



Policy and Procedures Manual

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TABLE OF CONTENTS

Mission, Vision, and Values	10
Law Enforcement Code of Ethics	11
Chapter 01: INTRODUCTION	12
1.1 Purpose	
1.2 Policy	
1.3 Responsibility	
1.4 Program Description	
Chapter 02: APPLICATION OF POLICY MANUAL	14
2.1 Compliance	
2.2 Disciplinary Action	
2.3 Availability to Personnel	
Chapter 03: STATUTORY AUTHORITY	15
3.1 Community College Police	
3.2 California Peace Officer Authority	
3.3 Jurisdiction and Agreements	
<i>PERSONNEL</i>	
Chapter 04: CHAIN OF COMMAND	17
4.1 President/Superintendent	
4.2 Chief of Police	
4.3 Police Sergeant	
4.4 Senior Officer	
4.5 Campus Police Officer	
4.6 Dispatchers, Public Safety Officers, and Staff	
Chapter 05: PERSONNEL RESPONSIBILITIES	19
5.1 Purpose and Scope	
5.2 Alcohol and Drug Use	
5.3 Scheduling and Time Off	
5.4 Sick Leave	
5.5 Residence and Telephone Requirements	
5.6 Smoking and Tobacco Use	
5.7 Court Appearance and Subpoenas	
5.8 Personal Appearance Standards	

Chapter 06:	PERSONNEL COMPLAINTS	27
	6.1 Purpose and Scope	
	6.2 Personnel Complaints Defined	
	6.3 Availability of Complaint Forms	
	6.4 Acceptance of Complaints	
	6.5 Preliminary Assessment of Complaints	
	6.6 Investigative Interviews of Employees and Procedures	
	6.7 Examinations and Searches	
	6.8 Disposition	
	6.9 Personnel Complaint Files	
Chapter 07:	TRAINING	33
	7.1 Purpose and Scope	
	7.2 Objectives	
	7.3 Training Manager	
	7.4 Field Training Program	
	7.5 Attendance at Training	
	7.6 Training Priorities	
Chapter 08:	AWARDS AND RECOGNITION	37
	8.1 Purpose	
	8.2 Process for Recognition	
	8.3 Types of Written Commendation	
	8.4 Formal Recognition and Awards	
	8.5 Special Recognition Medals	
	8.6 Annual and Periodic Awards	
	<i>EQUIPMENT</i>	
Chapter 09:	UNIFORMS AND EQUIPMENT	42
	9.1 Purpose and Scope	
	9.2 Exceptions	
	9.3 Care and Use of Uniforms and Equipment	
	9.4 Campus Police Officer Uniforms and Equipment	
	9.5 Public Safety Officer Uniforms and Equipment	
	9.6 Authorized Uniform Insignia	
	9.7 Plainclothes Officer Uniform and Equipment	
	9.8 Dispatcher and Civilian Attire	
Chapter 10:	BODY ARMOR	52
	10.1 Purpose and Scope	
	10.2 Use of Body Armor	
	10.3 High Risk Armor	
	10.4 Care of Body Armor	

	10.5 Replacement of Body Armor	
Chapter 11:	FIREARMS	54
	11.1 Purpose and Scope	
	11.2 Authorized Firearms	
	11.3 Safe Handling of Firearms	
	11.4 Firearms Qualifications	
	11.5 Rangemaster	
	11.6 Maintenance and Repair	
Chapter 12:	DEPARTMENT VEHICLE USE	62
	12.1 Purpose and Scope	
	12.2 Authorization	
	12.3 General Vehicle Use	
	12.4 Code 3 Emergency Response	
	12.5 Collisions Involving Department Vehicles	
	12.6 Passengers in Department Vehicles	
Chapter 13:	BODY-WORN CAMERAS	69
	13.1 Purpose	
	13.2 Policy	
	13.3 Procedure for Use	
	13.4 Retention of BWC Recordings	
	13.5 Review and Release of BWC Recordings	
	13.6 Training and Supervisory Responsibilities	
<i>OPERATIONS</i>		
SWORN AND DISPATCH PERSONNEL		
Chapter 14:	PATROL PROCEDURES	76
	14.1 Purpose and Scope	
	14.2 Patrol Function	
	14.3 Racial or Identity Profiling	
	14.4 Bicycle Patrol	
Chapter 15:	ALARM RESPONSE	81
	15.1 Purpose and Scope	
	15.2 Fire Alarms	
	15.3 Panic Alarms	
	15.4 Burglary/Intrusion Alarms	

Chapter 16:	USE OF FORCE	87
	16.1 Purpose	
	16.2 Policy	
	16.3 Procedure	
	16.4 Force Options	
	16.5 Responsibilities	
	16.6 Use of Force Reporting	
	16.7 Use of Force Review	
	16.8 Use of Force Data Collection	
	16.9 Use of Force Policy Review and Training	
Chapter 17:	ARMED INTRUDER / ACTIVE VIOLENT INCIDENT	98
	17.1 Purpose and Scope	
	17.2 Policy	
	17.3 Procedure	
	17.4 SLO County Communications Protocol	
	17.5 Responsibilities	
	17.6 North County Campus Procedure	
Chapter 18:	PURSUIT	104
	18.1 Purpose and Scope	
	18.2 Vehicle Pursuit Defined	
	18.3 Officer Responsibilities	
	18.4 Speed Limits	
	18.5 Pursuit Units	
	18.6 Pursuit Driving Tactics	
	18.7 Aircraft Assistance	
	18.8 Supervisor Responsibilities	
	18.9 Communications	
	18.10 Loss of Pursued Vehicle	
	18.11 Inter Jurisdictional Considerations	
	18.12 Pursuit Intervention	
	18.13 Capture of Suspects	
	18.14 Reporting Requirements	
	18.15 Pursuit Training	
	18.16 Application of Vehicle Pursuit Policy	
Chapter 19:	INVESTIGATIONS	121
	19.1 Purpose	
	19.2 Policy	
	19.3 Crime Scene Integrity	
	19.4 Agreements for Mutual Aid Investigations	
	19.5 Criminal Investigations	
	19.6 Eyewitness Identification	

Chapter 20:	TEMPORARY CUSTODY OF JUVENILES	133
	20.1 Purpose and Scope	
	20.2 Definitions	
	20.3 Policy	
	20.4 Juveniles Who Should Not be Held	
	20.5 Custody of Juveniles	
	20.6 Advisements	
	20.7 Juvenile Custody Logs	
	20.8 Temporary Custody Requirements	
	20.9 Use of Restraint Devices	
	20.10 Personal Property	
	20.11 Secure Custody	
	20.12 Suicide Attempt, Death, or Serious Injury of a Juvenile	
	20.13 Interviewing or Interrogating Juvenile Suspects	
	20.14 Mandatory Recording of Juveniles	
	20.15 Formal Booking	
	20.16 Release of Information Concerning Juveniles	
	20.17 Board of State and Community Corrections Certification	
Chapter 21:	CONTACTS, DETENTIONS, AND ARRESTS	146
	21.1 Purpose	
	21.2 Policy	
	21.3 Definitions	
	21.4 Voluntary Contacts	
	21.5 Investigatory Detentions	
	21.6 Pat-Downs	
	21.7 Arrests	
Chapter 22:	SEARCH AND SEIZURE	157
	22.1 Purpose and Scope	
	22.2 Expectation of Privacy	
	22.3 Search Procedure	
	22.4 Specific Search Situations	
Chapter 23:	RIDE ALONGS	160
	23.1 Purpose and Scope	
	23.2 Eligibility	
	23.3 Availability	
	23.4 Ride Along Request Procedure	
	23.5 Ride Along Restrictions	
	23.6 Law Enforcement Ride Alongs	
	23.7 Ride Along Records Check	
	23.8 Officer Responsibility	
	23.9 Supervision of Ride Along	

ALL PERSONNEL

Chapter 24:	PUBLIC RELATIONS	164
	24.1 Employee Identification	
	24.2 Cooperation with Public Agencies	
	24.3 Police Reports	
	24.4 Media	
	24.5 Social Media	
	24.6 Speaking Engagements	
	24.7 Conventions and Training Conferences	
Chapter 25:	PROPERTY AND EVIDENCE HANDLING	167
	25.1 Purpose and Scope	
	25.2 Definitions	
	25.3 Property Handling	
	25.4 Property Booking Procedures	
	25.5 Special Handling Requirements	
	25.6 Property Management	
	25.7 Property and Evidence Audit	
Chapter 26:	HATE CRIMES	173
	26.1 Purpose and Scope	
	26.2 Policy	
	26.3 Definitions	
	26.4 Initial Response	
	26.5 Investigations	
	26.6 Supervisory Responsibilities	
	26.7 Community Relations and Crime Prevention	
	26.8 Hate Crime Data Collection and Reporting	
Chapter 27:	DOMESTIC VIOLENCE	178
	27.1 Purpose and Scope	
	27.2 Definitions	
	27.3 Policy	
	27.4 Officer Safety	
	27.5 Investigations	
	27.6 Victim Assistance	
	27.7 Dispatch Assistance	
	27.8 Foreign Court Orders	
	27.9 Verification of Court Orders	
	27.10 Legal Mandates and Relevant Laws	
	27.11 Court Orders	
	27.12 Public Access to Policy	
	27.13 Reports and Records	
	27.14 Declaration in Support of Bail Increase	

Chapter 28:	THREATS	189
	28.1 Purpose and Scope	
	28.2 Definitions	
	28.3 Priority of Response	
	28.4 Notifications	
	28.5 Responsibility to Investigate	
	28.6 Bomb Threats	
	28.7 Threats of Active Violence / School Shooting	
	28.8 Notification of Threats	
Chapter 29:	RESPONSE TO MENTAL HEALTH CRISIS	196
	29.1 Purpose	
	29.2 Policy	
	29.3 Definitions	
	29.4 Recognizing Atypical Behavior	
	29.5 Assessing Risk	
	29.6 Response to PIC (<i>person in crisis</i>)	
	29.7 Taking Custody or Referral to Mental Health	
	29.8 Documentation	
Chapter 30:	HOMELESS PERSONS	204
	30.1 Purpose and Scope	
	30.2 Policy	
	30.3 Homeless Liaison Officer	
	30.4 Field Contacts	
	30.5 Investigations involving the Homeless	
	30.6 Personal Property	
	30.7 Mental Illness	
	30.8 Ecological Issues	
Chapter 31:	OUTSIDE AGENCY ASSISTANCE	209
	31.1 Purpose and Scope	
	31.2 Assisting Outside Agencies	
	31.3 Requesting Assistance from Outside Agencies	
Chapter 32:	CAMPUS NOTIFICATIONS	210
	32.1 Purpose and Scope	
	32.2 Definitions	
	32.3 Clery Act Crimes	
	32.4 Campus Notification Methods	
	32.5 Emergency Notification Procedures	
	32.6 Timely Warning Procedures	
	32.7 Authority for Campus Notifications	
	32.8 Communication Chain	
	32.9 Campus Notification Message Structure	

Chapter 33:	PHYSICAL/DIGITAL MEDIA HANDLING	217
33.1	Storage and Access	
33.2	Digital and Physical Media Transportation	
33.3	Disposal of Digital Media	
33.4	Disposal of Physical Media	



Our Mission

To assist the education process by providing a safe and secure learning environment for all students, staff, and the community through: ***Education, Safety, and Service.***

Our Vision

To be the model of a progressive, safety-focused, and professionally trained college law enforcement agency for the central coast community.

Our Values

We are **Honorable** and worthy of your trust. We will treat all people with fairness and respect and will be honest in what we say and do.

We are **Courageous** in our actions, which reflect our oath to protect the community from harm and provide a safe and secure college environment for all.

We are **Loyal** and recognize that our commitment is to the college we serve, the community of San Luis Obispo county, our country, and to each other as a professional law enforcement agency.

LAW ENFORCEMENT CODE OF ETHICS

The Law Enforcement Code of Ethics is a standard for all peace officers and is hereby adopted by Cuesta College Police Department for inclusion in this policy manual.

As a Law Enforcement Officer, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

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

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

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



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 1: INTRODUCTION

Revision Date: 11/09/2018

1.1 Purpose

This manual contains the general policies and procedures governing the Cuesta College Department of Public Safety/Police Department. It is published for information and guidance to department personnel to maintain conformity in the interpretation and execution of district-wide Police and Public Safety Services.

1.2 Policy

All sworn campus peace officers, clerical staff, public safety officers, student workers and other employees of the Department of Public Safety, whether full or part-time, shall be aware of and comply with this manual and the provisions set forth herein. This policy shall govern current practice and law enforcement procedures as determined by Federal, State, and local statute, District policies, and best practices.

1.3 Responsibility

Under the authority of the College President/Superintendent or authorized representative, the Chief of Police is responsible for the implementation and enforcement of these policies and procedures which govern the operations and activities of the Department of Public Safety. The Chief of Police is also responsible for maintaining the policy manual and ensuring continual updates to comply with current federal, state, and local law and best practices

1.4 Program Description

The Department of Public Safety/campus police is intended to provide a variety of policing and public safety services on all San Luis Obispo Community College District properties. The overall function of campus police, within the district, is to provide a safe and secure learning environment on those properties under the control and direction of the district, for those persons who attend and use these facilities. To that end, all laws of the State of California and the rules and regulations designated by the District, will be equally enforced at all locations.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 2: APPLICATION OF POLICY MANUAL

Revision Date: 11/09/2018

2.1 Compliance

All employees of the Department of Public Safety, regardless of job title, and whether employed in a full or part time status, are obligated to comply with all provisions of this manual, as well as those policies issued at the college level, other existing district procedures, rules and regulations, and administrative directives from the Chief of Police or his/her designee.

2.2 Disciplinary Action

Failure to comply with any section of this manual or any rule, regulation, or directive of the district or a superior may result in disciplinary action as provided for by the district personnel policy, the current MOU between the district and CCCUE, and the internal investigations policy of the Department. Disciplinary action may include, but is not necessarily limited to:

- A written reprimand
- Suspension with or without pay
- Demotion
- Dismissal

2.3 Availability to Personnel

This policy will be stored on a shared digital storage environment and available to all employees of the Department. The Department Training Manager, under the direction of the Chief of Police or his/her designee, shall make each new employee aware of the manual's digital location and ensure access to all employees.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 3: STATUTORY AUTHORITY

Revision Date: 11/09/2018

3.1 Community College Police

As set forth under California Education Code 72330(a), the board of Trustees for the San Luis Obispo Community College District have established the Cuesta College Police Department under the supervision of a District Chief of Police. Cuesta College Police Department personnel are lawfully entitled under this section to enforce laws on or near the campus of the community college or near other grounds or properties owned, operated, controlled, or administered by the community college.

Persons employed and compensated as members of the Cuesta College Police Department, when so appointed and duly sworn, are peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

3.2 California Peace Officer Authority

As defined in California Penal Code section 830.32, sworn officers of the Cuesta College Police Department are peace officers with authority that extends to any place in the state for purposes of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense, or pursuant to Section 8597 or Section 8598 of the Government Code. Such peace officers with the Cuesta College Police department are authorized to carry firearms under the terms and conditions specified by the Department Firearms policy and district rules.

3.3 Jurisdiction and Agreements

The Cuesta College Police Department is the primary law enforcement agency for all District owned or controlled properties and will have jurisdiction over all law enforcement or public safety incidents on those properties except where specifically agreed upon by current Interagency Protocol Agreements.

The Chief of Police shall be responsible for updates to those protocol agreements with other law enforcement agencies whose authority extends on or near district properties as needed. Those agreements currently include:

- San Luis Obispo Sheriff's Office
- Paso Robles Police Department
- Arroyo Grande Police Department
- Cal Poly Police Department
- San Luis Obispo Police Department
- California Highway Patrol



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 4: CHAIN OF COMMAND

Revision Date: 11/09/2018

4.1 College President / Superintendent

The College President/Superintendent, under the direction of the Board of Trustees, is responsible for leadership of all District operations, including oversight of the Department of Public Safety and the District Police Chief. The President/Superintendent delegates the supervision of the Department to the Vice President of Administrative Services.

4.2 Chief of Police

Under general supervision from the President/Superintendent, and specific direction from the Vice President of Administrative Services, the Director of Public Safety/Police Chief shall be responsible for oversight and direction of all personnel employed by the Department of Public Safety, and responsibility for all district equipment assigned to the Department of Public Safety. The Police Chief serves as an agent for and designee of the President/Superintendent in matters of campus public safety and emergency response. The Police Chief is responsible for performance evaluations for all employees of the Department of Public Safety, maintaining and developing policy and procedures, and serves as the Emergency Manager for the District.

4.3 Police Sergeant

Under the direction of the Chief of Police, the Sergeant serves as “Second in Command” at the police department and may serve as Acting Chief of Police during periods of the Chief’s absence or at the direction of the President/Superintendent. The Police Sergeant is directly responsible for daily operations of police department personnel and equipment,

reviews all police reports, and supervises the field training program. During on-duty periods, the Police Sergeant shall be considered the Watch Commander.

4.4 Senior Officer

Under the Direction of the Chief of Police and Police Sergeant, the Senior Officer serves as the first-line field supervisor for all department of public safety personnel. The Senior Officer may serve as Acting Sergeant or Acting Chief of Police during periods of their absence or at the direction of the Police Chief. The Senior Officer is responsible for oversight of the actions of department personnel in the field, is assigned as the Department's Training Manager, and supervises the student Public Safety Officer Program. During periods where the Sergeant is not on duty, the Senior Officer shall be considered the Watch Commander and in charge of department operations.

4.5 Campus Police Officer

Campus police officers are primarily responsible for the protection of life, preservation of property, the enforcement of all laws, and apprehension of offenders upon the properties of the District. The Campus Police Officer may serve, at the direction of the Police Sergeant, as the "Officer in Charge" (OIC) during periods where no supervisor listed above is on duty. As the OIC, that employee shall be considered the ranking department employee on duty and in charge of all department operations. In situations where there are two or more Campus Police Officers on duty, the senior most Officer, in terms of time employed by the Department, shall be considered the ranking Officer.

4.6 Dispatchers, Public Safety Officers, AND Staff

All employees not listed above do not have supervisory authority and as such, may not direct the actions of other Department employees except for the limited purpose of training new employees at the direction of the Police Chief, Sergeant, or Senior Officer. Dispatchers may also assign field staff to calls for service during operational shifts, except as otherwise directed by a ranking supervisor.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 5: Personnel Responsibilities

Revision Date: 12/05/2018

5.1 Purpose and Scope

The purpose of this policy is to provide guidelines and structure regarding various personnel responsibilities as an employee of the Cuesta College Police Department. All employees, regardless of rank, or full or part time status, are expected to abide by the provisions of this policy. Nothing in this policy shall be interpreted to countermand district policies or ratified bargaining agreements by employee groups at Cuesta College.

5.2 Alcohol And Drug Use

5.2.1 General Guidelines

The consumption of alcohol or other intoxicants is prohibited by on-duty personnel. Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty. The overall alcohol and drug use policy for employees at Cuesta College is maintained by the Department of Human Resources.

5.2.2 Purchase or Possession of Drugs or Alcohol

Employees shall not purchase or possess alcohol or other controlled substances on District property, unless authorized by a supervisor as part of a lawful on-duty assignment. If a department employee receives an alcoholic beverage as a gift during duty hours, that beverage shall be kept sealed and secured with other personal effects, and shall be taken home immediately following that shift.

5.2.3 Use of Prescribed Medications

Any employee who is required to take any medication which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such

medication to the immediate supervisor prior to starting a shift. No employee shall be permitted to work or drive a department vehicle while taking such potentially impairing medication without a written release from his/her physician. Possession of medical marijuana or being under the influence of marijuana while on or off-duty is prohibited and may lead to disciplinary and/or criminal action.

5.3 Scheduling and Time Off

5.3.1 Work Schedule

Authorized employee work schedules are governed by the current memorandum of understanding between the CCCUE and the District. In accordance with this agreement, (Chapter 5), the department shall assign a fixed work schedule for all employees. The “standard” work week for the department will be defined as an 8-hour day, 5 days per week. Alternate work schedules for sworn officers (ie: 4/10 or 9/80) can be designated with the approval of the Chief of Police or his/her designee.

5.3.2 Schedule Modifications

The department will provide no less than a 30-day notice to the employee for any permanent modification to an employee work schedule, in accordance with the current CCCUE agreement. The department will provide no less than 2 days of notice for a temporary modification to the work schedule, depending on the circumstances and need of the District and/or Department. Nothing in this policy shall prevent the department from assigning employees to emergency shifts or requiring overtime within the boundaries of the current employee agreement.

5.3.3 Leave Requests

The department will make every effort to grant employee leave requests in accordance with the current CCCUE agreement with the District (Chapter 6). The Chief of Police may deny a leave request, or suggest an alternate leave date, if it is determined that the department does not have adequate staffing resources to maintain safe operations.

Employees requesting leave shall use the approved leave request form and route it to his/her direct supervisor for review and approval. If approved, a copy will be provided to the employee and to the department scheduling coordinator. Employees requesting leave shall provide the department with a minimum of 2 weeks of notice, in order to provide the department with adequate time to review and schedule the leave request. This provision does not apply to family or personal emergencies, and supervisors may approve a leave request with fewer than 2 weeks of notice if that leave does not disrupt department operations.

5.4 Sick Leave

5.4.1 Sick Leave Use

Sick leave is earned by department employees in accordance with the current agreement between CCCUE and the District (Chapter 6). Sick leave can be used for illness or injury, or for the serious illness of a family member as provided by the Labor Code. Misuse of sick leave for other purposes may result in disciplinary action.

5.4.2 Sick Leave Reporting

Employees are encouraged to notify their immediate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification to a supervisor by phone (voice or text) no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30 days of notice of the intent to take leave.

5.4.3 Sick Leave Documentation

Upon return to work, employees shall make sure to complete the approved sick leave form and forward it to their supervisor. In the event of an extended illness, a supervisor may elect to fill out the leave form on behalf of the employee for accurate documentation of the sick leave use.

5.5 Residence and Telephone Requirements

5.51 Purpose

The nature of law enforcement is such that emergency/urgent conditions may require employees be contacted during their off-duty hours and directed to respond in a timely manner to the police facility for duty. The policy of the Cuesta College Police Department is that the Police Department will maintain the current address and telephone information for all Department employees.

5.52 Scope

All employees of the Cuesta College Police Department are required to maintain a permanent home address and a working telephone that is audible and can be answered 24 hours per day. This address and telephone number will be provided to Human Resources and to the Police Sergeant for inclusion in the employee's personnel file and department contact records. All employees will notify the Police Sergeant within 24 hours of any temporary or permanent change of address or telephone number.

5.6 Smoking and Tobacco Use

5.6.1 District Policy

In compliance with Board Policy 3750, smoking and the use of any tobacco products are prohibited on District properties or locations where Cuesta College provides services. This includes all District owned vehicles, whether that vehicle is operated on district property or not.

5.6.2 On-Duty Use

Smoking, and the use of tobacco related products, are prohibited while in public view and anytime while in uniform. This includes other department approved attire (ie: polo shirt)

or other clothing items clearly identifying the employee as a member of the Cuesta College Police Department.

5.7 Court Appearance and Subpoenas

5.71 Purpose

This procedure has been established to ensure that employees appear when subpoenaed, or are available to appear in court when requested, and present a professional appearance.

5.72 Scope

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

5.73 Compensation for Court Appearances

Compensation for court appearance for department related subpoenas shall be in accordance with the current MOU between CCCUE and the District.

5.74 Failure to Appear

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

5.75 Courtroom Protocol

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed. Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

5.76 Courtroom Attire

Employees shall dress in a department approved class A uniform for sworn campus officers or formal business attire.

5.77 Courtroom Decorum

Employees shall observe all rules of the court in which they are appearing, refrain from using tobacco products or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

5.8 Personal Appearance Standards

5.81 Purpose and Scope

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

5.82 Grooming Standards

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

5.83 Hair

Hairstyles of all department members shall be neat in appearance. For male sworn officers and non-sworn male public safety officers, hair must not extend below the top edge of the uniform collar while assuming a normal stance. For female sworn officers and non-sworn female public safety officers, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

5.84 Mustaches

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. Mustaches shall not be curled or styled in a way that diminishes a professional appearance.

5.85 Sideburns

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

5.86 Facial Hair

For all uniformed personnel: Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee. For non-uniformed personnel, facial hair shall be kept neat in appearance.

Special Exception to Facial Hair Policy

During special periods authorized by the Chief of Police, sworn personnel are permitted to wear beards that are maintained at a length and pattern so as not to detract from the employee's professional appearance. Beards must be trimmed, have clean lines, shall not be permitted below the Adam's apple or on the neck, and shall be uniform in length and style. Beards that have a non-uniform, thin, or patchy appearance will not be permitted. Sworn personnel in uniform shall not exceed a maximum beard length of three-eighths of an inch.

The Police Sergeant will be responsible for ensuring that sworn personnel conform to the standards outlined in this policy. If the Sergeant feels that an Officer's beard does not meet these standards and cannot be corrected with trimming and maintenance, the employee will be referred to the Chief of Police. The Chief of Police's decision on whether an employee is conforming to this policy will be final.

All sworn employees must maintain facial hair that allows the proper fit and function of personal protective equipment including department issued gas masks. Goatee and goatee variants are not to be worn at any time.

5.87 Fingernails

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

5.88 Jewelry and Accessories

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar. Earrings, nose-rings, tongue rings, and other

visible personal jewelry shall not be worn by uniformed sworn officers or uniformed non-sworn public safety officers without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on duty.

5.89 Tattoos

While on duty or representing the Department in any official capacity, every reasonable effort shall be made to conceal all tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 6: Personnel Complaints

Revision Date: August, 2019

6.1 Purpose and Scope

The purpose of this procedure is to provide guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of Sworn Officers of this department. Investigations and dispositions of complaints shall be completed in accordance with the current memorandum of understanding between CCCUE and the San Luis Obispo County Community College District. Sworn Officers shall be accorded their rights pursuant to Government Code 3300.

6.2 Personnel Complaints Defined

Personnel complaints consist of any allegation of misconduct or improper job performance against a sworn officer that, if true, would constitute a violation of department policy, district personnel rules, federal, state, or local law. Inquiries about employee conduct which, even if true, would not qualify as stated above may be handled informally by a department supervisor and shall not be considered formal complaints. This policy shall not apply to informal verbal counseling, instruction, or other routine contact of an officer in the normal course of duty by a supervisor, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

6.3 Availability of Complaint Forms

6.3.1 Personnel complaint forms shall be available in plain view in the lobbies of both District Campus Police offices and on the internet through the department's website.

6.3.2 Personnel Complaint forms can be emailed or mailed to a requesting member of the public without appearing in person, and without the person providing the reason for the request.

6.3.3 Any department employee may provide a complaint form to a requesting member of the public. Employees are encouraged to ask the person requesting the form if they would like to speak with a department supervisor, however the requesting person is not required to speak with a supervisor to receive the complaint form.

6.4 Acceptance of Complaints

6.4.1 Complaints may be received in person, over the telephone, in writing, or via the internet, and may be lodged anonymously or by any other means without regard to the source.

6.4.2 Department employees shall provide assistance to individuals who express a desire to lodge complaints against any employee of this agency. This may include, but is not limited to,

- a. calling a supervisor to the scene to document the complaint;
- b. explaining the agency's complaint procedures;
- c. providing referrals to individuals and/or locations where such complaints can be made in person; or
- d. explaining alternative means for lodging complaints, such as by phone, mail, and via the internet.

6.4.3 The complainant shall be advised of the procedures for processing the complaint as referenced in this policy and be provided with a copy of the complaint form.

6.4.4 The complainant should be asked to verify by signature if the complaint is a complete and accurate account. If the complainant elects not to sign, this fact shall be documented and forwarded to the Chief of Police or their designee for review.

6.5 Preliminary Assessment of Complaints

6.5.1 Once a complaint is received by a member of this department, it shall be provided immediately to the Chief of Police, or his/her designee for review, and be kept confidential from all other employees of the department. *(Should the complaint directly involve the Chief of Police, the employee shall turn over all complaint related materials to the Vice President of Administrative Services.)* The Police Chief, or his/her designee, will conduct a preliminary assessment to determine if the allegation, if true, would

constitute a violation of departmental and/or district policy and procedures or otherwise meet the criteria listed under 6.2. This may include a brief interview with the complainant or relevant witnesses.

6.5.2 If the preliminary assessment determines that departmental policies and procedures were followed, and no other personnel rules or laws were broken, the Police Chief or his/her designee will explain such findings to the complainant. This may include investigative steps taken to ascertain the validity of the alleged violation and applicable agency procedures.

6.5.3 If the preliminary assessment identifies a potential violation of policy, procedures, or applicable local, state or Federal law, the Chief of Police or his/her designee shall initiate a formal investigation of the complaint. This investigation shall be conducted within the guidelines of this policy, and with regard to, the established Memorandum of Understanding (MOU) between CCCUE and the district regarding employee conduct.

6.6 Investigative Interviews of Employees and Procedures

6.6.1 Prior to being interviewed, and in accordance with the CCCUE MOU, the subject officer shall be notified in writing of the nature of the complaint.

6.6.2 All interviews should be conducted while the officer is on regularly scheduled duty hours, unless the seriousness of the investigation is such that an immediate interview is required, or when the employee and employee representative request a reasonable schedule alternative.

6.6.3 The complete interview shall be recorded. The subject officer may also record the interview with their own recording device. Where necessary, the recording shall note the time at which breaks are taken in the interview process, who requested the break, and the time at which the interview resumed.

6.6.4 The officer shall be provided with the name, rank, and command, if applicable, of all persons present during the questioning.

6.6.5 The officer shall be provided with applicable warnings regarding compelled statements.

6.6.6 Officers may have a personal or professional representative with them during any internal investigative interview, as long as the individual is not involved in any manner with the incident under investigation.

6.7 Examinations and Searches

6.71 The Chief of Police, under direction from Human Resources, may direct that the Officer submit to a breath or urine test if it is believed that such an examination is pertinent to the investigation and/or there is reasonable suspicion that alcohol and/or drug usage is suspected as the factor directly related to allegations of misconduct subject to applicable laws.

6.72 An officer can be required to participate in a lineup if it is used solely for administrative purposes.

6.73 All property belonging to the Department is subject to inspection for investigative purposes unless the officer has been granted a reasonable expectation of privacy, such as a purse, briefcase, or locked luggage. Department lockers are also subject to inspection by the District, provided notice is given with a reasonable opportunity for the subject of the investigation to be present at the time of the inspection.

6.8 Disposition

6.81 Findings

The primary investigative authority for the investigation (i.e., Chief of Police or District authorized investigator) shall review the complaint and investigative findings once deemed complete. This authority will compile a report of findings and provide a disposition recommendation for each charge as follows:

1. **Sustained:** Evidence sufficient to prove allegations.
2. **Not sustained:** Insufficient evidence to either prove or disprove allegations.
3. **Exonerated:** Incident occurred but was lawful and within policy.
4. **Unfounded:** Allegation is false or not factual or the employee was not involved.

6.82 Chief of Police Review

All investigation findings and recommendations shall be forwarded to the Chief of Police for information, review, and comment. The Chief of Police or his/her designee shall review the investigative report and supporting documents and may accept the findings and recommendations or remand the case for additional investigation in all or in part.

6.83 Sustained Findings

If the complaint is sustained, and it is determined that formal administrative charges shall be brought, a formal document shall be prepared by the Chief of Police and sent to the Superintendent/President's Office or designee for further review. The Superintendent/President's Office or designee will decide on any proposed disciplinary action as a result of the investigation and issue such disciplinary action in accordance with the CCCUE agreement.

6.84 Appeals and Hearings

The employee may appeal the proposed charges as provided by the CCCUE agreement. Officers who desire an opportunity to be heard on these proposed charges may make a request for a hearing to the Superintendent/President's Office or his/her designee within the time period afforded by the CCCUE agreement.

6.85 Letter of Disposition

Following final disposition of the complaint, a letter shall be sent to the complainant from the Chief of Police or his/her designee explaining the final disposition.

6.86 Completion of Investigation

The department or district authorized investigative authority will conduct a thorough, factual, and impartial investigation, and will endeavor to complete that investigation in a timely manner reflective of the depth of the investigation required. In all cases, and in compliance with applicable law, administrative investigations shall be completed prior to one year from the date when the complaint was received.

6.9 Personnel Complaint Files

6.91 Storage and Documentation

Personnel complaints shall be kept in a secure location, accessible only by the Chief of Police and his/her designee. The Chief of Police or his/he designee shall maintain a Complaint log, outlining the date of complaint, employee(s) involved, and disposition of the complaint.

6.92 Retention

Personnel Complaints shall be kept by the Department for a minimum of 5 years after the date of the initial complaint. Complaint files may be retained longer than 5 years at the discretion of Human Resources or as a result of applicable criminal investigations which necessitate a longer retention period.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 7: Training

Revision Date: July, 2019

7.1 Purpose and Scope

Cuesta College Police Department (CCPD) provides a training program for all department personnel that meets the standards applicable under the California Commission on Peace Officer Standards and Training (POST), while facilitating professional growth and career development. This training program applies to all sworn and non-sworn, full-time personnel.

7.2 Objectives

The objectives of the CCPD training program are to (1) maintain required employment and training standards under applicable law and procedures, (2) to enhance the level of professionalism and technical competence for our personnel, and to (3) provide quality law enforcement and public safety services to our community, both at Cuesta College, and to the county of San Luis Obispo.

7.3 Training Manager

The Senior Officer is designated as the Department's Training Manager. Under the general direction of the Chief of Police or their designee, the Training Manager is responsible to review and recommend training as needed to assure that all personnel meet POST training requirements for their positions. The Chief of Police will review and approve all training requests, depending on budgetary and scheduling resources available.

7.3.1 Training Matrix

The Training Manager is responsible to maintain, review, and update the Department's "Training Matrix" for all sworn personnel. The Matrix will include all required POST training as well as ongoing skills development specific to the role of Campus Police Officer.

7.4 Field Training Program

The Department's Field Training Program shall follow current POST standards and guidelines. This includes the utilization of a POST approved Field Training Program Manual, and the completion of all required training documents during the Training Program.

7.4.1 Field Training Program Supervisor

The Police Sergeant, under the direction of the Chief of Police, is assigned as the Department's Field Training Program Supervisor (FTPS). The FTPS is responsible for assuring that all assigned Field Training Officers meet POST requirements to serve as a Training Officer, including coordination with the Training Manager for mandated re-certifications. The FTPS is also responsible for overseeing the department's POST approved Field Training Program Manual, including review and updates as needed to ensure compliance with current POST standards and guidelines.

7.5 Attendance at Training

All training is considered mandatory unless specifically notated by the Training Manager, Police Sergeant, or the Chief of Police. Attendance is required for all personnel assigned unless excused by the Chief of Police or his/her designee. The reasons for an excused training absence shall generally be limited to: court appearances, approved vacation requests, sick leave, physical limitations or injuries, or other emergency situations.

7.5.1 Training Attire

Employees attending training shall dress in a manner which professionally represents the department and the law enforcement profession. Department employees shall follow suggested dress codes for all training classes, when provided. Clothing with potentially offensive or profane logos and/or wording are prohibited at all department sponsored or approved training classes.

7.5.2 Travel Procedures

All travel to Department approved training, when that training is being fully or partially funded by the Department, shall be in accordance with District approved travel procedures.

7.6 Training Priorities

Training classes are assigned and/or approved for department personnel based on the following 3 priorities:

- (1) Required Training – Training that fulfills a POST mandate or a positional requirement, as set by the District or applicable law.
- (2) Recommended/Needed Training – Training that develops or furthers a necessary operational skill on behalf of the department or employee (ie: Department instructor) as determined by the Chief of Police or his/her designee.
- (3) Desirable Training – Training that enhances an employee's knowledge or skills, provides for career development, or adds to the overall abilities of the department.

7.6.1 Training Plan Development

The Chief of Police, Police Sergeant, and Training Manager shall meet once annually to discuss and develop training priorities and goals for the department

and department employees. This meeting will include a review of the CCPD Training Matrix and any recent State or Federal mandates that affect personnel training requirements. All department personnel will be invited to attend the meeting, and the training priorities developed from that meeting will be made available to all department personnel in written form.

7.6.2 Training Requests

All full-time department employees are encouraged to submit training requests through the chain of command for classes that fulfill one of the 3 priorities listed. Training requests will be evaluated by the Chief of Police with regards to the available budget and training cost, the location and duration of the class, the schedule availability, and other training and operational needs of the department.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 8: Awards and Recognition

Revision Date: July, 2019

8.1 Purpose

Special recognition may be in order whenever an employee performs his or her duties in an exemplary manner. This procedure provides general guidelines for the recognition of exceptional employee performance.

8.2 Process for Recognition

- Any employee of this department may recommend an employee for official recognition or commendation to the Sergeant. Formal awards will follow the guidelines set below.
- A written letter of positive performance, commendation, or formal award may only be given by the Sergeant and/or the Chief of Police regarding employee actions.
- The type and scope of recognition will be at the discretion of the Chief of Police

8.3 Types of Written Commendation

8.3.1 Letter of Positive Performance

This is to a department member who has performed an outstanding act or service that aids the department in carrying out its mission.

8.3.2 Supervisor Commendation

A commendable act by an employee of this department for superior handling of a difficult situation or outstanding work performance.

8.3.3 Chief's Commendation

Written by the Police Chief for the highest level of performance above and beyond the typical duties of the employee.

- Examples may include heroic acts or extreme use of good judgment in hazardous situations.
- Chief Commendations will be placed in the Personnel File of the employee.
- Chief commendations may also be issued to a private citizen or organization.
- The Police Chief may forward such commendations to the President's Office or Board of Trustees for further consideration.

8.4 Formal Recognition and Awards

Formal Recognition and/or awards may be given to employees in honor of individual acts that are above and beyond the call of duty, that exceed written commendations outlined above, or efforts that exemplify the mission of the Cuesta College Police Department.

8.4.1 Recognition Committee

Awards will be coordinated through a Recognition Committee appointed by the Police Chief on November 1st of each calendar year or as the situation requires. The committee will consist of the Police Chief, a sworn officer, and a non-sworn civilian staff member of the department. The Recognition Committee will meet when necessary to review all nominations for recognition and awards when they are received and recommend action to the Police Chief. All awards, pins, ribbons and medals are specified and provided by the Department.

8.5 Special Recognition Medals

8.5.1 Lifesaving Medal

This medal can be awarded to any employee for an act of heroism or exemplary performance in the saving of a human life. This medal can be awarded whether or not the attempt was successful.

- A nomination for this medal will be submitted to the Chief of Police who will meet with the Recognition Committee for consideration.

- If the award is given, the recipient will be recognized at the Annual Department Meeting.
- The recipient would receive a lifesaving medal that can be worn on Class A uniforms, a uniform ribbon to be worn on any uniform, and a certificate
- A copy of the certificate will be placed in the employee's personnel file.

8.5.2 *Medal of Valor*

The Medal of Valor is the Department's second highest award. This medal can be awarded to any employee who distinguishes themselves by conspicuous bravery or heroism while exposing themselves to extreme physical danger and imminent peril.

- Any member of the Department can nominate any employee for this award to the Chief of Police who will meet with the Recognition Committee
- The recipient would receive a medal of valor that can be worn on Class A uniforms, a uniform ribbon to be worn on any uniform, and a certificate.
- A copy of the certificate will be placed in the employee's personnel file.
- The Medal of Valor may be awarded posthumously.

8.5.3 *Medal of Honor*

The Medal of Honor is the Department's highest award. This medal will only be awarded to an employee who distinguishes themselves by conspicuous bravery or heroism while exposing themselves to extreme physical danger and imminent peril. A requirement to receive this medal is that the recipient must also be engaged in the pursuit or arrest of a suspect engaged in criminal activity.

- Any member of the Department can nominate any employee for this award to the Chief of Police who will meet with the Recognition Committee
- The recipient would receive a medal of honor that can be worn on Class A uniforms, a uniform ribbon to be worn on any uniform, a plaque, and a certificate.
- A copy of the certificate will be placed in the employee's personnel file.
- The Medal of Valor may be awarded posthumously.

8.6 Annual and Periodic Awards

8.6.1 Meritorious Service Award

Given periodically at the discretion of the Chief of Police for exceptional service to the community by any member of the Department. This award can be received for acts of heroism, exceptional police work or community involvement that was far above and beyond the call of duty.

- Any member of the Department can nominate any employee for this award to the Chief of Police
- The recipient would receive a meritorious service plaque, a uniform ribbon to be worn on any uniform, and a certificate.
- A copy of the certificate will be placed in the employee's personnel file.

8.6.2 Cuesta College Officer of the Year

Acknowledges those officers who, day in and day out, serve the public with excellence. These officers represent the Department in a positive, professional manner without expectation of personal reward. These officers have the respect of their peers and are committed to the Mission of the Department.

Officer of the Year will be selected in the following manner:

- On November 1st of every year, the Chief of Police will solicit nominations for this award and appoint a recognition committee.
- The format for nominations will be a memo or email to the Police Chief that will include the reasons and justification for the nomination.
- Any employee can nominate any sworn officer at this time.
- The Chief will compile the list of the nominees that will be reviewed by the Recognition Committee for final decision by the Chief of Police.
- The Officer of the Year will be recognized at the Annual Department Meeting and will receive a plaque, an Officer of the Year uniform ribbon., and a certificate.
- A copy of the certificate will be placed in the employee's personnel file.

8.6.3 *Public Safety Employee of the Year*

Acknowledges any full-time or part-time non-sworn police employee that has served the Department in an exceptional manner. The recipient is committed to the Mission of the Department and has demonstrated exemplary service in supporting the Department operations.

The Public Safety Employee of the Year will be selected in the following manner:

- On November 1st of every year, the Chief of Police will solicit nominations for this award and appoint a recognition committee.
- The format for nominations will be a memo or email to the Police Chief that will include the reasons and justification for the nomination.
- Any employee can nominate any non-sworn employee at this time.
- The Chief will compile the list of the nominees that will be reviewed by the Recognition Committee for final decision by the Chief of Police.
- The Employee of the Year will be recognized at the Annual Department Meeting and will receive a plaque, an Employee of the Year uniform ribbon, and a certificate
- A copy of the certificate will be placed in the employee's personnel file.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 09: Uniform and Equipment Specifications

Revision Date: August, 2019

9.1 Purpose and Scope

The purpose of this policy is to ensure that all Cuesta College Police Department personnel maintain a neat, clean, and professional appearance while at work, acting as representatives to the community on behalf of Cuesta College. As such, all public safety personnel, both uniformed officers and civilian personnel, will comply with these regulations.

9.2 Exceptions

9.2.1 General Exception

With the approval of the Chief of Police or his/her designee, employees may be exempt from wearing the proscribed uniform in order to perform certain or specific duties.

9.2.2 Medical Exemptions

When medical conditions exist that preclude the employee from wearing the uniform or equipment, the Chief of Police or his/her designee may approve an exemption to the proscribed uniform.

9.3 Care and Use of Uniforms and Equipment

9.3.1 Neatness

All Campus Police employees shall maintain a clean, neat, and serviceable uniform and all equipment necessary to perform their assigned duties.

9.3.2 Weapons

Public Safety personnel shall not carry a weapon or other item of public safety equipment on their uniform belt or person, while on duty, without approval from the Chief of Police. A single folding utility knife is exempted and may be carried.

9.3.3 District Owned Property

All District equipment issued to department employees will remain district owned property and will be the responsibility of the assigned personnel for the proper care of those items.

9.3.4 Prohibited Personal Use

Department employees using district equipment or property, including emergency and District vehicles, will not use, nor permit to be used for personal or private purposes, nor loan any such equipment, property, or vehicle without authorization from the Chief of Police.

9.3.5 Theft, Loss, or Damage

Department employees will report promptly in writing to the Chief of Police the theft, loss, or damage of any item of district-issued equipment which is assigned to their use and a District report of theft or loss will be submitted.

9.3.6 Employee Responsibility

In the event that theft, loss, or damage to District issued equipment results from employee neglect or carelessness, the employee may be required to reimburse the District for loss or damage to the equipment. Negligence or carelessness resulting in equipment loss or damage may be cause for disciplinary action against an employee.

9.3.7 Public Safety Badge and Identification

An employee will only use the official Department badge and identification issued to him/her. Department identification will not be loaned or given to any person.

9.3.8 Return Upon Termination

When employment with the District is terminated, the employee will promptly return all District property to the Chief of Police or his/her designee prior to receipt of final compensation.

9.4 Campus Police Officer Uniforms and Equipment

The following list of authorized equipment and uniform items shall be issued to all campus police officers. Personally owned equipment may be substituted and carried only with prior approval from the Chief of Police.

9.4.1 Officer equipment

- 1) Semi-Automatic Pistol, 40 caliber H&K, with three (3) magazines *or*
- 2) Semi-Automatic Pistol, 9mm S&W, with three (3) magazines
- 2) Uniform badge (flat badge may be purchased at employee expense)
- 3) Police I.D. card and silver metal nametag with black lettering
- 4) Approved (level 2 or greater) ballistic vest, 5-year lifespan
- 5) Bianchi nylon duty belt with accessories, (leather with C.O.P. approval)
- 6) Handcuffs, S&W or Peerless
- 7) ASP baton 26"
- 8) 36" Riot Control Baton
- 9) Pepper spray
- 10) Protective gas mask and filter
- 11) Tactical helmet and face shield
- 12) Rain jacket and pants
- 13) Department baseball cap
- 14) Patrol Duty Jacket (5.11). Black with 2 black and Gold uniform patches, fabric badge, fabric nametape with yellow lettering.
- 15) Extra rifle magazines may be issued to Officer upon request (if available)

9.4.2 *Officer uniforms*

Class “A” uniform shall consist of the following:

- 1) 5.11 PDU long sleeve, midnight navy blue shirt with two black and gold department patches
- 2) White, black, or navy blue under shirt
- 3) 5.11 PDU Pants w/o cargo pockets, midnight navy blue
- 4) Approved uniform belt and accessories, leather or nylon
- 5) Department approved and/or issued duty weapon
- 6) Uniform badge and silver metal name tag with black lettering
- 7) Black tie and silver tie bar
- 8) Approved police style dress shoes or Uniform boots, black with black socks
- 9) **Optional (Stratton) navy blue, straw campaign hat w/ dept. approved cap piece
- 10) **Optional (Flying Cross) “Ike” dress jacket, navy blue, with 2 black/gold department patches. Rank and service stripes, gold to match department patch.

Class “B” uniform shall consist of the following:

- 1) 5.11 PDU shirt, (short or long sleeve) midnight navy blue, poly-cotton blend, with 2 black/gold department patches
- 2) 5.11 PDU pants, midnight navy w/ cargo pockets (long sleeve or short sleeve, navy blue, with 2/ black and gold department patches
- 3) White, black, or navy blue under shirt
- 4) During cold weather, a black mock turtleneck may be worn as an under shirt
- 5) Uniform badge and silver metal name tag with black lettering
- 6) Black uniform boots and black socks
- 7) Uniform belt and all required duty equipment
- 8) Department issued baseball cap may be worn

Class “C uniform

The class C uniform may be worn during summer operations, intersession breaks, during pre-approved bicycle patrol duties, special event operations, and with approval from the Chief of Police. The class C uniform consists of the following:

- 1) BDU Shorts, black or navy blue or
- 2) BDU Pants, black or navy blue
- 3) Polo Shirt, Department approved
- 4) White, black, or dark blue under shirt
- 5) Uniform belt, with required duty equipment (leather or nylon)
- 6) Black tennis type shoes and black socks
- 7) Department issued baseball cap may be worn
- 8) (Bicycle Duty Only) white or black Bicycle Helmet with “Police” lettering
- 9) (Bicycle Duty Only) Polo Shirt, Olympic, Forest Green over black
- 10) (Bicycle Duty Only) Jacket, Olympic, Forest Green over black
- 11) (Bicycle Duty Only) Black gloves – recommended safety item
- 12) (Bicycle Duty Only) Clear or tinted protective eyewear

9.4.3 Ballistic Vests

Department approved ballistic vests shall be worn by sworn officers on duty working a patrol shift. Exemptions to vest wear may be granted for plainclothes assignments or special details as specified by the Chief of Police. The department will issue a level 2 or greater ballistic vest to all sworn officers upon employment and will purchase a new vest once every 5 years, per the manufacturer’s recommended lifespan.

- External Carrier Option: The department issued vest will have an internal carrier for concealed wear. Officers can choose to purchase an external carrier for the department issued ballistic panels, at their own expense. The department approved external vest carriers are the 5.11 PDU, Class B carrier in midnight navy and the Safariland V1 in navy blue. All expenses related to the external

carrier shall be at the employee's expense, including upkeep and replacement as needed to ensure the uniforms are kept neat and in a serviceable condition.

9.5 Public Safety Officer Uniforms and Equipment

The following list of equipment and uniform items shall be issued to all campus Public Safety Officers. Personally owned equipment may be substituted and carried only with prior approval from the Chief of Police.

9.5.1 P.S.O. Equipment

- 1) Uniform belt and required accessories (nylon or leather)
- 2) Dress belt, 2"
- 3) Uniform badge
- 4) I.D. card and silver metal nametag with black lettering
- 5) Approved Class A and Class B Uniform shirts (described below)

9.5.2 P.S.O. Uniforms

Class "A" P.S.O. uniforms shall consist of the following:

- 1) Long sleeve light blue poly-cotton blend shirt (Flying Cross or equivalent) with two blue and gold department patches
- 2) White, black, or navy blue under shirt
- 3) Pants, BDU, black or navy blue
- 4) Uniform belt and required duty equipment
- 5) Uniform badge and silver metal name tag with black lettering
- 6) Black tie and silver tie bar
- 7) Black uniform boots and black socks

Class “B” P.S.O. uniforms shall consist of the following:

- 1) BDU pants, black or navy blue
- 2) Shirt, light blue long sleeve or short sleeve shirt (Flying Cross or equivalent) poly-cotton blend with blue and gold department patches.
- 3) White, black, or dark blue under shirt
- 4) Uniform badge and silver metal name tag with black lettering
- 5) Uniform boots, black
- 6) Approved Uniform belt and all required duty equipment
- 7) Department baseball cap may be worn

Class “C” uniform

A class C uniform may be worn during summer operations, intersessions, and with approval from the Chief of Police. The class C uniform consists of the following:

- 1) BDU Shorts or BDU pants, black or navy blue
- 2) Department approved polo shirt
- 3) White, black, or dark blue under shirt
- 4) Uniform belt and required duty equipment
- 5) Black tennis shoes and black socks
- 6) Department baseball cap may be worn

9.5.3 Ballistic Vest Option

Public Safety Officers are authorized to wear a ballistic vest while on duty. These vests must be approved by the Chief of Police prior to uniform wear. The vest must be worn internally under the uniform. All expenses related to this vest are the responsibility of the Public Safety Officer.

9.6 Authorized Uniform Insignia

The following insignia are authorized for official wear:

9.6.1 *Nametag*

- 1) A nametag listing the employee's first initial and last name shall be worn while on duty and in uniform.
- 2) For Class A or B, the nametag will be metal, brushed silver in color, with black lettering.
- 3) For Class C or modified uniforms, a fabric nametag can be sewn onto the uniform shirt. Yellow lettering over black fabric for uniform jackets. White lettering over black fabric for Polo shirts or bicycle patrol shirts.
- 4) No insignia may be worn on any department uniform without approval from the Chief of Police

9.6.2 *United States Flag*

- 1) A single United States Flag emblem may be worn on all uniform types.
- 2) The department will issue a flag in a "uniform ribbon" design, which, if worn, shall be above the nametag on the right chest. Other flag emblems must be preapproved by the Chief of Police prior to uniform wear.

9.6.3 *Range Qualification Medals*

- 1) Sworn Officers may wear a single range qualification medal for which they have earned, based on the Department Rangemaster's approval. In the event an Officer has qualified for multiple categories, the highest medal will be displayed.
- 2) The qualifications medal categories are listed as: Marksman, Sharpshooter, Expert, and Master.
- 3) The design of the approved qualification medals will be the determination of the Chief of Police. Qualification medals can be worn on Class A or B.

9.6.4 FTO Pin

- 1) Officers who carry current certifications as Field Training Officers, and who are selected by the department as an FTO, may display a single FTO pin on the right chest pocket area.
- 2) FTO Pins may be worn on class A or B.
- 3) While in an active training cycle with a trainee, the FTO pin shall be worn.

9.6.5 Department Award Insignias

Department personnel may wear approved award insignias on all uniform types, on the right chest area above or below the nametag. Personnel without uniforms can wear the award insignia on a department polo shirt in this same general location. These insignias may be worn at the employee's discretion.

9.6.6 Service Stripes

Gold colored service stripes, if worn, shall be on lower left sleeve, commensurate with an Officer's years of service. 1 stripe shall be applied for every 4 years of sworn law enforcement service. This may be worn on Class A shirts. For Class A "Ike" jackets, gold stars shall be applied in place of stripes.

9.6.7 Special Insignias and Patches

Variations of department insignias, badges, and patches may be approved for special occasions, such as the pink patch and pink uniform accessories for breast cancer awareness month in October, and banded badges to honor fallen officers. All special insignias shall be approved by the Chief of Police prior to uniform wear.

9.7 Plainclothes Officer Uniform and Equipment

Plainclothes Officers on duty will wear uniforms and carry equipment as specified by the Chief of Police.

9.8 Dispatcher and Civilian Attire

Public Safety Dispatchers and civilian support personnel do not have specified uniform attire. Appropriate “business casual” attire is appropriate for these positions during normal business hours, Monday through Thursday. Casual attire is allowed for Fridays and during summer or intersession operations. Dispatchers and civilian personnel are authorized to wear a Department polo shirt for their duty shifts, or for official events, as approved by the Chief of Police.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter: 10, Body Armor

Revision Date: May, 2019

10.1 Purpose and Scope

Cuesta College Police Department believes that the use of properly worn safety equipment can reduce the potential for serious injury to employees. Due to the risk associated with law enforcement work, Cuesta College Police provides soft body armor for all sworn officers in an effort to improve safety and reduce risk during the course of their duties.

10.2 Use of Body Armor

Department purchased and owned soft body armor vests (level II or greater) are issued to all sworn personnel upon assignment as a sworn campus police officer. Cuesta College Police requires that all sworn officers wear their issued body armor during the course of normal patrol duties. The exception to this requirement is during plain clothes assignments with the approval of the Chief of Police or his/her designee. The body armor worn must be department issued or approved by the Chief of Police.

10.3 High Risk Armor

The Department maintains additional high-risk armor (level III or greater) issued to each officer for use during specific high-risk circumstances, such as an armed intruder on district property. Sworn Officers are encouraged to keep this armor in their assigned patrol vehicles or otherwise ready and accessible for quick use if needed.

10.4 Care of Body Armor

The Department requires that Officers keep their issued armor, both soft and high-risk, in a clean and serviceable condition. Any damage to or malfunction of department issued body armor equipment shall be reported to that Officer's supervisor immediately for repair or replacement as needed.

10.5 Replacement of Body Armor

Absent mitigating circumstances, the Department will replace soft body armor issued to sworn officers after 5 years of wear to maximize the usability of those vests.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 11: Firearms

Revision Date: August, 2019

11.1 Purpose and Scope

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

11.2 Authorized Firearms

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range. The following weapons are approved for use by officers of this department:

11.2.1 Duty Firearms

The authorized departmental issued handgun is the Heckler and Koch .40 caliber semi-automatic pistol or a Smith and Wesson, 9mm Shield. Officers desiring to carry a duty weapon for uniform use other than the department issue weapon are subject to the following restrictions:

- (a) The firearm will be a 9mm or .40 caliber semi-automatic, double action pistol from a reputable manufacturer (i.e., Colt, Smith & Wesson, Browning, Glock, Ruger, etc.)

- (b) The firearm, holster, repair and maintenance will be furnished at the officer's own expense.
- (c) Only department issued/approved ammunition will be authorized.
- (d) The firearm must be inspected and approved by the Rangemaster prior to use.
- (e) The firearm must be approved by the Chief of Police upon recommendation of the Rangemaster.
- (f) Officers working non-uniform duties are subject to the above restrictions unless the Chief of Police authorizes other weapons due to the nature of the assignment or duty.

11.2.2 Authorized Secondary/Backup Firearm

Officers desiring to carry a secondary firearm are subject to the following restrictions:

- (a) The firearm shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.) and is at least a .380 caliber and no more than a .45 caliber.
- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm and ammunition shall be the responsibility of the officer
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (e) The firearm shall be subject to inspection whenever deemed necessary.
- (f) Ammunition shall be the same as Department issue. If the caliber of the weapon is other than Department issue, the Chief of Police shall approve the ammunition and the officer will purchase at his/her own expense.
- (g) Personnel shall qualify with the secondary firearm under range supervision. Officers must demonstrate their proficiency, safe handling and serviceability of the firearm.
- (h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a secondary firearm to the Rangemaster

11.2.3 Authorized Off Duty Weapons

The carrying of firearms by sworn officers while off duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave).

Sworn officers who choose to carry a firearm while off duty will be required to meet the following guidelines:

- (a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.) and be at least .380 caliber and no more than a .45 caliber.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the officer
- (c) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being carried off-duty. The Rangemaster shall assure that the officer is proficient in handling and firing that weapon and it will be carried in a safe manner.
- (e) The firearm shall be subject to inspection whenever deemed necessary.
- (f) The officer will successfully qualify with the firearm prior to it being carried and thereafter once every year. The range qualification dates will be specified by the Rangemaster.
- (g) A complete description of the firearm(s) shall be contained on the qualification record approved by the Rangemaster.
- (h) If any member desires to own more than one firearm utilized while off duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.
- (i) Ammunition shall be approved by the Police Chief based upon recommendation of the Rangemaster.
- (j) Officers are required to carry their department ID whenever they are armed.

11.2.4 Ammunition

Officers shall carry only department-authorized ammunition.

11.2.5 Alcohol and Drugs

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

11.2.6 Rifles and Shotguns

- (a) The department issue duty shotgun is the Remington model 870, 12 gauge.
- (b) The department issue less lethal designated shotgun is also the Remington model 870, 12 gauge with an orange colored stock to easily distinguish it from the duty shotgun.
- (c) The department issue rifle is the Colt .223 carbine.
- (d) The Chief of Police may authorize the issue and carrying of other rifles and shotguns.

11.2.7 Duty Shotgun, Patrol-Ready

When the duty shotgun is in a police vehicle, it will be locked in the vehicle rack in a "Patrol Ready" condition as outlined below:

- (a) Empty chamber, slide is uncocked, and safety is on
- (b) (6) slug shells loaded in the magazine tube
- (c) Sidesaddle is loaded with (6) slug shells with the bases (primer end) down.

11.2.8 .223 Rifle, Patrol Ready

When the duty .223 rifle is in a police vehicle, it will be secured in a "Patrol Ready" condition as outlined below:

- (a) Empty chamber, slide cocked, and safety is on
- (b) Loaded magazine inserted (20 or 30 round)
- (c) Spare magazine (20 or 30 round) in a side pouch or in the vehicle glove box

11.2.9 Less-Lethal Shotgun, Patrol Ready

When the less lethal shotgun is in a police vehicle, it will be locked in the vehicle in a "Patrol Ready" condition as outlined below:

- (a) Less Lethal shotguns shall be specially marked with an orange stock and slide.
- (b) Locked in the patrol vehicle trunk or rear compartment in a designated and secured rack.
- (c) Unloaded, action closed and uncocked, with the safety on.
- (d) Department approved less lethal shells will be stored in the shotgun's sidesaddle in plain view.

11.3 Safe Handling of Firearms

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

11.3.1 Safety Considerations

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
- (c) Any member who discharges his or her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their supervisor prior to the end of shift . If off-duty, as directed by the supervisor.
- (d) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels or traps are present.

(e) Shotguns or rifles removed from vehicles or the armory shall be loaded and unloaded in the parking lot by the method outlined by the Rangemaster.

(f) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked.

11.3.3 Storage of Firearms at Home

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes in a manner that will keep them inaccessible to children and irresponsible adults. Officers shall ensure that no department owned/issued firearm is handled or used other than by the Officer or another authorized employee of the department.

11.4 Firearms Qualifications

All sworn personnel are required to qualify at least twice annually during an official department range training as directed by the Police Chief with all firearms utilized on duty. Sworn personnel shall also qualify at least once annually with any off-duty and/or secondary firearms, and that shall be on an approved range course under the direction of the Rangemaster.

11.4.1 Qualification Records

The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Training Manager. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with periodic practical training designed to simulate field situations.

11.4.2 Non-Qualification

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

11.4.3 Remedial Range Training

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained
- (c) No range credit will be given for the following
 - 1. Unauthorized range make-up
 - 2. Failure to qualify after remedial training

11.5 Rangemaster

The Department Rangemaster will be selected at the discretion of the Chief of Police. That person will be sent through POST certified Rangemaster training by the department prior to giving any official training as the Rangemaster.

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will keep those records in approved training records after each range date. Failure of any officer to sign in with the Rangemaster may result in non-qualification.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately-owned firearm unfit for service.

The officer will be responsible for all repairs to his or her personal firearm and it will not be returned to service until inspected by the Rangemaster.

11.6 Maintenance and Repair

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer with the approval of the Chief of Police, that officer will be responsible for the furnishing, maintenance and repair of such a weapon.

11.6.1 Repair or modifications to duty weapons

The Rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Chief of Police and accomplished by a department approved gunsmith.

Any repairs or modifications to the officer's personally owned firearm shall be done at his or her expense and must be approved by the Chief of Police if that firearm is to be used in an official capacity as an Officer of the Department.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 12: Department Vehicle Use

Revision Date: June 2019

12.1 Purpose and Scope

The purpose of this policy is to establish procedures for all employees of the Department of Public Safety regarding use of department owned vehicles and/or the use of district owned vehicles for official business. This policy shall not apply to an employee's off-duty use of their personally owned vehicle, nor shall it apply to an employee of the District who is not staff of the Department of Public Safety.

All use of Department owned vehicles shall be for official and sanctioned district business, and within the guidelines and authorization outlined below. Department employees shall, at all times, carefully obey traffic laws and use due regard for the safety of others while operating a District or Department owned vehicle.

12.2 Authorization

No employee shall use a department owned vehicle which is not assigned to him or her without first having so informed and obtained authorization from the on-duty supervisor. Marked police vehicles may only be used by sworn campus police officers, absent specific authorization from the on-duty supervisor. Public Safety Officers or other Public Safety staff may only use a marked police vehicle for the purposes of facilitating maintenance and/or cleaning of the vehicles with approval of a supervisor. Public Safety Officers and professional staff may utilize unmarked department vehicles with authorization from the supervisor.

12.3 General Vehicle Use

12.3.1 Inspection

Prior to using a Department vehicle, authorized employees shall inspect the vehicle for visible damage, noticeable maintenance issues (such as low tire pressure, service lights, or malfunctions), and necessary equipment. Employees shall also check for any property left in the vehicle by prior occupants, or department users, and return it to the proper owner or log it as found property if the owner is unknown. Any damage, maintenance issue, or equipment deficiency noted during the inspection shall be reported to a supervisor immediately, and the supervisor shall decide whether the vehicle is safe and ready to use during the associated shift.

12.3.2 Vehicle Service

Employees using Department or District vehicles are responsible for maintaining the vehicle in a clean (absent inclement weather conditions) and serviceable condition, and refueling it if necessary, prior to the end of their shift. At no time, absent an emergency or direct authorization from the Chief of Police or his/her designee, may a marked police vehicle be left at the end of a shift with less than $\frac{3}{4}$ a tank of fuel. Department employees shall not complete any other service or maintenance on a Department owned vehicle without direct authorization from the Chief of Police or his/her designee.

12.3.3 Securing Vehicles

Employees shall, upon exiting their assigned vehicles, and absent emergent circumstances, remove the keys and lock the doors of the vehicle. All department owned property assigned to the vehicle, or checked out by an employee, shall be kept secure when not in use.

- **Weapons:** All Campus Police Officers shall assure that any weapon(s) in the vehicle, whether department or personally owned, are locked and secure against theft at all times. At the end of each shift, weapons and ammunition, other than what is approved by the Chief of Police, shall be removed from the vehicle and secured in the approved department storage location/armory.

12.3.4 Push Bumpers

The push bumpers on marked patrol vehicles shall only be used by sworn campus police officers to move another vehicle when other methods for moving the vehicle are unavailable, and the vehicle represents an immediate safety or traffic hazard. Push bumpers shall not be used to attempt a push-start of another vehicle, nor for a prolonged distance, such as pushing to a gas station. Before attempting to push another vehicle, the officer should weigh the decision to use push bumpers based on the safety or traffic hazard versus the possibility of damage to the other vehicle from non-aligned bumpers, and/or the condition of the other vehicle.

12.4 Code 3 Emergency Response

12.4.1 Emergency Vehicle Operation

1. Authorized department-owned emergency vehicles include specially marked police vehicles, and designated and approved unmarked vehicles, utilized by campus police officers in the performance of their duty. These vehicles must be minimally equipped with a steady red light to the front, a siren, and be operated by a sworn member of the Cuesta College Police Department.
2. Section 21055 of the California Vehicle Code provides exceptions to certain provisions of the Vehicle Code to authorized emergency vehicles when the vehicle is being operated under one or more of the following circumstances:
 - a. If the vehicle is being driven in response to an emergency call or while engaged in rescue operations.
 - b. When in immediate pursuit of an actual or suspected law violator.
 - c. When responding to but not returning from a fire alarm.
 - d. If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

3. District Police vehicles should be operated Code-3 (defined as with emergency lights on and siren as necessary) only when designated to do so by the on-duty Dispatcher or Supervisor, or when the Officer has reasonable knowledge that a life may be in danger or when engaged in a lawful pursuit.

12.4.2 Officer Responsibilities

1. An officer's decision to initiate a Code-3 response must be based on reasonable information that the situation requires an immediate police response and is lawful under the exemptions listed in 21055 CVC.
2. In all cases, Officers shall notify Dispatch of the intent to initiate a Code 3 response, including their response location and reason for the Code 3 response.
3. In most situations, only one Officer (designated as the primary unit) shall respond Code-3 unless a multiple unit response is specifically designated by the on-duty Dispatcher or Supervisor. The primary unit will acknowledge their assignment to the Dispatcher.
4. Officers other than the primary unit, who are also responding to the same incident may, with discretion, briefly use their emergency lighting to request the right of way from slower, congested, or cross traffic at intersections or other areas where the officer's response would be otherwise delayed.
5. All officers shall be familiar with and observe that part of section 21056 CVC which states: "Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section."

12.4.3 Supervisor Responsibilities

1. The on-duty supervisor shall assure that responding Campus Police Officers are responding with due regard for the law and the safety and regard for pedestrians and nearby motorists.
2. The supervisor may, at their discretion, upgrade a response to Code 3, or cancel a Code-3 response based on the totality of the situation and the safety of those persons and officers involved.

12.4.4 Dispatcher Responsibilities

1. Dispatch shall assign a primary unit to any call for service. If the situation warrants an emergency response, the on-duty Dispatcher may suggest a Code-3 Response at the discretion of the responding Officer and/or Supervisor.
2. The Dispatcher shall log any Code-3 response on the Computer Aided Dispatch system, including the assigned primary unit, location of the response, reason for the response, and any associated units or officers that are also responding.

12.5 Collisions involving Department Vehicles

12.5.1 Investigation

1. All traffic collisions involving department owned vehicles that result in significant damage or injury shall be investigated by the California Highway Patrol to maintain impartiality to all parties involved in the collision. Collisions resulting in minor damage and no injuries may be investigated by the on-duty supervisor.
2. All traffic collisions involving department owned vehicles shall be immediately reported to the Chief of Police and/or their designee, regardless of the presence of injuries or the amount of damage.

12.5.2 Employee Responsibilities

1. Department employees are responsible for providing appropriate information to the other party or parties involved at the scene of a collision involving a department or district vehicle. The information can be found in the provided packet inside all district vehicles, but should minimally include: Driver's name, District address, district telephone number, make, model, and license plate number of the involved district vehicle, and insurance policy information.
2. Department employees should obtain information for the other driver involved equal to what is listed above, if possible.
3. When practical and safe, department employees shall immediately report the traffic collision to the on-duty supervisor.

12.5.3 Reports

1. All traffic collisions involving department owned vehicles shall be investigated using the guidelines listed in the California Highway Patrol, Collision Investigation Manual, and documented on approved State of California Collision Investigation forms.
2. All traffic collision reports involving department owned vehicles shall be reviewed by the Chief of Police or his/her designee.
3. The Chief of Police or his/her designee, having reviewed the collision report and available information/evidence, shall make a determination whether the collision was:
 - a. Preventable
 - b. Not Preventable
 - c. Unable to Determine

Based on this finding, the Chief of Police or his/her designee may recommend additional training or make the appropriate disciplinary recommendation with regard to the current agreement with CCCUE.

12.6 Passengers in Department Vehicles

12.6.1 Unauthorized Passengers

Employees operating any district vehicle shall not permit persons other than authorized members of the Department or the District to ride in such vehicles, except such persons required to be conveyed in the performance of duty or as authorized by a supervisor.

12.6.2 Off-Duty Personnel

Off duty members of this department shall not ride in a department vehicle without specific authorization from the on-duty supervisor, and only for means of conveyance to a department or district sanctioned activity.

12.6.3 Ride Along Program

The Department of Public Safety has established and encourages a Ride-Along program to educate and connect with members of the public. All persons participating in the program shall receive prior approval from the Chief of Police and have signed a district approved waiver on file.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 13: Body Worn Cameras

Revision Date: August 2019

13.1 Purpose

The Cuesta College Police Department has equipped its officers with body-worn audio/video cameras (BWCs). The deployment of BWCs is designed to assist and complement officers in the performance of their duties and may serve as an important evidence gathering tool. Officers shall utilize this device in accordance with the provisions in this policy to maximize the effective capture of factual audio/video documentation and to ensure evidence integrity.

The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of BWCs does not reduce the requirement to provide thorough written documentation of an incident. The department also recognizes that in some rapidly developing situations, the activation of BWC technology may be impractical due to officer safety considerations.

The purpose of this policy is to provide officers with guidelines for the use of the BWCs. This policy is not intended to describe every possible situation where a BWC may be used. There may be other situations not described specifically in this policy where use of the body-worn camera is highly recommended.

13.2 Policy

The policy of the Cuesta College Police Department is that sworn Officers at the rank of Senior Officer and below shall check out and use department approved body-worn

cameras during their shift. The Police Chief and Police Sergeant may use BWCs if one is available and their duties are consistent with that of an officer on a patrol shift.

All Officers shall use BWCs in accordance with the designated procedure below:

13.3 Procedure for Use

13.31 Pre-Shift Check of BWC

Prior to going into service, each officer will check body-worn camera equipment in accordance with manufacturer specifications and Departmental training at the start of each shift. Testing includes:

- a) Verifying that the camera/recording device is functional.
- b) Verifying the device has an adequate power source.
- c) Ensuring the device is properly placed/affixed to the uniform to allow an unobstructed view forward while in operation.
- d) Reporting any non-functioning device to the immediate supervisor and removing it from service.

13.32 Activation of BWC

This policy is not intended to describe every possible situation in which the body-worn camera system may be used. In addition to the listed required activations, an officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. The audio portion, however, can be valuable evidence and is subject to the same activation requirements. The activation of the body-worn camera system is required in any of the following encounters where there is a reasonable suspicion that the person is involved in criminal activity, a violation of the

law, or presents a potential danger to themselves or others. This includes, but is not limited to:

- Dispatched calls
- Self-initiated activities
- Traffic stops
- Pedestrian checks
- Other investigative or enforcement encounters
- Vehicle pursuits
- Arrests
- Physical or verbal confrontations
- Use of force
- Any contact that becomes adversarial after the initial contact
- Domestic Violence calls
- DUI investigations including field sobriety tests

13.33 Cessation of Recording

Once the BWC is turned on, and under most circumstances, the entire incident should be recorded. An officer shall have the discretion, however, to terminate the recording when none of the above criteria for activations listed above are present (or are no longer present), when a specified crime victim has requested confidentiality, or if an officer enters an area where BWC recordings are prohibited.

Officers turning on a BWC have no obligation to stop recording in response to a citizen's request if the recording is pursuant to a lawful investigation, arrest, search, or the circumstances clearly dictate that continued recording is necessary. Officers should continually evaluate the situation to determine the appropriateness of BWC use.

Absent other circumstances, deactivation of the BWC shall occur when:

- The event has concluded.
- The victim, witness, or suspect contact has concluded.
- All persons stopped have been released.
- An arrestee has been placed into a vehicle to be transported and there is no longer a need for audio or video recording.
- During a psychological evaluation by a licensed clinician
- During a medical evaluation by a licensed physician or medical professional

13.34 Prohibited Use of BWC

Officers are prohibited from using BWCs and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Officers are prohibited from using personally owned BWCs or other recording devices while on-duty without the express consent of the Chief of Police. If authorized to carry a personal recording device, the officer shall comply with provisions of this policy, including retention and release requirements.

In addition, officers shall not use BWCs to record:

- Communications with other police personnel
- Meetings with undercover officers or informants.
- Any time an officer is on break or is otherwise engaged in personal activities
- Any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room.

13.35 Uploading and Storage of BWCs

At the end of each shift, Officers shall ensure that their BWC is properly plugged into the Department approved charging/download station so that any current recordings can be transferred to the server and the BWC is charged and ready for the next use. BWCs shall not be taken home or stored other than in the department approved docking station, without the approval of the Chief of Police or his/her designee.

All BWC recorded footage shall be uploaded in accordance with manufacturer specifications and Departmental training. Recorded incidents will be stored on the Department approved location, including but not limited to:

- Departmental server
- Physical storage media such as CD's, DVD's, or other digital storage device

All BWC recordings containing an incident associated to a Department case number shall be logged as evidence in the department report writing database.

An Officer who wishes to save a BWC recording beyond the standard retention period shall notify his/her immediate supervisor of the reason and specify the new retention period needed. The Department BWC system administrator is the only person authorized to modify the retention period for BWC recordings, and no modifications shall be completed without the approval of the Chief of Police or his/her designee.

13.4 Retention of BWC Recordings

All BWC recordings shall be retained by the department for a minimum of 90 days. Recordings shall be retained in an unedited format without exception.

Non-evidentiary: BWC recordings that do not meet the criteria listed below, do not have clear evidentiary value, and have not been saved by an Officer through the established departmental process, may be deleted from the system after 90 days.

Evidentiary: BWC recordings that have evidentiary value shall be retained for a minimum of two years. Recordings which establish evidentiary value that must be retained in this manner may include, but are not limited to:

- The recording is of an incident involving the use of force by an officer or an officer-involved shooting
- The recording is of an incident that leads to the detention or arrest of an individual
- The recording is relevant to a formal or informal complaint against a law enforcement officer or a law enforcement agency
- The recording is of an incident/investigation into the commission of a felony crime
- The recording is related to a vehicular pursuit or any act of fleeing or failure to obey an Officer

13.5 Review and Release of BWC Recordings

Body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Cuesta College Police Department. The use of all information recorded by body-worn cameras shall only be pursuant to the prior written approval of the Chief of Police. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by policy and law.

To prevent damage or alteration of the original recorded media; it shall not be copied, viewed or otherwise inserted into any device not approved by the Chief of Police or his/her designee.

Recordings may be reviewed in any of the following situations:

- For use by the Officer when preparing reports, statements, or for court testimony
- By a supervisor, for review of tactics, training, and officer conduct
- By the administrator, to assess proper functioning of the BWC system
- By an investigator who is participating in an official investigation
- By an officer who is shown on or referenced in the video or audio data
- For training purposes, with the involved Officer(s) consent
- By court personnel through proper discovery process or with permission of the Chief of Police or his/her authorized designee
- When exigent circumstances occur, with approval from a Department supervisor

Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited. All data, images, video, and metadata captured by body-worn cameras are subject to, and will only be released per state public disclosure laws, Sections 6250-6270 (commonly referred to as Freedom of Information Acts), Cuesta College policies, and compliance with amendments to state law under AB 748 with the authorization of the Chief of Police.

13.6 Training and Supervisory Responsibilities

Users of the body-worn camera system and supervisors shall be trained on the proper use of the system and shall become familiar with this policy prior to deployment of the recording devices.

The System Administrator shall ensure that the recording units are in working order and the officer using the system is properly trained. The System Administrator will monitor and verify that each officer is properly using the units as required by Departmental policy and training. The system administrator shall ensure that videos are retained and purged from the system in accordance with this policy and applicable Federal and State law.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter: 14: Patrol Procedures

Revision Date: November, 2019

14.1 Purpose and Scope

The purpose of this policy is to define the functions and guidelines of patrol services for the personnel of the Cuesta College Police Department, ensuring department and community understanding of the unique nature for patrol at a college campus police department.

14.2 Patrol Function

14.21 Patrol Defined

Campus Police Officers and Public Service Officers provide patrol services to District properties as designated by the assigned duty schedule and on-duty supervisor. Sworn patrol services consist of uniformed Campus Police Officers responding to calls for service, acting to deter crime through a highly visual presence and proactive contacts, enforcement of state, federal, and local laws, and emergency response. Non-sworn patrol consists of uniformed Public Safety Officers walking a foot patrol of the interior campus area, deterring crime through visual presence and reporting suspicious activities or crimes and emergencies in progress. Public Safety Officers are limited to verbal enforcement of campus ordinances as determined by the supervisor.

14.22 Patrol Method

Campus Police Officers may patrol their assigned campus areas in a marked police vehicle, on foot, by cart, or on a bicycle, depending on the specific needs of the campus, assigned tasks, Officer discretion, and the conditions of the campus at that time.

Conditions affecting patrol could include traffic density, presence of large groups or special events, or weather affecting an officer's ability to conduct patrol via one of these methods. Department supervisors will ensure Officers are conducting patrol duties effectively and efficiently to fulfill the department's mission. Public Safety Officers shall patrol on foot or by cart at the determination of the supervisor.

14.23 Patrol Jurisdiction

Campus Police Officers should generally remain and patrol on their assigned campuses for the entirety of their shifts, to provide immediate emergency and call for service response for the District. This area includes the perimeter roadways, the highway adjacent to the SLO campus entrance, and the '75 acres' property adjacent to the SLO campus. Officers shall refrain from patrol duties outside this area unless on a special assignment with another agency, or when there is reasonable danger to life or property without that Officer's immediate intervention.

Campus Police Officers may leave their assigned campus while on duty, with permission of a supervisor, for reasons that include but may not be limited to: mutual aid to another agency, official money transports for the District, transportation of a person to a jail, hospital, or other facility as part of a sanctioned call for service, and other tasks as directed by the supervisor. Officers should avoid leaving campus and/or rescheduling other tasks when that Officer is the only one on campus at that time. Public Safety Officers shall only leave their assigned campus while on duty at the direction of a supervisor.

14.3 Racial or Identity Profiling

Cuesta College is an inclusive institution that serves a diverse population of students, staff and visitors. The Cuesta College Police Department is reflective of the institution and community we serve and does not tolerate racial or identity profiling by any member of the department.

14.31 Racial or Identity Profiling Defined

“Racial or identity profiling,” for purposes of this section, is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

14.32 Required Training

In compliance with California Penal Code 13519.4, all sworn peace officers of the Cuesta College Police Department will receive State of California POST approved training that stresses understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment. Sworn Officers shall receive the initial training as required and a refresher course at least once every 5 years or more frequent if deemed necessary.

14.4 Bicycle Patrol

The Cuesta College Police Department has established the use of patrol bicycles for the purpose of enhancing patrol efforts on the campuses and during special events. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

14.41 Patrol Bicycle Use

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking enforcement, or special events. The use of the patrol bicycle will emphasize mobility and visibility to the community. Bicycles may be deployed to any area of the campus according to department needs and as staffing levels allows. Officers should only utilize patrol bicycles upon notification to the on-duty supervisor.

14.42 Required Training

Officers utilizing patrol bicycles must complete an initial Department approved bicycle training course. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

14.43 Uniforms and Equipment

Officers shall wear the departmentally approved bicycle uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet, riding gloves, protective eyewear and approved footwear. Bicycle uniform specifications are outlined in Chapter 9: Uniform and Equipment Specifications. Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment. Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

Police bicycles are equipped with front and rear reflectors and front lights and a siren/horn satisfying the requirements of Vehicle Code 2800.1(b). They are also equipped with a rear rack and a saddle bag to carry necessary equipment. The emergency lighting on each bicycle will include a steady red flashing blue warning lights that are visible from the front and rear of the bicycle. (Vehicle Code § 21201.3)

14.44 Care and Use of Police Bicycles

Officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and

maintenance of their assigned equipment (*such as tire pressure, chain lubrication, and overall cleaning*). At the end of a bicycle assignment, the bicycle shall be returned to the department approved bicycle storage area clean and ready for the use. Bicycles should be properly secured when not in the officer's immediate presence.

14.45 Officer Responsibility

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. Officers are exempt from the rules of the road under the following conditions (Vehicle Code 21200(b)(1):

- In response to an emergency call.
- While engaged in rescue operations.
- In the immediate pursuit of an actual or suspected violator of the law.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 15: Alarm Response

Revision Date: November, 2019

15.1 Purpose and Scope

Alarms on the District campuses carry a significant potential of risk for both the responding officer and the public in the affected area(s). This policy provides guidance and procedure to responding Officers, Dispatchers, and other Department personnel to provide for the safety of responding personnel and members of the community affected by these alarms.

15.2 Fire Alarms

Fire Alarms are a priority call for service for all department personnel and shall be considered an emergency response until proven otherwise. All on-duty uniformed personnel shall immediately respond to the area upon notice of a fire alarm, in order to provide the maximum resources to aid in any potential structure evacuation.

15.21 Dispatcher Responsibilities:

1. Upon notice of a fire alarm activation, the dispatcher shall immediately notify uniformed patrol personnel of the location of the alarm and direct an immediate response to the identified area.
2. The Dispatcher shall prepare to call for fire department personnel, but shall only do so once an Officer is on the scene and can advise whether the alarm is a genuine emergency or a false alarm.

3. If the Officer advises of an actual fire or other emergency in progress, the Dispatcher shall **first** call for Cal Fire to respond, then request permission from a supervisor to send an evacuation notice via the “My Alert” and “Campus Emergency Lighting systems”.
4. The Dispatcher shall request one or more unassigned office staff or PSOs to respond to Dispatch to assist with phones and information management.
5. If the on-scene personnel advise of a false alarm, the Dispatcher shall note the information in the CAD system and assist with the entry of a work order or contacting facilities personnel as necessary to diagnose the potential issue.

15.22 Responding Officer/PSO Responsibilities:

1. Upon the notice of any fire alarm, uniformed personnel shall immediately respond to the area of the alarm, provided the response does not jeopardize another person’s safety or unreasonably compromise an existing priority call for service.
2. Responding Campus Police Officers shall use reasonable judgement when deciding on the activation of vehicle emergency lighting and sirens while responding to a fire alarm, such as their proximity to the alarm, and whether there is a significant benefit to the use of emergency lighting and sirens to respond timely and effectively. Responding Officers shall obtain supervisor approval for an emergency response whenever possible.
3. The first Officer or PSO at the scene shall immediately advise Dispatch and other personnel monitoring the radio whether there are visible smoke, flames, or other evidence of a fire or other emergency in progress.

4. Absent an immediate need for a rescue or other life-saving action, Officers and PSOs should avoid entering a structure with significant smoke or visible flames. If the decision is made to enter a building for a rescue or other legitimate purpose, the Officer should provide their specific entry location to Dispatch and other personnel. Officers should evaluate their ability to execute a rescue safely against the lack of proper firefighting equipment and breathing apparatus.
5. Officers on the scene of a fire alarm should evaluate the following courses of action
 - Coordination of evacuees from the building into safe area
 - Directing incoming Fire and EMS resources to the scene
 - Triage of the injured and establishment of a triage area
 - Establishing a perimeter around the affected area
 - Evacuation of surrounding buildings that may be threatened

15.3 Panic Alarms

Panic Alarms are a priority call for service for sworn campus police personnel and shall be considered an emergency response until proven otherwise. A minimum of two campus police officers, whenever possible, shall immediately respond to the area upon notice of a panic alarm activation, and may take reasonable steps to gain access to otherwise private offices or spaces to access to the alarm response area. Public Safety Officers shall avoid responding to panic alarms until the situation is safe, as determined by responding Officers.

15.31 Dispatcher Responsibilities

1. Upon receipt of a panic alarm activation, the Dispatcher shall immediately notify on-duty campus police officers and direct an immediate response to the alarm activation site.

2. The Dispatcher shall listen to any background noise or other available information from the panic button microphone and advise responding Officers of any relevant information.
3. The Dispatcher shall attempt a call back to the nearest campus extension in order to confirm if the activation is legitimate or an accidental activation and advise the responding Officers of their findings.
4. The decision to cancel a panic button response is at the discretion of the ranking supervisor or Officer on duty at the time. It is recommended that an Officer continue to the alarm activation site and visually confirm that the situation is resolved whenever possible.

15.32 Officer Responsibilities

1. Upon the notice of any panic alarm activation, a minimum of two Campus Police Officers shall immediately respond to the area of the alarm, and more may respond with supervisor approval or as needed for the situation.
2. In the event a campus police officer is alone on campus during a panic button activation, the Officer should consider calling for mutual aid assistance from the San Luis Obispo Sheriff's Office or the Paso Robles Police Department (depending on the campus location) as the situation dictates.
3. Responding Campus Police Officers shall use reasonable judgement when deciding on the activation of vehicle emergency lighting and sirens while responding to a panic alarm, such as their proximity to the alarm activation, and whether there is a significant benefit to the use of emergency lighting and sirens to respond timely and effectively. Responding Officers shall obtain supervisor approval for an emergency response whenever possible.

15.4 Burglary/Intrusion Alarms

Burglary or property intrusion alarms, in such locations as the campus bookstore, construction sites, or other critical campus facilities, are considered heightened priority calls for service due to the potential for a crime in progress. However, these types of alarms are based on property protection and do not necessitate an emergency response, absent other information about an immediate danger to someone's life.

15.41 Response and Safety Considerations

1. Responding Campus Police Officers shall avoid the use of emergency lighting and sirens while responding to a burglary or property intrusion alarm, absent other information about a potential danger to someone's life.
2. PSOs and other non-sworn personnel shall not respond to a burglary or property intrusion alarm without being directed by a supervisor, and not until the scene is safe to do so.
3. Responding Officers should be observant of any suspicious vehicles leaving the scene as well as other vehicles or persons outside the facility who may be serving as lookouts, cover, or drivers.
4. The first Officer on the scene shall take a position in front of the facility that provides good observation without being easily visible to anyone inside. The first officer should report observable conditions to dispatch, direct incoming units, and wait in a safe position of cover/concealment for a second officer to arrive before approaching the alarm activation location.
5. In the event an Officer is alone on campus, that Officer shall request mutual aid assistance from the San Luis Obispo Sheriff's Office or Paso Robles Police

Department (depending on the campus location), and should remain outside the alarm location until a secondary unit is on scene and ready to assist.

6. If, once the scene is thoroughly checked, a burglary, theft, or other crime is suspected, the crime scene shall be secured by officers for processing of potential evidence.
7. Once the scene is safe, Dispatch should attempt to notify the responsible person for the site of the alarm to respond and verify losses or damage. Dispatch should also notify the Chief of Police or his/her designee by telephone about any verified or suspected crime.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 16: Use of Force

Revision Date: November 2019

16.1 Purpose

The purpose of this policy is to provide Cuesta College sworn Campus Police Officers with guidelines for the use, reporting, documentation, review, and training of less lethal and deadly force options.

16.2 Policy

It is the policy of the Cuesta College Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.

The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he/she is actively resisting arrest or attempting to evade arrest by flight.

In addition, “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.” [Graham v. Connor].

16.3 PROCEDURE

16.31 General Procedure

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. Officers have a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.

16.32 De-escalation

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

16.33 Use of Less Lethal Force

When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment:

- to protect the officer or others from immediate physical harm,
- to restrain or subdue an individual who is actively resisting or evading arrest, or
- to bring an unlawful situation safely and effectively under control.

16.34 Use of Deadly Force

An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:

- to protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury
- to prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended

Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.

16.34(1) Deadly Force Restrictions

- Deadly force should not be used against persons whose actions are a threat only to themselves or property.
- Warning shots are inherently dangerous. Therefore, a warning shot must have a defined target and shall not be fired unless:
 - the use of deadly force is justified;
 - the warning shot will not pose a substantial risk of injury or death to the officer or others; and
 - the officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.
- Firearms shall not be discharged at a moving vehicle unless:
 - a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
 - Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

16.4 Force Options

The following include a list of available and approved options should an Officer decide to use force against a suspect consistent with the above listed procedure. Officers are not required to choose from the list of force options in sequential order, nor are they required to try one level before proceeding to the next.

16.41 Control Holds

Officers are instructed in a variety of holds used to control suspects and to facilitate handcuffing during arrests. Control holds will generally not be considered a use of force with compliant suspects, except where such holds escalate to a take down or other use of force due to resistive or combative suspects. The department shall provide ongoing training to all sworn personnel on control hold techniques consistent with State of California POST approved curriculum.

16.42 Strikes, Kicks, Leg Sweeps, Carotid Restraint

Officers are instructed in a variety of weaponless defense techniques to be used when suspects are combative. These include hand strikes, leg sweeps, and use of the carotid restraint. These techniques may be employed only when a suspect actively resists arrest and other de-escalation or control techniques are ineffective or unsafe, or in self-defense or the defense of others. The department shall provide ongoing training to all sworn personnel on these techniques consistent with State of California POST approved curriculum.

16.43 Oleoresin Capsicum (OC)

OC, otherwise known as “pepper spray” shall only be used on suspects who are actively resisting or obstructing an officer in the performance of his/her duties, in self-defense of the officer or another person, or on a suspect who is demonstrating their willful intent to physically resist arrest or interfere or obstruct officers in the performance of their duties through their body positioning, stance, words or actions. An Officer should give a verbal warning prior to the use of OC on any suspect, whenever it is feasible to do so.

Whenever a person has been subjected to OC, attempts should be made to cleanse the eyes and surrounding facial areas of those persons involved. Officers can call for paramedic assistance in order to treat the suspect for this irritation or use available water from a nearby location if it does not jeopardize the Officer or suspect’s safety.

16.44 Taser

A Taser shall only be used on a suspect who is actively resisting an Officer where a reasonable threat of harm or injury to that officer exists, or in self-defense of the officer or another person from attack. An Officer shall give a verbal warning prior to the use of the Taser on any suspect, whenever it is feasible and safe to do so.

Following use of the taser, the suspect shall be taken to a medical facility for evaluation and treatment and a medical release prior to booking. Officers shall not attempt to remove any probes from the suspect's skin. Photographs shall be taken of the subject and any taser application area as soon as practical and shall be placed into evidence.

16.45 Impact Weapons

Impact weapons options presently available to officers include the baton and ballistic impact weapons (*otherwise known as bean-bag rounds*). Impact weapons can be used to safely control violent or potentially violent suspects when the officer has reason to believe that other force options are likely to be ineffective or unsafe. An Officer should give a verbal warning prior to the use of an impact weapon on any suspect, whenever it is feasible to do so.

Generally, impact weapons will not be aimed at the head, neck, spine, groin, or clavicle area, except when lethal force is otherwise authorized as stated under 16.34.

Any person subjected to a blow from an impact weapon shall, as soon as practical and prior to booking, be transported to a nearby hospital for evaluation and treatment and a medical release prior to booking. Photographs shall be taken of the subject as soon as practical and shall be placed into evidence. Photographs should show the location of any injury or lack of injury clearly

16.46 Firearms

Firearms may only be used against a suspect when lethal force is authorized as stated under 16.34. This does not prevent an officer from preventively drawing and aiming a

firearm at a suspect or suspects when the reasonable potential for deadly force exists, such as a felony crime in progress, a suspect armed with a weapon or dangerous implement, or while searching a location for a possibly armed suspect.

16.5 Responsibilities

16.51 Officer Responsibilities

- Upon the application of any force option, the Officer shall ensure proper medical attention is provided to any suspect or officer with visible injury or a complaint of pain, whether or not it is believed the injury or pain was a result from the application of force. For the purposes of this section, proper medical attention should be a request for a paramedic evaluation or transportation to the emergency room if appropriate.
- Once the situation is safe, the Officer shall notify their supervisor whenever a force option is employed, and whether any injury is suspected or occurred as a result of that force application.
- The Officer shall take photos of the suspect's overall condition prior to transport to the jail or a medical facility, whether or not an injury is visible, in order to properly document the suspect's condition at the conclusion of any force application. Specific photos of any injury location shall also be included. When practical, the Officer should activate the department issued body camera to document the condition of the suspect.
- The Officer shall document the use of force in accordance with the reporting requirements stated below.

16.52 Supervisor Responsibilities

- Upon notice of a use of force, the on-duty supervisor should immediately respond to the scene to evaluate the incident and take control of the scene. If the supervisor is off duty, response to the scene will be at the discretion of the Chief of Police or his/her designee, based on the severity and specific nature of the incident.

- The supervisor shall ensure proper medical attention is given to anyone with visible injuries or any complaint of pain, including arranging for medical transportation if necessary. The supervisor shall also ensure photographs and other evidence preservation techniques are followed, including the identification of witnesses, as required and necessary to preserve the integrity of the investigation.
- The supervisor shall, when the scene is safe, directly notify the Chief of Police of any use of force incident involving a Cuesta College Campus Police Officer. In the event the Chief is unavailable, the supervisor shall then notify the Vice President of Administrative Services of the incident.
- If the use of force involves the use of a firearm, or the force incident results in great bodily injury or death, the supervisor shall immediately notify the San Luis Obispo Sheriff's Office and request mutual aid investigative assistance.
- The supervisor shall ensure that documentation of the use of force is in accordance with the reporting requirements stated below.

16.6 Use of Force Reporting

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and to preserve the integrity of the Cuesta College Police Department. As such, it is the policy of CCPD that use of force, as designated herein, be reported in a timely, complete, and accurate manner by involved officers and as otherwise prescribed by this policy.

16.61 Definitions

Use of force is defined as the amount of effort required by law enforcement to achieve compliance or overcome a subject's physical resistance to any command, arrest, or detention. This includes any use of force occurring while the officer is acting in an official law enforcement capacity, including undercover, plainclothes, or uniform assignments, whether the officer is on or off duty. Use of force may include, but is not limited to, use of chemical or electronic force; open-handed strikes, punches, or kicks; displaying a firearm for purposes of compelling compliance; discharging a firearm; or

using physical intervention with a vehicle that could reasonably result in injury or death. This does not include the use of handcuffs as a restraint in arrest and transport activities; physical removal of passively resisting demonstrators; presence of officers, horses, or canines; or issuance of verbal commands.

Serious Bodily Injury involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

16.62 Reporting Requirements

- Officers shall file a written use-of-force report before the end of the shift. Each officer who uses force or witnesses an incident involving force shall submit a separate written use-of-force report.
- All use-of-force reports shall be comprehensive and provide the degree of specificity necessary to fully document and evaluate the officer's force response. Officers should ensure that their use-of-force report accurately relates what the officer knew, observed, or believed at the time of the incident. Facts or information revealed following the incident should not be included in the officer's initial use-of-force report but may be included in a supplemental report. At a minimum, reports shall include the following information. Any additional information should be included that would add to a complete understanding of the incident.
 - The nature of the incident
 - Location and time the incident took place
 - Was the incident in response to a call for service or an officer-initiated action
 - Information on the subject, including age, sex, race, and ethnicity
 - Information on the officer, including age, sex, race, ethnicity, years of service
 - The size and build of the subject in relationship to the officer
 - Reason for initial contact between the subject and officer, including any suspected unlawful or criminal activity
 - Whether the incident was an ambush
 - Whether the officer was:
 - Readily identifiable as law enforcement, including whether he or she was in uniform or plainclothes;
 - operating a marked or unmarked law enforcement vehicle or on foot patrol;

- on or off duty; and
- accompanied by other officers.
- Whether a supervisor was present or consulted at any point during the incident
- Whether backup was requested and if so, when it arrived
- Whether the officer approached the subject or was approached by the subject
- Whether associates of the subject were present at the time
- Whether witnesses were present at the time
- Whether there was any cause to believe the subject was armed or hostile
- The subject's general demeanor, including any known or apparent impairments
- Any verbal exchange that transpired
- The full circumstances that supported a detention or arrest decision, where applicable, to include the severity of the crime or evidence discovered prior to the detention or arrest attempt by the officer(s)
- Any threat to the officer or another person
- Type, intensity and duration of resistance to arrest by the subject to include any threat to others
- Any de-escalation attempts made
- Any force options available to the officer and the reason for the level of force response employed
- Any subject and officer injury or complaint of injury, medical treatment received, or refusal of medical treatment
- Photographs of subject and officer injuries
- Video and audio recordings made of the incident, including those made by body-worn cameras

16.7 Use of Force Review

The Police Sergeant shall initially review and approve all use of force reports to determine whether further documentation or investigation of the incident is warranted.

The Sergeant shall notify the Chief of Police of any such deficiencies and begin the supplemental investigation or documentation where appropriate.

The Chief of Police shall complete a secondary review of all use of force reports for purposes of identifying any violations of and deficiencies in agency policy, procedures, rules, training, or equipment or any aspects of organizational culture that may have bearing on the force used.

Following a use-of-force incident in which a subject has died or received serious bodily injury, an investigation shall be conducted by the appropriate outside agency such as the San Luis Obispo Sheriff's Office, the SLO District Attorney's Office, or another independent agency to ensure an impartial and objective review of the incident.

16.8 Use of Force Data Collection

Cuesta College Police Department shall submit all relevant statistical data related to incidents that result in the death or serious bodily injury of a person, as well as when an officer discharges a firearm at or in the direction of a person, to the FBI National Use-of-Force Data Collection reporting portal.

16.9 Use of Force Policy Review and Training

All sworn campus police officers shall review this use of force policy annually and indicate this review on an attestation form retained by the Department Training Manager. Additionally, at least once per quarter and additionally as required by State of California POST training standards, all sworn personnel will receive ongoing department training in the use of force, including firearms, defensive tactics, and less lethal force options.



CUESTA COLLEGE POLICE DEPARTMENT Policy and Procedures Manual

Chapter 17: Armed Intruder / Active Violent Incident

Revision Date: November, 2019

17.1 Purpose and Scope

Armed intruders, coordinated attacks, and other incidents of extreme violence on our campuses and/or in the surrounding community present specific challenges for campus police and an allied agency response. The purpose of this policy is to identify guidelines and factors that will assist responding Campus Police Officers and other department members as they make decisions in rapidly unfolding and tense situations.

17.2 Policy

The policy of the Cuesta College Police Department in dealing with the act(s) of violence shall be:

- (a) Respond to the incident without delay, utilizing individual Officers if necessary.
- (b) Immediately intervene and neutralize any active threat, using such force as the Officer deems is reasonably necessary to minimize or prevent an imminent loss of life or serious injury to themselves or others.
- (c) Provide a timely warning of the incident, when practical and safe, to our campus community using the available emergency alert systems.
- (d) Establish control of the incident and provide direction for responding allied resources.
- (e) Follow the established San Luis Obispo county protocol for communications between responding allied agencies and the Cuesta College Police Department for response, containment, and incident management.
- (f) Explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- (g) Coordinate with Fire and EMS resources to rescue and provide treatment to any wounded persons as soon as possible.
- (h) To organize a timely search of the affected campus property for additional threats,

and coordinate an orderly evacuation, if necessary, of any involved campus community members.

17.3 Procedure

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, responding Campus Police Officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources.

Officers should consider the following course of action:

- (a) Advancement on a suspect should be made using teams of two or more Campus Police Officers whenever reasonably possible, however this must be weighed against the responsibility to engage the threat and prevent further loss of life or injury.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the Officers have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.

17.4 SLO County Communications Protocol

Because acts of violence may create an immediate response from multiple law enforcement agencies in the county, this communications protocol has been adopted by all San Luis Obispo County law enforcement agencies for use by the agency holding responsibility for containment and management of the incident to effectively handle the increase in radio traffic generated between responding officers and those on scene to effectively utilize incoming resources.

17.41 Communications Procedure (adjusted for Cuesta Police Dispatchers)

Cuesta College Police Dispatch shall do the following:

1. Broadcast over Red Channel the following message: “Station 40 broadcasting to all units and stations a report of an (*active shooter or assailant*) incident at (*Location*). Monitor Red Channel for updated information and the location of the Incident Command Post”.
2. CCPD Dispatch will transfer the call information to Control 20 via Computer Aided Dispatch, or in the absence of this method, by telephone or radio.
3. CCPD Dispatch will maintain communications for the incident and broadcast all incident communications on Red Channel.

17.42 Allied Agency Response and Communication

- Communications between units responding to the crime scene will be managed by the San Luis Obispo County Sheriff’s Office (Control 20) on Yellow Channel.
- Units from allied agencies responding to the incident shall contact Control 20 and provide their call sign, officer name(s), locations and whether they are uniformed or plainclothes personnel. Responding officers will transmit clear and brief messages to reduce radio traffic and prevent miscommunication.
- Control 20 will update the incident in CAD with information regarding the number of responding units, their call signs, locations and whether plainclothes or uniformed.
- Control 20 will direct responding units to the staging area, command post or other location(s) as requested by the managing law enforcement agency.
- All responding units shall follow directions given to them by Control 20.
- All responding units will monitor Red Channel but will refrain from broadcasting on Red Channel while en-route to the incident location.

17.5 Responsibilities

Due to the specific nature of an armed intruder or violence incident on the Cuesta college campus, on duty Cuesta College Police Personnel shall adhere to the following responsibilities during any incident of this nature.

17.51 Dispatcher Responsibilities

1. The Cuesta Police Dispatcher or designee, upon receiving information of any armed intruder or active violence incident, shall immediately notify all on-duty Cuesta Police Officers of the location and description of the incident to begin a response.
2. The dispatcher shall request permission from the on-duty supervisor to initiate a campus lockdown.
3. Upon approval from the supervisor (or without in the event the supervisor is involved in the incident and unavailable), the Dispatcher will activate a solid red light on the Campus Emergency Lighting System (CELS) and send the pre-scripted "Armed Intruder" message on the My Alert system.
4. The Dispatcher will then follow the county-wide communications protocol broadcast on Red Channel, as noted above.
5. When the situation has stabilized, if the Chief of Police is not on campus, the Dispatcher shall immediately notify the Chief of Police or his/her designee.

17.52 Officer Responsibilities

1. Upon learning of an armed intruder incident on campus, all on-duty officers shall immediately respond to the location of the incident, subject to the directions of the ranking supervisor or Officer on duty.
2. If practical, responding Officers shall deploy their high-threat response vest and a patrol rifle to the incident. Officers shall not delay their response in order to return to a vehicle or the police station to retrieve any equipment.

3. The first Officer at the scene shall assess the situation, communicate with Dispatch and the incoming officers, and determine the need to immediately engage and neutralize the threat in order to prevent further injury and loss of life.
4. Other responding Officers shall determine the need to team up with the first officer, set up a perimeter, and/or coordinate a rescue task force for the injured.
5. If an armed intruder incident occurs off campus, Officers shall receive permission from the ranking Officer on-duty prior to responding, subject to the countywide communications protocol established above.

17.53 Supervisor Responsibilities

1. Upon notification of an armed intruder incident on campus, the supervisor shall immediately respond and take over incident management of the scene.
2. When the threat is contained and/or neutralized, the supervisor shall establish an Incident Command Post, contain the incident scene within a perimeter, and direct incoming resources to appropriate assignments.
3. The supervisor shall activate the Cuesta College Crisis Action Team and notify the Chief of Police if he/she is not already on campus.
4. The supervisor shall, upon direction of the Chief of Police or designee, provide timely and appropriate messaging about the incident to the college community via “My Alert” and the CELS system. This messaging includes the termination of any lockdown procedures.

17.6 NORTH COUNTY CAMPUS PROCEDURE

Due to the lack of a direct radio communication link at the North County Campus, the Paso Robles Police Department will have primary response authority for an armed intruder incident at NCC.

1. NCC Campus Police staff shall, upon learning of an active shooter incident on NCC, shall immediately notify Paso Robles Police Department via handheld radio or 911. PRPD Dispatch shall control incident response communications.
2. The NCC Officer shall immediately respond to the incident scene in order to neutralize the threat quickly and prevent or reduce the loss of life and serious injuries.
3. NCC Campus Police Staff shall, at the discretion of the ranking Officer, activate the solid red light of the CELS system to place the campus on a lockdown.
4. NCC Staff will notify and coordinate with SLO campus Dispatch to send a “My Alert” message to all Cuesta users advising of the Armed Intruder incident and lockdown.
5. Once the threat is contained or neutralized, NCC campus police staff shall notify the Chief of Police or his/her designee if the Chief is not at the scene.
6. NCC Officers shall request mutual aid assistance from responding agencies for coordination of an incident command post and scene management until the CCPD Chief of Police or his/her designee is on the scene and able to manage the incident.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 18: Pursuit

Revision Date: September 2019

18.1 Purpose and Scope

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide Cuesta College Campus Police Officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable

officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

18.2 Vehicle Pursuit Defined

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by refusing to stop or yield, using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

18.3 Officer Responsibilities

It shall be the policy of the Cuesta College Police Department that a vehicle pursuit shall be conducted only with red/blue lights and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

18.3.1 When to Initiate a Pursuit

Officers are authorized to initiate a pursuit in order to apprehend a suspect for whom reasonable suspicion or probable cause exists to arrest for a violent or dangerous felony that is an immediate and articulable threat to human life.

The following factors shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to creating an immediate and articulable threat to human life.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

- (c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to human life).
- (d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as back up officers and other police units.
- (l) The police unit is carrying passengers other than police officers.
- (m) Pursuits should not be undertaken with a prisoner in the police vehicle.
- (n) The availability of other officers to maintain the safety of campus.

18.3.2 When to Terminate a Pursuit

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing

to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle, including shutting down lights and siren and not following the suspect vehicle.

In addition to the factors listed in 18.3.1, the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle’s location is no longer definitely known.
- (c) Officer’s pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are prohibited.
- (e) There are hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Pursuit is terminated by a supervisor.

18.4 Speed Limits

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle. Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

18.5 Pursuit Units

The number of police units directly involved in a pursuit should be limited to three vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

18.5.1 Vehicles without Emergency Equipment

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles, however, may become involved in emergency activities involving serious crimes or life-threatening situations. Those officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.

18.5.2 Primary Unit Responsibilities

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the

pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify Dispatch that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

18.3.3 Secondary Unit Responsibilities

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

18.6 Pursuit Driving Tactics

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit should proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) Officers shall not pursue a vehicle driving left of center (wrong way) on a freeway. Officers should not under normal circumstances pursue a vehicle driving the wrong way on a one-way street. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspects.
- (d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agencies.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

18.6.1 Tactics/Procedures for Units Not Involved in the Pursuit

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their

assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road. The units directly involved in the pursuit should be the only units operating under emergency conditions (red/blue light and siren).

18.6.2 Pursuit Trailing

In the event the initiating unit from Cuesta College Police either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term “trail” means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

18.7 Aircraft Assistance

Aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit

determines that it is unsafe to continue the pursuit, the air unit has the authority to request to terminate the pursuit.

18.8 Supervisor Responsibilities

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from the Cuesta College Police Department. The on-duty supervisor of the officer initiating the pursuit will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies.
- (i) Controlling and managing CCPD units when a pursuit enters another jurisdiction.
- (j) Ensuring notifications of the Chief and, if needed, the District Superintendent/President.

18.9 Communications

If the pursuit is confined within the college district property, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent,

involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

18.9.1 Dispatcher Responsibilities

Upon notification that a pursuit has been initiated, Dispatch will:

- (a) Coordinate pursuit communications of the involved units and personnel.
- (b) Notify and coordinate with other involved or affected agencies as practicable.
- (c) Ensure that a supervisor is notified of the pursuit.
- (d) Assign an incident number and log all pursuit activities.
- (e) Broadcast pursuit updates as well as other pertinent information as necessary.

18.10 Loss of Pursued Vehicle

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

18.11 Inter Jurisdictional Considerations

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Even if entry into another jurisdiction is expected to be brief, Dispatchers shall ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

18.11.1 Assumption of Pursuit by Another Agency

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of CCPD is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. The role and

responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress shall not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. When a pursuit leaves the freeway and a request for assistance is made to this department, if the other agencies pursuit does not meet the criteria for initiation of a pursuit per department policy (16.3.1), officers shall not assume responsibility of the pursuit.

18.11.2 Pursuits Extending Into this Jurisdiction

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor shall consider these additional following factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances as outlined in 16.3.1
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing officers

As soon as practicable, a supervisor should review a request for assistance from another agency. The supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the college property limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present and only with supervisor approval.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

18.12 Pursuit Intervention

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

18.12.1 Authorized Use

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the

decision. The location and speed shall be considered prior to employing any pursuit interventions.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

18.12.2 Definitions

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road-block.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

Spikes or tack strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

18.12.3 Use of Firearms

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

18.12.4 Intervention Standards

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases for whom reasonable suspicion or probable cause exists suspects to arrest for a violent or dangerous felony (see 18.3.1) or impaired drivers who pose an immediate threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.

3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent an immediate and serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(c) The use of the Pursuit Intervention Technique (PIT) is prohibited by members of this department.

(d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus

transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

18.13 Capture of Suspects

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspects.

18.14 Reporting Requirements

The following reports should be completed upon conclusion of all pursuits:

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Sergeant shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code 14602.1). The primary officer should complete as much of the required information on

the form as is known and forward the report to the Sergeant for review, completion, and distribution.

(c) After first obtaining the available information, the Sergeant shall complete a Pursuit Memorandum prior to the end of his/her shift, briefly summarizing the pursuit, and submit it to the Chief of Police. This memorandum should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit and justification as outlined in 16.3.1
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment

18.15 Pursuit Training

In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all Officers and Dispatchers of this department will participate no less than annually, department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

18.15.1 Policy Review

Each Officer and Dispatcher of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments

18.16 Application of Vehicle Pursuit Policy

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 19: Investigations

Revision Date: August, 2020

19.1 Purpose

The purpose of this policy is to provide guidance and procedures to Cuesta College Police personnel involving criminal investigations and crime scenes on District property.

19.2 Policy

It is the policy of Cuesta College Police Department, as the jurisdictional law enforcement authority for the San Luis Obispo Community College District, that campus police officers thoroughly investigate all crimes occurring on district property to the extent of their ability and training. Certain crimes, due to their nature and severity, are listed under **19.4** and considered exceptions to this policy, due to written agreements with other law enforcement agencies for specific investigative services.

19.3 Crime Scene Integrity

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor.

19.31 Scene Considerations

The following list generally describes the functions which the first officer should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-

inclusive, is not necessarily in order, and may be altered according to the demands of each situation, the availability of resources, capacity of personnel, and totality of each circumstance:

- Ensure no suspects are still in the area.
- Broadcast emergency information.
- Provide first aid to injured parties if it can be done safely.
- Evacuate the location as required.
- Secure the inner and outer perimeter if needed.
- Protect items of apparent evidentiary value.
- Identify potential witnesses.
- Photograph the area and potential evidence as soon as possible, including body camera footage
- Start a chronological log noting critical times and personnel allowed access.

19.4 Agreements for Mutual Aid Investigations

Due to the nature and severity of some crimes, and the resources and specific expertise needed for a proper and thorough investigation, Cuesta College Police will turn over the following listed crimes and/or incidents to specific outside agencies by written agreement with those agencies.

19.41 Missing Persons

Compliance and Initial Report

In compliance with California Penal Code 14211, this department “shall accept any report, by any party, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property.”

- If the missing person is under 21 years of age, or there is evidence that the person is at risk, Cuesta College Police Department shall broadcast a BOL bulletin, without delay, within its jurisdiction.
- If the person reported missing is under 21 years of age, or if there is evidence that the person is at risk, Cuesta College Police Department shall, within two hours after the receipt of the report, electronically transmit the report to the Department of Justice via CLETS for inclusion in the Violent Crime Information Center and the National Crime Information Center databases.

District Search

Upon notice of a missing person involving a student, staff member, or visitor to the campus district, campus police officers shall promptly check any campus area where the missing person could reasonably expect to be located, based on the information provided and the department resources available. Other department personnel shall assist with this area check as their duties allow. This area to be checked should include all parking lots and immediately surrounding areas to both campuses for any associated vehicle or other potential evidence.

Investigative Follow Up

Once the initial report, area check, and any associated bulletin is complete, the supervisor shall contact the San Luis Obispo Sheriff's Office for investigative assistance and continue to assist with the investigation as needed. As soon as practical, the assigned officer or supervisor shall notify the Chief of Police or his/her designee of any missing persons case involving district members.

19.42 Sexual Assaults

It is recognized that sexual assault investigations are highly sensitive and emotionally charged investigations for the entire campus community. Involved campus police

department personnel shall ensure confidentiality and sensitivity to all parties involved, including the removal of specific location and incident information on normally available crime logs and documents.

Initial Interview

An Officer called to respond to a sexual assault investigation shall ensure that any interview of an involved party is conducted in a confidential and private location. **Prior to any interview**, the Officer shall do the following:

- Offer to contact an advocate for the victim from SLO Rise or another support person of the victim's choosing to be present during the interview, in compliance with 679.04 of the CA Penal Code.
- Provide the victim a copy of the CCPD Sexual Assault Survivors Bill of Rights card in compliance with 680.2 of the CA Penal Code.

The primary Officer's responsibility is to determine the following during the initial interview, and the interview should be limited to the following information:

- Whether a crime occurred or is suspected, and what the extent of that crime is
- If the location is on any district owned or operated property
- When the crime occurred
- If physical evidence, (ie: crime scene or clothing) needs immediate preservation

If the crime occurred on any district owned or operated property, the Officer shall notify their supervisor, who shall request investigative assistance from the San Luis Obispo Sheriff's Office. **If the crime occurred outside of district property**, the Officer involved shall contact the agency with jurisdiction and facilitate their investigation, including transportation of the victim to the associated agency if needed.

- The officer shall also provide the victim and any other involved party contacted during the initial investigation with a copy of the "Campus Safety: What to do if Sexual Assault and Violence Occurs" handbook.

- The assigned officer or on-duty supervisor shall directly notify the Chief of Police or his/her designee as soon as possible of any sexual assault case.

19.43 Homicide / Attempted Homicide / Deaths

Officer Responsibilities

- The first Officer at the scene of any death or suspected homicide on district property, including one associated with a vehicle collision, shall follow the crime scene protocols listed in 19.3, making sure to prioritize the safety of the campus community and officers, and providing necessary medical aid as required.
- Campus Police Officers should preserve and identify potential evidence to assist in a follow up investigation, including the identification and detention of any witnesses at the scene.
- All Officers at the scene should document their actions on department issued body cameras.

Supervisor Responsibilities

- The supervisor shall immediately respond and establish an incident command post to manage the crime scene.
- The supervisor should determine if there is an ongoing threat to the campus and if a lockdown is necessary.
- The supervisor should evaluate the need for a campus emergency notification and coordinate with the President's Office on any such notification
- The supervisor shall also ensure that scene perimeters are adequate to preserve the integrity of the investigation, and should take into consideration the response of spectators, college officials, and the media when establishing these perimeters.

Notifications

The supervisor, or the primary officer if no supervisor is on duty, shall notify the following:

- The San Luis Obispo Sheriff's Office for any death on the SLO campus, to request investigative assistance
- The Paso Robles Police Department for any death on the North Campus, to request investigative assistance.
- If the death involves a traffic collision on district property, the supervisor shall contact the California Highway Patrol for investigative assistance.
- The supervisor shall also notify the Chief of Police or his/her designee as soon as possible.
- The supervisor may delegate this notification chain to the SLO campus Dispatcher as needed.

19.44 Officer Involved Shooting

Officer Responsibilities

A campus police officer involved in any shooting incident shall, once the scene is safe and medical aid is requested/provided for, shall:

- *(If the shooting occurred on campus)* Request an immediate lockdown of the involved campus and emergency notification "My Alert" to the campus community advising of a police incident, and warning to remain clear of the involved area
- Notify their direct supervisor of the incident if they have not otherwise been notified.
- If the Officer is alone on the SLO campus, the Officer should advise dispatch (or use the radio) to contact the San Luis Obispo County Sheriff's Office for assistance.
- If the Officer is alone on the NCC campus, the Officer should radio directly to the Paso Robles Police Department for assistance.
- The Officer should consult the **CCPD OIS Card** for details of what information will be needed by investigative personnel.

- The Officer involved in the shooting is responsible to maintain the scene of the incident until relieved by a supervisor, unless the Officer is injured and requires medical attention.

Dispatcher Responsibilities

- Upon notice of an Officer-involved shooting, the Dispatcher shall make sure all on-duty campus police officers for the affected campus are notified and responding.
- The Dispatcher should consult with the on-duty supervisor about the necessity for a campus lockdown and be prepared to send My Alert and CELS messages if requested to do so by the supervisor.
- The Dispatcher should also designate a non-sworn staff member to assist them in Dispatch with telephones, so the Dispatcher can focus on priority radio traffic from Cuesta Police personnel.

Supervisor Responsibilities

- The on-duty supervisor should immediately respond to take control and establish an incident command post near the shooting location.
- The supervisor should follow crime scene protocols listed in **19.3**.
- The supervisor shall also ensure that scene perimeters are adequate to preserve the integrity of the investigation, and should take into consideration the response of spectators, college officials, other assisting agencies, and the media when establishing these perimeters.

The supervisor shall, as soon as the scene is safe, notify the following:

- San Luis Obispo Sheriff's Office for investigative assistance
- San Luis Obispo District Attorney's Office for assistance with the shooting investigation
- Chief of Police or his/her designee
- Vice President of Administrative Services (if the Chief is unable to notify the VPAS)

The supervisor shall consult the **CCPD OIS Card** for details of public safety information to collect from the involved officer about the incident.

19.5 Criminal Investigations

For all criminal investigations outside the above listed crimes and incidents, the Cuesta College Police Department is the primary agency responsible for a thorough and complete investigation. Campus Police Officers assigned to investigate a reported crime on district property shall notify their supervisor of any need for follow up investigation. Officers should communicate a timeline for completion of the investigation, specifically detailing any need for outside agency investigative resources (ie: crime lab or csi) or to conduct investigative follow up outside of district property.

Supervisors shall review and approve all investigation reports to ensure that elements of the crime are appropriate for the incident, that all appropriate investigative leads were followed, and assign any follow up investigation that may be needed.

19.51 Crime Reports

All reported crimes, if suspected or determined to be legitimate, will result in a documented incident report. The incident report should minimally contain:

- Suspect information or a statement explaining why a suspect cannot be identified for the crime reported.
- The location and approximate time of occurrence
- The reporting party and any witnesses complete contact information
- Description and disposition of any evidence collected during the investigation.
- Report narrative detailing investigative steps taken and disposition of the case

All crime reports shall be completed in a timely manner. No incident report shall be left incomplete at the end of an Officer's scheduled workweek without supervisor approval. All reports involving an arrest shall be done by the end of the Officer's shift on the same day of the arrest, unless there is an emergency or other mitigating circumstance, and only with supervisor approval.

19.6 Eyewitness Identification

19.61 Definitions

Eyewitness identification process - Any field identification or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

19.62 Photo Line Up Form

Department members shall use the approved photo line up form when showing a witness, a photographic line up. The form shall follow all guidelines as stated in Penal Code 859.7 including:

- The date, time and location of the eyewitness identification procedure.
- The name and identifying information of the witness.
- The name of the person administering the identification procedure.
- If applicable, the names of all the individuals present during the identification procedure.
- An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- If the identification process is a photographic or live lineup, an instruction to the witness that

- the perpetrator may not appear exactly as he/she did on the date of the incident.
- An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
 - A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
 - A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
 - Any other direction to meet the requirements of Penal Code § 859. 7, including direction regarding blind or blinded administrations and filler selection.

19.63 Eyewitness Identification

Department personnel are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses. Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

19.64 Documentation

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report. If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report. The department member shall document the reason that a video recording or any other

recording of an identification was not obtained (Penal Code § 859.7). If a presentation of a lineup is not conducted using blind administration, the department member shall document the reason (Penal Code§ 859.7).

19.65 Photographic Lineup Considerations

When practicable, the department member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the department member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the photographs in the lineup. Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code§ 859.7). The department member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

19.66 Other Safeguards

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Department members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

19.67 Field Identification Considerations

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct photo lineup identifications. A field elimination show-up or one-on-one identification should not be used when

independent probable cause exists to arrest a suspect. In such cases a photo lineup is the preferred course of action if eyewitness identification is contemplated. When initiating a field identification, the member should observe the following guidelines:

- Obtain a complete description of the suspect from the witness.
- Assess whether a witness should be included in a field identification process by considering:
 1. The length of time the witness observed the suspect.
 2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- The person who is the subject of the show-up should not be shown to the same witness more than once.
- In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances, department members should document the contact information for any additional witnesses for follow up, if necessary.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 20: Temporary Custody of Juveniles

Revision Date: November 2019

20.1 Purpose and Scope

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Cuesta College Police Department (42 USC § 5633).

20.2 Definitions

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

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

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary

or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR 1150).

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

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

Examples of secure custody include:

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

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include

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

20.3 Policy

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

20.4 Juveniles Who Should not be Held

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

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

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

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

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

20.41 Emergency Medical Care of Juveniles In Custody

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

20.42 Suicide Prevention of Juveniles in Custody

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

20.5 Custody of Juveniles

Officers should take custody of a juvenile and temporarily hold the juvenile at the Cuesta College Police Department when there is no other lawful and practicable alternative to temporary custody.

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

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Cuesta College Police Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d)).

20.51 Custody of Juvenile Non-Offenders

Non-offenders taken into protective custody should generally not be held at the Cuesta College Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (42 USC § 5633; Welfare and Institutions Code § 206).

20.52 Custody of Juvenile Status Offenders

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Status offenders shall not be held in secure custody (42 USC § 5633).

20.53 Custody of Juvenile Offenders

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

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

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code 625.3 shall be transported to a juvenile facility.

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

In all other cases the juvenile offender may be:

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

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

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

20.6 Advisements

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

Whenever a juvenile is taken into temporary custody, he/she shall be given the Miranda rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

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

20.7 Juvenile Custody Logs

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

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Cuesta College Police Department (15 CCR 1150).
- (c) Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all safety checks.

- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.
- (i) The supervisor shall initial the log to approve the custody, and shall also initial the log when the juvenile is released.

20.8 Temporary Custody Requirements

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

- (a) The Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Cuesta College Police Department more than four hours. This will enable the Sergeant to ensure no juvenile is held at the Cuesta College Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR 1142).

20.9 Use of Restraint Devices

Juvenile offenders may be handcuffed at the Cuesta College Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

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

20.10 Personal Property

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

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

20.11 Secure Custody

No juvenile shall be kept in secure custody at the Cuesta College Police Department. Juveniles who would otherwise qualify for secure custody should be directly transported to the Juvenile Services Center.

20.12 Suicide Attempt, Death or Serious Injury of a Juvenile

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

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and San Luis Obispo County Investigations Supervisor with a request for assistance.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

- (c) Notification of the appropriate prosecutor.
- (d) Notification of the Cuesta College legal counsel.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

20.13 Interviewing or Interrogating Juvenile Suspects

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

20.14 Mandatory Recordings of Juveniles

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

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

- (c) The custodial interrogation took place in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.

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

20.15 Formal Booking

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Chief of Police.

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the supervisor or Chief of Police, giving due consideration to the following:

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

20.16 Release of Information Concerning Juveniles

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

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

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Chief of Police to ensure that personnel act within legal guidelines.

20.17 Board of State and Community Corrections Certification

The Chief of Police shall coordinate the procedures related to the custody of juveniles held at the Cuesta College Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 21: Contacts, Detentions, and Arrests

Revision Date: November 2019

21.1 Purpose

The purpose of this policy is to define the limitations of authority and acceptable conduct and practices of campus police officers when contacting individuals in the community. Included in this policy are voluntary contacts, investigatory detentions, pat-downs, and arrests.

21.2 Policy

Interactions with community members form the cornerstone of effective law enforcement operations. All campus police officers shall follow the provisions of this policy to maximize the usefulness of police-public contacts to include voluntary contacts, investigatory detentions, pat-downs, and arrests. It is the policy of Cuesta College Police Department that all community-police contacts made by department personnel shall be conducted professionally and in accordance with established legal principles.

21.3 Definitions

Arrest: Taking a person into custody.

Arrest Warrant: A written order issued by a judge, magistrate, or other proper authority that commands a law enforcement officer to place a person under arrest.

Custody: A person is in custody when placed under formal arrest or when a reasonable person in the individual's position would have understood the situation to constitute a restraint of freedom of movement of the degree that the law associates with formal arrest.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the

destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Investigatory Detention: Temporary detention of a person for investigative purposes based upon reasonable suspicion that the person has committed, is committing, or is about to commit a crime, under circumstances that do not amount to probable cause for arrest.

Pat-Down: A frisk or external feeling, by utilizing the hands without manipulation, of the outer garments of an individual for weapons.

Probable Cause: When articulable facts and circumstances within an officer's knowledge are sufficient to warrant a prudent person or one of reasonable caution to believe that the suspect has committed, is committing, or is about to commit an offense.

Reasonable Suspicion: A particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity. Reasonable suspicion must be more than a hunch or feeling but need not meet the test for probable cause sufficient to make an arrest.

Voluntary Contact: An encounter between a law enforcement officer and an individual that may be initiated by the officer for any reason and during which the individual is free to leave at any time.

21.4 Voluntary Contacts

Voluntary contacts may be initiated without probable cause, reasonable suspicion, or other indication of criminal activity by the individual when officers adhere to provisions of this policy.

21.41 Initiation of Voluntary Contacts

- Officers may initiate a voluntary contact in any location where they have a legal right to be.
- Officers are prohibited from initiating contacts based on individual demographics to include, but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural

group, or political status, except when such characteristics are part of a specific subject description.

- Officers shall not use contacts on a pretextual basis to intimidate, harass, or coerce individuals.

21.42 Voluntary Contact Protocol

Voluntary contacts are based on the presumption that the individual is not under any reasonable suspicion of criminal activity.

- Persons “contacted” may not be detained in any manner against their will or frisked unless they provide consent or reasonable suspicion is established during the course of the contact to believe they present a danger to the officer and the officer has reasonable suspicion that they have committed, are committing, or are about to commit a crime.
- An officer may not use force or coercion to require an individual to stop or respond to questions or directions absent any other legal reason.
- Officers shall strive to ensure that their actions and requests could not be reasonably perceived by the individual as a restraint on their freedom to leave. As such, officers should:
 - (1) introduce themselves and explain the reason for making the contact;
 - (2) act in a professional, respectful, and restrained manner at all times;
 - (3) establish rapport;
 - (4) avoid requests that sound like commands;
 - (5) phrase requests using optional words such as “may,” “would you mind,” or similar terms and phrases;
 - (6) ensure the contact remains reasonable and voluntary; and
 - (7) not create a physical or other barrier to the individual’s ability to leave, to include keeping identification, such as a driver’s license, or by creating a physically imposing and intimidating presence.

- If individuals ask whether they must respond to questions or remain in the officer's presence, they shall be informed that they do not have to answer any questions and are free to leave at any time.
- Where individuals refuse or cease to cooperate during a contact, they shall be permitted to leave.
- Refusal of the individual to cooperate cannot be used as the basis for turning the "contact" into a "detention."

21.5 Investigatory Detentions

- Officers may stop individuals for the purpose of conducting an investigatory detention only where reasonable suspicion is present.
- In justifying the stop, the officer must be able to point to specific articulable facts that, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:
 - (1) The actions of the suspect suggest that they are engaged in a criminal activity.
 - (2) The suspect is carrying a suspicious object.
 - (3) The suspect's clothing bulges in a manner that suggests they are carrying a weapon.
 - (4) The suspect is located in proximate time and place to an alleged crime.

21.51 Procedures for Initiating and Conducting an Investigatory Detention

- When approaching the suspect, officers shall clearly identify themselves as law enforcement officers. If not in uniform, officers should announce their identity and display department identification.
- Officers shall, as soon as feasible, explain to the stopped individual(s) why they were stopped.
- Before approaching more than one suspect, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the detention can and should be delayed until such assistance arrives.

- Officers should confine their questions to those concerning the suspect's identity and other inquiries necessary to resolve the officer's suspicions. In no instance shall an officer detain a suspect longer than is reasonably necessary to make these limited inquiries and resolve suspicions. Officers shall be aware that prolonging an investigatory detention unnecessarily may cause a court to view the detention as an unlawful seizure if probable cause does not exist for an arrest.
- Officers are not required to give suspects warnings related to custodial interrogation in order to conduct investigatory detentions.
- Individuals are not required, nor can they be compelled, to answer any questions posed during investigatory detentions. Failure to respond to an officer's inquiries is not in and of itself sufficient grounds to make an arrest.
- Officers shall take precautionary measures for their own safety and the safety of others during an investigatory detention, including display of firearms or handcuffing the detainee. Officers shall be aware that unnecessary or prolonged display of firearms and handcuffing during the investigatory detention may cause a court to view the detention as an arrest.
- If the officer has no basis for making an arrest after conducting an investigatory detention, they shall record the facts of the detention on an incident report.

21.6 Pat-Downs

- Officers shall remain vigilant and strictly adhere to department training when performing pat-down searches.
- A law enforcement officer has the right to perform a pat-down of the outer garments of a suspect for weapons when
 - (1) the suspect has been legitimately stopped with reasonable suspicion, and
 - (2) the officer has specific articulable facts that the suspect may possess a weapon on their person and poses a threat to the officer's or another person's safety.
- Not every investigatory detention poses sufficient justification for conducting a pat-down. The following are some criteria that may form the basis for establishing

articulable justification for performing a pat-down. Officers should note that these factors are not all-inclusive and the totality of the circumstances should be considered. The existence of more than one of these factors may be required in order to justify a pat-down.

- (1) The type of crime suspected—particularly in crimes of violence where the use or threat of deadly weapons is involved.
 - (2) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
 - (3) Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon.
- Pat-downs shall be performed only to protect the safety of officers and others and shall never be used as a pretext to obtain evidence or for other purposes.

21.61 Procedures for Performing a Pat-Down

- When reasonable suspicion justifies a pat-down, the search should be performed with due caution, restraint, and sensitivity.
- Whenever possible, pat-downs should be conducted by at least two officers, one who performs the search while the other provides protective cover.
- Whenever practical, pat-downs should be performed by officers of the same sex.
- Pat-downs should generally be conducted with a suspect in a standing position; however, circumstances may exist where an officer can articulate a more secure position to conduct the cursory search.
- During the pat-down, officers shall feel only the outer clothing of the suspect using their hands, but without manipulation of fingers. Officers shall not place their hands in pockets unless they feel an object that could reasonably be a weapon.
- If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the officer should not open the item, but instead place it out of the suspect's reach.
- If during a pat-down, an officer recovers an illegal weapon or contraband, the officer may initiate an arrest based on probable cause.

21.7 Arrests

Officers shall conduct arrests only when based upon probable cause or an arrest warrant.

Probable Cause

- Probable cause for arrest may be established by one of the following:
 - (1) Observations of the officer
 - (2) Information or evidence obtained during an investigatory detention or voluntary contact
 - (3) An identified individual's specific complaint
 - (4) Information provided by a law enforcement informant of proven reliability
 - (5) Information provided by other law enforcement sources
- Officers shall not make any arrest based solely on the following:
 - (1) Information received from an anonymous source
 - (2) Mere suspicion not amounting to probable cause

21.71 Arrest Warrants

- Except when a warrantless arrest is justified by the existence of probable cause, arrests shall be made under an arrest warrant.
- Arrest warrants shall be obtained from the legal authority empowered to issue such warrants in this jurisdiction.
- Warrants shall be in the form prescribed by San Luis Obispo County and shall adequately identify the person to be arrested. The warrant shall also provide such other information as is required by law.
- Any officer to whom an arrest warrant is delivered shall examine it to ensure that it is in proper form, that all information required by law is provided, and that the warrant appears to be valid. The officer shall also take note of any restrictions placed upon the arrest by the language of the warrant.
- Once received, an arrest warrant shall be executed without delay, except as otherwise may be required by the circumstances of the case.

21.72 Making the Arrest

- No arrest shall be made at a time or in a manner contrary to any express limitations included in a warrant or in a manner or at a time or place prohibited by
 - (1) department procedure,
 - (2) applicable legislation, or
 - (3) relevant court decisions.
- Arrests shall be made at a time and place and in a manner that will maximize the probability of a successful arrest and minimize the danger to officers, innocent bystanders, and suspects.
- The arresting officers shall identify themselves, inform the suspect of their arrest, and specify the charges for which the arrest is being made.
- Officers not in uniform shall display their badges and credentials when making the arrest to ensure proper identification.
- Officers shall follow department policy and applicable law regarding knock and notice when executing arrest warrants.
- No officer shall enter premises owned or occupied by a third person to make an arrest unless the officer has a separate legal basis for entering the premises. Such a basis may be provided by
 - (1) possession by the officer of a search warrant for those premises,
 - (2) consent of a person with apparent authority by law to give such consent, or
 - (3) exigent circumstances.
- Officers shall use only the level of force that they reasonably believe is necessary to make an arrest in accordance with this agency's use-of-force policy.
- Arrestees shall be advised of their rights pertaining to custodial interrogation before any questioning designed to elicit incriminating statements. Those rights should, whenever reasonably possible, be read verbatim from the San Luis Obispo County Form.

21.73 Arrestee Requests

- Following the arrest, officers should not permit arrestees to leave the immediate area of the arrest for personal purposes (e.g., to get a coat).
- In exceptional cases where it is deemed necessary to grant the arrestee's request to leave the immediate area, they shall first be searched for weapons, contraband, evidence, or implements of escape and then be accompanied and closely monitored by the arresting or other officers.

21.74 Safety Precautions

- Officers shall approach every arrest situation with the knowledge that any arrest, regardless of the offense involved, may present an element of danger. Therefore, officers making arrests shall take all reasonable precautions to ensure their own safety.

21.75 Restraint of the Arrestee

- Officers should handcuff arrestees in accordance with department approved training.
- Officers may handcuff the arrestee with their hands in front, or use other appropriate and approved restraining device(s) where the arrestee
 - 1) is in an obvious state of pregnancy,
 - 2) has a physical disability,
 - 3) displays behaviors consistent with mental illness or an intellectual/developmental disability,
 - 4) has injuries that could be aggravated by standard handcuffing procedures, or where other special circumstances exist.
- Multiple handcuffs shall be used when needed to prevent injury.
- Additional department approved restraint devices may be used to secure an individual who violently resists arrest or who acts in a manner that indicates they pose a threat to themselves or to the public. Officers should use only those restraints that appear necessary to control the situation and only for the period of time required.

- When restraining individuals on the ground, officers should position the subject in a manner that will assist breathing, such as placement on their side, and avoid pressure to the chest, neck, or head.

21.76 Search Incident to Arrest

- Officers shall conduct a thorough search of the person arrested.
- Any criminal evidence discovered during the search of the arrestee's person shall be seized and preserved in accordance with property and evidence policy.
- The search incident to arrest shall include not only the arrestee, but also areas within their reach and control.
- Officers shall not conduct a strip or body cavity search at any time.
- Protective sweeps of the premises or area where the arrest occurs may be performed if there is a reasonable belief that there are third parties that pose a danger to those on the arrest scene.

21.77 Post-Arrest Protection

- Officers are responsible for the safety of the arrestee. In addition, officers shall take the steps reasonably necessary to protect
 - 1) the officer from the arrestee,
 - 2) victims and third persons from the arrestee, and
 - 3) the arrestee from self-injury or injury by others.
- In particular, officers shall not allow victims into close proximity with the arrestee and shall prevent bystanders from approaching the arrestee.
- Officers shall not allow the arrestee out of their immediate presence for any reason until the arrestee is properly secured and transported.

21.78 Arrest of Juveniles

All officers shall be aware that the arrest, transportation, and booking of juveniles are subject to the policies outlined under Chapter 20, Temporary Custody of Juveniles.

21.79 Citation of Lieu of Arrest

- Officers shall issue citations in lieu of arrest in all situations where citation is directed by law. In situations where citation is discretionary, officers shall consider whether:
 - 1) the person is likely to disregard a citation;
 - 2) the person, if cited and released, is likely to cause harm to themselves or any other person; and/or
 - 3) there are other factors that should be considered and are permitted by law and department policy

21.80 Release after Arrest

If it becomes apparent that there is no probable cause to support an arrest, the individual shall be released pursuant to 849(b) of the Penal Code, and a supervisor shall be notified.

- The officer shall document their actions as to the reason(s) for releasing the individual.
- If the person is released, officers shall ensure that they are released at a safe location and not otherwise placed at risk as a result of the incident. If necessary, officers should provide transportation for the released person to a safe location.

21.81 Private Persons Arrest

- In such cases where a misdemeanor occurred outside the officer's presence, both the suspect and victim are present, and the crime has occurred within a reasonable timeframe to the Officer's investigation, the Officer should consider offering the victim the opportunity to make a private person's arrest.
- If the Officer decides that a private person's arrest is reasonable and the victim or witness requests such an action, the Officer shall provide the Department's Private Person's Arrest form for use.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 22: Search and Seizure

Revision Date: November 2019

22.1 Purpose and Scope

This policy is intended to provide campus police officers guidelines to assist in evaluating issues related to search and seizure. Because search and seizure case law changes frequently and is subject to interpretation, an officer should evaluate each situation with regard to their training and established case law.

22.2 Expectation of Privacy

The United States constitution, under the 4th amendment, provides every individual with the right to be free from unreasonable governmental intrusion or “search and seizure”. Members of this department should not physically enter any area where an individual has a reasonable expectation of privacy (example: private residence or privately-owned vehicle) in order to conduct a search or seizure without one or more of the following:

- A valid search warrant
- Exigent circumstances
- Valid consent

22.3 Search Procedure

Campus Police Officers will conduct all searches with dignity and courtesy to all parties involved. All property items searched should not be intentionally damaged and should be returned to its pre-search condition as soon as reasonably practical.

- Officers should attempt to obtain keys to locked property when a search is anticipated, and the time and effort required to obtain keys is practical.

- An officer of the same sex should be summoned to the scene to conduct a search of a person if available.
- A search may be conducted by a member of the opposite sex when an officer of the same sex is not available or it is impractical to summon that officer to the scene. In these situations, the officers will adhere to the following guidelines:
 - 1) A supervisor and/or one other officer should witness the search, if practical.
 - 2) Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
- The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

22.4 Specific Search Situations

22.41 Residence

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

22.43 Plain View

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a legal right to be. An item in plain view may generally be seized when all the following conditions exist:

- It was viewed from a lawful location
- There is probable cause to believe that the item is linked to criminal activity
- The location of the item can be legally accessed

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

22.43 Exigent Circumstances

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

- Imminent danger of injury or death
- Serious damage to property
- Imminent escape of a suspect
- The destruction of evidence

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

22.44 Consent

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained.

A search by consent is only valid if the following criteria are met:

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

Unless unusual circumstances prevent the use of the Department issued body worn camera, voluntary consent should be recorded and documented in any subsequent report. Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied. A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 23: Ride Alongs

Revision Date: November 2019

23.1 Purpose and Scope

A Ride Along at the Cuesta College Police Department provides an opportunity for community members to experience the law enforcement profession from a first-person perspective. A “ride along” at Cuesta College Police may incorporate a police vehicle, golf cart, and foot patrols. This policy provides the requirements, approval process, and hours of operation for a ride along with CCPD.

23.2 Eligibility

A Ride Along with the Cuesta College Police Department is available for employment applicants, Cuesta College students or staff members, or other persons authorized by the Police Chief or his/her designee. Every attempt will be made to accommodate interested persons however an applicant may be disqualified at any time without cause. The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 14 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit or complaint against the Department or the college district
- Denial by any supervisor

23.3 Availability

A ride along is available Monday through Friday during normal college business hours, which are typically 0800 until 1700 hours. The availability of a ride along is subject to approval by the Police Sergeant or ranking supervisor on duty.

23.4 Ride Along Request Procedure

- 1) The ride along applicant will complete a department ride-along form and turn it into the department for review. The receiving staff member will forward the application to the on-duty Dispatcher.
- 2) The Dispatcher will complete a local CLETS law enforcement records check including any “wants and warrants”.
- 3) The Dispatcher will give the application and CLETS information to the Police Sergeant for review.
- 4) The Police Sergeant will decide to approve or deny the ride along based on the listed criteria and the CLETS information.
- 5) **Note:** If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.
- 6) If the ride-along is denied after the request has been made, the Police Sergeant will contact the applicant and advise him/her of the denial.

23.5 Ride Along Restrictions

- Ride-along applicants will be allowed to ride no more than once every six months. An exception may be granted with approval by the Chief of Police or his/her designee.
- Only one ride-along will be granted during any given time period.
- Generally, only one ride along/passenger should be in an officer’s vehicle at any time.

23.6 Law Enforcement Ride Alongs

Off-duty members of another law enforcement agency will be permitted to ride-along only with the approval of the Police Sergeant. Off-duty employees shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

23.7 Ride Along Records Check

All ride-along applicants are subject to a law enforcement records check through CLETS prior to approval as a ride-along with a campus enforcement officer. Current department and college employees are exempt from this provision, as are off-duty law enforcement in good standing. A short-term escort provided by a campus police officer for official business purposes is not considered a “ride along” and is not subject to this provision.

23.8 Officer Responsibility

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the ride along out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

23.9 Supervision of Ride Along

The Officer shall supervise the ride-along at all times and instruct him/her in the conditions that limit their participation. These instructions should include:

- The ride-along will follow the directions of the officer

- The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- The ride-along may terminate the ride at any time and the officer may return the observer to the station or another safe location on campus if the ride-along interferes with the performance of the officer's duties
- A ride-along may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- Officers will not allow a ride-along to be present in any situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other community member
- Under no circumstance shall a ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 24: Public Relations

Revision Date: December 2019

24.1 Employee Identification

Employees on official business will, upon request, identify themselves by giving their names and displaying their badge and official credentials, unless such action is likely to jeopardize the safety of the department employee or if the Chief of Police has specifically authorized an exception.

24.2 Cooperation with Public Agencies

An employee, consistent with existing laws and district rules and regulations, is expected to cooperate with all law enforcement and governmental agencies.

24.3 Police Reports

An employee will be attentive to reports by civilians and give personal attention to such reports or refer the civilians to the proper person or agency responsible. When any person wishes to file a report, police employees will courteously accept the information and take the appropriate steps needed to resolve the reported information, such as documentation of a police report and/or a thorough investigation. The decision to write a formal police report versus computer documentation of a call for service will be dependent on the following factors, and in all cases using reasonable judgement based on individual circumstances:

- Federal and State Laws
- District Policy
- Supervisor Direction
- Seriousness of Offense or Report

- Likelihood of the Information reported to Repeat or Continue
- Officer Discretion

24.4 Media

Campus Police Employees will extend professional cooperation and courtesy to members of the media consistent with district policy and CA state law.

24.41 Scene of an Emergency

The media will be granted unrestricted access to the scene of an emergency, per their rights under CA law, provided such access does not jeopardize the successful investigation or prosecution of a case, interfere with ongoing emergency services, or the rights of individuals are not infringed upon. This does not apply to an active crime scene or incident command post operations.

24.42 Statements to the Media

No police employee will provide an official statement on behalf of Cuesta College to any member of the media unless such statement has been cleared by the Director of Public Safety or his/her designee.

24.5 Social Media

24.51 Postings

A Campus Police Employee will not post any image, insignia, uniform, or logo of the Cuesta College Police Department onto any social media site, whether private or maintained by the department, without prior approval from the Chief of Police or his/her designee.

24.52 Identification as Campus Police Employee

Campus Police employees may not identify or represent themselves as members of this department on any social media site, whether private or maintained by the department, without prior approval from the Chief of Police or his/her designee.

24.6 Speaking Engagements

Campus Police Employees will obtain prior approval from the Chief of Police before speaking publicly as an official representative of the Department. The subject matter of the public speaking activity will be reviewed with by a supervisor before such engagement is made.

24.7 Conventions and Training Conferences

All Campus Police employees shall conform to provisions of The San Luis Obispo County Community College District Board Policy regarding attendance at any convention, training conference, or other official appearance on behalf of the department. Use of department uniforms and insignias during such conventions must be approved by the Chief of Police or his/her designee.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 25: Property and Evidence Handling

Revision Date: December 2019

25.1 Purpose and Scope

The policy provides guidance to department personnel on the proper collection, handling, storage, and disposition of all evidence and other types of property. Following the guidelines of this property allows for the preservation of the chain of evidence and designates those with authority for the removal and destruction of department held property.

25.2 Definitions

Evidence: All items collected in an investigation that are documented in a crime report for purposes of prosecution.

Safekeeping: Property items taken or held by the department that are not classified as evidence, such as the property of an arrestee or someone placed into protective custody

Found: Property turned into the department by a citizen or located by a department employee that is not evidence to a case and an owner is not readily identified

Property: All items of evidence, safekeeping, or found property held by the department

25.3 Property Handling

- All property items held by this department shall be cared for in such a manner as to closely preserve the condition in which it was turned in or taken into custody.
- All department employees who find or are given property items for the department shall retain the property safely in his/her possession until it can be turned over to the department property manager or placed into a property locker or another department approved property storage location.
- All items of evidence shall be booked the same day those items are found, and should be retained and secured to preserve the chain of custody at all times.

25.4 Property Booking Procedures

25.41 Found Property

1. When a department employee receives a found property item from another staff member, student, or visitor to the district, the employee shall note the finding person's name, phone number, and the location where the item was found so it can be included on the found property log.
2. The employee should attempt to locate the property item's owner immediately if that information is accessible (*ie: a purse or wallet*). If the owner is located, the found property item can be returned to the owner on the same day without logging the item on the found property log.
3. If the owner is unknown or unavailable, the found property item should be turned in to the department's assigned Property and Evidence manager as soon as possible for proper documentation and storage.
4. If the property manager is not on duty or unavailable, the item should be placed into a department property locker and a communication sent to the property manager with the property item information.
5. If the item is too large to fit inside a property locker, the item can be secured inside a locked department storage shed.

6. *At no time* should an overly dirty, contaminated, wet, or smelly item be placed into department property lockers. Those items may be secured in the department shed.

25.42 Safekeeping

- Any item retained by the department as safekeeping (such as the property of an arrestee) requires the completion of a department property receipt. A copy of the property receipt should be provided to the owner and another copy retained for department records.
- Safekeeping items should be inventoried and detailed thoroughly on the property receipt to account for all valuables and any potential illegal contraband found within the property item.
- As a rule, the department will not accept perishable items (such as food) as safekeeping items, due to the limitations of property storage.
- Money and/or other high value items should be photographed and documented by two department employees. The Property and Evidence Manager shall be notified about all high value items kept as Safekeeping.

25.43 Evidence

- Whenever practical and safe, evidence items should be photographed in the location they were found prior to being moved.
- Evidence items should be packaged and booked separately to preserve the evidentiary value of the item(s) and the integrity of the investigation. Separately packaged items can be booked into the same department property locker if the items fit without damage or alteration to the items
- Items taken as evidence from an identified owner require the completion of a property receipt. One copy should be provided to the owner and another copy retained for department records
- All evidence items shall be documented on the department's approved report writing system as part of the investigation report. This includes photographic and video evidence from department issued digital and body worn cameras.

- Evidence items such as firearms, narcotics, and hazardous materials have specialized handling and booking requirements listed below under 25.6.

25.5 Special Handling Requirements

Certain types of property items require specific and careful handling to ensure the safety of department employees and/or the preservation of the item's evidentiary value.

25.51 Narcotics and Dangerous Drugs

- All department employees shall use personal protective equipment when handling any known or suspected narcotic substance (*gloves and masks*)
- All narcotics and dangerous drugs shall be booked separately from each other and all other property items.
- Controlled substances shall be placed in an approved Department of Justice or County of San Luis Obispo evidence envelope.
- Powdered/loose substances, whether known or suspected to be a controlled substance, shall be kept in an air-sealed container or bag, or the original container it was found in if appropriate.
- No presumptive test shall be performed on any substance to prevent employee exposure to potentially harmful substances.
- Paraphernalia as defined by Health & Safety Code § 11364 and Business and Professions Code 4140 shall also be packaged and booked separately.
- The department property manager shall be notified of any known or suspected narcotic substance booked into evidence.

25.52 Firearms

- All firearms shall be unloaded and verified unloaded by at least two sworn officers prior to booking into property.
- Slides (semi-automatics) and cylinders (revolvers) shall be locked in the open position and secured with a zip tie or other binding

- Ammunition shall be booked separately

25.53 Knives and Sharp Weapons

- Exposed blades shall be wrapped to prevent injury while handling
- A sharp or knife booked inside a box or bag shall be marked with a highly visible warning

25.54 Syringes

- Found syringes that are not evidence are not to be booked into property. They are to be placed in an appropriate sharps container for destruction.
- Syringes that are evidence and do not contain narcotics shall be photographed then placed into the sharps container for destruction.
- Syringes containing suspected drugs shall be placed in a syringe tube then packaged in a DOJ narcotics envelope and marked with bio-hazard tape.

25.55 Explosives and Hazardous Materials

- Explosives that are known or suspected to be armed or live, other than fixed ammunition, and hazardous materials to include gasses, **SHALL NOT BE BROUGHT INTO THE POLICE FACILITY.** All fireworks, flares, or fuses that are considered safe to handle will be transported to the nearest Fire Department which has an appropriate storage container for such items.
- Campus Police Officers or Public Safety Officers who encounter a suspected explosive device shall immediately notify the on-duty supervisor or the San Luis Obispo Sheriff's Watch Commander if a supervisor is unavailable. The SLO County Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.
- Campus Police Officers or Public Safety Officers who come in contact with hazardous materials will refer handling and management to the fire department.

25.6 Property Management

The Public Safety Services Technician is the department's assigned Property and Evidence Manager. The PSST is responsible for oversight of all property and evidence storage, documentation, property forms, and procedures. The PSST is the only person authorized by the Chief of Police to remove or destroy department held property in compliance with applicable State and Federal laws.

25.61 Release of Property

- All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.
- Release of property shall be properly documented and entered on the property log by the PSST.
- With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During that time, the PSST shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available.
- Property not held for any other purpose and not claimed within 90 days after notification may be auctioned, destroyed or converted to public use in compliance with applicable law.
- The final disposition of all such property shall be fully documented in related reports.
- If property is released to an identified owner with proper identification, the releasing department member will obtain a signature of the person receiving the property on a property release form.

25.7 Property and Evidence Audit

An audit of all property and evidence held by the department should be conducted annually by the Police Sergeant and the PSST. The results of the audit should be documented in a memorandum and submitted to the Chief of Police.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 26: Hate Crimes

Revision Date: December 2019

26.1 Purpose and Scope

The purpose of this policy is to establish guidelines for identifying and investigating hate crimes and assisting victimized individuals and communities. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery. All officers of this agency shall receive instruction on hate crime investigation in compliance with POST. This policy also complies with AB 1985, California Penal Code 422.56, and Penal Code 422.87.

26.2 Policy

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by the Cuesta College Police Department and will be given high priority. The department shall employ all necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, Cuesta College Police shall be mindful of and responsive to the security concerns of victims and their families.

Cuesta College Police, in compliance with the Jeanne Clery Act, shall collect, analyze, and report incidents of crime that are, in whole or in part, directed against individuals because of race, religion, ethnicity, gender, sexual orientation, gender identity, or

disability. This report shall be completed once per year as part of the department's annual security report, which is posted on the department website.

26.3 Definitions

Disability includes mental disability and physical disability as defined in Section 12926 of the Government Code regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. This definition is declaratory of existing law.

Gender means sex and includes a person's gender identity and gender expression.

Gender expression means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

Nationality includes citizenship, country of origin, and national origin.

Race or ethnicity includes ancestry, color, and ethnic background.

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense.

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

Hate Crime: A crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, gender identity, disability, or sexual orientation of any person.

Hate Incident: Those actions by an individual or group that, while motivated by hate or bias, do not rise to the level of a criminal offense.

Hate Group: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons of a different race, ethnicity, national origin, religion, disability, sexual orientation, gender, and/or gender identity.

Religious Group: A group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

26.4 Initial Response

Initial responding officers at the scene of a suspected hate crime shall follow the department's guidelines for responding to a crime scene listed under Chapter 19.3.

Specifically, officers shall:

- Photograph and collect physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
- Recognize the potential need for and request the assistance of a translator, where necessary.
- Notify a supervisor and brief him or her on actions taken thus far.
- Ensure that all statements made by suspects are recorded verbatim; exact language is critical. Officers should record such statements on the department body worn camera.
- Identify prior bias-motivated occurrences in the immediate area or against the same victim.

26.5 Investigations

Campus Police Officers shall conduct a thorough, prompt, and complete investigation in all suspected and confirmed hate crimes.

- Officers shall make every effort to become familiar with organized hate groups operating on the district campuses and/or in the community.

- Inflammatory or bias motivated graffiti and/or evidence of a hate crime should be removed as soon as possible, once the initial investigation of the scene is complete.
- Officers should cover or block off public view of such evidence and coordinate with the facilities department for a prompt removal. The assigned officer shall follow up to ensure that this is accomplished in a timely manner.
- Officers shall work closely with the San Luis Obispo County District Attorney's Office to ensure that a legally sound case is developed for prosecution when enough evidence is identified to file a criminal case.
- Officers shall take steps to ensure appropriate assistance is being provided to hate crime victims, such as providing Victims of Crime information (Marsy's Law) and referrals to the Victim-Witness Office of the San Luis Obispo County District Attorney's Office.

26.6 Supervisory Responsibilities

- Notify the Chief of Police or his/her designee of any suspected or confirmed hate crime or hate incident.
- Provide immediate assistance to the victim as needed.
- Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias crime-reporting purposes.
- Coordinate the investigation with local, state, and regional intelligence operations, such as the SLO County Gang Task Force, in order to identify any patterns, organized hate groups, and suspects potentially involved in the offense.
- Take steps to ensure that appropriate assistance is being provided to hate crime victims.

26.7 Community Relations and Crime Prevention

Hate crimes are viewed and perceived on the district campuses and in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's

identification group as a whole. Towards this end, the Cuesta College Police Department should do the following to the extent reasonable and permitted:

- Continue to provide assistance to the victim, including protecting his or her privacy and that of his or her family as much as possible.
- Work with segments of the campus community after such crimes to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes, especially if an upward trend has been identified.
- Especially in the most serious crimes, meet with campus groups or others in target communities and other identified groups as soon as possible to allay fears; emphasize the department's concern over this and related incidents; reduce the potential for counter-violence and reprisals; and provide safety, security, and crime prevention information.
- Coordinate with the district Public Information Office to engage the media as soon as possible. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
- Conduct, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for students, staff, and other interested members of the district community.

26.8 Hate Crime Data Collection and Reporting

The Cuesta College Police Department shall do the following:

- Submit a monthly report on all hate crime occurrences to the appropriate state crime analysis center or central repository;
- Submit a monthly report to the FBI on all hate crime occurrences, in accordance with guidelines established pursuant to the federal Hate Crime Statistics Act.
- Make information, records, and statistics collected available to any appropriate local or state agency and to the public, subject to all confidentiality requirements otherwise imposed by law.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 27: Domestic Violence

Revision Date: December 2019

27.1 Purpose and Scope

The purpose of this policy is to provide guidelines to Cuesta College Police Department personnel on the appropriate response, investigation, enforcement, and prevention measures for domestic violence incidents that occur on Cuesta College property or in the surrounding community our officers may respond to. CCPD does not tolerate any form of domestic violence and our department is committed to taking enforcement action when appropriate while providing assistance to the victim(s) and victim(s)' families.

27.2 Definitions

Abuse - means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

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

Domestic violence - means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- (1) sexual relations between the parties while sharing the same living quarters,
- (2) sharing of income or expenses,
- (3) joint use or ownership of property,
- (4) whether the parties hold themselves out as spouses,
- (5) the continuity of the relationship, and
- (6) the length of the relationship.

27.3 Policy

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

In compliance with relevant Federal and State Laws, information concerning Domestic Violence Incidents shall be reported to the Title IX office of Cuesta College for appropriate follow up. Domestic Violence incidents will also be reported in compliance with the Jeanne Clery Act as part of the annual security report.

27.4 Officer Safety

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

27.5 Investigations

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

- Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete calls.
- When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the location of occurrence.
- When practicable and legally permitted, video or audio record all significant statements and observations.
- All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the reporting Officer in the event that the injuries later become visible.
- Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- Seize any firearms or other dangerous weapons, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

- Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - Marital status of suspect and victim.
 - Whether the suspect lives on the premises with the victim.
 - Claims by the suspect that the victim provoked or perpetuated the violence.
 - The potential financial or child custody consequences of arrest.
 - The physical or emotional state of either party.
 - Use of drugs or alcohol by either party.
 - Denial that the abuse occurred where evidence indicates otherwise.
 - A request by the victim not to arrest the suspect.
 - Location of the incident (public/private).
 - Speculation that the complainant may not follow through with the prosecution.
 - The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

27.51 If a Suspect is Arrested

- Advise the victim that there is no guarantee the suspect will remain in custody.
- Provide victim(s) with contact information on the Victim Information and Notification Everyday ("VINE") Program to register for notification by the jail of the suspect's release from custody. (#1-877-411-5588 or www.vinelink.com).
- Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

27.52 If No Arrest is Made

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

27.6 Victim Assistance

Victims may be traumatized or confused. Officers should:

- Recognize that a victim's behavior and actions may be affected.
- Provide the victim with a County of San Luis Obispo "Your Rights and Law Enforcement Response" handbook, no matter the level of the crime.
- Alert the victim to available victim advocates, shelters and community resources.
- If at a residence, stand by for a reasonable amount of time when an involved person requests law enforcement assistance to remove essential items of personal property.
- Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- Ask the victim whether he/she has a safe place to stay. Assist in arranging transportation for the victim to a safe location or shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists. **Note:** Officers may transport the victim, if requested, to a location within San Luis Obispo County.
- Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- Seek or assist the victim in obtaining an emergency protective order if appropriate.
- The victim has the right to have an advocate or support person of the victim's choosing present during a law enforcement interview, unless deemed detrimental to the interview (P.C. 679.05)
- Provide the victim with the Victim's Rights Card, including the rights of crime victims pursuant to the California Constitution (P.C. 679.08) "Marsy's Rights".
- If the victim is an undocumented immigrant, the victim may be eligible for a "U-Visa", which may be initiated by the District Attorney's Office or an immigrant assistance agency.
- The victim may request to have their name deleted from the crime report (GC 6254(f)(2)).

- If sexual assault is reported, evaluate to determine if a medical/legal SART exam is appropriate. If the victim does not want to cooperate with law enforcement, inform the victim of his/her right to access SART exam without law enforcement involvement and at no cost to the victim. In all sexual assault cases, victims should be referred to the Sexual Assault Recovery and Prevention Center (SARP).

27.7 Dispatch Assistance

- All calls of domestic violence, including incomplete calls, should be dispatched as soon as possible and should be considered a high priority.
- Dispatchers are not required to verify the validity of a court order before responding to a request for assistance.
- Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

27.8 Foreign Court Orders

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

27.9 Verification of Court Orders

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

- Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- Check available records or databases that may show the status or conditions of the order.
- Contact the issuing court to verify the validity of the order.
- Contact a law enforcement official from the jurisdiction where the order was issued to verify information.
- Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made.
- Officers should contact a supervisor for clarification when needed.

27.10 Legal Mandates and Relevant Laws

California law provides for the following:

27.10(1) Standards for Arrests

- An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is reasonable cause to do so requires supervisor approval.
 - Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

- An officer responding to a domestic violence call who cannot not make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest.
- Officers shall not dissuade victims from making a lawful private person's arrest.
- Officers should refer to the provisions in the Chapter 21 related to private person's arrest. (Penal Code§ 836(b)).
- Officers shall not cite and release a person for the following offenses (Penal Code§ 853.6(a)(3):
 - Penal Code§ 243(e)(1) (battery against spouse, cohabitant)
 - Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiance/fiancee, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - Penal Code § 646.9 (stalking)
 - Other serious or violent felonies specified in Penal Code § 1270.1
- In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
 - The intent of the law to protect victims of domestic violence from continuing abuse.
 - The threats creating fear of physical injury.
 - The history of domestic violence between the persons involved.
 - Whether either person acted in self-defense.

- An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code§ 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

27.11 Court Orders

- An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code§ 6271; Penal Code§ 646.91).
- At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code§ 6383; Penal Code§ 13710).
- Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code§ 6389(c)(2)).
- During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code§ 18250).

27.12 Public Access to Policy

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

27.13 Reports and Records

- A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code§ 18250; Penal Code§ 33800; Family Code§ 6389(c)(2)).

27.13(1) Record-Keeping and Data Collection

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Coordinator to maintain and report this information as required.

27.14 Declaration in Support of Bail Increase

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



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 28: Threats

Revision Date: December 2019

28.1 Purpose and Scope

As an educational facility, Cuesta College may be subject to a variety of threats in an attempt to disrupt the educational process or injure member(s) of the college community. This policy provides guidance to Cuesta College Police Department personnel in addressing threats that may be encountered. This policy cannot predict the range of threats and circumstances that Cuesta College may be subject to. As such, CCPD personnel are encouraged to use this policy as a guideline for even those incidents that occur outside the parameters of those listed below.

28.2 Definitions

Threat – for the purpose of this policy, means (as stated under 422 PC): Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety.

Bomb - for the purpose of this policy, applies to any suspected or known destructive device, as listed under 16460 PC, or other non-listed device capable of explosive action capable of inflicting damage and injury to persons or property.

28.3 Priority of Response

A threat against any person or location, whether or not that person or location is within the district's jurisdiction, shall be taken seriously and be given a high priority. A Campus Police Officer shall be dispatched to all threat related calls involving Cuesta College personnel or facilities as soon as possible. All threats involving facilities or persons *outside* district jurisdiction shall be communicated to the appropriate agency as soon as possible.

28.4 Notifications

- The supervisor or Officer in Charge (OIC) shall notify the Chief of Police or his/her designee as soon as possible of any threat against a person or facility of the college district. The supervisor or OIC can delegate this notification to the on-duty dispatcher as needed to preserve operational capability and response.
- The supervisor or OIC should, if the Chief of Police is not available, notify the President's Office of any threat against the facility that may cause disruption or harm to the educational environment.
- The supervisor or OIC should evaluate the threat received to determine if a lockdown or other campus notification is appropriate, as detailed in *Chapter 32, Campus Notifications*. Except in cases of an immediate emergency, approval from the President's office or his/her designee for campus "My Alert" notices shall be obtained.

28.5 Responsibility to Investigate

Due to the potential for violence, injury to persons, and destruction of property resulting from a threat that is acted upon, Cuesta College Police Department personnel shall fully investigate all threats within the college district. In such cases where the investigation is outside the ability of department resources, mutual aid from other law enforcement agencies should be considered. All reported threats shall be documented in an incident report.

28.6 Bomb Threats

28.61 Initial Threat/Call

Cuesta College Police Personnel who receive a report or threat of a bomb should attempt to ask specific information of the reporter/caller using the department's approved bomb threat protocol, as re-stated below:

DISPATCHER/CALL-TAKER RESPONSIBILITIES

➤ **Ask these questions to the person reporting a bomb threat (and document the answers):**

- 1) When is the bomb going to explode?
- 2) Where is the bomb?
- 3) What kind of bomb is it?
- 4) What does it look like?
- 5) Why did you place the bomb?
- 6) Who are you? *(to avoid possible termination of the call this should be the last question asked)*

➤ **Document the following information during the call if possible**

- 1) Time of the Call
- 2) Exact words of the person as accurately as possible
- 3) Estimated age and gender of the caller
- 4) Speech patterns and/or accents
- 5) Background Noises *(inside, outside, voices, machinery, other?)*

NOTIFICATIONS

➤ **The Dispatcher or call taker should make the following notifications ASAP**

- 1) All On-duty personnel
- 2) Chief of Police and/or Police Sergeant
- 3) President's Office (if Chief/Sgt. are unavailable)

- 4) With Supervisor approval, notify the San Luis Obispo County Sheriff's Office of the bomb threat.

28.62 *Response to Bomb Calls*

- When responding to a known or suspected explosive device, Officers should consider the following:
 - 1) A minimum *inner perimeter* of 300-500 feet should be established around a known or suspected device. Evacuate all structures within the established inner perimeter.
 - 2) A secondary *outer perimeter* should be established to keep all non-emergency personnel out of the area.
 - 3) Consider evacuation of adjacent structures to reduce potential injury from explosive debris
 - 4) Any found device should be considered live, and not be moved or touched except by qualified explosive ordinance personnel, and only with supervisor approval

28.63 *Supervisor Responsibilities*

- 1) Establish an Incident Command Post inside the outer perimeter and follow incident scene protocols as stated under 19.3
- 2) With Chief of Police approval, notify the campus via My Alert and give appropriate instructions to evacuate or shelter in place as needed.
- 3) A search of the surrounding area should be conducted for secondary devices or other hazardous/dangerous materials.
- 4) Consider a mutual aid request for an Explosive Detection K9 from area partners: (Cal Poly, SLOSO, CA State Parks)
- 5) If a device is found, call the San Luis Obispo Sheriff's Office and request the SLO County Bomb Task Force

28.7 Threats of Active Violence / School Shooting

Threats regarding a “school shooting” or other incident of active violence against the college district can appear in many ways. Cuesta College Police Department personnel shall consider the following when a threat is reported/discovered and report any information learned to a supervisor immediately:

- Is there a specific date for the threat to be carried out?
- Is there a specific location, group, and/or individual named as the target?
- Was there a method named for committing the violence (*shooting, explosive, chemicals, etc...*)
- Is the suspect named or is there information in the report that can help identify the suspect (*Caller ID, name, disclosure of personal information such as being a former employee or student, knowledge of campus or campus programs, etc...*)
- Were there any conditions given as part of the threat: (*ex: If you don't do _____ I will do _____*)
- Does the threat constitute an immediate or ongoing threat to the campus requiring notification to the campus or more extensive measures (ex: lockdown)

28.71 Telephone Threat

Similar to a bomb threat, the Dispatcher/Call-Taker should attempt to document as much information about the caller as possible.

- 1) Time of the Call
- 2) Type of Threat
- 3) Information about the threat as stated above under 28.7
- 2) Exact words of the person as accurately as possible
- 3) Estimated age and gender of the caller
- 4) Speech patterns and/or accents
- 5) Background Noises (*inside, outside, voices, machinery, other?*)

Note: The Dispatcher should assure the audio recording of any threat is downloaded as evidence as soon as possible.

28.72 *Social Media Threat*

A social media threat is sometimes discovered in close proximity to the actual time of the violent incident. Heightened priority and consideration should be given to social media threats and investigated as soon as possible. CCPD personnel should consider and document the following when investigating or receiving a reported social media threat:

- 1) The reporting party's complete contact information for follow up
- 2) How the reporting party discovered the threat (*Are they a social media contact "friend" of the person posting the threat?*)
- 3) Is the threat still visible on social media? (*Can the RP take a screenshot?*)
- 4) Information about the suspect (name, user ID, email address, suspect's friends, other photos showing identifiable locations)
- 5) Other similar social media posts from that suspect
- 6) Type of Social media platform (Facebook, Instagram, Twitter, etc...)

Note: Investigation of Social Media Accounts requires specific warrant information that is highly detailed. A supervisor should consider a mutual aid request from the San Luis Obispo Sheriff's Office if a warrant is needed for social media account information.

28.73 *Written Threat / Graffiti*

A written threat can take the form of graffiti on district property, a letter sent to a student or staff member, or a note left on someone's vehicle, among other methods. Officers should consider the following when investigating a reported or found written threat:

- 1) Photograph the area as soon as possible to preserve the evidence
- 2) Coordinate with Facilities for removal of any graffiti as soon as possible
- 3) Cover the threat from public view or block off access as needed
- 4) Gather specific information about the threat as specified under 28.7
- 5) Evaluate if the threat represents a Hate Crime as noted in Chapter 26
- 6) Preserve the original written threat as evidence

28.8 Notification of Threats

- Absent an emergency requiring immediate action by the supervisor or OIC, approval for campus “My Alert” notifications will be obtained from the Chief of Police or his/her designee. If the Chief is not available, the supervisor will coordinate with the President’s Office for such an approval.
- All notifications shall be given following the standards given in Chapter 32, Campus Notifications



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 29: Response to Mental Health Crisis

Revision Date: December 2019

29.1 Purpose

It is the purpose of this policy to provide guidance to Cuesta College Police Department personnel when responding to or encountering persons experiencing a mental health crisis. For the purposes of this document, the term person in crisis (PIC) will be used.

29.2 Policy

Responding to situations involving individuals reasonably believed to be PIC necessitates an officer to make difficult judgments about the mental state and intent of the individual and necessitates the use of special skills, techniques, and abilities to effectively and appropriately resolve the situation, while minimizing violence. The goal is to de-escalate the situation safely for all individuals involved when reasonable and consistent with established safety priorities.

It is the policy of CCPD that officers be provided with department approved training to determine whether a person's behavior is indicative of a mental health crisis and with guidance, techniques, response options, and resources so that the situation may be resolved in as constructive, safe, and humane a manner as possible. The frequency and specific type of training shall be determined by the Chief of Police.

29.21 Officer Safety

Nothing in this policy shall prevent an officer from taking reasonable steps to ensure the safety of themselves and the public, within the guidelines of the department's Use of Force policy, Chapter 16.

29.22 *Detentions and Arrests*

Nothing in this policy shall prevent an officer from making a lawful detention or arrest of a PIC when it is determined to be reasonable and the detention/arrest fits applicable criteria under the law.

29.3 **Definitions**

Mental Health Crisis: An event or experience in which an individual's normal coping mechanisms are overwhelmed, causing them to have an extreme emotional, physical, mental, and/or behavioral response. Symptoms may include emotional reactions such as fear, anger, or excessive giddiness; psychological impairments such as inability to focus, confusion, or nightmares, and potentially even psychosis; physical reactions like vomiting/stomach issues, headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral reactions including the trigger of a "freeze, fight, or flight" response. Any individual can experience a crisis reaction regardless of previous history of mental illness.

Mental Illness: An impairment of an individual's normal cognitive, emotional, or behavioral functioning, caused by physiological or psychosocial factors. A person may be affected by mental illness if they display an inability to think rationally (e.g., delusions or hallucinations); exercise adequate control over behavior or impulses (e.g., aggressive, suicidal, homicidal, sexual); and/or take reasonable care of their welfare with regard to basic provisions for clothing, food, shelter, or safety.

29.4 **Recognizing Atypical Behavior**

Only a trained mental health professional can diagnose mental illness, and even they may sometimes find it difficult to make a diagnosis. Officers are not expected to diagnose mental or emotional conditions, but rather to recognize behaviors that are potentially indicative of PIC, with special emphasis on those that suggest potential violence and/or danger. The following are generalized signs and symptoms of behavior that may suggest an individual is experiencing a mental health crisis, but each should be evaluated within

the context of the entire situation. However, officers should not rule out other potential causes, such as effects of alcohol or psychoactive drugs, temporary emotional disturbances that are situational, or medical conditions.

- Strong and unrelenting fear of persons, places, or things.
- Extremely inappropriate behavior for a given context.
- Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation.
- Memory loss related to such common facts as name or home address, although these may be signs of other physical ailments such as injury, dementia, or Alzheimer's disease.
- Delusions, defined as the belief in thoughts or ideas that are false, such as delusions of grandeur or paranoid delusions (*"Everyone is out to get me"*).
- Hallucinations of any of the five senses (*e.g., hearing voices, feeling one's skin crawl, smelling strange odors, seeing things others cannot see*).
- The belief that one suffers from extraordinary physical ailments that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.
- Obsession with recurrent and uncontrolled thoughts, ideas, and images.
- Extreme confusion, fright, paranoia, or depression.
- Feelings of invincibility.

29.5 Assessing Risk

- Most PIC are not violent and some may present dangerous behavior only under certain circumstances or conditions. Officers may use several indicators to assess whether a PIC represents potential danger to themselves, the officer, or others. These include the following:
 - The availability of any weapons.
 - Threats of harm to self or others or statements by the person that suggest that they are prepared to commit a violent or dangerous act. Such comments may range

from subtle innuendo to direct threats that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.

- A personal history that reflects prior violence under similar or related circumstances. The person's history may already be known to the officer, or family, friends, or neighbors might provide such information.
 - The amount of self-control that the person exhibits, particularly the amount of physical control, over emotions such as rage, anger, fright, or agitation. Signs of a lack of self-control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching oneself or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.
 - Indications of substance use, as these may alter the individual's self-control and negatively influence an officer's capacity to effectively use de-escalation strategies.
 - The volatility of the environment. Agitators that may affect the person or create a particularly combustible environment or incite violence should be taken into account and mitigated. For example, the mere presence of a law enforcement vehicle, an officer in uniform, and/or a weapon may be seen as a threat to a PIC and has the potential to escalate a situation. Standard law enforcement tactics may need to be modified to accommodate the situation when responding to a PIC.
 - Aggressive behaviors such as advancing on or toward an officer, refusal to follow directions or commands combined with physical posturing, and verbal or nonverbal threats.
- Failure to exhibit violent or dangerous behavior prior to the arrival of the officer does not guarantee that there is no danger.
 - A PIC may rapidly change their presentation from calm and command-responsive to physically active. This change in behavior may come from an external trigger (such as an officer stating "I have to handcuff you now") or from internal stimuli (delusions

or hallucinations). A variation in the person's physical presentation does not necessarily mean they will become violent or threatening, but officers should be prepared at all times for a rapid change in behavior.

- Context is crucial in the accurate assessment of behavior. Officers should take into account the totality of circumstances requiring their presence and overall need for intervention.

29.6 Response to PIC

If the officer determines that an individual is experiencing a mental health crisis and is a potential threat to themselves, the officer, or others, law enforcement intervention may be required. All necessary measures should be employed to resolve any conflict safely using the appropriate intervention to resolve the issue. The following responses should be considered:

- Request a backup officer. Always do so in cases where the individual will be taken into custody. (If none are on campus, consider mutual aid from SLO Sheriffs)
- Request assistance from individuals with specialized training in dealing with mental illness or crisis situations: (Mobile Crisis Unit, CIT trained personnel from another agency, Mental Health Counselors, or Crisis Negotiator)
- Contact and exchange information with a treating clinician or the County of SLO mental health for assistance.
- Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, lower radio volume, and assume a quiet nonthreatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation. Officers should operate with the understanding that time is an ally and there is no need to rush or force the situation.
- Create increased distance, if possible, in order to provide the officer with additional time to assess the need for force options.

- Utilize environmental controls, such as cover, concealment, and barriers to help manage the volatility of situations.
- Move slowly and do not excite the individual. Provide reassurance that officers are there to help and that the individual will be provided with appropriate care.
- Ask the individual's name or by what name they would prefer to be addressed and use that name when talking with the individual.
- Communicate with the individual in an attempt to determine what is bothering them. If possible, speak slowly and use a low tone of voice. Relate concern for the individual's feelings and allow the individual to express feelings without judgment.
- Where possible, gather information on the individual from acquaintances or family members and/or request professional assistance, if available and appropriate, to assist in communicating with and calming the individual.
- Do not threaten the individual with arrest, or make other similar threats or demands, as this may create additional fright, stress, and potential aggression.
- Avoid topics that may agitate the individual and guide the conversation toward subjects that help bring the situation to a successful conclusion. It is often helpful for officers to apologize for bringing up a subject or topic that triggers the PIC. This apology can often be a bridge to rapport building.
- Attempt to be truthful with the individual. If the individual becomes aware of a deception, they may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger. In the event an individual is experiencing delusions and/or hallucinations and asks the officer to validate these, statements such as "I am not seeing what you are seeing, but I believe that you are seeing (the hallucination, etc.)" are recommended. Validating and/or participating in the individual's delusion and/or hallucination is not advised.

29.7 Taking Custody or Referral to Mental Health

- Based on the totality of the situation, and applicable State and/or Federal law, a Campus Police officer may take one of several courses of action when responding to a PIC.
 - Offer mental health referral information to the individual and/or family members.
 - If the person is a student and they are not a danger to themselves or others, escort to student health services for walk in counseling
 - Call for the Behavioral Health Response Team to Respond
 - Assist in accommodating a voluntary admission to SLO County mental health.
 - Take the individual into custody and provide transportation to SLO County Mental Health for an involuntary psychiatric evaluation under 5150 W&I. (**Note:** The Behavioral Health Team should be called prior to an involuntary transport unless the person is likely to hurt themselves or others without an immediate intervention)
 - Make an arrest.
- Officers should be aware that the application or use of restraints may aggravate any aggression being displayed by a PIC.
- In all situations involving a PIC, officers should
 - Continue to use de-escalation techniques and communication skills to avoid escalating the situation.
 - Remove any dangerous weapons from the area.
 - Where applicable, ensure that the process for a 5150 W&I petition for involuntary committal has been initiated

29.8 Documentation

- Document the incident in a case report, regardless of whether or not the individual is taken into custody. Where the individual is taken into custody or referred to other agencies, officers should detail the reasons why. If the person involved is a student, submit a student incident report for follow up.

- Ensure that the report is as specific and explicit as possible concerning the circumstances of the incident and the type of behavior that was observed. Terms such as “out of control” or “mentally disturbed” should be replaced with descriptions of the specific behaviors, statements, and actions exhibited by the person.
- Maintain confidentiality of the person involved by making sure specific names, addresses, or other identifying information is not included in any publicly viewable location



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 30: Homeless Persons

Revision Date: December 2019

30.1 Purpose and Scope

The purpose of this policy is to provide guidance to Cuesta College Police Department personnel during any contact and interaction with homeless and unsheltered persons. The department, reflecting the inclusive culture of Cuesta College, recognize that members of the homeless and unsheltered community are often in need of special protection and services. CCPD will address these needs in balance with the overall mission of this department to provide a safe learning environment. Therefore, all campus police officers and other department personnel will follow these guidelines when serving the homeless and unsheltered community.

30.2 Policy

It is the policy of the Cuesta College Police Department to provide law enforcement services equally to all members of the community. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action. Department employees will protect the rights, dignity and private property of the homeless at all times.

30.3 Homeless Liaison Officer

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer (HLO). The responsibilities of the HLO include the following:

- Maintain and make available to all department employees a list of on campus and off campus assistance programs and other resources that are available to the homeless.

- Meet, as needed, with social services and representatives of other organizations that render assistance to the homeless.
- Survey district areas annually to locate any homeless encampments
- Work with the Student Resolution Coordinator regarding services and impacts to the homeless student community
- Maintain awareness of current laws regarding the removal and/or destruction of the personal property of the homeless. This will include the following:
 - Proper posting of notices of trespass and clean-up operations.
 - Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with Chapter 25, Property and Evidence.
 - Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

30.4 Field Contacts

Campus Police Officers are encouraged to contact the homeless for purposes of rendering aid, support, and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, an escort from the campus area, and/or counseling in lieu of physical arrest.

30.41 Resources

Department personnel should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate. In such cases where a homeless person is also a student of Cuesta College, the department employee should also fill out and submit a student incident/well-being report.

30.5 Investigations involving the Homeless

A victim or witness who is homeless can require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses, or suspects:

- Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- Document places the homeless person may frequent.
- Provide homeless victims with victim/witness resources when appropriate.
- Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- Consider whether the person may be a dependent adult or elder, and if so, whether other social services resources may be needed

30.6 Personal Property

Campus Police Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

30.61 Detainee/Arrestee Property

When a homeless person is arrested or otherwise removed or escorted from the campus, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping in accordance with Property and Evidence Procedures.

If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures taken to remove or secure the property. It is the supervisor's responsibility to coordinate the removal and safekeeping of the property.

30.62 Encampments

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department's Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in district areas that reasonably appears to belong to a homeless person should not remove or destroy such property. That Officer or department employee should immediately inform the HLO or a supervisor if the HLO is unavailable, and it will be their responsibility to address the matter in a timely fashion.

30.7 Mental Illness

An Officer may encounter a homeless person who suffers from a mental illness or a mental impairment. In such instances, Officers should evaluate the situation to determine if the person meets the criteria for a mental illness hold under 5150 W&I. Officers shall avoid detaining a homeless person for a mental illness hold based solely on the condition of their homelessness, without clear and articulable facts and criteria supporting such a hold as listed in Chapter 29.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance through the County of San Luis Obispo as appropriate. The Officer should also consider reasonable transportation of the homeless person to a mental health specialist if requested by the person and approved by a supervisor.

30.8 Ecological Issues

Homeless encampments can potentially impact the ecology and natural resources of the district and surrounding community and may involve criminal offenses beyond mere littering. Officers and other department personnel should notify a supervisor when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification. The supervisor receiving this notification should work with other agencies, such as the County of San Luis Obispo, California Fish and Wildlife, or other appropriate authorities to assess and mitigate these environmental issues.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 31: Outside Agency Assistance

Revision Date: December 2019

31.1 Purpose and Scope

The purpose of this policy is to provide guidance to Cuesta College Police Officers in the request of or answering the request for assistance involving another law enforcement agency. It is the policy of CCPD to provide assistance whenever possible, consistent with applicable law and the policies of this department. This department may also request an outside agency to provide assistance.

31.2 Assisting Outside Agencies

Calls for assistance from other agencies should be routed to the supervisor for approval. When an authorized employee of an outside agency requests the assistance of this department, and the supervisor or ranking officer approves, available officers may respond and assist as needed. As a general rule, one officer should always remain on their assigned campus during such calls for assistance to provide for the safety of the campus community. Exceptions to this may be based on the request's close proximity to campus or the severity of the incident (such as emergency help to an officer). In all such cases, responding officers should return to their assigned campus as soon as the situation is stabilized.

31.3 Requesting Assistance from Outside Agencies

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions, absent an immediate emergency. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 32: Campus Notifications

Revision Date: December 2019

32.1 Purpose and Scope

As an institution of higher education, Cuesta College is mandated by Federal Law, under the Jeanne Clery Act, to provide *emergency notifications* and *timely warnings* to the campus community during and immediately following certain types of crimes and emergencies. In addition, certain incidents, due to their effect on the overall campus (such as a sustained power outage), require a campus-wide notification.

This policy provides guidance to Cuesta College Police Department personnel on the circumstances when campus wide notifications are required, and the procedures for appropriate dissemination of information. This policy recognizes that emergency situations are dynamic, fluid, and unpredictable. In addition, staffing resources are limited. CCPD personnel are encouraged to give reasonable effort in meeting these notification procedures without compromising personal safety or effective operational response.

32.2 Definitions

Emergency Notifications – A notification to the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees.

Timely Warnings – A notification to the campus community for all Clery Act crimes that occur on our Clery Act geography that are reported to the Cuesta College Police or another local police agency **and** are considered by the institution to represent a serious or continuing threat to students and employees.

Clery Act Geography – Defined as on one of the district campuses (SLO, NCC), immediately contiguous with a campus property, within one mile of a campus property, on off-campus, district-controlled property (such as the South County Center), and any district owned or controlled student housing.

Campus Community – All current students, staff, faculty, and private entities who are based on or who utilize the campus on a frequent or daily basis (ie: Columbia College staff)

32.3 Clery Act Crimes

Crimes that fall under “Clery Act Crimes” for purposes of triggering a timely warning (in context with a serious or continuing threat) are separated into four general categories:

32.31 Criminal Offenses

- Murder
- Non-negligent manslaughter
- Manslaughter by Negligence
- Sexual Assault: Rape, Fondling, Incest, Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft (*Note: defined as theft of a vehicle*)
- Arson

32.32 Hate Crimes

- All of the offenses listed in 32.31 – motivated by bias
- Larceny/Theft – motivated by bias
- Simple Assault – motivated by bias
- Intimidation – motivated by bias
- Destruction/Damage/Vandalism of Property- motivated by bias

32.33 VAWA Offenses (Violence against Women Act)

- Domestic Violence
- Dating Violence
- Stalking

32.34 Arrests and Referrals for Disciplinary Action

- Weapons law violations (*possession / use of / etc...*)
- Drug Abuse Violations
- Liquor Law Violations (*excluding public intoxication*)

32.4 Campus Notification Methods

Cuesta College Police Department personnel should consider multiple, redundant, and overlapping methods of distribution for Emergency Notifications and Timely Warnings. Campus community members may not be linked with or aware of all available methods. Additionally, the technology for some or all of these systems can fail during emergencies due to damage or a loss of power. The following are a list and description of methods of emergency communication at Cuesta College.

- *My Alert* – This is the primary method for all emergency messaging for the campus community. My Alert incorporates an email and text message based system that distributes to all registered students, staff, and community members. My Alerts can be sent via computer or smartphone by the on-duty Dispatcher or the Chief of Police. In the event a Dispatcher and the Chief of Police are unavailable, CCPD personnel should call the alert provider, Rave Mobile Safety, using Rave’s “How to get Help” information form.

- *Rave Guardian* – This is a smartphone-based application available to all staff and students and is also administrated by Rave Mobile Safety. It provides push notification messages that tie in with the My Alert system. Guardian can be selected as a method for notification separate of, or in addition to, a My Alert message. Guardian push notifications may work in areas where cell phone coverage is intermittent or not available (such as inside buildings).
- *Campus Emergency Lighting System (CELS)* – This is a software application available from authorized desktop computers and hosted by computer servers located on both campuses. Unlike My Alert, this system is separately controlled from each campus, due to the limitations of the technology. CELS is a visual notification system designed to act in tandem with My Alert, and should not be used without additional messaging, in order to limit confusion and/or panic. During a power outage, this system will not be available. A CELS activation should proceed My Alert notifications whenever possible and appropriate, to increase awareness of the emergency message being sent.
- *Social Media / Media* – Cuesta College and the Cuesta College Police Department maintain active social media pages and connections with local media outlets. These pages and media resources should not be used as a primary method for distribution, but as a method for increasing the range of messages sent through the My Alert System. The Associate Director for Marketing and Public Information or designated Public Information Officer, should be contacted for any message requiring distribution on available social media platforms and on any media resource outside of those pages controlled by the Cuesta College Police Department.
- *Physical/Alternate Means of Message Distribution* -
In the event of situations that affect or compromise the primary means of emergency messaging (such as damage to Information Technology infrastructure or a power outage), Cuesta College Personnel should consider the following as alternate methods of campus notification:
 - Police vehicle public address system

- Audible sirens
- Physical visits to all occupied structures
- Printed flyers or signage
- Handheld ‘bullhorns’
- Telephone
- Handheld Radio (*North County and/or Facilities frequencies*)

32.5 Emergency Notifications Procedures

- For purposes of an emergency notification, Cuesta College Police Department personnel must confirm that a significant emergency or dangerous situation involves an immediate threat to the health or safety of students and/or employees.
- *Confirmation* means that the supervisor or ranking officer must determine the legitimacy of the emergency or dangerous situation but may not have all the details, prior to sending any notification.
- In all cases, it is the responsibility of Cuesta College Police Department personnel to notify the campus community immediately upon confirmation of the emergency or dangerous situation. Such immediacy requires that notifications be made prior to full and complete investigations.
- Once confirmation is made, the message should be created with regard to proper authority, chain of communication, and appropriate message structure as listed below. CCPD Personnel will then send the notification using the primary and any relevant supplemental distribution methods to ensure the campus community is made aware of the emergency or dangerous situation.

32.6 Timely Warning Procedures

- For purposes of a Timely Warning, Cuesta College Police Department personnel must gather facts concerning the specific incident that meet all the following criteria:
 - 1) A Clery Act reportable crime occurred, as defined in 32.3
 - 2) The crime occurred on the district's Clery Act Geometry, as defined in 32.2
 - 3) The 'institution' considers the crime a serious or continuing threat to students and employees. For this policy, the 'institution' is considered the President/Superintendent or his/her designee.
- The intent of a Timely Warning is to provide the campus community with information to better protect themselves. As such, this warning should be given promptly upon approval from the President or designee, once the above listed criteria have been met. Many details of the crime or situation may not be known.
- The methods used to distribute a Timely Warning should ensure a high likelihood that the entire campus community is reached. Multiple methods should be considered and applied as needed.

32.7 Authority for Campus Notifications

- The Chief of Police or his/her designee is primarily responsible for the decision to send a Campus Notification.
- When the situation permits, the President's Office or their designee should be consulted and advised prior to sending any campus notification.
- In the event the Chief of Police and the President are unavailable, and/or the situation is such that no delay is possible (*such as an Armed Intruder*), the ranking Officer on duty will make the decision regarding any campus notification.

32.8 Communication Chain

The following “Chain of Communication” should be used in order to determine who will send the Campus Notification, once approval has been given. This list should also be used to determine priorities for training in Campus Notification Procedures.

- 1) Police Dispatch
- 2) Police Chief
- 3) Police Sergeant
- 4) Police Officers
- 5) Public Information Officer
- 6) President/Superintendent’s Office
- 7) Information Technology

32.9 Campus Notification Message Structure

The Campus Notification should be written to provide the necessary safety or disclosure information needed by the campus community, without compromising any ongoing investigation or divulging confidential information. The person responsible for structuring the message should consider the following:

- Notification methods, such as Cuesta’s ‘My Alert’, have maximum character limits, as other multi-media platforms such as Twitter. Messages should be brief enough to accommodate multiple message platforms to ensure proper distribution.
- Use pre-texted templates if appropriate on the My Alert system
- Avoid disclosure of personally identifiable information, or information that may violate FERPA or HIPAA restrictions, unless that information is critical to provide for the safety of the campus community.

- Consider that situations evolve rapidly over time, so avoid specific location or event information that could change quickly (*such as the specific location of an armed intruder*). Use basic/overall information such as the campus or general location
- Additional messaging will likely be needed throughout the incident, or as updated information becomes available (such as the capture of a suspect or resolution of a dangerous situation)
- Whenever possible, a second person should proof-read the message, and a supervisor approve it, prior to distribution.



CUESTA COLLEGE POLICE DEPARTMENT

Policy and Procedures Manual

Chapter 33: Physical/Digital Media Handling

Revision Date: September 2020

33.1 Storage and Access

Digital and physical media (flash drives, CD/DVD disks, photos, documents, etc...) of a sensitive and/or confidential nature, or pertaining to an active investigation, shall be stored in secure and controlled areas. Access to secured digital and physical media is limited to authorized department personnel at the discretion of the Chief of Police.

33.2 Digital and Physical Media Transportation

Only authorized department employees shall transport digital or physical media and shall ensure the protection and control of the media to prevent any compromise of the data.

33.3 Disposal of Digital Media

Digital media storage should be overwritten at least three times or degaussed using an appropriate magnet prior to the disposal of the storage medium (flash drive, disk, tape, etc...). When possible, the storage medium shall be properly shred or cut up to avoid reconstruction and possible data retrieval. This destruction is only to be done by authorized department personnel.

33.4 Disposal of Physical Media

Physical media that has been determined no longer needed shall be shredded by authorized department personnel or placed in the approved secure shred bin.



This concludes the
Cuesta College Police Department
Policy and Procedures Manual