal, located on the City's home webpage. Supervisors shall select the reporting option "I am an LAPD Supervisor reporting an incident" and include the Intake Summary of the Complaint Form in the incident description narrative. Supervisors shall indicate whether a Complaint Form has been completed for the incident.

After completing the MyVoiceLA report and receiving the report number (e.g., COM-013154-2021), supervisors shall include this number in the CMS database.

**Receiving Workplace Equity Complaints from the City.** When a MyVoiceLA report for a potential Workplace Equity violation is received from the City, Personnel Division or the Area/division receiving the complaint report shall forward the MyVoiceLA report to PSB.

Professional Standards Bureau shall review the MyVoiceLA report to determine if the selection was made to indicate whether a Complaint Form was completed. If the completion of a Complaint Form is indicated, PSB shall ensure the CMS entry includes the MyVoiceLA report number. If the MyVoiceLA report does not indicate that a Complaint Form was completed, PSB shall query CMS for the complainant/involved employee(s) to determine whether a Department complaint has been completed

When a MyVoiceLA report is received and no Department complaint investigation exists, PSB shall initiate a complaint according to procedures delineated in the Department Manual Sections pertaining to Non-Disciplinary and Disciplinary Complaints.

## **815. INVESTIGATING AND REPORTING COMPLAINTS – AREA/DIVISIONS.**

**815.01 GENERAL INVESTIGATION GUIDELINES.** In addition to existing procedures set forth in both the Department Manual and the Internal Affairs Division (IAD) functional manual, *Complaint Investigations: A Guide for Supervisors*, the following procedures shall apply to complaint investigations:

- Identifying all involved employees;
- Obtaining names, addresses, and telephone numbers of all witnesses, and a summary of their statements. (Indicate the times, locations, and business and residence phone numbers where witnesses will be available for re-interview.);
- The interviews of all complainants, involved Department employees, and witnesses shall be conducted individually (no group interviews) and shall be recorded. Should a non-employee complainant or witness refuse to be recorded, an attempt shall be made to record the refusal on tape or on a signed statement of refusal;

**Exception:** Recording interviews is not mandatory for Department-initiated complaints alleging minor misconduct, such as Failure to Qualify, Failure to Appear, preventable traffic crashes and minor neglect of duty complaints. However, depending on the circumstances of the case, the commanding officer may direct that all interviews be recorded.

- Whenever practicable and appropriate, complainants and witnesses shall be interviewed at sites and times convenient to them, including private residences or places of business;
- Interview all involved supervisors regarding their conduct at the scene during the incident;
- The entity responsible for the preliminary complaint investigation shall notify, without delay, the involved Department employee and his or her respective supervisor of a pending investigation(s), excluding those investigations deemed confidential under the law (as determined by the Department);
- Inconsistencies between statements made by Department employees and witnesses shall be identified and documented;
- The entity responsible for the investigation shall coordinate the collection and preservation of all appropriate evidence, including canvassing the scene to locate possible witnesses if appropriate;

**Note:** The burden for locating and interviewing all potential witnesses rests with the Department.

- Visual examination for trauma, medical treatment for actual or alleged injury;
- Photographs (utilize color film when appropriate);
- Inspection of the object alleged to have caused injury (objects should be photographed and, when practicable, retained); and,
- Administer appropriate sobriety tests required for the preliminary investigation of the offense (3/836).

The withdrawal of a complaint, the unavailability of a complainant to make a statement, or the fact that the complaint was filed anonymously or by a third party, shall not be reasons to adjudicate a complaint without further attempts to investigate. Commanding officers shall ensure reasonable efforts are made to get to the truth of the matter.

## **816. REPORTING A COMPLAINT.**

**816.01 SUPERVISOR'S RESPONSIBILITY.** When a supervisor becomes aware of a public complaint, or a complaint of misconduct initiated by Department personnel, the supervisor shall accept the complaint and:

- Conduct a preliminary investigation, as established in *Complaint Investigations: A Guide for Supervisors*.

**Exception:** Supervisors who find themselves the subject of alleged misconduct shall report the incident to an uninvolved supervisor who shall conduct a preliminary investigation and, if necessary, complete a Complaint Form, Form 01.28.00.

- Complete a Complaint Form, summarizing the complaint and the complainant's statements under the Summary portion;
- Tape-record all interviews. If not practical, supervisors shall include a written justification under the Summary portion of the Complaint Form;

**Note:** If a non-employee complainant or witness refuses to be recorded, an attempt shall be made to record the refusal on tape or on a signed statement of refusal.

- Provide the complainant with the bottom copy of the Complaint Form, and advise the complainant that another copy will be mailed out with an assigned case number. If the complaint was made by telephone, leave the triplicate form intact and advise the complainant that a copy will be mailed out by IAD once a case number has been assigned;
- Attempt to resolve the matter to the satisfaction of the complainant and take appropriate action to prevent aggravation of the incident;
- Determine the complainant's willingness to participate in the Alternative Complaint Resolution (ACR) process, if appropriate; and,

**Note:** Regardless of whether a consensual resolution of the complaint is achieved by a supervisor through ACR or otherwise, **all** complaints shall still be recorded, investigated, and classified.

- Submit the Complaint Form and preliminary investigation to the watch commander, Section officer in charge (OIC), or civilian equivalent, for review.

**Note:** If, during the course of a complaint investigation, the investigating supervisor has reason to believe that additional misconduct may have occurred, other than that alleged by the complainant, the investigating supervisor shall either record the additional misconduct as a separate allegation on the original complaint or initiate a new complaint as appropriate.

**816.05 INTERNAL AFFAIRS DIVISION'S RESPONSIBILITY.** Internal Affairs Division (IAD) will issue Complaint Form (CF) numbers for all Complaint Forms, Form 01.28.00, received and approved by a commanding officer. Upon the issuance of the CF number, IAD will enter the number on the Complaint Form and mail a copy to the address indicated by the complaint.

Internal Affairs Division shall promptly review every complaint, Form 01.28.00, determine whether the complaint will be investigated by IAD or by the employee's command, and promptly notify and forward the complaint to the affected entities for appropriate action. For tracking purposes, Internal Affairs Division shall maintain copies of all complaint forms received and forwarded to the command. Within one week of receiving

the complaint, Internal Affairs Division shall provide the Office of the Inspector General with all complaint information including the entity assigned to investigate the complaint.

**Note:** The Office of the Inspector General will review the complaint information to ensure complaints are being received in a manner that complies with existing Department policy and procedure.

## **817. CLASSIFICATION OF COMPLAINTS.**

**817.05 CLASSIFYING A COMPLAINT AS NON - DISCIPLINARY OR DISCIPLINARY.** Complaints reported on a Complaint Form shall be classified as either Disciplinary (Manual Section 3/812) or Non-Disciplinary. The watch commander, Section Officer In Charge, or civilian equivalent is responsible for the initial complaint classification except for Workplace Equity complaints where this responsibility lies with the Workplace Investigation Section, Professional Standards Bureau. When necessary, the employee's commanding officer may reclassify the complaint at any time. A commanding officer's decision to classify a complaint as Non-Disciplinary shall be final unless a substantial justification for changing it can be articulated at the Bureau level.

**818. NON - DISCIPLINARY COMPLAINTS.** A complaint may be classified as Non-Disciplinary when the following criteria is met:

- The complaint, as stated, would not amount to the commission of a felony or misdemeanor crime;
- The complaint, as stated, may not result in discipline against the employee, or the complained of act or omission by the employee has no nexus to the employee's position with the Department;
- The complaint was not initiated as a result of a Department integrity audit conducted by Professional Standards Bureau, Special Operations Division;
- The complaint does not allege any of the following: unauthorized force; discrimination of any kind; unlawful search and/or unlawful seizure of person or property; dishonesty; domestic violence; improper/illicit use of alcohol, narcotics, or drugs; sexual misconduct; theft, or retaliation/retribution against another employee;

**Exception:** When it is clearly proven at the time of the preliminary complaint investigation that the alleged misconduct is Demonstrably False, as defined in this section, the allegation may be classified as Non-Disciplinary.

- The complaint was not as a result of concerns arising out of a criminal prosecution, or, dismissal of California Penal Code Section 148 charges, or otherwise initiated by a judge or prosecutor acting in their official capacity;
- The accused employee has no apparent pattern of similar behavior (should generally be limited to the past five years) for which he/she is accused; and,
- The complaint was not initiated in response to civil suits or claims for damages involving on-duty conduct and civil lawsuits regarding off-duty conduct required to be self-reported by employees.

**Commanding Officer's Responsibilities.** A commanding officer who recommends a Non-Disciplinary classification shall check the appropriate box on the Complaint Form, Form 01.28.00, and select the appropriate disposition/rationale as follows:

- **Workplace Equity-Only Complaint.** The facts of the case demonstrate that the complaint concerns workplace conduct that would not constitute disciplinary misconduct but are recorded and reported to the MyVoiceLA.org portal, located on the City's home webpage.

An example of a complaint of an employee perceiving a “microaggression” from unintentional actions by another employee would be Employee A believes Employee B’s statement of “wow, this is actually a really good arrest report” to be a microaggression reflecting a negative default attitude towards Employee A’s protected class.

An example of a complaint of an employee perceiving a “hostile tone” from unintentional actions by another employee would be Employee A, in the presence of Employee B, C, and D, states “Employee B, you did a great job on the last project.” Employee C mumbles, “yeah right, sure she did.”

For Workplace Equity-Only Complaints, the Department shall be the named accused employee; employees named by the complainant as contributing to the alleged conduct shall be named as Other Involved Employee(s).

Further actions taken should be provided, including:

- Mediating the issue at an Area/divisional level;
- Referral to the Ombuds Section, Diversity, Equity, and Inclusion Division; or,
- Counseling with training and/or comment card.

**Note:** For purposes of Workplace Equity-Only Complaints, inclusion as an Other Involved Employee shall not be the sole basis for determining a pattern of behavior in any future allegation of misconduct

- **Policy/Procedure.** The facts of the case revealed that the complaint relates to Department policy/procedure and not to a specific employee’s actions.

**Note:** Complaints against Department policy and procedure not specifically addressing an employee’s actions shall still be initiated on a Complaint Form, Form 01.28.00. In such cases, the Department shall be named as the accused employee, and the complaint will be adjudicated as Non-Disciplinary. Individuals making complaints against Department policy and procedure shall also be referred to the Department entity having functional oversight of the policy or procedure. If the complainant cannot be satisfied, he/she shall be referred to the Board of Police Commissioners.

- **Employee’s Actions Did Not Rise to the Level of Misconduct.** A preliminary investigation revealed that the allegations did not rise to the level of misconduct and/or the named employee’s actions were protected by law or found to be consistent with Department policy or procedure.
- **Employee’s Actions Could Have Been Different.** The facts in the complaint revealed the employee’s actions could have been different. However, the employee’s act or omission is best addressed through corrective action by the employee’s commanding officer. The corrective action(s) taken was:
  - Counseling;
  - Training;
  - Employee Comment Sheet (Comment Card), Form 01.77.00;
  - Notice to Correct Deficiencies, (City) Form General 78; or,
  - Referral.
- **Demonstrably False.** When it is clearly proven that an allegation did not occur.

**Note:** An allegation is considered to be "clearly proven" as Demonstrably False under the following circumstances:



- The complainant is determined to be vexatious, i.e., the complainant demonstrates an irrational thought process and/or has established a pattern of making chronic or false complaints; or,
- Body Worn Video (BMW) or Digital In-Car Video System (DICV) footage, or other audio or video evidence captured the entire incident or citizen contact, and conclusively shows that the employee(s) did not commit the alleged misconduct or did not violate Department policy or procedures.

Consistent with Department policy, all allegations of misconduct initiated by a member of the public, including those determined to be Demonstrably False, shall be recorded on a Complaint Form, Form 01.28.00. However, when an audio or video recording clearly proves that an allegation of misconduct is Demonstrably False, the accused and witness officers need not be interviewed regarding the Demonstrably False allegation.

- **Department Employee(s) Not Involved.** The preliminary investigation revealed that the complaint did not involve a Department employee(s).
- **Resolved Through Alternative Complaint Resolution.** The complainant and the accused employee(s) resolved the complaint through the Alternative Complaint Resolution (ACR) mediation process.

**818.05 ADJUDICATION OF A NON - DISCIPLINARY COMPLAINT.** After approving a complaint's final classification as Non-Disciplinary, the employee's commanding officer shall:

- Complete and sign the Complaint Form (CF);
- Meet with and discuss the complaint with the employee, and provide the employee with a copy of the investigation; and,
- Sign the complainant's reply letter, and forward it with the complaint to the next level of review.

**Role of Bureau Commanding Officer.** Bureau commanding officers reviewing a complaint that has been classified as Non-Disciplinary, shall:

- Sign the CF if they concur; and,
- Ensure that all closed Non-Disciplinary complaints are forwarded to Internal Affairs Division (IAD), along with the original completed investigation and a Personnel Complaint Statistical Form, Form 01.19.00, and reply letter.

**Note:** The commanding officer's decision on a Non-Disciplinary complaint shall be final unless a substantial justification for changing it can be articulated at the bureau level. If this occurs the Non-Disciplinary complaint shall be returned to the employee's commanding officer with a written rationale and direction for how to proceed.

**Role of Internal Affairs Division.** Internal Affairs Division shall have review authority and responsibility for all Non-Disciplinary complaints.

Upon review of a Non-Disciplinary complaint IAD shall:

- Close out the CF and file them by CF number in IAD's Miscellaneous files; and,
- Date and send the reply letters to the complainants.

**Note:** The division and bureau commanding officer's decision on a Non-Disciplinary complaint shall be final unless a substantial justification for changing it can be articulated by IAD. If this occurs, the Non-Disciplinary

complaint shall be returned to the bureau commanding officer with a written rationale and direction for how to proceed.

**819. ALTERNATIVE COMPLAINT RESOLUTION PROCESS.** A Non-Disciplinary or Disciplinary complaint may be designated for the Alternative Complaint Resolution (ACR) mediation process when **all** of the following criteria are met:

- The complaint of the alleged misconduct is Non-Disciplinary or Disciplinary, but minor in nature (e.g., discourtesy, disrespect, or a minor Neglect of Duty, etc.) as alleged by the public;
- The employee has no apparent pattern of similar behavior (should generally be limited to the past five years) for which he/she is accused; and,
- The complainant and the employee have agreed to participate in good faith.

Generally, the watch commander, section OIC, or civilian equivalent, shall appoint a supervisor to serve as ACR facilitator. However, nothing precludes a **supervisor** who is responding to a complaint in the field from utilizing ACR at the time the complaint is made, with concurrence from the watch commander, section OIC, or civilian equivalent. An assigned facilitator may attempt to resolve the issue through ACR without the employee being present.

**Note:** Prior to conducting ACR, assigned facilitators shall review training material prepared by Internal Affairs Division.

**General Guidelines for ACR.** When a complainant and/or accused employee indicates a desire for ACR, the process should be expedited. In the event ACR is delayed more than 30 calendar days, absent exigent circumstances, the complaint shall be returned to the commanding officer for classification and adjudication.

Prior to ACR, the complainant shall sign an Alternative Complaint Resolution Acknowledgement, Form 01.28.06. A single ACR session should be sufficient, and all ACR discussions shall be considered confidential.

The presence of outside parties is discouraged; however, the assigned facilitator may exercise discretion in establishing parameters for the ACR session. Accused employees may not have an employee representative present, nor may a complainant have legal counsel. Sessions shall not be audio/video recorded. The assigned facilitator shall have the final authority over the ACR session.

**Note:** When the accused employee insists on the presence of an employee representative during ACR, or the complainant requests legal counsel, complaints shall be returned to the commanding officer for classification and adjudication.

**Role of Facilitator.** The process of resolving conflict requires all parties to be forthright and willing to accept responsibility. In fact, a full and complete discussion of events may include an admission to the complained of behavior. It is understood that this is part of the resolution process and confidentiality will be maintained. However, should a **significant** act of misconduct come to light, the ACR session shall be stopped and the complaint referred for classification and adjudication.

**Withdrawal from ACR.** If, prior to completing the ACR session, either the complainant or the accused employee chooses to withdraw, the complaint shall be referred to the accused employee's commanding officer for appropriate disposition. Likewise, an assigned facilitator may stop the ACR process and refer the case to the commanding officer for appropriate disposition if one or both parties involved are not participating in good faith.

In any of these cases, the complainant and employee shall be advised of the investigation's outcome via established complaint procedures. No prejudice shall be inferred upon either party for withdrawing from ACR.

If at any time after the ACR session is adjourned, the complainant wants to renew the complaint, no new complaint shall be initiated; and, absent new and significant evidence of serious misconduct, no investigation shall be undertaken. The resolution by ACR shall stand, and no further action relative to the incident may be initiated after the completion of ACR.

**Challenge to ACR.** If, based on compelling circumstances, a commanding officer determines ACR is not appropriate (due to either the nature of the complaint or the employee's work history), that commanding officer may override a watch commander's decision, even if ACR has already occurred. If this occurs, the commanding officer shall provide the employee with a written rationale, providing substantial justification.

## **820. DISCIPLINARY COMPLAINTS.**

**820.01 COMPLAINT INVESTIGATION REPORT.** Using an Intradepartmental Correspondence, Form 15.02.00, the following headings shall be used when completing the Complaint Investigation Report that alleges misconduct:

- Complaint;
- Summary (including Allegations);
- Investigation;
- Investigator's Notes (including author's name and signature and approval block);
- Witness List;
- Addenda; and,
- Allegation List (not as a page of the report, but as a helpful tool for the reader).

Depending upon the complexity of the investigation, the final report can be as brief or as detailed as necessary, so long as it enables the reviewer to properly adjudicate the complaint.

**820.05 CHRONOLOGICAL RECORD FOR COMPLAINTS.** City and state laws establish the limitations periods during which an employee may be discharged, suspended, demoted in rank, or suspended and demoted in rank. Since the limitations period is based on the date the misconduct was discovered by an uninvolved supervisor, documentation of the date on which specific information is obtained is essential. Generally, this will be the same as the "Date/Time Reported" on the Complaint Form, Form 01.28.00. On occasion, the initial information may be too vague to constitute misconduct and/or additional misconduct may come to the Department's attention during the subsequent investigation.

Commanding officers shall ensure that a Chronological Record, Form 03.11.06, is completed by the supervisor assigned to complete a complaint investigation. The Chronological Record shall be used to document an in-depth chronological record of the investigation, recording the dates and times of initial notification and all investigative contacts and processes. It shall include the person to whom information was given as well as the supervisor completing each entry. If the same supervisor completes all entries, a statement to that effect may be made at the end of the Chronological Record and signed by the supervisor. The Complaint Form (CF) number of the concerned complaint shall be placed in the box titled "DR" at the top of each page of the Chronological Record.

**Exception:** It is not necessary to complete a Chronological Record in conjunction with the following disciplinary matters:

- Failure to Qualify;
- Failure to Appear in Court;
- Preventable Traffic Crash, when there is no other misconduct;
- Use of Force Internal Process Report; and,
- Non-Disciplinary Complaints.

**Note:** Following Skelly procedures, the original Chronological Record is to be forwarded with the completed Complaint Form through channels to Internal Affairs Division. Generally, the Chronological Record should **NOT** be used by the commanding officer in adjudicating the complaint and, thus, should not be included in the materials given to the accused employee.

Supervisors completing a Chronological Record in conjunction with a complaint investigation should be aware that the Chronological Record may be subject to discovery. Any Chronological Record completed in conjunction with such complaints shall **only** be released after confidential information, if any, is redacted and with the approval of the Commanding Officer, Internal Affairs Division.

When the investigation is completed by Internal Affairs Division, the Chronological Record shall be retained by Internal Affairs Division pending the adjudication of the complaint.

**820.15 ADMINISTRATIVE INTERROGATION ADMONITIONS.** When an administrative interrogation focuses on or involves possible criminal misconduct by an employee, the employee shall be advised of his/her Miranda rights before questioning begins, or at the point at which the interrogation begins to focus on possible criminal misconduct.

If the employee waives his/her Miranda rights, no further admonition is necessary. If the employee declines to waive his/her Miranda rights and the administrative interview is to continue, the interrogating officer shall read the Administrative Admonition of Rights from the Employee Rights Card verbatim as follows:

- Your silence could be deemed as insubordination and lead to administrative discipline, which could result in your discharge or removal from office; and,
- Any statements made under the compulsion of the threat of such discipline cannot be used against you in any subsequent criminal proceeding.

After reading the Administrative Admonition of Rights to an employee during a complaint investigation the interrogating officer shall:

- Request that the employee being interviewed sign and date the Employee Advisement Form, Form 01.81.05, in the appropriate space;
- Sign the Form 01.81.05 as the witnessing supervisor; and,
- Attach the Form 01.81.05 to the Complaint Form, Form 01.28.00, as an addendum.

After the completion of the Form 01.81.05, the employee shall be ordered to give a statement for administrative purposes only following the format outlined on the form. The interrogating officer shall sign and date the Form 01.81.05 affirming that the administrative order was given in the prescribed manner.

The employee's commanding officer shall ensure that the Form 01.81.05 is attached to the Complaint Form, Form 01.28.00, as an addendum and forwarded to the bureau commanding officer for review.

**Administrative Admonitions During Non-Criminal Personnel Investigations.** When an employee refuses to answer a question during an administrative interview regarding a non-criminal matter, the employee shall be

ordered to provide a statement. The employee shall be informed that failure to answer questions directly related to the investigation or interrogation may result in disciplinary action.

In cases where it is necessary to order an employee to provide a statement during the investigation of a non-criminal matter, the investigating officer shall:

- Read aloud the advisement for non-criminal misconduct from the Employee Advisement Form, Form 01.81.05, to the employee;
- Initial the box next to “Non-criminal Misconduct;”
- Order the employee to answer administrative questions and provide a statement in the non-criminal matter per the admonishment at the bottom of the form;
- Request that the employee sign the Employee Advisement Form, Form 01.81.05;
- If the employee refuses to sign the Employee Advisement Form, the investigator shall write “Refused” on the appropriate line and document the refusal aloud during the taped interview;
- Include the Employee Advisement Form, Form 01.81.05, as an addenda item; and,
- Ensure that a copy of the Employee Advisement Form is given to the employee who has been ordered to provide the statement.

**820.20 PERSONNEL COMPLAINT ENVELOPE.** The Personnel Complaint Envelope, Form 01.81.11, shall contain copies of addenda items and rough notes (rough notes are considered information that forms a basis for a finalized report, not a draft of that document).

**Note:** No copies of the Complaint Form, Form 01.28.00, or the related investigation shall be included in the Personnel Complaint Envelope. Tapes shall not be included in the Personnel Complaint Envelope. Both Technical Investigation Division (TID) tapes and non-TID tapes shall be submitted to TID for storage.

**Maintenance of Personnel Complaint Envelope.** When a completed complaint investigation has been submitted for review and findings to the concerned commanding officer, the Personnel Complaint Envelope shall be filed and stored in a secured location (i.e., a locked file cabinet). The Area/division commanding officer shall be responsible for the security and maintenance of those files. Only the Department Advocate or designee may release or allow access to Personnel Complaint Envelopes, or its contents, to any individual or entity, either within or outside the Department.

**Exception:** The investigating officer handling the investigation may access the Personnel Complaint Envelope with the permission of the concerned commanding officer.

**Note:** The Personnel Complaint Envelope shall remain in Area/division files for two years and then be transferred to City Records Center, where it shall be retained for eight more years before it is destroyed.

**820.25 CLASSIFICATION OF A DISCIPLINARY COMPLAINT.** Disciplinary allegations shall be dispositioned using **only** the following classifications, or one of the Alternate Dispositions described below:

- **Unfounded:** When the investigation indicates the act complained of did not occur;
- **Exonerated:** When the investigation indicates the act occurred but that the act was justified, lawful, and proper;
- **Not Resolved:** When the investigation discloses insufficient evidence to prove or disprove clearly the allegations made;
- **Sustained:** When the investigation discloses that the act complained of did occur and constitutes misconduct; or,

- **Sustained-No Penalty:** The investigation supports sustaining the allegation; however, “No Penalty” is the appropriate disposition. In all cases, appropriate corrective action shall be taken which may involve, but is not limited to, counseling, training or action other than formal discipline.
- **Insufficient Evidence to Adjudicate** – The investigation could not be thoroughly or properly investigated. This may be caused by a lack of cooperation by the complainant and/or witnesses, or the absence of a critical interview which was necessary to proceed with the investigation, and/or the available physical evidence or witnesses’ statements are insufficient to adjudicate the complaint.
- **Withdrawn by the Chief of Police (IAD use only)** – The Chief of Police may withdraw the allegation(s) (generally sustained) or charge(s) in the best interest of the Department when:
  - On the advice of the City Attorney, imposing discipline is legally prohibited, or would subject the Department to civil liability; or,
  - In the interest of justice and/or fairness, the allegation would be better adjudicated outside the Department, e.g., by a court of competent jurisdiction, or the alleged act is minor misconduct and/or significant time has passed; or,
  - Evidence used to sustain a charge is unavailable or has been lost, stolen or destroyed; and,
  - Other articulable reasons.

The rationale for withdrawal of an allegation shall be articulated in writing and included in the “Recommendation” portion of the letter of transmittal for Category I and II investigations or included in the “Adjudication Rationale” for Category III investigations. Such requests will be evaluated by the Review and Evaluation Section, IAD. If the Chief of Police concurs, the allegation should be withdrawn, the allegation shall be re-classified and administratively closed as “Withdrawn by the Chief of Police.”

- **Duplicate** – When a preliminary investigation of a complaint reveals the incident is the same as another complaint already under investigation (Complaint Form [CF] number assigned), the complaint shall be cross referenced with the master CF number of the investigation which is related to the duplicate. Any additional or new information shall be noted as part of the supervisor’s preliminary investigation and forwarded to IAD which will close the duplicate complaint, cross reference the CF number to the master complaint CF number, and forward the additional information to the appropriate investigators.

**Note:** When the complainant of a duplicated complaint is different from the initial complainant, an undated reply letter to the duplicate complainant advising him/her of the duplicate status and the fact that the duplicate investigation would be closed in favor of the master investigation, shall be submitted with the request. Additionally, upon completion of the master CF, a reply letter should be prepared to the complainant on the duplicate CF advising him/her of the adjudication.

- **Other Judicial Review (For Internal Affairs Use only)** – This classification was implemented to address two types of complaints.
  - **CIVIL MATTERS INVESTIGATION/ADJUDICATION.** Other Judicial Review may be used to adjudicate personnel complaints only if the accused employee’s position does not play a role in the alleged actions. Matters involving these issues include:
    - Violations of restraining orders;
    - Child custody/support disputes; and,
    - Other non-duty related civil disputes.

- **POST-CONVICTION COMPLAINTS-CRIMINAL MATTERS INVESTIGATION/ADJUDICATION.** The use of OJR as complaint adjudication is no longer appropriate in matters raised by complainants who have been convicted of a crime or crimes, when those matters have been previously addressed in a judicial proceeding unless:
  - The complainant alleges employee misconduct in the scope of his or her duties that was previously addressed in a civil court proceeding.

**Exception:** The Other Judicial Review (OJR) shall **not** be used to investigate a Claim for Damage.

A form has been developed for complaints that may be classified as *Other Judicial Review*. The form addresses civil matters (Other Judicial Review – Civil Matters Investigation/Adjudication, Form 01.28.03). Such investigations would include a Form 01.28.00, containing an allegation in which the complainant claimed a conviction in court was the result of a false arrest, falsified evidence, reports, testimony, etc., or an allegation that an employee may have violated a civil court order. If an OJR form can be completed for required criteria, including listing all pertinent information on the back side of the OJR form, the OJR form can be attached to the respective Form 01.28.00, and the adjudication completed using the adjudication sections provided on the Form 01.28.00. Tape numbers of persons interviewed, such as the prosecutor, shall be recorded on the OJR forms.

If, while completing the OJR form, the investigating officer is directed to “...**not use this form,**” the investigation shall be completed on the Complaint Form, Form 01.28.00.

**820.30 NOTICE OF PROPOSED DISCIPLINARY ACTION.** In cases that allege serious misconduct by a permanent employee (i.e., one who has completed entry-level employment probation), the employee's commanding officer shall use the Complaint Adjudication Form, Form 01.28.05, to notify the employee of the proposed charges.

**Note:** Misconduct is deemed to be "serious" when the commanding officer recommends:

- For Sworn Personnel: That the matter be adjudicated by a Board of Rights or that the employee be suspended.
- For Civilian Personnel: That the employee be discharged or suspended.

**Procedure.** A commanding officer shall, in cases of serious misconduct:

- Advise the employee of the right to representation prior to discussing the matter;
- Advise the employee of the specific penalty recommended by the commanding officer;
- Give the employee a copy of all investigative material upon which the proposed disciplinary action is based, unless the employee waives the right to receive the material;
- Give the employee a copy of the commanding officer's letter of transmittal;

**Note:** Nothing shall be added to the narrative portion of the transmittal that does not appear on the copy given to the employee.

- Provide civilian employees with any documents reflecting prior disciplinary action or substandard performance if the prior action or performance will affect the severity of the punishment;
- Ensure the employee initials the appropriate boxes on the Complaint Adjudication Form, Form 01.28.05, which indicates the employee acknowledges receipt of pertinent materials; and,

- Notify the employee that any response, either oral or in writing, to the proposed disciplinary action must be made within a reasonable time. Any written response from the employee shall be attached to the completed investigative report.

**Exception:** The above procedures need not be followed in emergency situations. An emergency situation is one in which the continued presence of the accused employees on active-duty status may be potentially harmful to themselves, their fellow employees, or the public, **or** a situation in which the failure of accused employees to participate in the procedure is beyond their commanding officer's control. In these circumstances, the Commanding Officer, Internal Affairs Division, shall be notified without delay.

**822. EMPLOYEE REVIEW OF INVESTIGATION.** When a complaint investigation results in a recommended classification that will be recorded on an employee's TEAMS II report, the employee against whom the complaint was made shall be afforded the opportunity to review and respond to the completed investigation. Currently, those classifications are: Sustained (with a penalty of reprimand or less), Sustained-no penalty, Not Resolved, Exonerated, or Unfounded.

**Commanding Officer's Responsibility.** The commanding officer of the employee against whom the allegation was made shall:

- Ensure that a Complaint Adjudication Form, Form 01.28.05, is completed for each employee who was the subject of a complaint investigation, wherein the disposition of the allegation(s) falls within one of the above categories;
- Notify the employee of the recommended disposition of the allegations contained in the complaint;
- Advise the employee that he or she has the right to review and to respond in writing to the completed complaint including the commanding officer's letter of transmittal;

**Note:** This review procedure provides for employees' responses to **completed** investigations. Commanding officers are not relieved of the responsibility to further investigate relevant issues raised by employees during the investigation or when they are advising an employee of the disposition, when the resolution of such issues would materially affect the disposition of a complaint.

- Provide the employee with a copy of the complaint;
- Advise the employee that complaint investigation documents are confidential;
- Advise the employee that he or she has 30 calendar days to submit a written response which will be forwarded through the review process and filed with the complaint investigation at Internal Affairs Division (IAD) for other than sustained cases, and in his or her Department personnel package for sustained cases;
- Have the employee initial the appropriate boxes on the Complaint Adjudication Form;
- If the employee has initialed that he or she does not intend to submit a written response, immediately forward the Complaint Adjudication Form with the complaint through the chain of command. It is not necessary to complete the "CO's Response to Employee" section;
- If the employee has initialed that a written response will be submitted, complete the employee acknowledgement and signature section on the reverse side of the Complaint Adjudication Form and retain it along with the complaint investigation pending receipt of the employee's response or expiration of the 30 day response period; and,

**Exception:** If a complaint has a statute of limitations that will expire within six weeks, the employee acknowledgement and signature section of the Complaint Adjudication Form shall be completed and a copy immediately forwarded with the complaint through the chain of command. The original Complaint Adjudication



Form shall be forwarded with the employee's response to Internal Affairs Division to be filed with the associated complaint investigation.

- Upon receipt of the employee's response, and in no case later than the end of the 30 day response period, complete the "CO's Response to Employee" and the "Adjudication Summary" sections of the Complaint Adjudication Form and forward the original with the complaint investigation and the employee's response, if any, through the chain of command.

**Employee's Responsibility.** Employees who desire to respond to the findings of a completed complaint investigation shall document their response on an Employee's Report, Form 15.07.00, and submit it to their commanding officer within 30 calendar days of service of the Complaint Adjudication Form.

**Reserve Officer Discipline.** An accused reserve officer shall be presented with a copy of a completed complaint investigation and allowed to respond to the commanding officer verbally or in writing. For complaints other than sustained, the reserve officer shall have 30 days to respond. In cases of sustained complaints, a reserve officer shall have 3-5 days to respond, at which time the complaint investigation shall be sent to the Chief of Police for final endorsement with the reserve officer's response attached.

**Note:** This provision should in no way be construed to imply a property right for reserve officers.

Once a final determination has been made by the Chief of Police, commanding officers shall follow disciplinary procedures for reserve officers as outlined in Manual Section 3/870.50.

**822.05 NEED FOR ADDITIONAL INVESTIGATION.** If the commanding officer determines that additional investigation is necessary as a result of an employee's response, such investigation shall normally be conducted by the investigative unit that conducted the original investigation. Upon completion of an additional investigation, the employee's commanding officer shall:

- Re-interview the accused employee and advise the employee of the results of the additional investigation;
- Allow the employee to review any new investigative material; and,
- Allow the employee to respond orally or in writing to the findings of the additional investigation.

**824. COMPLETION OF COMPLAINT INVESTIGATION.** It is the goal of the Department to complete most complaint investigations within five months of the Complaint Form being received by Internal Affairs Division (IAD). Notwithstanding that goal, all efforts should be undertaken to ensure the entire complaint process is completed within the limitations established by state law and the City Charter.

For Internal Affairs' cases, the investigation completion date shall be the date on the IAD, Administrative Records Section-Communication Slip, which is the date the investigation was completed as documented on the Internal Affairs In-Flight Tracking Log. For chain-of-command cases, the completion date shall be the date the investigating officer submits the completed investigation for commanding officer adjudication and shall be documented at the top of the first page of the investigation. If the investigation is returned to the investigating officer for additional work/investigation, then the completion date will be the date on the subsequent IAD Communication Slip or on the supplemental investigation for chain of command investigations. The complaint completion dates shall be documented in the box at the top of the Complaint Adjudication Form, Form 01.28.05.

**825. ADJUDICATING THE COMPLAINT AND SKELLY RESPONSIBILITY.** As a general rule, the commanding officer who managed the employee at the time of the occurrence shall adjudicate the complaint.

**Exception:** When an unusual length of time has passed between the date of occurrence and the date reported, Internal Affairs Division (IAD) may assign investigative and adjudicative responsibility to the accused officer's current commanding officer.

Where several employees from different commands were involved, the commanding officer of the primary employee, or where no primary employee could be identified, the commanding officer where the incident occurred, shall be responsible for the adjudication, preparation of the Letter of Transmittal, and Skelly process. If the incident occurred outside the City jurisdiction or the officer was transferred, adjudication responsibility shall be assigned to the appropriate commanding officer by IAD. It is the intent of this section to provide consistent adjudication and Skelly processes to all involved personnel. Therefore, whenever possible, the adjudication and Skelly of all accused personnel should be done by one commanding officer.

**Note:** Assistance with multiple Skellys may be accomplished at the request of the adjudicating commanding officer, with the concurrence of the employee's current commanding officer, as long as the employee's current commanding officer can comfortably address the Letter of Transmittal issues. The adjudicating commanding officer shall maintain responsibility for responding to the employee's Skelly response (if any) and forwarding the entire investigation, Letter of Transmittal, Skelly(s), and Skelly response(s) to IAD via his/her bureau.

The report shall be forwarded through channels to the Commanding Officer, Internal Affairs Division, immediately upon expiration of the Skelly response period or upon acknowledgement by the accused officer that no Skelly response will be made.

The involved employee's commanding officer shall notify the employee every 30 days of the status of the investigation.

**825.05 COMPLAINT – ADDITIONAL DOCUMENTS REQUIRED.** For all complaints in which a specific employee is accused of misconduct, the employee's complete TEAMS II report and Personal and Work History Summary, Form 1.06.0, shall be forwarded with the completed investigation for the purpose of the commanding officer's review during the adjudication process. Additionally, the Personal and Work History Summary, Form 1.06.0, and/or the Personal and Work History Continuation, Form 1.06.03, shall be forwarded with any FTA, FTQ, or PTC investigation when the histories show any prior FTA, FTQ, or PTC. Neither the TEAMS II nor the Personal and Work History Summary shall be included or listed as addenda to the investigations.

**825.10 PENALTIES FOR SUSTAINED COMPLAINTS.** When a Disciplinary complaint is sustained, the employee's commanding officer may recommend any of the following penalties:

**For sworn personnel:**

- No Penalty;
- Admonishment;
- Official reprimand (to be used for acts of misconduct for which no other penalty is appropriate);
- Suspension;
- Board of Rights;
- Demotion;
- Suspension and Demotion; or,
- Termination on probation.

**For civilian personnel:**

- Admonishment;

- Official reprimand (to be used for acts of misconduct for which no other penalty is appropriate);
- Suspension;
- Discharge; or,
- Termination on probation.

**Admonishment.** When it is determined that a penalty of an admonishment is appropriate, the employee's commanding officer will administer discipline. Sustained complaints for which discipline may be administered by commanding officers include, but are not limited to, the following:

- Failure to qualify;
- Failure to appear in court at time subpoenaed;
- Failure to appear for scheduled medical examination;
- Tardiness;
- Uniform Defects;
- Minor mishandling of equipment;
- Violation of divisional orders of an internal nature;
- Violation of standard operating procedures of an internal nature; and,
- Minor misconduct from sources outside the Department.

When a commanding officer determines that it is appropriate for an employee of his/her command to receive a penalty not to exceed an admonishment, he/she shall cause any recommended corrective action to be taken.

**Note:** A commanding officer may cause other appropriate action, such as medical examination, professional counseling, or assistance to be taken. Such action may also be initiated on other than sustained complaints.

When an employee does not accept the recommendation of the commanding officer, the commanding officer shall include, in the disposition portion of the Form 01.28.00, the fact that the employee refused the recommended penalty and the reason(s) the employee gave for such refusal.

**825.20 EVALUATING WITNESS CREDIBILITY.** In adjudicating a complaint, Department managers (the rank of captain or above) are responsible for assessing the believability and credibility of witnesses in accordance with the standards established in the IAD functional manual, *Management Guide to Discipline*; specifically, principles adopted from the "California Jury Instruction Code." Managers may consider anything that has a tendency, within reason, to prove or disprove the truthfulness of a witness. In making those determinations, the Department shall employ the following standards:

- Consideration of the history of complaint investigations and disciplinary records of both an accused employee and an employee witness, where relevant and appropriate;
- Consideration of the criminal histories of civilian complainants and witnesses, where relevant and appropriate;
- No automatic preference shall be given to a Department employee's statement over the statement of any other witness, including the complainant;
- There shall be no automatic judgment that insufficient information exists to make a credibility determination when the primary evidence amounts to conflicting statements of the accused employee and the complainant; and,
- A familial or social relationship with a victim or the employee shall not automatically render a witness statement as biased or untruthful. However, the fact that such a relationship exists may be noted.

**825.30 NOTIFICATION OF INVESTIGATION RESULTS TO COMPLAINANT-COMMANDING OFFICER'S RESPONSIBILITY.** Commanding officers adjudicating complaints shall prepare an undated reply letter on Department letterhead addressed to the complainant.

**Reply Letter to Complainant.** The reply letter shall, at a minimum, include:

- The Complaint Form (CF) number, placed in the right quadrant of the letterhead under the Department's return address;
- The date of occurrence, or the date the complaint was reported to the Department;
- The general nature of the complaint and/or allegations(s);
- The resolution and disposition of the complaint and/or allegations;
- The general acknowledgement that appropriate discipline was imposed, without indicating the specific penalty, when an allegation was sustained;
- Reference to the Office of the Inspector General's role, address, telephone and fax numbers, and website address; and,
- The name and phone number of the commanding officer who adjudicated the complaint.

The Department reply letter should not be dated. Internal Affairs Division will add the date when the letter is mailed, following final adjudication of the complaint.

Generally, the Department reply letter should not include the names of the accused employees. Provisions of State law preclude the unnecessary release of employee information regarding personnel matters.

**Note:** Inquiries regarding the appropriate content of a reply letter should be directed to AID, IAD.

The specific requirements for the reply letter should not be construed to restrict commanding officers from customizing the reply to address specific issues.

**Status Update Correspondence.** When the investigation phase of a complaint has not been completed, the status update correspondence shall be mailed to the complainant within one week of the five-month anniversary of reporting the complaint to the Department. One copy of the status update correspondence shall be forwarded to the Administrative Records Unit, IAD, and another maintained in the case folder and forwarded with the case folder at the conclusion of the investigation.

Status update correspondence shall include the following information:

- The date of correspondence;
- The CF number;
- The date of occurrence or the date the complaint was reported to the Department;
- A brief explanation of the status of the investigation; and,
- The name of the investigation officer(s) and his/her office telephone number.

**826. OFFICIAL REPRIMAND - EXECUTION OF ORDER.** When commanding officers receive a written order of reprimand for an employee of their command from the Chief of Police, they shall:

- Read the reprimand to the employee;
- Give the original copy of the order to the employee; and,
- Require the employee to sign the copy of the order.

**828. FALSE AND MISLEADING STATEMENTS.** It is a violation of Department Policy for any employee to make a false statement or a misleading statement as defined in this section. Any violation of this standard constitutes misconduct, which may lead to disciplinary action up to and including termination.

**False Statement – Defined.** A false statement is **any** manner of communication, including, but not limited to oral, written and electronic, which a Department employee makes when he or she knew or should have known the statement was false at the time it was made or the employee fails to correct the statement upon learning of its falsity.

**Misleading Statement – Defined.** A misleading statement is **any** manner of communication, including but not limited to oral, written and electronic, which a Department employee makes when he or she:

- Provides information in an inaccurate context;
- Provides information designed to lead the investigator or another astray or misdirect others;
- Intentionally withholds information which is known or reasonably believed to be relevant; or,
- Intentionally fails to provide a complete or accurate account of matters which are known to the employee.

Providing partial truth about an incident does not satisfy an employee's obligation for truthfulness when relevant information has been deliberately left out. Further, an employee who becomes aware that a statement has been misunderstood or misrepresented has an obligation to correct the misunderstanding or misrepresentation. Failure to do so may create an inference that the employee made the statement with the intention to mislead.

A "false statement" or a "misleading statement" constitutes misconduct when:

- It is made while carrying out an employee's duties;
- It results from actions incidental to an employee's duties;
- It is made while conducting a criminal or administrative investigation, even if the investigation is preliminary in nature; or,
- It is made by an off-duty employee arising from a circumstance in which the employee's occupation as a Department employee is a factor.

**Exception:** False and misleading statements allowed by law, including those made for investigative purposes such as those required to conduct an undercover investigation, are **not** considered to be misconduct and therefore do not fall within these categories.

**829. MISCONDUCT NOT BASED ON ORIGINAL COMPLAINT.** When a complaint neither based on nor directly related to the original complaint, is "sustained" and the classification of the original complaint is other than "sustained," a new Complaint Form, Form 01.28.00, shall be prepared recording the new allegations and investigative results. When the original complaint is "sustained," the new allegations shall be recorded as separate charges on the original complaint.

### **830. COMPLAINTS INVOLVING A USE OF FORCE.**

**830.05 COMPLAINT UNRELATED TO A NON - CATEGORICAL USE OF FORCE.** When a complaint is unrelated to a Non-Categorical use of force, a Complaint Form, Form 01.28.00, shall be initiated immediately (e.g., an arrestee who alleges improper comments by officers transporting him/her to the station from the scene of use of force).

**830.10 COMPLAINT RELATED TO A NON - CATEGORICAL USE OF FORCE.** When a complaint is related to a Non-Categorical Use of Force (NCUOF), the investigating supervisor shall notify his or her watch commander or officer in charge (OIC) immediately. The watch commander or OIC shall assess the incident and determine if immediate notification to Internal Affairs Division (IAD) is required.

Consistent with policy, a public complaint shall be accepted from any source, including the subject of the use of force. If IAD does not respond and assume responsibility for investigating the incident as a personnel complaint, the supervisor shall complete a (public) Complaint Form, Form 01.28.00, in addition to the use of force investigation report. However, where a subject of force does not request to make a public complaint (i.e., unauthorized or excessive force) and there is no independent evidence of misconduct related to the force, any statements that materially differ, shall be addressed within the NCUOF investigation as a Level I investigation. Any separate allegations of misconduct unrelated to the NCUOF (e.g., biased policing discourtesy, unlawful search) shall be documented in a personnel complaint consistent with current policy. A complaint unrelated to unauthorized or excessive force does not require a reclassification of a Level II use of force investigation to a Level I.

**Note:** Versions of events that differ from one another do not necessarily amount to an allegation of misconduct for purposes of determining preliminary investigative responsibility. In such cases, the supervisor should conduct a thorough use of force investigation and document the conflicting statements in accordance with NCUOF reporting guidelines.

Neither out-of-policy recommendations nor out-of-policy findings for the use of force automatically require a personnel complaint. Supervisors shall ensure the findings outcome is consistent with Department Manual Section 3/793, Adjudicating a Non-Categorical Use of Force Incident.

**830.15 RECLASSIFICATION OF A LEVEL II USE OF FORCE INVESTIGATION TO A LEVEL I.** When a public personnel complaint is generated (i.e., unauthorized or excessive force) prior to the final adjudication of a Level II Use of Force (UOF) incident by Critical Incident Review Division (CIRD), including complaints related to civil litigation, regardless of the source of the complaint, the Level II UOF investigation shall be redirected to the original investigating entity and reclassified as a Level I, consistent with Department Manual Section 4/245.11, Non-Categorical Use of Force Reporting Levels. Reclassification should be completed as soon as possible and can be directed by the commanding officer of the respective Area or bureau. In such cases, the investigating entity shall make every effort to complete a Level I investigation in accordance with Department Manual Section 4/245.11.

**Note:** When possible, all allegations of misconduct related to the same Non-Categorical Use of Force incident should be added to the original public personnel complaint. The investigating entity shall ensure the completed investigation is routed to the concerned Area/division commanding officer for adjudication.

## **831. DISPOSITION OF COMPLAINTS.**

**831.05 ADMINISTERING DISCIPLINARY ACTION.** Disciplinary action shall be administered by the Chief of Police, or the designee of the Chief of Police, in cases other than those in which discipline is administered by the concerned employee's commanding officer. The commanding officer may administer discipline when the penalty of admonishment is appropriate, and the case does not involve the discharge of a firearm by a Department employee. In cases involving the discharge of firearms, where the approved penalty is divisional admonishment, the employee's commanding officer will administer discipline.

**831.10 LETTER OF TRANSMITTAL.** The Letter of Transmittal (LOT) shall be written using either the Short Form or the standard LOT formats, with the appropriate classification(s) used for misconduct

allegations. Commanding officers shall familiarize themselves with the criteria for each classification and ensure LOTs are written to sufficiently address all allegations of misconduct raised by the complainant(s) and support the recommended classifications and penalty.

**Note:** Non-Disciplinary complaints **do not** require an LOT. In order to comply with California Penal Code (CPC) Section 832.5, which prohibits inclusion into an officer's personnel record for any portion of a **public** complaint determined to be "frivolous, unfounded, or exonerated," LOTs shall be prepared in the following manner:

- When an LOT contains sustained allegations, the LOT shall be organized as follows: (1) Sustained, and any (2) Not Resolved, followed by a page break, then (3) all other classifications, followed by a page break, followed by the Administrative Insight, etc. In this manner, only a copy of those sections of the LOT discussing **Sustained (or Sustained and Not Resolved)** allegations will be placed into the concerned employee's personnel record; and,
- The original LOT and supporting complaint investigation will be retained at Internal Affairs Division (IAD).

The LOT shall contain the following headings:

- Adjudication;
- Allegation;
- Classification;
- Rationale;
- Digital In-Car Video, Body Worn Video, and Other Video or Audio Recordings;
- Employee Development Plan (This is particularly important for complaints with sustained allegations, and may be used for Not Resolved or Insufficient Evidence to Adjudicate, if warranted.);

**Note:** The Employee Development Plan and the sections that follow shall be completed separately for each accused employee and separated from other accused employees to ensure confidentiality of an employee's employment records upon Skelly service.

- Penalty;

**Note:** Penalty rationales shall reference the Penalty Guide and provide an explanation for any deviations.

- Work History Analysis (Not intended to recapitulate the TEAMS II, which is attached for each accused employee. This section is necessary only in cases of Not-Resolved and/or Sustained allegations in order to analyze a pattern of conduct.);
- Work Permit Review;
- Relief from Duty Consideration;
- Actions Taken; and,
- Signature Page (separate page with a signature block for the commanding officer approving the LOT).

**Note:** Refer to the Office of the Chief of Police Notice, Personnel Complaint Letter of Transmittal – Revised, dated September 8, 2016, for heading explanations.

**Note:** As a reminder, any Downgrade/Deselection related to the allegations in the LOT is to be requested separately from the LOT in accordance with Manual Section 3/763.55. An LOT shall not include a recommendation for, or any additional information related to, a Downgrade/Deselection.

The LOT for Short Form complaints shall follow immediately after the investigation, using the following headings:

- Allegation;
- Classification;
- Rationale;
- Digital In-Car Video, Body Worn Video, and Other Video or Audio Recordings;
- Employee Development Plan;
- Penalty;
- Work History Analysis; and,
- Action Taken.

In adjudicating a complaint of misconduct, the commanding officer may consider evidence of prior acts, irrespective of whether they were associated with a complaint investigation against the accused and irrespective of the resolution of such complaint, *if relevant to the charges, such as, if tending to prove that the conduct charged is consistent with a pattern of conduct.* Consideration of evidence of prior acts must be clearly articulated in the LOT and copies of evidence of such acts shall be provided to the employee at the time of service of the Complaint Adjudication Form (CAF), Form 01.28.05. If the evidence of such acts is in a document other than a CAF, it shall be included as part of the addenda. If the evidence of such acts is in a CAF, a copy of the report(s) shall be forwarded with the Complaint Investigation to IAD.

**Note:** Evidence of prior acts may be noted in an Employee Comment Sheet, Form 01.77.00, Notice to Correct Deficiencies, Form Gen 78, Performance Evaluation Report or other documents.

**Disposition of Duplicate Complaint.** An LOT does not need to be completed in order to close a Complaint Investigation when the complaint is a duplicate of one referenced under a different CF number and no new issues of misconduct were raised.

**Exception:** When the complaint is a duplicate of one referenced under a different CF number and the new allegation(s) raised do not appear to require a separate investigation, this fact shall be discussed with the Commanding Officer, IAD, who shall determine whether “*Duplicate*” is an appropriate disposition or if a separate investigation should be conducted.

**Requirement for Approval of Bureau Commanding Officer or Other Reviewing Officer.** Commanding officers are not required to obtain concurrence of the bureau commanding officer or other reviewing officer for the disposition of a complaint and/or penalty. However, when administering a penalty of an admonishment or less, the concerned commanding officer shall cause the employee to review and sign the CAF. This does not preclude the Chief of Police from making a determination that a more serious penalty is warranted.

**Responsibilities of Bureau Commanding Officer or other Reviewing Officer.** **Commanding officers or an authorized designee form the accused employee's bureau and/or group,** and the Chief of Staff shall review the investigation, classification, rationale and administrative insight of all complaints completed under their command. The Commanding Officer or authorized designee shall ensure that all allegations raised by the complainant have been identified and addressed and that actions taken, recommendations made, and a response to the complainant were noted and copies of correspondence, other pertinent documents and/or addenda are attached. The reviewer shall endorse by signing the CAF, for each accused employee.



Any comments or recommendations either for approval or disapproval shall be placed under “Military Endorsement Rationale” on the reverse side of the CAF or documented within an Intradepartmental Correspondence, Form 15.02.00 and forwarded to the next level of review.

**832. RECORDATION OF COMPLAINTS.** The record and disposition of all complaints including Unfounded, Exonerated, and Non-Disciplinary complaints shall be maintained and accessible as part of the Department’s Training, Evaluation and Management System II (TEAMS II), Complaint Index, Form 01.80.00, or any similar system subsequently developed. The records for all complaints shall be retrievable based on current record retention policy from the date reported, and access to such records shall be through Internal Affairs Division on a case-by-case basis. Access to such complaint records shall be on a right-to-know/need-to-know basis.

**Note:** The office of the Inspector General has full and direct access to Disciplinary and Non-Disciplinary complaint records.

Only Disciplinary complaints in which allegations are Sustained, Not Resolved, or result in a guilty determination at a Board of Rights shall be attributed to the employee’s personnel record. All other complaint classifications (including those handled through the Alternative Complaint Resolution process) shall be filtered from view when the employee’s record is being reviewed for pending disciplinary adjudication. Not Resolved allegations shall also be filtered from view when the employee’s record is being reviewed for the following:

- Promotions;
- Pay grade increases;
- Transfers; or,
- Performance reviews.

Complaints classified and adjudicated as Non-Disciplinary shall not be attributed to the accused employee’s personnel record. These files shall be available for periodic inspection by the Department and the Board of Police Commissioners. Other complaint classifications (including those handled through the Alternative Complaint Resolution process) shall be filtered from view when the employee’s record is being reviewed for pending disciplinary adjudication.

**833. RETENTION OF COMPLAINT INVESTIGATIONS.** Only sustained **Department** complaints (one or more allegations are classified as “Sustained”, or public complaints where there is a combination of Sustained and Not Resolved allegations) will be filed in an employee’s personnel file. All complaints disposed of as other-than Sustained will be maintained in Internal Affairs Division files.

**834. INTERNAL AFFAIRS DIVISION DUTY ROOM REFERRALS.** Upon receipt of a telephonic or electronic complaint, Internal Affairs Division duty room investigators shall:

- Complete a Complaint Form, Form 01.28.00, documenting the preliminary information and attach any related correspondence, documents, and statements;
- Telephonically notify the employee’s commanding officer;
- Forward the Complaint Form and attachments to the Complaint Classifications Unit, Internal Affairs Division, which will assign the Complaint Form to the appropriate division/Area for appropriate action; and,
- Mail a copy of the Complaint Form (with assigned CF #) to the complainant.

**834.10 NOTIFICATION TO THE CHIEF OF POLICE.** Internal Affairs Division shall, as soon as practicable after becoming aware of serious misconduct, verbally notify the Chief of Police.

**835. INTERNAL AFFAIRS DIVISION-SCOPE OF AUTHORITY.** The Commanding Officer, Internal Affairs Division, has authority to take charge of an investigation of any act of censurable conduct when, in his/her opinion, it is advisable. The Commanding Officer, Internal Affairs Division, may act in a staff capacity and advise or assist in the investigation or assume the responsibility thereof when:

- Sufficient supervisory personnel to conduct the investigation are not available to the concerned commanding officer.
- Adequate investigation facilities are not readily available to the concerned commanding officer.
- Personnel of more than one division/Area are involved.
- The complaint or the investigation is of a nature that it would be impracticable for the investigation to be conducted by the concerned commanding officer.
- Investigation is being improperly conducted.
- Complaints involve staff and command officers, except as directed by the Chief of Police.

At the conclusion of the investigation, the Commanding Officer, Internal Affairs Division, shall obtain a recommendation for the disposition of the case from the concerned commanding officer.

### **836. ADMINISTERING SOBRIETY TESTS TO DEPARTMENT EMPLOYEES.**

**836.05 SOBRIETY TESTS - GENERAL PROVISIONS.** Concerned personnel shall contact the Internal Affairs Division (IAD) for guidance relative to ordering and conducting sobriety tests. When necessary, sobriety tests of Department employees shall be administered in accordance with relevant provisions of the concerned employees' current Memorandum of Understanding (MOU).

When no applicable MOU article exists, personnel shall be guided by advice received from IAD. If the employee is ordered to submit to these tests involuntarily, the evidence obtained shall be used for administrative purposes only.

**Exception:** Results of a chemical test, obtained for an administrative investigation, can by order of the court, be used against an officer in criminal proceedings.

**836.10 ADMINISTRATIVE INVESTIGATIONS.** The results of the criminal investigation test, if any, shall be used as the test required for the administrative investigation.

**Note:** When the Gas Chromatograph Intoximeter (GCI) is used, a test shall consist of at least two breath samples (Manual Section 4/343.38).

If an employee refuses to submit to a chemical test, an order to submit *for purposes of the administrative investigation only* shall be given by the first available officer of appropriate rank in the following sequence:

- Officer in charge or watch commander.
- The concerned employee's commanding officer.
- The concerned Internal Affairs Division investigating officer, regardless of rank.
- Other officer of appropriate rank.

**Note:** The officer giving the order for the chemical test shall complete a Chemical Test Administrative Advisement, Form 01.28.08, and have the employee sign the form prior to administering the test.

**836.15 CRIMINAL OFFENSE INVOLVED.** When a Department employee is detained in the City of Los Angeles and a chemical test is obtained for the criminal investigation, that test shall be used for the administrative investigation.

**836.20 EMPLOYEE DETAINED OUTSIDE THE CITY.** When a Department employee is detained outside the City of Los Angeles for a criminal offense, and a chemical test has been administered by an outside agency, the test results shall be considered the test for the administrative investigation.

**837. DEPARTMENT EMPLOYEE DETAINED OR ARRESTED FOR A PROSECUTABLE OFFENSE.**

**837.10 EMPLOYEE DETAINED OR ARRESTED.** A Department employee detained/arrested, or transported to any jail or police facility for any offense committed **inside or outside** the City, excluding traffic infractions, shall:

- Advise the detaining/arresting officer of his/her Department employee status; and,
- Notify the watch commander from his/her Area/division of assignment without delay, or the Department Command Post when the employee's location of assignment is closed.

**Note:** The Department Command Post shall notify the on-call Internal Affairs Division investigating officer.

**Employee Named in Crime Report.** When a Department employee has knowledge that he/she has been named as a principal in a written crime report or complaint filed with any agency for any offense, excluding traffic infractions, the employee shall notify the watch commander of his/her assignment without delay, or the Department Command Post when the employee's location of assignment is closed.

**Note:** Notifications shall be made by both the involved employee and any other employee who has knowledge of such involvement of a Department employee.

**Detaining/Arresting Officer's Responsibility.** When an officer from the Department detains/arrests another Department employee, the detaining/arresting officer(s) shall immediately notify the watch commander, Area of occurrence.

**Watch Commander/Supervisor's Responsibilities For Employee Detain/Arrested Inside the City.** When a watch commander or supervisor from any Area/division is made aware that a Department employee has been detained/arrested **inside** the City, he/she shall:

- Notify the on-duty watch commander of the employee's Area/division of assignment, or the Department Command Post when the employee's location of assignment is closed;
- Notify Internal Affairs Division; or if Internal Affairs Division is closed, notification shall be made to the Department Command Post who shall notify the on-call Internal Affairs Division investigating officer;
- Respond to the scene and conduct a preliminary investigation; and,
- Prepare a Complaint Form, Form 01.28.00, and cause it to be distributed.

**Exception:** When the employee is detained for a traffic-related offense resulting from a traffic crash or assault with a vehicle occurring **within the City**, the traffic division watch commander, bureau of occurrence, shall assume the duties relative to conducting the preliminary criminal investigation.

**Note:** Additional guidelines for employees convicted of domestic violence offenses or subject to a court order can be found under Department Manual Section 3/838.

**Employee's Duty To Report Civil Suits And Court Orders.** In addition to notification requirements established in Manual Sections 3/838.23 and 3/782.30, **sworn** employees shall notify their commanding officer immediately, either directly or through a supervisor, if they are named as a defendant in **any** civil suit that results in a temporary, preliminary, or final adjudication on the merits in favor of a plaintiff complaining of off-duty physical violence, threats of physical violence, or domestic violence.

**Employee's Duty To Report Detention, Arrests and Criminal Charges.** In addition to notification requirements of detentions, arrests, or when named as a suspect in a written crime report or complaint for any offense excluding traffic infractions as outlined in Manual Sections 3/837.10 and 3/838.20, a sworn Department employee shall notify his/her commanding officer immediately, either directly or through a supervisor of Professional Standards Bureau (PSB), if they are charged with a criminal offense by a prosecutor or a grand jury indictment.

**Note:** An individual is criminally charged when there is a filing with a court by a prosecutor or grand jury charging the commission of a criminal offense.

**Commanding Officer's Responsibility.** Commanding officers shall adhere to follow-up requirements as outlined in Manual Section 3/838.23 and 3/837.20, as applicable.

**Commanding Officer, Professional Standards Bureau, Responsibility.** The Commanding Officer, PSB, shall maintain a file of all sworn employees who have been criminally charged or named as a defendant in the types of civil suits outlined in this section. The Commanding Officer, PSB, shall be responsible for personnel investigations consistent with Manual Sections 3/837.10 and 3/838.23. Commanding officers shall adhere to follow-up requirements as outlined in Manual Sections 3/838.23 and 3/837.20, as applicable.

**837.20 INVESTIGATION RESPONSIBILITY - GENERAL.** Investigative responsibility for the Department's unified investigation shall be as follows:

- Low-grade misdemeanor-the employee's Area/division of assignment;

**Exception:** When a low-grade misdemeanor results from a traffic crash, the criminal investigation shall be completed by a traffic supervisor, bureau of occurrence.

- High-grade misdemeanor or felony-at the direction of the Commanding Officer, Internal Affairs Division;

**Note:** High-grade misdemeanors include:

- Petty theft;
- Dangerous Weapons' Control Law;
- Traffic manslaughter;
- Indecent exposure;
- Child molesting;
- Contributing;
- Lewd conduct;
- Lewd loitering;
- All misdemeanor sex crimes; and,

- Misdemeanor narcotic/drug offenses. All other misdemeanor crimes are low-grade.

Upon notification of a high-grade misdemeanor or felony incident, the Commanding Officer, Internal Affairs Division, shall:

- Review the circumstances of the case;
- Determine the scope of the investigation; and,
- Obtain the necessary expertise, experienced personnel and equipment to complete the investigation.

**837.30 SCOPE OF THE INVESTIGATION.** The scope of the investigation involving a criminal allegation against a Department employee shall be the same as that for private persons detained or charged under similar circumstances.

The following procedures shall also apply to *the* investigation of a Department employee:

- The investigating officer shall determine when employees should be advised of their Miranda rights and shall have the responsibility of either giving the Miranda Admonition or ensuring that it is given;
- When chemical testing of sobriety is necessary, *one* test shall be administered. If the test is a Gas Chromatograph Intoximeter (GCI), one test shall consist of at least two samples (Manual Section 4/343.38); and,
- The investigation shall be reported to the employee's commanding officer on a Complaint Form, Form 01.28.00, and forwarded to the Commanding Officer, Internal Affairs Division, through normal distribution.

Department entities completing complaint investigations, which establish prima facie evidence of the commission of a criminal offense within the City by Department employees, shall submit the completed investigation to Internal Affairs Division for presentation to a prosecuting agency.

**837.40 AREA OF OCCURRENCE - RESPONSIBILITY.** When a Department employee is detained for a criminal offense within the City, a supervisor, Area of occurrence, shall:

- Immediately respond to the scene; and,
- Ensure that the watch commander, Area of occurrence, is notified immediately.

The watch commander, Area of occurrence, upon being notified shall:

- Ensure that the employee's watch commander *and* commanding officer are notified;
- Ensure that the Commanding Officer, Internal Affairs Division, is notified when the investigation involves a highgrade misdemeanor or felony; and,

**Note:** When Internal Affairs Division is closed, this notification shall be made to the Watch Commander, Detective Support and Vice Division, who shall make the appropriate notification.

- Ensure that the appropriate sobriety or other tests normally required for the preliminary investigation are administered in a timely manner.

**837.50 EMPLOYEE ARRESTED ON A CRIMINAL CHARGE - BOOKING ADVICE.** When an employee is taken into custody by another member of this Department and the offense committed indicates the

need to book the employee, the supervisor shall notify the employee's *bureau* commanding officer and request booking advice.

**Note:** When the bureau commanding officer is unavailable, the notification and request for booking advice shall be made to a commander in that bureau. These notifications may be made through the Watch Commander, Detective Support and Vice Division, when the bureau office is closed.

**Watch Commander/Supervisor's Responsibility For Employee Detained/Arrested Outside the City.** In addition to making those notifications for when an employee is detained/arrested **inside** the City, the watch commander/supervisor shall follow the direction of Internal Affairs Division.

**Note:** At the discretion of Internal Affairs Division, an appropriate Department entity will be notified for response.

When a watch commander or supervisor responds to the scene, he/she shall:

- Advise members of the outside agency that the investigation is for internal administrative purposes only.
- Administer appropriate sobriety or other tests required for the personnel investigation.

**Note:** When an employee is administered a chemical test by an outside agency, that test result shall normally be utilized as the test for the Department's unified investigation.

- Prepare a Complaint Form, Form 01.28.00, and cause it to be distributed.

When an employee has refused to submit to a chemical test, an order to submit to the test for the purposes of an administrative investigation only shall be given by the first available officer of appropriate rank.

**Note:** All evidence obtained solely as a result of the personnel investigation is confidential and shall *not* be disclosed to members of the outside agency conducting the criminal investigation or to any other unauthorized persons.

**838. EMPLOYEES INVOLVED IN DOMESTIC VIOLENCE OR SUBJECT TO COURT ORDER – EMPLOYEE NOTIFICATION.** This section addresses employees investigated for domestic violence or subject to a court order. Additional guidelines for employees arrested, detained, named in a crime report, criminal procedure or court order can be found under Manual Section 3/837.10.

**838.20 DEPARTMENT EMPLOYEES WITH A CRIMINAL CONVICTION INVOLVING DOMESTIC VIOLENCE - EMPLOYEE NOTIFICATION.**

**Employee's Responsibilities.** A Department employee who has been convicted of a misdemeanor crime of domestic violence, or any misdemeanor crime with a factual basis of domestic violence that meets the criteria within the firearm prohibition of Title 18 U.S.C., Section 922(g)(9) shall immediately notify his or her commanding officer and submit an Employee's Report, Form 15.07.00, regardless of the penalty or sentence, if any, and regardless of whether: (1) the employee already reported the arrest, which led to the conviction plea; (2) the matter is currently on appeal; (3) the employee entered a plea of nolo contendere or guilty; or, (4) the employee is seeking or has sought to have the conviction dismissed, set aside, expunged, and/or pardoned. The Employee's Report shall include:

- The date, time, location, agency that responded to the arrest, and actions taken by the agency;

- The approximate date of the filing of the criminal complaint or arrest, the original booking charge, and the arresting agency;
- The approximate date of conviction, the conviction charge, the court case number, and the disposition of the case (guilty, one-year summary probation, etc.); and,
- Whether the employee has received a state or federal dismissal, set aside, expungement and/or pardon.

**Note:** The 1968 Gun Control Act, Title 18 of the United States Code (U.S.C.), Section 921, prohibits anyone convicted of a felony and anyone subject to a domestic violence protective order from possessing a firearm. In addition, Title 18 U.S.C., Section 922(g)(9) was added in 1996 to ban the possession of firearms by individuals convicted of a misdemeanor crime of domestic violence. There is no exception for law enforcement officers. A "misdemeanor crime of domestic violence" is defined in Title 18 U.S.C., Sections 921(a)(33)(A)(i) and (ii) as an offense that:

- Is a misdemeanor under Federal, State, or Tribal law; and,
- Has, 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 cohabiting 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.

**Note:** A set aside or dismissal pursuant to California Penal Code Sections 1203.4/1203.4a of a conviction for a misdemeanor crime of domestic violence as defined under Title 18 U.S.C., Sections 921(a)(33)(A) and (B) does not provide the employee relief from the federal firearm prohibition contained in Title 18 U.S.C. Section 922(g)(9). California (CA) PC 1203.4/1203.4a does not restore an employee's ability to carry a firearm if convicted of a misdemeanor crime of domestic violence because dismissal pursuant to CA PC 1203.4/1203.4a specifically states it "does not permit a person to own, possess, or have in his or her custody or control any firearm." (See CA PC 1203.4(a)(2) and CA PC 1203.4a(c)(2)). A pardon, expungement, or set aside under the laws of another state, may, in certain circumstances, provide relief from federal firearm prohibitions. Any effort by an employee to restore his or her ability to carry a firearm by securing a state or federal dismissal, set aside, expungement and/or pardon shall be pursued solely with the employee's own resources and on the employee's own time.

Any employee whose criminal conviction restricts or prohibits that member from fully and properly performing his or her duties may be disciplined, including, but not limited to, being placed on administrative leave or reassignment, and/or termination.

**Commanding Officer's Responsibilities.** When it comes to the attention of the commanding officer that a Department employee has been convicted of a misdemeanor crime of domestic violence, or any misdemeanor crime with a factual basis of domestic violence, that meets the criteria within the firearm prohibition of Title 18 U.S.C., Section 921(g)(9), the commanding officer or the commanding officer's supervisor designee shall:

- Immediately retrieve all City-owned firearm(s), Department-issued ammunition and Department-issued ammunition magazines/loading devices in the employee's immediate possession and/or stored at a Department facility, and ensure that the employee is immediately ordered not to ship, transport, possess, or receive a firearm, ammunition and/or ammunition magazines/loading devices until further notice;

**Note:** California Penal Code (PC) Section 16150 (b) provides: “‘ammunition’ includes, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. ‘Ammunition’ does not include blanks.”

- Ensure that the employee immediately relinquishes and surrenders any City-owned firearm(s), Department-issued ammunition, and Department-issued ammunition magazines/loading devices not within immediate possession or stored at a Department facility;

**Note:** In administering this policy, all reasonable efforts shall be made to avoid embarrassment or discomfort to the employee.

- Complete the Employee Notification - Prohibition from Possessing, Shipping, Transporting or Receiving a Firearm, Ammunition, and/or Ammunition Loading Devices, Form 01.88.02;
- Present the Employee Notification - Prohibition from Possessing, Shipping, Transporting or Receiving a Firearm, Ammunition, and/or Ammunition Loading Devices form, to the employee for signature and provide the employee with a copy;
- Ensure that all City-owned firearm(s), Department-issued ammunition, and Department-issued ammunition magazines/loading devices are stored at the Davis Training Facility (DTF) armory;
- Ensure that the City-owned firearm(s), Department-issued ammunition, and Department-issued ammunition magazines/loading devices are entered in the Firearms Inventory and Tracking System (FITS) by DTF armory staff;
- Immediately assign the employee to duties that would not require the receipt or possession of a firearm and/or ammunition, pending a formal decision regarding the employee's long-term employment with the Department;
- At the time of the retrieval of the City-owned firearm(s), Department-issued ammunition and Department-issued magazines/loading devices, the employee shall be advised of the following:
  - All privately-owned firearm(s), ammunition and ammunition magazines/loading devices in the employee's possession shall immediately be relinquished to a law enforcement agency or third party licensed firearm dealer; and,
  - Obtain written proof of compliance (e.g., Property Report, Form 10.01.00; or, Receipt For Property Taken Into Custody, Form 10.10.00) regarding the relinquishing of all privately-owned firearm(s), ammunition and ammunition magazines/loading devices that must be provided to the concerned commanding officer **within 72 hours** after advising and serving the employee, in accordance with the Employee Notification - Prohibition from Possessing, Shipping, Transporting or Receiving a Firearm, Ammunition, and/or Ammunition Loading Devices form.
- Immediately forward a copy of all related documents via an Intradepartmental Correspondence, Form 15.02.00, to the Commanding Officer, Internal Affairs Division (IAD)

**Department Retirement Counselor, Personnel Division, Responsibilities.** Upon receiving a petition by an “Honorably Retired Full-Time Officer” or an “Honorably Separated Reserve Officer” to carry a concealed firearm, the Department Retirement Counselor shall:

- Follow the procedures listed in Department Manual Section 3/733.20, Approval to Carry Concealed Firearm; and,
- Ensure the Retired Officer Declaration is signed by the retired or separated officer and that he or she understands his or her obligation to promptly notify the Commanding Officer, Personnel Division, within ten calendar days after an occurrence wherein he or she is alleged to have committed an act of misconduct, violated any Department rules, state, or federal laws



that, if violated by an officer on active duty, may result in the officer's arrest, suspension, or removal from the agency.

### **838.23 DEPARTMENT EMPLOYEES SUBJECT TO A COURT ORDER.**

**Subpoena Control Officer's Responsibility.** When a subpoena control officer receives a Restraining Order that identifies the respondent as a member of a law enforcement agency, that subpoena control officer shall notify his or her commanding officer. The commanding officer shall ensure that a copy of the Restraining Order is sent to the Chief of Police of the involved agency. If the respondent is a member of the Department, the commanding officer shall forward a copy of the Restraining Order to the Commanding Officer, Internal Affairs Division.

**Employee's Responsibility.** A Department employee who is or believes he/she is about to be the subject (respondent) of a court order such as a Temporary Restraining Order, Emergency Protective Order or Order to Show Cause, or who initiates a court order (petitioner) against another Department employee shall comply with the following procedures as it applies to his/her involvement:

**Department Employee as Respondent.** The primary responsibility for compliance with a court order rests with the employee. Employees are reminded that a court order supersedes any conflicting Department rule or regulation and any violation of the order can result in discipline. Therefore, any Department employee who is served with or believes that he/she is about to be the subject of any court order shall immediately notify his/her commanding officer, either directly or through a supervisor, of the court order and provide the commanding officer with a copy of all related court orders. Additionally, the employee shall notify the commanding officer of:

- Conditions of the court order, including any specific Department facilities identified in the order and any possible Department facility where the petitioner may be located;
- Potential conflict between the court order and the employee's duties; and,
- Any subsequent modification to or expiration of the court order.

Should the employee be given any direction which may result in a potential violation of a court order, the employee shall immediately apprise the person giving the direction of the potential violation and his/her inability to comply with the request.

**Department Employee as Petitioner.** When a Department employee initiates a court order against another Department employee, he/she shall immediately notify his/her commanding officer, either directly or through a supervisor, of the court order and provide the commanding officer with a copy. Additionally, the employee shall notify the commanding officer of:

- The identity and current assignment, if known, of the Department employee who is respondent and the conditions of the court order including any specific department facility identified in the order and any possible department facilities where the petitioner may encounter the respondent; and,
- Any subsequent modification to or expiration of the court order.
- As with any other possible misconduct, it is incumbent upon any Department employee, including a supervisor or manager, who becomes aware of a possible court order violation to disclose the situation to a supervisor or Internal Affairs Division immediately (Manual Section 3/813.05).

**Supervisor's Responsibility.** A supervisor who is notified that a Department employee is or reasonably believes he/she is about to be the subject (respondent) of a court order such as a Temporary Restraining Order,

Emergency Protective Order or Order to Show Cause or who has initiated a court order (petitioner) against another Department employee shall:

**Department Employee as Respondent:**

- Obtain a copy of the court order;
- Review the order for restrictions which may affect the employee's work conditions;
- Ensure that the employee is in compliance with all workplace restrictions including access to Department facilities and contact with any other Department employees;
- Forward a copy of the court order to the employee's commanding officer with documentation of any action taken to ensure compliance with the provisions of the order; and,
- Notify the commanding officer of any modification to or expiration of the court order.

A violation of a court order may be a violation of the law and can be considered misconduct. Should a violation of a court order occur, a supervisor shall conduct an on-scene investigation to evaluate the circumstance and determine the appropriate action. At a minimum, the on-scene supervisor shall document the circumstance and action taken on an Employee Comment Sheet, Form 01.77.00, and forward it for further review and final disposition to the offending employee's commanding officer.

**Department Employee as Petitioner.** When a supervisor is notified by a Department employee that he/she initiated a court order against another Department employee, the supervisor shall:

- Obtain a copy of the court order;
- Notify the respondent employee's commanding officer as soon as possible;
- Review the order for the respondent's restrictions and identify any work condition which may result in a violation of the order; and,
- Document the action taken on an Employee Comment Sheet, Form 01.77.00, and forward the form to the employee's commanding officer for review.

**Commanding Officer's Responsibility.** When notified that an employee in his/her command has been served with, or reasonably believes that he/she may be the subject (respondent) of a court order, or has initiated a court order (petitioner) against another employee, the commanding officer shall:

**Department Employee as Respondent.** The commanding officer shall meet with the respondent employee and:

- Review the circumstances and/or related documents and take appropriate action to ensure compliance with the specified restrictions;
- Initiate a personnel investigation if that review discloses an allegation(s) of misconduct;
- Forward a copy of all pertinent documents to Internal Affairs Division via the commanding officer's bureau commanding officer; and,
- Notify the commanding officer of the facility(ies) at which the employee's presence is restricted. If the restriction includes one of the following facilities, a single notification to the specified commanding officer will suffice and the commanding officer shall assume responsibility for further notification to commands within that facility:
  - Commanding Officer, Detective Support and Vice Division, for Police Administration Building;
  - Commanding Officer, Central Area, for Central Facilities;
  - Commanding Officer, Van Nuys Area, for Valley Headquarters; and,
  - The senior command officer within any other facility housing multiple commands.

**Department Employee as Petitioner.** When a commanding officer is notified that an employee in his/her command has obtained a court order against any other Department employee the commanding officer shall:

- Review the circumstances and/or related documents with petitioner and notify the respondent's commanding officer;
- Maintain a copy of all pertinent documents;
- Upon notification that the protective order has expired or been modified, ensure that the respondent's commanding officer is notified.

The commanding officer shall ensure that the employee/respondent is aware of and, as appropriate, utilizing the Department's employee support system such as Behavioral Science Services and the Employee Assistance Unit.

### **838.30 DEPARTMENT EMPLOYEES WITH A CRIMINAL CONVICTION INVOLVING DOMESTIC VIOLENCE - ADMINISTRATIVE INVESTIGATION.**

**Commanding Officer Internal Affairs Division - Responsibilities.** When the Commanding Officer, Internal Affairs Division (IAD), has been notified that an employee may meet the criteria within the firearm prohibition Title 18 of the United States Code (U.S.C.) Section 922 (g) (9), he or she shall:

- Conduct a complaint investigation to determine whether the employee meets the criteria within the firearm prohibition of Title 18 U.S.C., Section 922(g)(9); and,
- Forward the completed complaint investigation to the employee's commanding officer for adjudication or to provide directions.

**Commanding Officer's Responsibilities.** When a commanding officer receives the completed complaint investigation, he or she shall:

- Adjudicate the investigation and notify the employee per the procedures listed in Department Manual Section 3/820, Disciplinary Complaints, or take appropriate action as directed by the Commanding Officer, IAD;
- If notified by IAD that an employee does not meet the criteria within the firearms prohibition contained in Title 18 U.S.C., Section 922(g)(9), and there is no further disciplinary action that would warrant Department retention of City-owned firearm(s), obtain written approval from the concerned bureau commanding officer, prior to releasing City-owned firearm(s), Department-issued ammunition, and Department ammunition magazines/loading devices back to the concerned employee;
- Immediately forward a copy of all related documents with an Intradepartmental Correspondence to the Commanding Officer, Personnel Division, and direct the return of all City-owned firearm(s), Department-issued ammunition, and Department-issued ammunition magazines/loading devices that had been retrieved from the employee, back to the concerned employee;
- Notify the concerned employee's bureau commanding officer regarding the aforementioned actions; and,
- Obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s) and Department-issued ammunition to the concerned employee.

**Bureau Commanding Officer's responsibilities.** The bureau commanding officer shall:

- Confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, Risk Management and Legal Affairs Division) prior to granting written approval to

return City-owned firearm(s), Department-issued ammunition, and Department-issued ammunition magazines/loading devices back to the involved employee; and,

- Notify the involved employee's commanding officer if IAD has determined that the involved employee does not meet the criteria within the firearms prohibition contained in Title 18 U.S.C., Section 922(g)(9), and there is no further disciplinary action that would warrant Department retention of the involved employee's City-owned firearms.

**838.40 EMPLOYEES NAMED ON PROTECTIVE ORDERS RESTRICTING OWNERSHIP AND CONTROL OF FIREARMS.** Any Department employee who is served with an Order To Show Cause (OSC) and Temporary Restraining Order (TRO) must:

- Comply with all conditions of the order;
- Immediately notify his/her immediate supervisor, watch commander or commanding officer of the existence of the order and date of the follow-up court hearing;
- Provide his/her immediate supervisor, watch commander or commanding officer with a copy of the OSC/TRO on the employee's next scheduled work day, or as otherwise directed by his/her commanding officer;
- Obtain correspondence from their commanding officer advising the magistrate that the Department is unable to reassign the employee to duties where the carrying of a firearm is not a necessary condition of employment and may therefore seek termination of the employee; and,
- On the next scheduled work day after the follow-up court hearing, or as directed by his/her commanding officer, advise his/her immediate supervisor or commanding officer of the results of the hearing and present the complete Order After hearing (OAH) or other appropriate court document to his/her immediate supervisor or commanding officer for photocopying and placement in the employee's Division Employee Folder, Form 01.01.00.

**Note:** It is the responsibility of the employee to request removal of the copy of the OSC/TRO or OAH from his/her Division Employee Folder upon expiration of the order.

If a magistrate imposes firearms restrictions which require the relinquishment of a City-owned weapon(s), the employee must surrender the City-owned weapon(s) to his/her commanding officer within the time limit imposed by the court. The disposition of privately-owned weapons must be effected in the manner prescribed by the court. Non-exempted firearms **must not** be retained beyond the relinquishment date specified by the magistrate. Affected employees must provide their commanding officer proof of compliance with any court-ordered surrender of firearms.

**Supervisor's Responsibility.** Upon notification by an employee that he/she has been served with an OSC/TRO or OAH, the supervisor will:

- Direct the employee to provide the original order;
- Review the order for restrictions which may affect the employee's work conditions;
- Photocopy the order and return the original to the employee;
- Ensure that the employee is in compliance with any workplace restrictions, particularly those concerning possession of firearms or contact with any other employee; and,

**Note:** Upon receipt of the OSC/TRO, obtain a Department of Justice Automated Firearms System printout of all firearms registered to the concerned employee and attach it to the copy of the OSC/TRO.

- Forward the copy of the order to the commanding officer with documentation of any action taken to ensure compliance with the provisions of the order.

**Note:** Restraining orders involving Department employees are to be treated as confidential personnel matters which should not be documented in detail on a supervisor's log. If detailed documentation is required, it must be forwarded to the commanding officer on an Employee Comment Sheet, Form 01.77.00.

**Commanding Officer's Responsibility.** When notified that an employee in his/her command has been served with an OSC/TRO or OAH, the commanding officer will:

- Direct the employee to provide the original order (or appropriate court documentation denying the request for the order);
- If needed, provide the employee with appropriate correspondence stating that the Los Angeles Police Department may seek the termination of any employee who is prohibited from carrying a firearm in the course of his/her duties as a police officer due to a criminal conviction or protective order restriction;
- Review the document and take appropriate action to ensure compliance with the specified provisions or restrictions, (e.g., appropriate reassignment, notification to the commanding officer of another affected Department employee, confiscation of City-owned firearm(s) and/or verification of required surrender of affected personal firearms, etc.);
- Retain one copy and return the original to the employee;
- When appropriate, provide the employee with an Intradepartmental Correspondence, Form 15.02.00, specifying the date and time of surrender, make, model and serial number of any relinquished City-owned firearm(s);
- Review the document for allegations of misconduct and determine if initiation of a complaint is required; and,
- Forward the copy of the OSC/TRO and follow-up hearing document (via Intradepartmental Correspondence, Form 15.02.00) through the chain-of-command, to the Commanding Officer, Internal Affairs Division, with a recommendation and rationale for no further action, or initiate a complaint investigation.
- Obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s) and Department-issued ammunition to the concerned employee.

**Note:** If an employee fails to provide the OSC/TRO or follow-up hearing documentation, the concerned commanding officer will conduct an investigation and determine if any further action, including initiation of a complaint, is appropriate.

**Bureau Commanding Officer's Responsibility.** The bureau commanding officer will:

- Upon receiving a request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his or her designee, must confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, Risk Management and Legal Affairs Division, etc.) prior to granting written approval.

**838.50 EXPUNGEMENT OR SET-ASIDE HEARING TO RESTORE THE ABILITY TO CARRY A FIREARM.** In the event that an employee petitions to restore his or her ability to carry a firearm via an expungement or set-aside hearing, the concerned bureau commanding officer, or his or her designee, shall attend the expungement or set-aside hearing and shall be the only person authorized to state the Department's position.

**Note:** On September 30, 1996, Title 18 U.S.C., Section 922(g)(9), was added, prohibiting anyone who was convicted in any court of a misdemeanor crime of domestic violence to possess, ship, transport, or receive any firearm and/or ammunition. There is no exemption for peace officers from this prohibition.

A Department employee shall notify his or her commanding officer as soon as possible prior to giving testimony as a witness in an expungement or set-aside hearing. The notification shall be made on an Employee's Report, Form 15.07.00, and shall contain the following items if applicable:

- Type of hearing;
- Names of the employee seeking an expungement or set-aside order;
- Court number of case;
- Location where the hearing is to be held (court division or street address); and,
- Date and time of appearance.

Commanding officers, upon receipt of the notification, shall immediately notify the concerned bureau commanding officer.

Any Department employee asked to state the Department's position relative to restoring an employee's ability to carry a firearm **shall not** state a position but, shall refer the issue to the concerned bureau commanding officer or his or her designee.

### **839. SEARCHES OF DEPARTMENT EMPLOYEES DURING ADMINISTRATIVE INVESTIGATIONS.**

**839.10 ADMINISTRATIVE SEARCHES.** These procedures apply only to administrative investigations. Department employees who are arrested will be searched in accordance with the same procedures followed in any other arrest.

#### **839.11 ADMINISTRATIVE SEARCHES - DEFINED.**

**Clothing Search-Defined.** A clothing search is defined as a patdown or physical inspection of any article of clothing worn by an employee.

**Note:** A clothing search does not include a visual inspection of underclothing or the immediate area of the breasts, buttocks, or genitalia.

**Strip Search-Defined.** A strip search is defined as a search which requires employees to remove or arrange some or all of their clothing so as to permit a visual inspection of the underclothing and the immediate area of the breasts, buttocks, or genitalia.

**Note:** Department employees shall not be subjected to a body cavity search unless arrested on a charge for which such a search would be legally permissible. The body cavity search shall be conducted only by medically qualified personnel.

#### **839.20 REQUIREMENTS FOR ADMINISTRATIVE SEARCHES.**

**839.21 VOLUNTARY CLOTHING SEARCH REQUIREMENTS.** Supervisors may conduct a voluntary clothing search of Department employees when the following conditions exist:

- There is an allegation of misconduct involving the possibility of criminal activity made against the Department employee;
- There is no less intrusive way of ascertaining the existence or nonexistence of the evidence; and,
- The employee requests to be searched.

**839.22 STRIP AND INVOLUNTARY CLOTHING SEARCH REQUIREMENTS.** Employees shall not be required to submit to a strip or involuntary clothing search unless all of the following conditions exist:

- There is an allegation of misconduct involving the possibility of criminal activity made against the Department employee;
- Reasonable suspicion exists to believe that the employee secreted evidence of that allegation on his or her person;
- There is no less intrusive way of ascertaining the existence or nonexistence of the evidence;
- Approval for the search has been obtained from a staff officer of the rank of commander or above from within the employee's chain-of-command; and,
- A captain or civilian commanding officer from the involved employee's division or Area of assignment has responded to the scene to supervise the search. When a captain or civilian commanding officer from the division or Area is unavailable, a staff officer in the employee's chain-of-command shall respond to the scene.

**Note:** A “reasonable suspicion” exists when the person responsible for the search is aware of specific articulable facts, and inferences from these facts, which reasonably warrant a suspicion that evidence will be uncovered.

**Exceptions:**

- In organizational entities which are not headed by either a civilian commanding officer or a captain, any staff officer in that entity may respond.
- An available staff officer (commander or above) may grant permission to conduct strip and involuntary clothing searches when a staff officer from the employee's chain-of-command is unavailable.
- In situations involving an investigation conducted by Internal Affairs Division, the presence of a captain from that division will suffice in lieu of the involved employee's captain or civilian commanding officer.

**839.30 SUPERVISOR’S RESPONSIBILITY.** When an allegation of misconduct necessitates a strip or involuntary clothing search, the supervisor shall:

- Explain the specific allegation(s) to the employee;
- Contact the employee's commanding officer and be guided by the appropriate instructions; and,
- If the employee requests a representative, allow the employee up to two hours for the representative to be present at the search location. If the representative cannot reach the search location within two hours, the employee may consult with the representative telephonically. The employee shall be kept under observation at all times until the search is completed.

**Note:** All searches in conjunction with administrative investigations of Department employees shall be conducted out of the view of the public and other employees, and the employee conducting the search shall be the same sex as the employee being searched.

**839.35 COMMANDING OFFICER’S RESPONSIBILITY.** Upon being notified of a request for a strip or involuntary clothing search, the employee's commanding officer or the Internal Affairs Division (IAD) captain shall evaluate the need for the search. If the search is determined to be appropriate, the commanding officer or an IAD captain shall contact a staff officer (commander or above) within the employee's chain of command to obtain approval for conducting the search and ensure that a captain or above, a civilian commanding officer from within the chain of command, or an IAD captain has responded to the scene to supervise the search.

**Note:** If a staff officer (commander or above) or a civilian commanding officer from the employee's chain of command is unavailable, the Watch Commander, Detective Support and Vice Division, shall be contacted for the availability of a staff officer (commander or above).

**839.40 STAFF OFFICER'S RESPONSIBILITY.** When notified of an incident in which the strip or involuntary clothing search of a Department employee is warranted, the staff officer (commander or above) shall review the need for the search. If the search is deemed necessary and reasonable, the staff officer (commander or above) shall direct the appropriate supervisory personnel to order the employee to submit to the search.

**Note:** Refusal by the involved employee to submit to an involuntary search after being ordered to do so constitutes insubordination for which the employee may be disciplined.

#### **840. INACTIVE DUTY-ASSIGNMENT.**

**840.10 INACTIVE DUTY - GENERAL.** When it is contrary to the best interests of the Department for employees to continue their regular duties while awaiting investigation or formal disciplinary action, they may be assigned to inactive duty by their watch commander, commanding officer, or the Commanding Officer, Internal Affairs Division.

When employees are physically or mentally unable to properly care for themselves, they shall be:

- Taken into protective custody; and,
- Relieved of any weapon and Department equipment in their possession, when necessary in the interest of safety or for safekeeping.

When an employee's condition in public is such that it may reflect unfavorably upon the employee or the Department, the employee shall be escorted from public view.

**840.20 INACTIVE DUTY - ASSIGNING OFFICER'S DUTIES.** When an employee is assigned to inactive duty, the commanding officer or watch commander who makes the assignment will:

- Take immediate action necessary to ensure the completion of a proper investigation;
- Cause necessary reports to be completed and forwarded;
- When circumstances indicate, obtain all Department property in possession of the employee and deliver it to the employee's commanding officer;

The commanding officer making the assignment will instruct the employee to:

- Refrain from acting in an official capacity;
- Remain on-call at the designated place of inactive duty; OR,
- Report at a given time and place when such information is available.

**Commanding Officer's Responsibilities.** The commanding officer will:

- Ensure all City-owned firearm(s) and
- Department-issued ammunition in the employee's possession are retrieved; and,
- Obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s) and Department-issued ammunition to the concerned employee.



**Bureau Commanding Officer's Responsibility.** The bureau commanding officer will:

- Upon receiving the request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, must confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, Risk Management and Legal Affairs Division, etc.) prior to granting written approval.

**840.30 DISARMING PSYCHOLOGICALLY IMPAIRED OFFICERS.** The Chief of Police has the authority and is ultimately responsible for the seizing and/or returning of an officer's firearm. However, the Chief of Police has exercised this authority through the Director, Office of Support Services. However, when the Director, Office of Support Services is not available, the Commanding Officer, Personnel Division, must be contacted for advice and consent.

In administering this policy, the primary concern will be for the safety of the officer, other employees and the public.

All reasonable efforts will be made to avoid embarrassment or discomfort to the officer and to minimize any intrusion of privacy. Prior to the seizure of any firearm, an effort should be made to obtain the assistance of a sworn member of the Department who has established a relationship of trust with the officer.

Commanding officers should adhere to the following procedures when it appears that the firearm of an apparently impaired officer should be seized.

In an emergency or where an officer may pose a threat to his/her own safety or the safety of others, a supervisor may immediately seize an officer's firearm(s). However, the Director, Office of Support Services, must be contacted as soon as possible for advice and consent regarding the continued deprivation of the firearm(s).

**Note:** The provisions of the Welfare and Institutions Code (WIC) regarding the seizure of private and City-owned firearm(s) when seized pursuant to a commitment under Section 5150 WIC must be followed. However, to the extent allowed by law, an officer may be ordered not to carry privately owned firearms(s).

**Weapon Return Procedure.** Prior to returning a seized City-owned firearm and permitting an officer to carry that or any other firearm(s), with authority as a peace officer, the officer's commanding officer must obtain written approval from the Director, Office of Support Services.

**The Director, Office of Support Services', Responsibility.** The Director, Office of Support Services, prior to returning a seized City-owned firearm, will make use of all available resources (i.e., Behavioral Science Services, Risk Management and Legal Affairs Division, and Medical Liaison Section, etc.) to assess and determine whether the return of the City-owned firearm would be in the best interest of the officer and the Department.

**Note:** The officer may appeal the seizure of his or her firearm(s) via procedures outlined in the Memorandum of Understanding.

**840.40 INACTIVE DUTY - DUTIES OF EMPLOYEE ASSIGNED.** Employees assigned to inactive duty shall comply with all lawful instructions given to them by their watch commander, their superior in the chain of command, or the Commanding Officer, Internal Affairs Division.

**841. CRITERIA FOR ATTENDING CRIMINAL TRIALS ON DUTY AS THE DEFENDANT.** On-duty status shall be authorized for an employee under State or federal prosecution for alleged criminal activities

committed during the course and scope of the officer's duties when it is determined that the officer was acting in the best interests of the City at the time the alleged criminal activity occurred. The following criteria shall be considered when determining if the officer was acting in the best interest of the City:

- The nature and seriousness of the charges.
- The extent to which the activity arose out of the authority and scope of employment at the time of the occurrence.
- The degree of willingness to cooperate during the investigation.
- The extent to which the activity was consistent with legal and policy considerations.
- The officer's overall employment record and any other articulable factor relevant to the officer's individual suitability or on-duty consideration.

**Note:** Officers who are relieved from duty; on sick, injured-on-duty, or personal leave; or otherwise on non-duty status shall not be authorized on-duty status for court appearances or other defense activities during the period while they are off duty or on leave. Attendance will be in their off-duty or leave status.

Court appearances or other defense activities shall not be done on an overtime basis unless no other alternative is available and such overtime is approved by the officer's commanding officer. An adjusted work schedule or change-of-watch assignment, depending upon the length of the trial, shall be used before overtime compensation is considered.

**Submitting Requests for On-Duty Status.** Requests for on-duty status while a defendant in a criminal prosecution arising from the course and scope of employment with the Department shall be submitted in writing and forwarded through the requesting employee's chain of command to the Chief of Police. **Officers who do not submit a request for on-duty status shall be considered off duty.** Requests shall include sufficient facts to evaluate justification for the on-duty status.

**Note:** Employees are not requested to disclose information against the advice of their legal counsel in the criminal proceeding. However, sufficient information must be presented to establish the basis for the request and facilitate its evaluation.

Each level of review in the requesting officer's chain of command shall review the request, attach appropriate correspondence with a recommendation as to whether the request shall be approved or denied, and forward the request.

The Chief of Police shall approve or deny each request based upon a thorough investigation of the facts as presented in the request, using the criteria establish in this section. The Chief of Police shall cause the requesting officer to be notified through the officer's chain of command when the request is approved or denied and ensure that a centralized file of approved and denied requests is maintained within the Office of the Chief of Police. The Chief of Police shall notify the Board of Police Commissioners of the decisions made in these cases during regular closed-session meetings of the Board.

### **843. NON-MEDICAL DUTY RESTRICTION PROCEDURES**

**Duty Restrictions By Commanding Officer.** When an Area/division commanding officer (captain or above) determines that an employee should be restricted from duty for reasons other than a pending personnel complaint, a categorical use of force, or a pending Board of Rights, the commanding officer shall:

- Notify the bureau commanding officer;
- Notify the employee of the reason for the restriction in person; and,

- Discuss progress with the employee every 30 calendar days.

**Note:** After 60 days of restriction for reasons other than a pending personnel complaint, a categorical use of force, or a pending Board of Rights, the employee can request a review by their bureau commanding officer.

**PENDING PERSONNEL COMPLAINT.** When an Area/division commanding officer (captain or above) restricts an employee from duty due to a pending personnel complaint, the commanding officer shall:

- Notify the bureau commanding officer;
- Notify the employee of the restriction in person; and,
- Hold an informal meeting with the employee and the employee's representative if requested.

**CATEGORICAL USE OF FORCE OR PENDING BOARD OF RIGHTS.** When an Area/division commanding officer (captain or above) restricts an employee from duty due to a categorical use of force or a pending Board of Rights, the commanding officer shall:

- Have the restriction authorized by the Chief of Police; and,
- Notify the employee of the restriction in person.

**Note:** The restricted officer can arrange an informal meeting with their bureau commanding officer or designee, with or without their employee representative, within 30 days of restriction.

Commanding officers shall notify the Chief of Staff via chain of command, when duty restrictions have been placed or lifted on an employee.

## **845. TEMPORARY RELIEF FROM DUTY OR RESTORATION – OFFICERS**

**845.10 TEMPORARY RELIEF FROM DUTY OR RESTORATION - EXECUTION OF ORDER.** When so directed by the Chief of Police, the Commanding Officer, Professional Standards Bureau, shall cause a Complaint and Relief From Duty, Suspension, or Demotion, Form 01.61.00, to be prepared and served upon the sworn employee. Such relief from duty shall continue in effect pending a restoration by the Chief of Police or a decision before a Board of Rights.

Any officer ordered to, or requesting a hearing before, a Board of Rights may be temporarily relieved from duty by the Chief of Police pending a hearing before and a decision by the Board. The Chief of Police also has the authority to cancel such relief from duty or following relief from duty, restore the officer to duty with or without restrictions pending the hearing.

**Note:** The cancellation of a temporary relief from duty means the employee is charged with misconduct pending an application for and hearing by a Board of Rights but is not temporarily relieved from duty pending the hearing.

Cancellation of a temporary relief from duty is shown on the Complaint and Relief from Duty, Suspension or Demotion, Form 01.61.00 as "Do not relieve you from duty."

**Penalty Imposed When An Officer Fails to Appear.** Suspension, demotion in rank, suspension and demotion in rank, or removal are penalties the Chief of Police may impose if an officer fails to appear at a Board of Rights hearing.

**Sworn Probationary Employees.** When directed by the Chief of Police, the Commanding Officer, Professional Standards Bureau, shall cause the Notice of Termination or Suspension of Sworn Probationary Employee, Form 01.61.01, to be prepared and served upon the probationary employee. All appeal rights for sworn probationary employees are detailed in City Charter Volume II, Article X, Section 1011 (a) and Government Code Section 3300 et seq., the Public Safety Officers Procedural Bill of Rights Act.

**Return of Disciplinary Forms - Execution of Order.** Following service upon the employee, the completed Complaint and Relief From Duty, Suspension, or Demotion, Form 01.61.00; Notice of Termination or Suspension of Sworn Probationary Employee, Form 01.61.01; or Notice of Discharge, Suspension or Probationary Termination, Form General 77, may be transmitted immediately via either electronic mail (email) or facsimile machine (FAX) to the Advocate Section, Professional Standards Bureau, **OR** hand delivered to the Advocate Section no later than 0900 hours of the following weekday, excluding holidays.

**Note:** The “Certificate of Service” section must be completed and the commencement or effective date of any suspension, relief from duty, or discharge **must be included** on the email or FAX copy or it will not be accepted as documentation of service. These documents are to be treated as confidential and should not be left exposed or placed in a location where they could be viewed by non-authorized employees.

When email or the FAX system is used, the original completed form shall be mailed or hand delivered to the Advocate Section within two calendar days. Any applicable Intradepartmental Correspondence, Form 15.02.00, that documents the actual suspension or discharge dates, shall be returned simultaneously.

#### **845.20 TEMPORARY RELIEF FROM DUTY - DISPOSITION OF DEPARTMENT PROPERTY.**

Officers, upon being ordered relieved from duty, shall surrender all City-owned property in their possession to the officer executing the order. The officer executing the order shall ensure that all City-owned property is delivered to the commanding officer of the accused officer's unit of assignment for safekeeping.

#### **845.30 TEMPORARY RELIEF FROM DUTY - RETURN TO DUTY. (Manual Section 3/860.30)**

### **860. SUSPENSION - PROCEDURE.**

**860.10 SUMMARY SUSPENSION OF OFFICERS - EXECUTION OF ORDER.** When so directed by the Chief of Police, the Commanding Officer, Professional Standards Bureau, shall cause a Complaint and Relief from Duty, Suspension or Demotion, Form 01.61.00, to be prepared and served upon the sworn employee.

The sworn employee may demand a hearing before a Board of Rights.

A Board of Rights must convene within a period of 10 to 30 days.

**Officers May Be Disqualified as Members of a Board.** The Chief of Police may declare specific officers of the rank of captain or above as disqualified for a Board of Rights. The reasons for such disqualifications are sick/IOD (including restricted duty not compatible with participating in a Board of Rights hearing), vacation, previously approved absence from command, member of a Board of Rights hearing scheduled for the same date(s) or conflict with a primary duty assignment which has significant importance to Department operations.

**Individual Board Members May Demand Subpoenas.** Any Board member may demand that the City Clerk issue subpoenas to compel the attendance of witnesses and/or the production of evidence.

**Suspension and/or Demotion Appealed to a Board is Stayed.** A suspension and/or demotion appealed to a Board of Rights is automatically stayed pending the hearing and decision by the Board.

**Note:** A Summary Suspension may be imposed for any period of time not to exceed thirty days, with total loss of pay for that period. A total period of thirty days with loss of pay is deemed to mean twenty-two working days.

A Summary Suspension shall be served in the following manner:

- The Complaint and Relief from Duty, Suspension or Demotion, Form 01.61.00, shall be signed by the Chief of Police and shall include the charges and other details, with the exception of the commencement date of the suspension;
- The officer executing the order shall fix the commencement date of the suspension as determined by the Chief of Police. This date shall be placed on all four copies of Complaint and Relief from Duty, Suspension or Demotion, Form 01.61.00;
- The officer executing the order shall have the accused officer read the charges. The order shall then be executed;
- The "Certificate of Service" sections on all copies of the Complaint and Relief from Duty, Suspension or Demotion, Form 01.61.00, shall be completed by the officer executing the order; and,
- When a Complaint and Relief from Duty, Suspension or Demotion, Form 01.61.00, is served, the accused officer shall, at the discretion of the Chief of Police, surrender his or her gun, badge, and identification card for safekeeping immediately upon such relief or suspension from duty.

The remaining copies of the Complaint and Relief from Duty, Suspension or Demotion, Form 01.61.00, may be transmitted immediately via either electronic mail (email) or facsimile machine (FAX) to the Advocate Section, Professional Standards Bureau, **OR** hand delivered to the Advocate Section no later than 0900 hours of the following weekday, excluding holidays.

**Note:** The "Certificate of Service" section must be completed and the commencement or effective date of any suspension, relief from duty or discharge **shall be included** on the email or FAX copy or it will not be accepted as documentation of service. These documents are to be treated as confidential and should not be left exposed or placed in a location where they could be viewed by non-authorized employees.

When the email or FAX system is used, the original completed form shall be mailed or hand delivered to the Advocate Section within two calendar days. Any applicable Intradepartmental Correspondence, Form 15.02.00, that documents the actual suspension or discharge dates, shall be returned simultaneously.

**Substitute Service.** Criteria have been established which allow for service by mail when a copy of any notice, order or process cannot with reasonable diligence be personally served. If a commanding officer is not able to personally serve an officer due to extenuating circumstances, advice on how to proceed shall be obtained from the Advocate Section, Professional Standards Bureau.

**Effective Date of Demotion and Suspension.** The effective date of a suspension and/or demotion shall be as follows:

- **Suspension Not Appealed.** A suspension that has not been appealed to a Board of Rights shall be effective the day following the period during which the suspension could have been appealed to a Board of Rights, or as soon as practicable after that period, in consideration of deployment needs.
- **Suspension Recommended by a Board.** When a suspension is recommended by a Board of Rights and is upheld by the Chief of Police, it shall be imposed as soon as practicable, in

consideration of deployment needs. Such suspension shall include those days an officer was relieved from duty **without** pay (TR).

- **Demotion Not Appealed.** A demotion that has not been appealed to a Board of Rights shall be effective the day following the period during which the demotion could have been appealed to a Board of Rights.
- **Demotion Recommended by a Board.** When a demotion is recommended by a Board of Rights and is upheld by the Chief of Police, it shall be effective upon the filing of the Decision of the Board and Execution of the Order with the Police Commission.

**Note:** A suspension day shall consist of 8 hours. A suspension period shall not be split (i.e., a portion before or after a period of work), without the approval of the Commanding Officer, Professional Standards Bureau.

**Sworn Probationary Employees.** When so directed by the Chief of Police, the Commanding Officer, Professional Standards Bureau shall cause a Notice of Termination or Suspension of Sworn Probationary Employee, Form 01.61.01, to be prepared and served upon the probationary employees.

A Summary Suspension shall be served in the following manner:

- The Notice of Termination or Suspension of Sworn Probationary Employee, Form 01.61.01, shall be signed by the Chief of Police and shall include the charges and other details, with the exception of the commencement date of the suspension;
- The officer executing the order shall fix the commencement date of the suspension as determined by the Chief of Police. This date shall be placed on all five copies of the Notice of Termination or Suspension of Sworn Probationary Employee, Form 01.61.01;
- The officer executing the order shall have the accused probationary employee read the charges. The order shall then be executed;
- The "Certificate of Service" sections on all copies of the Notice of Termination or Suspension of Sworn Probationary Employee, Form 01.61.01, shall be completed by the officer executing the order; and,
- The accused probationary sworn employee's gun, badge and identification shall be surrendered for safekeeping, to the officer executing the order of suspension.

The remaining copies of The Notice of Termination or Suspension of Sworn Probationary Employee, Form 01.61.01, may be transmitted immediately via email or FAX to the Advocate Section, Professional Standards Bureau, **OR** hand delivered to the Advocate Section no later than 0900 hours of the following weekday, excluding holidays.

**Note:** The "Certificate of Service" section shall be completed and the commencement or effective date of any suspension, relief from duty or discharge **shall be included** on the email or FAX copy or it will not be accepted as documentation of service. These documents are to be treated as confidential and should not be left exposed or placed in a location where they could be viewed by non-authorized employees.

When the email or FAX system is used, the original completed form shall be mailed or hand delivered to the Advocate Section within two calendar days. Any applicable Intradepartmental Correspondence, Form 15.02.00, that documents the actual suspension or discharge dates, shall be returned simultaneously.

#### **860.20 SUSPENSION OR DISCHARGE OF CIVILIAN EMPLOYEES -EXECUTION OF ORDER.**

When so directed by the Chief of Police, the Commanding Officer, Professional Standards Bureau, shall cause a Notice of Discharge or Suspension, Form General 77, to be prepared. The Notice of Discharge or Suspension, Form General 77, shall be completed in all cases when a civilian employee is terminated.

There is no time limit on the period that a civilian employee may be suspended.

**Note:** Any discharge, or any suspension in excess of five working days, may be appealed to the Civil Service Commission.

**Commanding Officer's Responsibility.** After the Form General 77 is signed by the Chief of Police, the form shall be forwarded via Professional Standards Bureau to the employee's commanding officer, who shall:

- Execute the order;
- Complete the portion of the form entitled "Service of Notice;" and,
- Give one copy to the concerned employee.

The original and one copy may be transmitted immediately via either electronic mail (email) or facsimile machine (FAX) to the Advocate Section, Professional Standards Bureau, **OR** hand delivered to the Advocate Section no later than 0900 hours of the following weekday, excluding holidays.

**Note:** The "Certificate of Service" section shall be completed and the commencement or effective date of any suspension, relief from duty or discharge **shall be included** on the email or FAX copy or it will not be accepted as documentation of service. These documents are to be treated as confidential and should not be left exposed or placed in a location where they could be viewed by non-authorized employees.

When the email or FAX system is used, the original completed form shall be mailed or hand delivered to the Advocate Section within two calendar days. Any applicable Intradepartmental Correspondence, Form 15.02.00, that documents the actual suspension or discharge dates shall be returned simultaneously.

#### **860.25 REVERSION OF DEMOTED EMPLOYEES.**

**Requirements for Reversion.** An officer who has been demoted for disciplinary reasons may return to a previously held civil service classification through the civil service promotional process for that class or upon approval of a Request for Reversion, subject to the following provisions:

- The officer must have completed at least one year of satisfactory work performance in the classification to which he/she was demoted;
- The Request for Reversion must be approved by the Chief of Police and the General Manager, Personnel Department;
- There must be a vacant position in the class to which the officer requests reversion.

If the Chief of Police denies the request for reversion, the employee may submit a new request for reversion annually thereafter.

**Note:** The officer will be required to complete a new probationary period in the requested classification if the probationary period was not previously completed.

**Officer's Responsibility.** To request reversion to a previously held civil service classification, an officer shall submit to his/her commanding officer (CO) a completed Request for Reversion, Form 01.18.17, a Request for Transfer, Voluntary Reversion or Class Change, Form General 16-B, and a copy of a Standards Based Assessment, Form 01.87.00 or Performance Evaluation Report 01.33.00, he/she had received in the reduced classification.

**Note:** The requesting employee must have received at least one evaluation report prior to requesting reversion.

**Commanding Officer's Responsibility.** When a CO receives a request for reversion from an employee, the CO shall:

- Review the request for reversion;
- Prepare an Intradepartmental Correspondence, Form 15.02.00, which shall include:
  - A brief synopsis of the incident which resulted in the demotion;
  - A summary of the employee's work performance for the past year or longer;
  - A rationale for whether or not reversion is recommended; and,
  - Approval signature blocks for the employee's group and bureau commanding officer as applicable.

The Intradepartmental Correspondence; Request for Transfer, Voluntary Reversion or Class Change; and the Standards Based Assessment(s) shall be forwarded to Internal Affairs Division via the employee's chain of command. Any additional comments or recommendations by the reviewing CO, either for approval or disapproval, shall be placed on a separate Form 15.02.00, signed by the reviewing CO, attached to Request for Reversion, and forwarded to the next level of review (military endorsement).

**Internal Affairs Division's Responsibility.** The Commanding Officer, Internal Affairs Division (IAD), shall present the request to the Chief of Police and then cause the Request for Reversion to be distributed.

**Chief of Police's Responsibility.** The Chief of Police will either approve or deny the request. If the request is denied, the Chief of Police will return it to IAD for distribution. If the request is approved, the Chief of Police will, subject to the concurrence from the General Manager, Personnel Department:

- Determine the paygrade, if any, and paystep of such reversion.

**Personnel Division's Responsibility.** Upon approval by the Chief of Police, the Commanding Officer, Personnel Division, shall obtain concurrence from the Personnel Department and assign the officer to the approved classification, paygrade, if any, and Paystep.

**860.30 SUSPENDED EMPLOYEE - RETURN TO DUTY.** An employee returning to duty from suspension or temporary relief from duty shall report in person to his/her commanding officer.

The employee must report during the last business day (Saturday, Sunday, and holidays excepted) preceding the final day of suspension, relief from duty, or inactive duty, for the reissuance of an identification card, a badge, or other Department property.

**Commanding Officer's Responsibility.** The commanding officer will:

- Obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s) and Department-issued ammunition to the concerned employee.

**Bureau Commanding Officer's Responsibility.** The bureau commanding officer will:

- Upon receiving the request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, must confer with the involved entity (e.g.,



Professional Standards Bureau, Behavioral Science Services, Risk Management and Legal Affairs Division, etc.) prior to granting written approval.

#### **860.40 RESIGNATIONS OR RETIREMENTS PRIOR TO ADJUDICATION OF COMPLAINT.**

Retirements and resignations prior to the disposition of a complaint must be noted in the commanding officer's comments on the back of the Form 01.28.00.

**Resignations in Lieu of Disciplinary Action.** A summary of the circumstances surrounding the employee's resignation and the status of the pending disciplinary action shall be placed on an Intradepartmental Correspondence, Form 15.02.00. The Form 15.02.00, accompanied by the Resignation, Form 01.50.00, shall be hand-delivered immediately to Internal Affairs Division (in no case later than 0900 hours of the following weekday, excluding holidays).

The investigation of a complaint involving the resignation or retirement of the accused employee shall continue until the case reaches a final disposition (Manual Section 3/820.20).

The acceptance of a resignation by the Chief of Police in lieu of disciplinary action shall terminate the case insofar as it regards the resigning employee. No offer or guarantee of immunity from criminal prosecution shall be made as a consideration for a resignation.

#### **870. DISCIPLINARY PROCEDURES - RESERVE OFFICERS**

**870.20 INVESTIGATION OF COMPLAINTS.** Officer-involved shootings, on-duty traffic crashes, and allegations of misconduct involving members of the Police Reserve Corps shall be recorded and investigated in accordance with procedures applicable to regular employees.

**870.30 ADJUDICATION OF SUSTAINED COMPLAINTS.** The following penalties may be administered to a reserve officer for misconduct:

- Admonishment.
- Official Reprimand.
- Placement on Inactive Reserve status for six months or less. (A reserve officer on Inactive Reserve status must not perform any official Department duties.)
- Termination.

A pre-disciplinary procedure is not required for termination of a reserve officer, therefore a Complaint Adjudication Form, Form 01.28.05, should not be served; however, it is advisable that the reserve officer be verbally informed of a recommendation for termination and that this action be documented in the letter of the transmittal.

**Note:** When, in the commanding officer's opinion, a reserve officer should be excused from duty pending an investigation of misconduct, or is placed on Inactive Reserve status, the commanding officer must take custody of the reserve officer's City-owned firearm(s), Department-issued ammunition, Department identification card, and badge. The commanding officer must obtain written approval from the concerned bureau commanding officer prior to releasing City-owned firearm(s), Department-issued ammunition, Department identification card, and badge to the reserve officer.

The commanding officer will have the authority to release the reserve officer's City-owned firearm(s), Department-issued ammunition, Department identification card, and badge if the reserve officer was placed on Inactive Reserve status for reasons not related to misconduct.

**Bureau Commanding Officer's Responsibility.** The bureau commanding officer will:

- Upon receiving the request to release City-owned firearm(s) and Department-issued ammunition, the bureau commanding officer, or his/her designee, must confer with the involved entity (e.g., Professional Standards Bureau, Behavioral Science Services, or Risk Management and Legal Affairs Division, etc.) prior to granting written approval.

**870.40 ADMINISTRATIVE REVIEW.** When the reserve officer's commanding officer recommends a disposition, the original of the Complaint, Form 01.28.00, with one copy of all related reports, shall be submitted to the reserve officer's bureau commanding officer.

The bureau commanding officer shall:

- Act as the approving authority, when the recommended disposition of the complaint is **no** penalty, an admonishment, or official reprimand. Approved reports shall be forwarded to the Department Reserve Coordinator for concurrence or militarily endorsement of the recommended adjudication.

**Note:** The authority for the final review and adjudication of a misconduct complaint involving a reserve police officer shall be the Chief of Police.

Upon the adjudication of a complaint, the related reports shall be routed to Internal Affairs Division for the recording and distribution of the disposition.

**870.50 TERMINATION PROCEDURES.** A commanding officer that recommends the termination of a reserve police officer under his/her command to the Chief of Police shall **personally** meet with and inform the reserve officer of the recommendation. This notification shall be referenced in the Letter of Transmittal. The Commanding officer shall then forward the report to his/her bureau commanding officer for review and approval. The approved reports shall be forwarded to the Department Reserve Coordinator for concurrence or military endorsement of the recommended adjudication. Once the Chief of Police has made the final determination, the commanding officer shall again meet with and notify the reserve officer of his/her status.

**Note:** This notification procedure should not be delegated to any subordinate or to the divisional reserve coordinator.

When the Chief of Police approves a recommendation for termination, the commanding officer shall arrange for the return of all City-owned property.

**870.70 REMEDIAL TRAINING.** The commanding officer may impose on a reserve officer remedial training, as appropriate, for unsatisfactory performance or to supplement a disciplinary penalty.

**871. DISCIPLINARY PROCEDURES — PART-TIME CIVILIAN EMPLOYEES (MEMORANDUM OF UNDERSTANDING NO. 3 AND NO. 18)**

**Note:** This section only applies to part-time civilian employees that fall under Memorandum of Understanding (MOU) No. 3 and No. 18.

**Definition.** Effective December 13, 2015, this section shall pertain to an intermittent part-time or Civil Service-exempt half-time employee who has worked at least 2,000 cumulative hours from his or her initial hire date, who is subject to discipline.

### **Adjudication of Disciplinary Actions.**

**Commanding Officer's Responsibilities.** The commanding officer shall:

- Serve the part-time civilian employee with a written description of the action(s) to be taken and the expected effective date(s). This description shall include a statement of the specific grounds in which the disciplinary action is based, and a statement informing the employee of his or her right to appeal the disciplinary decision within five business days to an advisory Hearing Officer. This information shall be documented on a Notice of Termination of Part-Time Employment (Memorandum of Understanding No. 3 and No. 18), Form 15.02.04;
- Serve the part-time civilian employee with a Termination Review Request Part-Time Civilian Employees (Memorandum of Understanding No. 3 and No. 18), Form 15.94.00; and,
- Serve the part-time civilian employee with a copy of the materials upon which the action is based, if applicable.

**Note:** The Hearing Officer shall be appointed from the approved Hearing Officer's List maintained and developed by the City and Unions.

**Administrative Appeal.** When a part-time civilian employee appeals a disciplinary action the employee shall have the right to a hearing before the designated Hearing Officer. If a hearing is requested, the employee shall complete a Termination Review Request Part-Time Civilian Employees (Memorandum of Understanding No. 3 and No. 18), and deliver it to Personnel Division. Upon receipt, Personnel Division will make a notification to Employee Relations Group, who will initiate the administrative appeal process. The hearing shall be scheduled within five business days of the notice of appeal filed by the employee, unless another date is mutually agreed upon by the Department and employee, which can be beyond the 5 business days. The following conditions shall apply:

- The hearings shall take no more than four hours, which the Hearing Officer will divide as equally as possible between the parties;
- The Hearing officer shall determine if the discipline or level of discipline is reasonable based on a good faith conclusion that the employee engaged in misconduct and shall issue a written decision the same day, which shall be advisory to the Department Head (Chief of Police), whose decision shall be final; and,
- The cost of the Hearing Officer shall be shared equally by the Union and the City.

**880. AUDIT OF COMPLETED INVESTIGATIONS.** The Board of Police Commissioners shall cause audits of investigations to be made routinely and in individual cases when the Commission deems it advisable.

### **890. REPORTING RETALIATION.**

#### **890.10 RETALIATION - SPECIFIC PREVENTIVE PROCEDURES.**

**Employee's Responsibilities.** All employees have the responsibility to promote, and take the necessary actions to maintain, a work environment free of retaliation.

An employee who witnesses or becomes aware of any retaliatory act(s) against another employee must expeditiously notify any Department supervisor, Ombuds Office; Workplace Investigations Section (WIS), Internal Affairs Division; Risk Management and Legal Affairs Division; or the Office of the Inspector General or any other reporting avenue provided by City policy.

**Exception:** An employee is not required to expeditiously report an act of retaliation(s) when there are legitimate extenuating circumstances. For example, an employee is told of an act(s) of retaliation **in confidence** by the complainant.

Employees experiencing retaliation are encouraged to come forward and report the incident to any Department supervisor, Ombuds Office; WIS, Internal Affairs Division; Risk Management and Legal Affairs Division; or the Office of the Inspector General, or any other reporting avenue provided by City policy. Additionally, employees experiencing retaliation are encouraged (but not obligated) to ask the person whom they suspect of retaliation to stop the specific retaliatory acts if such employees believe that such a request would have a likelihood of stopping the retaliation.

**Supervisor's Responsibilities.** Upon notification that any complaint has been filed by an employee, the employee's supervisor will:

- Meet with the complainant to explain the investigation process relating to the complaint and discuss the possibility of retaliation from the accused or other employees against the complainant;
- Encourage the complainant to report informally or formally any harassing or retaliatory behavior and reassure the complainant that prompt and appropriate action will be taken if retaliation in fact occurs;
- Meet with the accused to explain the investigation process relating to the complaint. Inform the accused about the need to refrain from acts that could be considered harassing or retaliatory and explain to the accused what constitutes retaliation. Also inform the accused that should he/she take, or should the accused encourage his/her friends or colleagues to take, such retaliatory actions against the complainant, the supervisor (as well as the management of the Department) will take prompt and appropriate disciplinary action;
- Provide supervisory oversight of the actions of the complainant, accused, and colleagues of the accused, and intervene at the first sign of retaliatory behavior; and,
- Immediately initiate a complaint investigation against any and all responsible employees for retaliatory acts.

**Commanding Officer's and Supervisor's Responsibilities.** Commanding officers and supervisors have the responsibility to:

- Take immediate action to stop any retaliation;
- Ensure that subordinates are trained and knowledgeable of this policy and understand the types of conduct which constitutes retaliation, as well as the consequences of violating this Order;
- Create an environment that encourages subordinates who believe they are experiencing retaliation to report it;
- Expeditiously and thoroughly investigate and/or assist in the investigation of any retaliation complaint; and,
- Foster and maintain a harassment and retaliation-free environment.

**Regardless of whether or not an employee actually complains, either formally or informally, supervisors and the management of the Department who know or have reason to know that retaliation is occurring**

**must comply with this section and take appropriate action in accordance with established Department policies, procedures, and standards.**

Failure by any commanding officer or supervisor to take appropriate and timely action to stop retaliation or to knowingly allow such conduct to exist, will result in disciplinary action in accordance with established Department policies, procedures, and standards up to and including termination.

When incidents of retaliation occur, or potential for retaliation develops, it is critical that actions taken by the concerned commanding officer, supervisor, or other employee be documented in his/her rating report. **Commanding officers must ensure that actions taken to prevent, intervene, or otherwise stop the retaliatory conduct, as well as failure to take the appropriate action, be included in the evaluation.**

When adjudicating a complaint involving retaliation, the reviewing commanding officer will evaluate and comment on any involved supervisor's performance in addressing and/or preventing the retaliation. Such comments will be incorporated into the Administrative Insight section of the Letter of Transmittal.

**Chief of Police's Responsibilities.** The Chief of Police will adjudicate sustained personnel complaints regarding retaliation in accordance with the Los Angeles City Charter.

## **891. WORKPLACE VIOLENCE – PROCEDURES.**

**Employee's Responsibility.** Any form of violence or threat of violence, whether actual or reasonably perceived, involving a Department employee and occurring in the workplace, must be reported without delay to a supervisor, commanding officer, or the Commanding Officer, Personnel Division. Such behavior must be reported whether committed by a Department employee, a City employee, or any person contracted by the City.

**Note:** When an officer obtains an EPO for workplace violence involving a City employee as the protected person, the officer shall notify the Threat Management Unit (TMU), Detective Support and Vice Division (DSVD).

**Supervisor's Responsibility.** All supervisors shall be familiar with workplace violence issues and shall be aware of potential warning signs of workplace violence. An individual may display early warning signs of potential violence such as a pattern of behavior or language which, if not addressed, could result in a violent act and/or emotional distress for others in the workplace. These warning signs include:

- Changes in an individual's regular behavior patterns, especially a deterioration of general behavior and/or work performance;
- Withdrawal from others at work;
- Increased irritability or expressed feelings of victimization;
- Belligerent or defiant behavior;
- Harassing, abusive or threatening language;
- Indirect threats, paranoid language or actions;
- Fascination with weapons or with acts of violence; and,
- Preoccupation with a particular City employee.

Supervisors that observe, perceive, or become aware of potential workplace violence incidents, shall attempt to diffuse the situation, then immediately notify their commanding officer. If no other administrative report is required, supervisors shall document workplace violence incidents on an Employee's Report, Form 15.07.00, and forward it to their commanding officer.

**Note:** Supervisors that may have questions as to what constitutes a potential workplace violence incident, as outlined in Department Manual Section 1/210.37, should contact Behavioral Science Services (BSS).

**Commanding Officer's Responsibility.** Commanding officers shall create an atmosphere that encourages employees to report immediately incidents of workplace violence to a supervisor and shall:

- Monitor all work environments to assess the potential for violence or threat of violence;
- Identify existing security measures and take additional reasonable measures that could be implemented to improve workplace security; and,
- In instances where an employee's observed behavior is creating disruption in the workplace, but attempts to diffuse the situation fail, the commanding officer shall follow existing Department procedures including those allowing an employee to be placed off-duty on paid administrative leave. As soon as practicable after the occurrence of an incident creating potential danger, the commanding officer shall contact the Officer in Charge, TMU, DSVD, to inform of the action taken and to obtain additional advice as necessary.

Commanding officers that are made aware of a potential workplace violence incident, as defined in Manual Section 1/210.37, shall ensure that attempts are made to defuse the situation and cause the notification of the Threat Management Unit (TMU), Detective Support and Vice Division (DSVD), as soon as possible.

## **895. INQUIRIES OR INVESTIGATIONS BY THE INSPECTOR GENERAL.**

**Duty to Provide Access to Department Records and Information.** Per a November 21, 2000 Resolution passed by the Los Angeles Police Commission, Employees of the Department have an affirmative duty to cooperate fully with the Inspector General and to provide complete, unrestricted and prompt access to inspect and/or photocopy all Los Angeles Police Department records accessible to the Board, including reports, audits, reviews, plans, projections, documents, files, contracts, memoranda, correspondence, data or information on audio/video computer tape/disc or other materials of the Department, including ongoing and in-progress matters. The Inspector General is not required to articulate to the Department any reason or rationale for any specific request, or obtain prior Board approval for requests as described herein.

No Department protocols restricting access to Department records or information shall be applied to the Inspector General. In order to carry out the duties of the office, the Inspector General shall have prompt access to any employee of the Los Angeles Police Department, subject to limitations imposed by law or collective bargaining agreement. The Inspector General shall also have prompt access to any member of the Board of Police Commissioners and the Board's staff.

When inspecting or photocopying Departmental records or evidence maintained by the Department, the Inspector General shall follow the same protocols pertaining to chain-of-custody, preservation of integrity of physical evidence and confidentiality applicable to Department personnel. When requesting materials from an in-progress crime investigation, the Inspector General shall coordinate all activities with the Officer in Charge in a manner which does not interfere with or compromise the investigation.

### **895.50 COMPLIANCE WITH THE OFFICE OF INSPECTOR GENERAL.**

**Employee's Responsibility.** When the Inspector General or any member of the Office of the Inspector General contacts a Department employee requesting access to a Department document(s), the employee shall:

- Comply with any and all requests for access to the document(s);

- Document any record(s) inspected by or provided to the Inspector General according to standard procedure for the requested record(s), such as a notation in a chronological log or entry on a Sign-Out Card, Form 15.31.00; and,
- Notify a supervisor as soon as practicable.

**Note:** If an employee is uncertain whether the requested document(s) contains legally protected and/or intelligence information, the employee shall immediately contact a supervisor for advice. Such documents include, but are not limited to, intelligence information and information protected by laws external to the Department and/or law enforcement in general, such as those documents protected by attorney/client or doctor/patient privilege.

**Supervisor's Responsibility.** A supervisor who is contacted by an employee regarding the release of a document(s) to the Office of Inspector General shall:

- Ensure compliance with any and all requests from the Office of Inspector General for access to the document(s); and,
- Notify his/her commanding officer of the request as soon as practicable.

**Note:** In cases where a supervisor is uncertain or suspects that the requested document(s) may contain legally protected and/or intelligence information, he/she shall contact the Chief of Staff for advice **prior** to allowing inspection or release of the documents(s). The Chief of Staff shall make the determination regarding the status of the requested information, subject to review and final determination by the Chief of Police and/or the Commission.

**Commanding Officer's Responsibility.** Commanding officers shall:

- Ensure that employees understand what material constitutes legally protected and/or intelligence information; and,
- Ensure that the Chief of Staff is notified whenever a member of the Office of Inspector General inspects or retrieves documents.

**Note:** The notification shall include the date and time of the request, a brief description of the material requested including approximate volume, and the date and time of compliance to the request.

**Intelligence Files – Defined.** Intelligence information described in this Section is any information or material(s) which is collected, received, developed, or maintained for the general or specific purpose of identifying or investigating terrorist individuals, terrorist groups, the actual or intended victims of such groups, or any organized criminal activity.

State and federal law protect access to intelligence files, and requests for such information shall comply with the same guidelines established for the Commission.

**895.60 PERIODIC AUDITS CONDUCTED BY THE INSPECTOR GENERAL.** The Consent Decree requires that the Office of the Inspector General conduct regular and periodic audits, including a random sample of all Non-Categorical use of force incidents. This review will assess the quality and completeness of an investigation and evaluate its findings and final disposition. The Inspector General will also review whether investigations were completed in a timely manner, and verify that statements summarized and transcribed accurately reflect any recorded statements. The Inspector General will also verify that all available evidence was collected and analyzed, and the investigation was properly adjudicated. The Inspector General will report his/her findings in writing to the Police Commission.