City of Alhambra
Police Department
Gateway to the San Gabriel Valley

Investigations • Operations • Communications • Records

Supervisory Guidebook
Law Enforcement Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve mankind; 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.
ADMONITION OF RIGHTS

When a suspect in custody is to be interrogated regarding his possible participation in the commission of a criminal offense, he shall be “warned” exactly as follows:

1. You have the right to remain silent.
2. If you give up the right to remain silent, anything you say can and will be used against you in a court of law.
3. You have the right to speak with an attorney and to have the attorney present during questioning.
4. If you so desire and cannot afford one, an attorney will be appointed for you without charge before questioning.

After the admonition has been given, the following questions shall be asked:

1. Do you understand each of these rights I have explained to you?
2. Do you wish to give up the right to remain silent?
3. Do you wish to give up the right to speak to an attorney and have him present during questioning?

Include in any resulting report or recording of the interview:

1. The admonition of rights in its entirety, AND
2. Statements indicating the suspect’s understanding of the admonition, AND
3. Statements indicating whether the suspect waived his rights to remain silent and to have and attorney present, and how he waived them.

NOTE: It is always best to read the admonition, but it’s not required. It is also a good idea to ask, “Do you understand?” after each admonition, and get an answer. Waivers can be expressed or implied. Expressed is always preferable, Yes or No, but implied is also permissible. An example would be shaking one’s head in the affirmative.

DISPERAL ORDER

“I am (Name & Rank), a police officer for the City of Alhambra. I hereby declare this to be an unlawful assembly and, in the name of the people of the State of California, command all those assembled at (give specific location) to immediately disperse. If you do not do so, you will be arrested. Section 409 of the Penal Code prohibits remaining present at an unlawful assembly.”

“The following routes of dispersal are available (give the most convenient routes(s) of dispersal). You have (a reasonable amount of time) minutes to disperse.”
FIELD IDENTIFICATION

I. Instructions:

1. Witnesses/Victims must view suspects separately. Only one person should be transported at a time. The witness/victim should not discuss the case with others, or indicate whether they have identified a suspect.

2. Officers should advise victim or witnesses of the following information just prior to their viewing of a suspect.

   a. "You are under no obligation to identify the person(s) being detained as a suspect. We want to have guilty persons identified, but we also want to make sure that innocent people are cleared of any suspicion in this matter."

   b. "You should not draw any conclusions about a person just because he or she is in our custody, or handcuffed."

Revised 9-5-2001
BAIL DEVIATION PROCEDURE

Generally: Felony arrestees may be released on bail prior to arraignment. If the suspect is arrested on a warrant, the amount of bail will be set forth on the warrant. This bail is not subject to deviation. If the suspect is arrested on probable cause, the amount of bail shall be as set forth in the bail schedule for that felony unless a deviation is obtained pursuant to Penal Code Section 12169c.

Deviations: When a deputy district attorney is asked for a bail recommendation in a situation in which a bail deviation is being sought by either a police agency seeking higher bail or the arrestee seeking lower bail, the deputy shall make a recommendation in accordance with the factors set forth above but only after consultation with investigators or arresting officers who have knowledge of the particular case and arrestee.

The deviation procedure does not apply to suspects arrested on warrants. The bail on such arrestees shall remain as set on the warrant and cannot be increased nor decreased until the arrestee is physically before a magistrate at the time of arraignment on the offense for which he was arrested. Note, however, that if the arrest is made pursuant to a warrant and additional charges, then increased bail can be required based upon the additional charges.

Bail Deviation Procedures - Normal Court Hours: During normal court hours, bail deviation declarations should be presented to a local magistrate.

After Court Hours and Weekends and Holidays:

1) Reducing Bail

Persons seeking to reduce bail pursuant to Penal Code Section 1269c can call 213-351-5151 between the hours of 0630 and Mid Night seven days a week.

2) Increasing Bail

The arresting officer or detective can call the bail deviation department at 213-351-5171 between the hours of 0600 and 0130 seven days a week. If for some reason it is necessary to request an increase outside of these hours, the district attorney's command post can be called at 213-974-3607 for consultation.

Penal Code Section 1269c also provides that an arrestee may be held without bail for up to eight (8) hours after booking while a bail increase is being sought. If no order increasing bail is obtained within the eight (8) hours period, the arrestee is then entitled to be released on the amount set forth in the bail schedule.

Revised 9-6-2001
Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS
Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against his/her will under threat or actual use of force.

414.2 POLICY
It is the policy of the Alhambra Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

When responding to a hostage/barricaded suspect situation, officers shall contain the location, maintain a perimeter, and initiate an appropriate course of action to isolate the suspect(s).

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained negotiators; however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy 300 - Use of Force, with particular regard directed toward the safety of hostages.

Contact with the suspect by responding field officers should be restricted to encouraging the suspect to surrender. If this initial contact fails, officers should refrain from attempting further dialogue with the suspect until the arrival of trained Hostage Negotiators. However, when involved in a situation where it is necessary to converse with the suspect, the officers should attempt to calm the suspect and avoid making any demands or promises.
Hostage and Barricade Incidents

414.3 COMMUNICATION
When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS
Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i).

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

414.4 FIRST RESPONDER CONSIDERATIONS
First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. Therefore, the primary officer shall assume command of the situation, direct responding units in a coordinated effort to contain the situation, and maintain contact with Communications personnel. The Primary Officer will accomplish the containment and establish control over the situation while setting the stage for the arrival of the department’s Special Response Team (SRT) or the Los Angeles County
Sheriff's Special Enforcement Bureau (SEB). The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Media Relations Officer (Media Relations Officer).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.
414.4.2 HOSTAGE SITUATION
Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Media Relations Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES
Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting
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a Special Weapons and Tactics Team (SRT) response if appropriate and apprising the SRT Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.
(b) Ensure the completion of necessary first responder responsibilities or assignments.
(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
(d) Establish a command post location as resources and circumstances permit.
(e) Designate assistants who can help with intelligence information and documentation of the incident.
(f) If it is practicable to do so, arrange for video documentation of the operation.
(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Communications Section.

(i) Identify a media staging area outside the outer perimeter and have the department Media Relations Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 SRT RESPONSIBILITIES
The Incident Commander will decide, with input from the SRT Commander, whether to deploy the SRT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SRT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SRT.
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The Incident Commander and the SRT Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING
Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.
Response to Bomb Calls

416.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Alhambra Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

416.2 POLICY
It is the policy of the Alhambra Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.2.1 SUICIDE/HOMICIDE BOMBING INCIDENTS
A homicide bomber scenario has the potential to create serious injury or death. Casualties should be expected. Therefore, first responders must react decisively, but with extreme caution for their own safety as well as the safety of the public. Responders should prepare for a fluid, dynamic situation rather than a static one. First responders could be severely injured or even killed in a homicide bomber situation, so personal safety must be paramount.

The initial officer who responds to the scene where a suspected suicide bombing has occurred shall do the following:

(a) Have Dispatch notify the Support Services Division and LASD's Bomb Squad.

(b) Be aware of the possibility of secondary devices and limit scene access to those that must enter. The LASD's Bomb Squad will conduct a preliminary investigation.

(c) Render aid to injured victims and evacuate them from the area. Consider local and mass casualty incident protocols and initiate them if needed.

(d) Have Dispatch notify the Terrorist Early Warning group (TEW) at (562) 345-1770. The TEW Group will notify other agencies and marshal mutual aid resources. The TEW Group will notify the nearest FBI office, as an act of terrorism falls under their statutes. They will also call the FAA and close the airspace overhead for at least a one-mile radius. As an officer safety precaution, this prohibition could include an exclusion of law enforcement aircraft.

(e) **DO NOT** approach the suspect or their remains. There may be explosives present which have not been detonated. There may also be partially detonated or a secondary device(s) present. Leave the first approach to the suspect for the LASD's Bomb Squad Investigators - no matter how long the wait for their arrival.

(f) Establish a crime scene perimeter. As a general rule: determine the furthest extent of the blast debris/damage from the blast center, then double that distance as a
minimum crime scene perimeter. **DO NOT** decrease the crime scene area without first consulting with the LASD Bomb Squad.

(g) Establish a command post and staging area outside the crime scene. Search the intended command post and staging area for secondary devices prior to establishing these areas.

(h) Limit vehicle and personnel access into and out of the blast area/crime scene.

(i) Establish a record of all persons entering the crime/blast scene including Fire and EMS personnel.

(j) Identify and record all emergency vehicles that enter and leave the crime scene. If practical, leave in place any emergency vehicles that were inside the crime scene and impacted by the detonation.

(k) Record locations and pertinent information on moved victims and determine which hospitals they were transported.

(l) Take overall scene photographs as soon as possible.

(m) Do not conduct any preliminary examination of crime scene debris until Arson/Explosives Investigators are on-scene. Await jurisdictional decisions before initiating evidence collection.

(n) Vehicle tires and shoes can pick-up or damage key blast evidence. It is normal to wait hours or even a day before the crime scene is entered for post blast investigation.

(o) Once the scene has been contained and controlled (while waiting for additional resources), begin the identification and interviewing of witnesses and victims.

(p) Any on-scene hazards should be preliminarily assessed and mitigated. Remote intervention is recommended to preserve the crime scene (e.g., turn off damaged electrical or natural gas lines from outside the crime scene).

(q) Make provisions for the arrival of the media to ensure they do not contaminate the crime scene.

### 416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.
Response to Bomb Calls

416.3.1 WHEN A SUSPECTED BOMB/EXPLOSIVE DEVICE HAS BEEN REPORTED, BUT HAS NOT BEEN LOCATED

(a) Dispatch responsibilities:

1. All calls concerning potential bombs/explosive devices shall be recorded in a manner similar to calls currently classified as "emergency type" calls.

2. A marked unit shall be immediately dispatched to the location involved.

3. Keep the reporting party on the line and attempt to determine the reason for the suspicion that an explosive device may be present.

4. The employee handling the call shall ensure that the Watch Commander is immediately advised and fully informed of the details.

5. Shall notify the Alhambra Fire Department of the threat.

6. When dispatching the original call and any subsequent communications over the police radio, dispatchers and field personnel are to refer to the call as an "Unusual Occurrence," rather than using the words "bomb" or "explosive device."

(b) Assigned officer’s responsibilities:

1. When time is a critical factor, the assigned officer should use their discretion in the search for the reported device (i.e., allowing employees to search, pending arrival of sufficient officers to accompany them on a search). Whenever a search will be conducted immediately, the officer assigned shall notify the watch commander of all action proposed to be taken.

   (a) A key person, who is thoroughly familiar with the involved structure or property, should be requested to assist in the search, if practical and/or possible.

2. Whenever a search will be conducted immediately, the assigned officer shall notify the Watch Commander of all action proposed to be taken.

3. When time is not a critical factor, the actual search of a building should be coordinated between the assigned officer(s) and personnel of the area of the building.

4. When a suspected bomb/explosive device has been reported, but has not been located and a large number of employees are involved, the evacuation of private property premises shall be at the discretion of a company executive and, in no case, will the assigned officer direct an evacuation.

416.4 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.
416.4.1 ALHAMBRA POLICE DEPARTMENT FACILITY
If the bomb threat is against the Alhambra Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Alhambra Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

416.4.3 FEDERAL BUILDING OR PROPERTY
If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility’s security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

416.5 PRIVATE FACILITY OR PROPERTY
When a member of this department receives notification of a bomb threat at a location in the City of Alhambra, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.
(b) The nature of the threat.
(c) Whether the type and detonation time of the device is known.
(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
(e) Whether the individual is requesting police assistance at the facility.
(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.
Response to Bomb Calls

416.5.1 ASSISTANCE
The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.
(b) The plan for assistance.
(c) Whether to evacuate and/or search the facility.
(d) Whether to involve facility staff in the search or evacuation of the building.
   1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
   2. The safety of all participants is the paramount concern.
(e) The need for additional resources, including:
   1. Notification and response; or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 FOUND DEVICE
When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
(c) The first concern of the initial officer on-scene is the protection of human life, then the protection of property.
(d) The initial officer on-scene shall be responsible for the assignment and coordination of personnel responding to the scene, unless relieved by a supervisor.
(e) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
   1. Two-way radios
   2. Cell phones
Response to Bomb Calls

3. Other personal communication devices

(f) The Los Angeles County Sheriff's Department Bomb Squad or military explosive ordnance disposal team should be summoned for assistance.

1. Whenever the Los Angeles County Sheriff's Department Bomb Squad responds to the scene of a known or suspected hazardous device, the responsibility for the supervision, containment, control and/or removal of a device(s) from the area lies completely with the members of the Los Angeles County Sheriff's Department Bomb Squad. If a suspected device is located, the assigned officer shall be responsible for obtaining complete preliminary information (i.e., witness statements, calling party, persons present, etc.) and relaying this information to the Los Angeles County Sheriff's Department Bomb Squad as soon as possible.

(g) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(h) A safe access route should be provided for support personnel and equipment.

(i) Search the area for secondary devices as appropriate and based upon available resources.

(j) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(k) Promptly relay available information to the Watch Commander including:
   1. The time of discovery.
   2. The exact location of the device.
   3. A full description of the device (e.g., size, shape, markings, construction).
   4. The anticipated danger zone and perimeter.
   5. The areas to be evacuated or cleared.

416.7 EXPLOSION/BOMBING INCIDENTS
When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

416.7.1 CONSIDERATIONS
Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid, the Alhambra Fire Department has primary responsibility.
Response to Bomb Calls

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist the Alhambra Fire Department with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

416.7.2 NOTIFICATIONS
When an explosion has occurred, the following people should be notified as appropriate:

- Alhambra Fire Department
- Los Angeles County Sheriff's Bomb Squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

416.7.3 CROWD CONTROL
Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

416.7.4 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.
CITIZEN COMPLAINT PROCEDURE

Penal Code Section 832.5 mandates that each department or agency in the state that employs peace officers shall establish a procedure to investigate complaints by member of the public against personnel of these departments or agencies, and shall make a written description of the procedures available to the public.

The Department has established a written procedure whereby members of the public may obtain them at any time, day or night, by:

(1) Contacting the on-duty Watch Commander or his designate.
(2) Calling in the complaint, or
(3) Writing a letter

All complaints will be investigated vigorously and thoroughly by either a special investigator assigned by the Chief of Police or the employee’s supervisor.

If the complainant is under the age of 18 years we require a parent, guardian or other responsible adult be present.

All complaints should be initially directed to an on-duty supervisor who will listen to the circumstances of the complaint. If the matter cannot be addressed to the complainant’s satisfaction, it will be then formally documented. However, to obtain a complaint form, a person does not have to either identify themselves nor explain the circumstances of the complaint to receive one.

All complaints or other forms of documentation shall be forwarded to the office of the Chief of Police through the chain of command where they will be reviewed for probable cause, assigned an IA number, logged in, and assigned out for investigation.

Within thirty days after the completion of the investigation, the complainant shall be notified, in writing by the Chief of Police of the case disposition: sustained, not sustained, exonerated, or unfounded.

Persons wishing to make a complaint who speak a foreign language shall be accommodated according to current law. Located in the citizen complaint file in the Watch Commander’s Office is a list of 27 advisory statements in multiple languages. If these are not sufficient, the Attorney General’s website can be reached at: http://caag.state.ca.us for additional information and support. For further information, refer to Department Order 01-19.

Revised 9-5-2001
But I Want To Take This All The Way To The Top. I Want The Chief Of Police To Know.

And he will. The Chief of Police gets copies of all complaints against officers. The officer’s supervisor is notified as well.

What Information Do You Need?

It is important that the facts be presented in a clear manner to insure that the matter is thoroughly investigated. Information desired includes names, places, dates, times, addresses and phone numbers of all persons who may be a witness or who may have information regarding the incident. You may use the reverse side of this form to record that information.

How Extensively Will You Really Investigate?

Very! We want to find out where we may have gone wrong. On the other hand, if a person makes a false complaint, we want to find that out and take appropriate legal action.

Does That Mean I Could Get In Trouble For Complaining?

Not if you’re telling the truth. We’re only interested in prosecuting those who make malicious, false allegations about people. We wouldn’t (and couldn’t) bring charges against a person who acted in good faith.

What will happen to the officer?

That will depend on what the officer did. If the officer’s actions were criminal, in addition to department discipline, he/she would be prosecuted like any other citizen, if they were improper, but not criminal, he/she would be disciplined by the Chief of Police.

Will I Be Told The Results Of The Investigation?

Yes. You will be notified by letter from the Chief of Police within thirty days of the completion of the investigation. The letter will provide the disposition of your complaint.

What If I’m Not Satisfied With The Results Of The Investigation?

We sincerely hope that would never happen. If at any time you are dissatisfied with the handling of your complaint or the progress of your investigation, you may discuss the matter personally with the Chief of Police by calling his secretary for an appointment.

(626) 570-5131

You may also contact the Los Angeles District Attorney or the Grand Jury. In certain cases, you may also get assistance from the Attorney General’s office or the FBI.
Communicable Diseases

1016.1 PURPOSE AND SCOPE
This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 COMMUNICABLE DISEASE STATUTES
Every supervisor should be familiar with the following California statutes relating to communicable diseases:

Health & Safety Code § 1797.188 - Requires notification to police officers when health officials become aware that a patient contacted by the officer(s) has a reportable condition.

Health & Safety Code § 199.97 - If a person resists arrest by biting, scratching, spitting, or transferring blood or other bodily fluids on, upon, or through the skin or membranes of a police officer, a court order for the person's blood may be sought by petition and hearing. Testing can be made if the blood sample is obtained from the person voluntarily at the request of a health care professional.

Penal Code § 7510 - When a police officer files a report indicating that he has had contact with bodily fluids of a person that has been arrested, a request may be made to the Los Angeles County Chief Medical Officer to obtain a blood sample from the arrestee for HIV testing.

Penal Code § 7521 - A Parole or Probation Officer who seeks the assistance of Alhambra Police Department personnel to apprehend or take into custody a parolee or probationer who has a record of assaults on police officers, and has tested positive for HIV, shall inform the assisting officers of the person's condition.

Penal Code § 1524.1 - A court, at the request of any victim of any crime, may issue a search warrant for the purpose of testing the accused's blood with an HIV test when there is probable cause to believe the accused committed the offense and there is probable cause to believe that blood, semen or any other fluid capable of transmitting HIV has been transferred from the accused to the victim.

Health & Safety Code § 1797.186 - Entitles all personnel with occupational exposure to a contagious disease (refer to California Administrative Code § 2500, Title 17) to medical treatment to prevent the onset of disease when an exposure incident occurs while in the service of the Police Department.

1016.1.2 DEFINITIONS
Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.
Communicable Diseases

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Alhambra Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 COMMUNICABLE DISEASES TRAINING
The Personnel and Training Section shall be responsible for disseminating updated information and coordinating additional roll-call and/or in-service training regarding communicable diseases.

1016.3 POLICY
The Alhambra Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1016.4 EXPOSURE CONTROL OFFICER
The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.
(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates including (8 CCR 5193):
   (a) Sharps injury log.
   (b) Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
Communicable Diseases

(b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.

4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).

5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.

6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1016.5 EXPOSURE PREVENTION AND MITIGATION

1016.5.1 GENERAL PRECAUTIONS
All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucus membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
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Communicable Diseases

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
   1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1016.5.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1016.5.3 PERSONAL PROTECTIVE EQUIPMENT
Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

(a) Not less than two pair disposable latex type gloves.
   1. It is recommended to keep a box (for each of the three sizes) of gloves in each police vehicle.

(b) Safety glasses or goggles.

(c) Rescue mask with a one-way valve.

(d) Vionex (or similar substance) to flush skin at emergency site.
   1. Keeping several alcohol hand wipes in each police vehicle is recommended.

(e) PPE Chemical suits.

(f) Respirators (sizes for infant, child and adult).

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

Section Managers will be responsible for the inventory and dissemination of supplies for infectious disease control.

Personnel using supplies stored in Police Department vehicles are responsible for replacing them. Protective gloves, other first aid supplies, and disinfecting materials will be made readily available at all times.
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Communicable Diseases

1016.5.4 CUSTODIAL CARE
Subjects taken into custody with blood or bodily fluids exposed on their persons shall be taken
directly to and placed in a designated holding area for processing.
Jail personnel will be responsible for ensuring that the cell is properly sealed off and disinfected.

1016.6 POST EXPOSURE

1016.6.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin
with soap and water, flush mucous membranes with water).
(b) Obtain medical attention as appropriate.
(c) Notify a supervisor as soon as practicable.

1016.6.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as
soon as possible following the incident. The supervisor shall ensure the following information is
documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed
(b) Date and time of the incident
(c) Location of the incident
(d) Potentially infectious materials involved and the source of exposure (e.g., identification
of the person who may have been the source)
(e) Work being done during exposure
(f) How the incident occurred or was caused
(g) PPE in use at the time of the incident
(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of
a source to the public or to anyone who is not involved in the follow-up process is prohibited.
The supervisor should complete the incident documentation in conjunction with other reporting
requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting
Policy).

1016.6.3 DISPOSAL AND DECONTAMINATION
The following procedures will apply to the disposal and decontamination after responding to an
event that involved contact with a person’s blood or body fluids:

(a) Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the
attending clinic/hospital with their approval, or in an appropriately marked biohazard
waste container at the station immediately upon arrival.
Communicable Diseases

1. The biohazard waste container located at the station shall be collapsible, leak-proof, red in color or appropriately labeled with a biohazard warning and routinely emptied. The Department Property Custodian will have the responsibility for emptying the biohazard waste container.

(b) Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps.

1. All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

(c) Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station.

(d) After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container.

(e) Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio, etc.) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

(f) Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains.

1. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. The clothing will either be dry cleaned at Department’s expense, or replaced.

(g) Disinfection procedures shall be taken after blood or other bodily fluid discharges into a police vehicle.

1. A supervisor shall be notified, and the vehicle shall be taken to the station as soon as possible. Depending on the circumstances and location of the vehicle, the Supervisor may elect to have the vehicle towed to the station. The Supervisor shall determine if the vehicle is to be taken out of service, pending disinfection.

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.
1016.6.4 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.
(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1016.6.5 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1016.6.6 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.
(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.
Communicable Diseases

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.7 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.8 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.
COMMUNICABLE DISEASE EXPOSURE AND NOTIFICATION REPORT

Section 1797.188 of the Health and Safety Code requires local health officers to notify emergency medical technicians (EMT's), when they have been exposed to a person with a reportable disease which can, as determined by the health officer, be transmitted through oral contact, secretions of the body and blood.

NAME ___________________________________________  EMPL # ____________
PHONE # ________________________________________  EMS REPORT # ____________  JURS STA ____________
REP. STA. ________________________________________  BLS/ALS UNIT ____________
CIN. # ___________________________________________  BN/STA/SHIFT ____________
PATIENTS NAME __________________________________
DATE AND TIME OF INCIDENT ________________________

CHECK SAFETY EQUIPMENT USED:
( ) EXAM GLOVES  ( ) EYE GLASSES  ( ) COVERALLS
( ) SURGICAL MASK  ( ) RESUSCITATION DEVICE  ( ) NONE
( ) OTHER ____________________________

CHECK TYPE OF EXPOSURE:
( ) BLOOD SPLASHED IN EYES  ( ) BLOOD SPLASHED IN MOUTH
( ) NEEDLE STICK  ( ) BLOOD TO CUTS, SCRAPES, ETC.
( ) OTHER ____________________________

HEALTH FACILITY __________________________ RECEIVED BY __________________________
EMPLOYEES SIGNATURE ______________________ DATE ________________________

Bin # 4
CONFIDENTIAL REPORT OF PRE-CORONER CARE PERSONNEL EXPOSURE
TO REPORTABLE DISEASES

Instructions: 1. This form is to be completed by the person incurring exposure.

2. Emergency Room: Send completed form in a sealed envelope marked "Confidential" to Supervising Investigator I on duty.

NAME OF PERSON EXPOSED: ____________________________________________

DATE: ________________________________________________________________

OCCUPATION: _________________________________________________________

EMPLOYER: ___________________________________________________________

WORK TELEPHONE NUMBER: ___________________________________________

NAME OF PATIENT (IF KNOWN): _________________________________________

DESCRIBE TYPE AND DETAILS OF EXPOSURE (I.E., BLOOD SPLASH IN FACE, ACCIDENTAL NEEDLE STICK, ETC.):

______________________________________________________________

______________________________________________________________

______________________________________________________________

______________________________________________________________

SIGNATURE: _________________________________________________________

JAN 13 1993
CONFIDENTIAL MORBIDITY REPORT

STATE OF CALIFORNIA
SEND TO LOCAL HEALTH DEPARTMENT

DEPARTMENT OF HEALTH SERVICES

[Patient's Last Name]
First Name
Middle Initial
Phone Number

[Race/ethnicity options]

SEX: [Male/Female]

DATE OF BIRTH
[Day/Month/Year]

SSN: [Number]

[Address: Number & Street]
City
County
County Code

[Reported by name & address]

[Date of Diagnosis]

[Phone Number]

[Date of Report]

[Notes on disease, lab tests, etc.]

[Remarks]

JAN 13 1993

EXHIBIT 16A

CONFIDENTIAL
DETOXIFICATION CENTER

As an alternative to booking 647.(f) P.C. violators, the Volunteers of America, Recovery and Substance Abuse Center at 541 South Crocker Street, in Los Angeles is now available 24 hours a day.

Their criteria is:

1. 18 to 64 years of age
2. Alcohol intoxication only
3. No person whose behavior is dangerous to the staff or other clients
4. No person who is injured, unable to walk, needs restraint or professional health care.
5. No one is denied admission because they are repeaters

Field officers can utilize the Center for persons intoxicated who in their discretion would be more appropriate in a rehabilitative environment than our jail.

Subjects shall be handled as any arrestee in handcuffing and searching, but instead of booking at our station, they will be transported to the center.

Upon arrival, the subject shall be released to the Alcohol Service Specialist on duty at the desk. They require an FI Card. Officers shall use an Officer's Report to document the contact and transportation. As much accurate information as possible on the subject should be obtained but height, weight can be estimated, and address is not essential for persons transported to the Center. The narrative section should cover the location of contact, Watch Commander's approval, and name of Alcohol Specialist to whom the subject was released. If the subject is a female, the usual time and mileage requirements apply.

With good traffic conditions, the entire transportation and release to the Center can be consummated in 40 minutes or less. Peak traffic hours may not make the trip practical but that is dependent on the situation.

The directions are as follows: I-10 inbound to Alameda off-ramp, left (south) on Alameda to 3rd Street, right (west) on 3rd to Crocker, left (south) to location.

Notification to the Center prior to transportation is not necessary. However, for your info, the number is 213-236-0874.

Revised 08-30-2001
EMPLOYEE ASSISTANCE PROGRAM

PURPOSE

Your health and sense of well-being directly affect your job satisfaction, job performance and career potential. Occasionally, personal or work related problems arise or other outside incidents occur that interfere with your ability to do your job. When this happens, it is important to have a place that you can turn to for assistance.

WHO MAY PARTICIPATE

The City of Alhambra Employee Assistance Program (EAP) provides confidential counseling to help you overcome a variety of personal problems. All regular, full-time city employees and their eligible family members may participate in the Employee Assistance Program. There is no cost for the initial counseling and for most cases, up to five, the EAP is free. A nominal fee is charged for subsequent visits. (Eligible family members are defined by PERS as spouse, dependent or step children under 23 years of age).

WHEN TO REFER

When you see an employee’s job performance deteriorating, mention it early on. Some situations may resolve themselves by merely pointing out the reality, “that the job isn’t getting done.” The purpose of EAP is to identify an employee’s problem as early as possible and motivate the employee to seek help. No problem can be solved by being ignored. The chance of dealing successfully with a bad situation is greater when a problem is tackled head-on with the support of competent professional help. Moreover, it is recognized that non-professional persons do not have the qualifications or training to diagnose alcoholism or other personal problems, therefore, referral (other than self-referral for diagnosis, counseling and/or treatment will be based solely on job performance.

REFERRAL PROCEDURES

Employees may obtain professional assistance through the Employee Assistance Program in one of the following two ways:

1. SELF-REFERRAL

a. An employee who desires confidential assistance for a personal problem should call (818) 704-1444 or (800) 321-2843 and ask to speak to the Employee Assistance Coordinator.
b. The Employee Assistance Coordinator will either provide the necessary information or assistance over the telephone or will arrange an appointment for further confidential consultation at the EAP office.

c. All contacts, verbal or written communications or reports between the employee and the EAP Coordinator will be held in strict confidence unless the employee requests, through a signed waiver, that the City or other parties be notified.

2. MANAGEMENT/SUPERVISOR REFERRAL

a. The basis of a referral to the Employee Assistance Program by department head or authorized supervisor must be the result of either:

(1) a decline in work performance on the part of the employee, or
(2) a particular on-the-job incident which indicates the possible presence of a personal problem or concern.

b. A referral interview shall be conducted by the supervisor with the employee. The focus of the interview should be restricted to the issue of job performance, absenteeism, or a particular incident. During this meeting the supervisor will not speculate as to the cause of the performance decline, nor initiate discussion with the employee about any personal problem which may be hampering the employee’s performance, or which may have caused the particular incident. Should a specifically unusual pattern of performance arise or a particularly unusual incident occur, the supervisor, with approval through departmental channels, may consult with the EAP office prior to the supervisor meeting with the employee.

c. After the job performance (or particular incident) has been reviewed, the supervisor has the option of informing the employee of the professional services available through the EAP on a confidential basis.

d. The employee may choose to accept or reject the offer of confidential help and services. If the employee chooses to accept, the supervisor will call (800)321-2843 x 297, and arrange an appointment time for the employee with the EAP Coordinator. The supervisor will give the employee, in writing, the appointment day, date and hour together with the address and phone number of the EAP office. An initial appointment at the EAP office may be scheduled during work hours at the discretion of the supervisor.
e. An EAP referral form will be completed by the supervisor, reviewed with the employee, and sent to the EAP office prior to the scheduled initial interview, or will be placed in a sealed envelope and given to the employee with instructions to bring the envelope to the first EAP interview. If necessary, the EAP Coordinator will request a conference with the department/supervisor and department head to further discuss the situation.

f. When a department/supervisor refers an employee to the EAP office, the department/supervisor will be advised:

   a. That the employee kept the appointment as arranged.
   b. That there is or is not a personal or health problem for which there is help.
   c. That the employee has accepted or rejected the offer of help.
   d. That the employee will or will not require time away from work. If time away from work is required, a specific leave date will be given by the EAP office and the department/supervisor will be advised as early as possible of the return-to-work date. It will be the responsibility of the employee to obtain personal leave approval from the department/supervisor.

   g. If the employee rejects the offer of referral to the EAP and the job performance problem does not recur after the interview, no further action is required. The supervisor should point out that the EAP is available on a self referral basis should the employee change his or her mind.

   h. Where performance problems recur, the supervisor can decide that the employee's performance is not acceptable and proceed with whatever action is appropriate within the framework for existing disciplinary policies.

   i. Brochures explaining E.A.P. are available and are located in the Personnel Department, 2nd floor, City Hall.
GRIEVANCES

It is the City's purpose to provide an effective and acceptable system whereby employees can seek resolution of grievances or complaints on matters affecting their jobs. All levels of administration and supervision are expected to inform and encourage employees to discuss matters affecting their employment. These Procedures are codified in section 2.48.160 of the A.M.C..

A. Definitions. The following words and phrases, when used herein, shall have the following meanings respectively ascribed to them.

1. Complaint - means an allegation or charge that a wrong has been committed.
2. Complaint Procedure - means the process by which a determination is made whether or not a wrong has been committed.
3. Grievance - means an expressed claim by an employee that the City has violated, misinterpreted or misapplied an obligation to the employee as such obligation is expressed and written in the charter, code or personnel ordinance.
4. Grievance Procedure - means the process by which the validity of a grievance is determined.
5. Representative - means a person who, at the request of the employee or management, is invited to participate in grievance conferences and complaint conferences as specified herein.

B. Complaint Procedure.

1. The employee should review any complaint with his supervisor. The supervisor is required to review every complaint and attempt to settle it as quickly and fairly as possible.

2. If the action taken by his or her immediate supervisor is not satisfactory, the employee may take his or her complaint to successive levels of supervision, as determined by the chart of administrative organizations, up to and including the city manager. The employee may have a representative at complaint conferences at the department head level and above.

C. Grievance Procedure.

1. Step One. The employee shall inform his or her immediate supervisor, orally or in writing, of his or her grievance and relevant facts within ten work shifts or business days after the employee knew, or in the exercise of reasonable diligence should have know, of the event giving rise to the grievance. At least one conference shall be held between the employee and his or her immediate supervisor within two work shifts or business days after the employee has expressed the grievance. The immediate supervisor shall advise the employee of his or her decision within two work shifts or business days following the conference.
2. **Step Two.** If the grievance is not resolved in step one, the employee shall put the grievance in writing and submit two copies to his or her immediate supervisor and department head not later than five work shifts or business days following completion of step one. The written grievance shall include a citation of the sections of the charter, code or personnel ordinance alleged to have been violated and the remedy sought by the employee. The department head shall review the grievance and meet with the employee and give his or her written decision to the employee within five work shifts or business days from receipt of the grievance.

3. **Step Three.** In the event the grievance is not resolved in step two, the employee may submit his or her grievance to the city manager not later than five work shifts or business days following completion of step two. The city manager shall have five work shifts or business days in which to review the matter. At the completion of his or her review, the city manager shall render a decision in writing to the employee and other concerned parties. The employee may be represented by anyone of his or her choosing at the city manager’s hearing. The decision of the city manager shall be final in all cases.

**D. General Provisions.**

1. No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures by reason of such use.

2. Forms for filing and processing grievances and other documentation necessary under these procedures shall be prepared by the personnel officer and given appropriate distribution. All documents, communications, and records dealing with the processing grievances shall be filed separately from personnel files.

3. Failure at any step of this process to communicate the decision on the grievance within the specified time limits shall permit the aggrieved employee to proceed to the next step.

4. The grievant shall be present at all steps of the procedure.

5. Failure at any step of the procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered.

6. The time limits specified at any step in this procedure may be extended by mutual agreement.

Revised 9-4-2001
I. PURPOSE:

To establish a policy for family care and medical leave, in accordance with the Federal Family and Medical Leave Act (FMLA), and the California Family Rights Act (CFRA).

II. POLICY:

To the extent not already provided for under current leave policies and provision, the City of Alhambra (City) will provide family and medical care leave for eligible employees as required by State and Federal Law. The provisions set forth certain rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (“FMLA”), and the regulations of the California Family Right Act (“CFRA”). Unless otherwise provided by this article, “Leave” under this article shall mean leave pursuant to the FMLA and CFRA.

A. DEFINITIONS

“12-Month Period” - means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

“Child” - means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s “child” is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child.

A child is “incapable of self care” if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living—such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

“Parent” - means the biological parent of an employee or an individual who stands or stood in loco parent (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

“Spouse” - means a husband or wife as defined or recognized under California State Law for purposes of marriage.

“Serious Health Condition” - means an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient Care: (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there-from) or
2. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

a) Any period of incapacity or treatment in connection with or in conjunction with a hospital, hospice or residential medical care facility;

b) Any period of incapacity requiring absence from work of more than three (3) calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider;

c) Continuing treatment of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or

d) Prenatal care by a health care provider.

e) Two (2) or more visits to a health care provider;

f) Two or more treatments by a health care practitioner (e.g. physical therapist) on referral from, or under the direction of a health care provider; or

g) A single visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider (e.g. medication therapy).

"Health Care Provider" means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;

2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;

3. Podiatrists, dentist, clinical psychologists, optometrists, and chiropractor (limited to treatment consisting of manual manipulations of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within scope of their practice as defined under California State law;

4. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State Law and who are performing within scope of their practice as defined under California State law;
5. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

B. REASONS FOR LEAVE

Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;

2. The placement of a child with an employee in connection with the adoption or foster care of a child;

3. Leave to care for a child, spouse or parent (mother, father, mother-in-law, father-in-law) who has a serious health condition; or

4. Leave because of a serious health condition that makes the employee unable to perform the function of his/her position.

C. EMPLOYEES ELIGIBLE FOR LEAVE

An employee is eligible for leave if the employee:

1. Has been employed for at least 12 months; and

2. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

D. AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks of leave during any 12-month period.

1. **Minimum Duration of Leave**

   If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to bond with a newborn for at least one day, but less than two weeks duration on any two occasions for a total of 12 weeks in the 12-month period.

2. **Spouses Both Employed by the City**

   In any case in which a husband and wife both employed by the City of Alhambra are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12 month period if leave is taken for the birth or
placement for adoption or foster care of the employee's child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.

E. EMPLOYEE BENEFITS WHILE ON LEAVE

Leave under this policy is unpaid except as stipulated under Section F of this policy. When on unpaid leave, employees will continue to be covered by the City of Alhambra's group health insurance (medical, dental and/or vision) only to the same extent that coverage provided while the employee is on the job. Employees may make the appropriate contributions for continuing coverage under the preceding benefit plans by payroll deductions or direct payments made to these plans. Employee contribution rates are subject to any change in rates that occur while the employee is on leave. If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City of Alhambra shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence or onset of a serious health condition which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City of Alhambra shall have the right to recover premiums through deduction from any sums due the City of Alhambra (e.g. unpaid wages, vacation pay, etc.). Employees on unpaid leave in excess of two (2) weeks shall not receive or accrue any employee benefits except as stipulated under this section.

F. SUBSTITUTION OF PAID ACCRUED LEAVES

If an employee requests leave for any reason permitted under this policy he/she exhaust all accrued leaves (except sick leave) in connection with the leave. Similarly, the City requires an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and requires employees to use Family and Medical Care Leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA qualifying.

1. Employee's Right To Use Paid Accrued Leaves Currently With Family Care

Where an employee has earned or accrued paid vacation, administrative leave, and compensatory time, that paid leave shall be substituted for all or part of any (otherwise unpaid leave under this policy.

As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy only if both of the two following conditions are met:

a) Leave is needed to care for a family member or the employee's own serious health condition; and

Leave would qualify as sick leave under the City's sick leave policy.

b) Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

City's right to require an employee to exhaust FMLA/CFRA leave concurrently with other leaves.
If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12 week FMLA/CFRA leave entitlement.

G. MEDICAL CERTIFICATION

Employees who request leave for their own serious health condition or to care for a child, spouse or parent who has a serious health condition must provide written certification from the health care provider of the individual requiring care. If the leave is requested because of the employee’s own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his/her position.

If the City of Alhambra has reason to doubt the validity of a certification, the City of Alhambra may require a medical opinion of a second health care provider chosen by the City of Alhambra. If the second opinion is different from the first, the City of Alhambra may require the opinion of a third provider, jointly approved by the City of Alhambra and the employee. The opinion of the third provider will be binding.

1. Time To Provide Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided and a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the time requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

2. Consequences For Failure To Provide An Adequate Or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

3. Intermittent Leave Or Leave On A Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or in a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. Medically necessary means that there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.
H. EMPLOYEE NOTICE OF LEAVE

Although the City of Alhambra recognizes that emergencies arise which may not allow employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. If the City of Alhambra determines that an employee's notice is inadequate or the employee knows about the requested leave in advance of the request, the City of Alhambra may delay the granting of the leave until it can, at its discretion, adequately cover the position with a substitute.

I. REINSTATEMENT UPON RETURN FROM LEAVE

Upon expiration of leave, an employee is entitled to be restored to the position of employment held when the leave commenced, or to an equivalent position. Employees have no greater rights to reinstatements, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If no date has been agreed upon at the beginning of the leave, or if the reinstatement date differs from the original agreement, an employee will be reinstated as soon as possible after the employee notifies the City of his/her readiness to return.

1. Employee’s Obligation To Periodically Report On His/Her Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

2. Fitness For Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee’s serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of restoration.

3. Reinstatement Of “Key Employees”

The City may deny reinstatement to a “key” employee (i.e., an employee who is among the highest 10 percent of all employed by the City) if such denial is necessary to prevent substantial and grievous economic injury to the operation of the City, and the employer has been notified of the City’s intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.
J. REQUIRED FORMS

Employees must fill out the following applicable forms in connection with leave under this policy:

1. "Request for Family/Medical Leave Form" (Appendix A), prepared by the City of Alhambra, to be eligible for leave (NOTE: EMPLOYEE WILL RECEIVE A RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE);

2. "Medical Certification" - either for the employee's own serious health condition (Appendix B), or for the serious health condition of a child, spouse or parent (Appendix C);

3. "Authorization for Payroll Deductions for Benefit Coverage Continuation" (Appendix D) - to authorize payroll deductions for benefit plan coverage continuation; and,

4. "Fitness-For-Duty to Return from Leave Certification" (Appendix E) - to return from Family/Medical Care Leave.
APPENDIX A
CITY OF ALHAMBRA
REQUEST FOR FAMILY/MEDICAL LEAVE

Employee Name: ___________________________ Date of Request: ____________

Department: ___________________________ Position Title: ___________________________

Hire Date: ___________________________

I request a Family/Medical Leave for the following reason (check one):

____   A. The birth of a child and/or in order to care for such child.

____   B. The placement of a child for adoption or foster care.

____   C. In order to care for an immediate family member because such family member has a serious health condition. Circle one: CHILD - SPOUSE - PARENT (Must submit "Physician Certification" within 15 days)

____   D. Employee's own serious health condition that makes the employee unable to perform the functions of his/her position. (Must submit "Physician Certification" within 15 days)

METHOD OF LEAVE REQUESTED

____   A. Consecutive Leave

____   B. Intermittent or Reduced Leave (Specify Schedule Below)

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

Date leave is to begin: ____________ Expected duration of leave: ____________

If the duration of my family/medical leave (total of paid and unpaid time) does not exceed 12 weeks, I will be returned to my same, equivalent or comparable position. I understand that if my family/medical leave should exceed 12 weeks, I will be returned to my same, equivalent or comparable position, only if available. If my same, equivalent or comparable position is not available, I understand that I may be terminated.

Date: ___________________________ Employee's Signature: ___________________________
APPENDIX B
CITY OF ALHAMBRA
PHYSICIAN OR PRACTITIONER CERTIFICATION
EMPLOYEE - SERIOUS HEALTH CONDITION

1. Employee's Name:

2. Verification that an employee has a serious health condition:

3. Date condition commenced:

4. Probable duration of condition:

5. Regimen of treatment to be prescribed (Indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week.):

A By Physician or Practitioner:

B By other provider of health service, if referred by Physician or Practitioner:

Check Yes or No in the space below, as appropriate.

Yes___ No___ Is inpatient hospitalization of the employee required?

Yes___ No___ Is employee able to perform work of any kind? (If No, skip to Item 9.)

Yes___ No___ Is employee able to perform the functions of employee's position? (Please review attached job description.)

6. Signature of Physician or Practitioner:

7. Date __________________

8. Type of Practice (Field of Specialization, if any):
APPENDIX C
CITY OF ALHAMBRA
PHYSICIAN OR PRACTITIONER CERTIFICATION
FAMILY MEMBER - SERIOUS HEALTH CONDITION

1. Employee's Name: __________________________________________

2. Patient's Name (if other than employee): ________________________

3. Verification that the family member has a serious health condition.

A serious health condition: under the FMLA includes an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment in connection with or in conjunction with a hospital, hospice or residential medical care facility;

- Any period of incapacity requiring absence from work, school, or regular daily activities of more than three calendar days that also involves continuing treatment by (or under the supervision of) a health care provider; or

- Continuing treatment of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or

- For prenatal care: ___________________________________________

Date condition commenced: ______________________________________

Probable duration of condition: _________________________________

Regimen of treatment to be prescribed (Indicate number of visits, general nature and duration of treatment, including referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day of days per week.):

__________________________

Physician or Practitioner:

__________________________

Other provider of health services, if referred by Physician or Practitioner: __________________________
Check Yes or No in the space below, as appropriate.

9. Yes_____ No_____ Is inpatient hospitalization of the family member (patient) required?

10. Yes_____ No_____ Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?

11. Yes_____ No_____ After review of the employee's signed statement (See Item 13 below), is the employee's presence necessary or would it be beneficial for the care of the patient? (This may include psychological comfort.)

12 Estimate the period of time care is needed or the employee's presence would be beneficial:

ITEM 13 TO BE COMPLETED BY THE EMPLOYEE REQUESTING FAMILY LEAVE.

13 When Family Leave is needed to care for a seriously ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule:

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

Employee Signature: ___________________________ Date: __________________

14 Signature of Physician or Practitioner: ___________________________

15 Date ___________________________

16 Type of Practice (Field of Specialization, if any): ___________________________
APPENDIX D
CITY OF ALHAMBRA
AUTHORIZATION FOR PAYROLL DEDUCTIONS FOR BENEFIT
COVERAGE CONTINUATION DURING FAMILY/MEDICAL CARE LEAVE

I, authorize the ____________________________ to make deductions from income I will receive
name of agency
from accrued leave during my upcoming family/medical care leave which will commence on

______________________________ and end on ________________________________
date leave will commence date leave will end if known by employee

I authorize deductions to be made from income I will receive from accrued leave for the
following benefits:

______________________________ list benefits which employee is entitled to contribute to during family/medical care leave

______________________________
Employee's Signature

______________________________
Date
FITNESS FOR DUTY TO RETURN FROM LEAVE CERTIFICATION

To City of Alhambra Employee: You must present this release to your supervisor before or on the day you return to work. You may not work without this release.

To: Treating Physician or Practitioner:

The employee began a period of medical care leave for his/her serious health condition on ____________________________.

As a condition of returning to work, the employee must take a physical examination and have his/her physician complete this form. The form must be completed before the employee is allowed to resume his/her job duties.

1. Employee Name:

2. Employee's Job Title:

3. Date of Physical Examination: ____________________________

4. With respect to your understanding as to what are the employee's essential job functions, please check the source(s) where you received your information:
   [ ] City class specification
   [ ] Discussion with employee's supervisor
   [ ] Discussion with the employee
   [ ] Other. Please explain: ____________________________

5. Please indicate the status of the employee's release for duty.
   [ ] Fully unrestricted duty. Please skip question 6 and proceed to question 7.
   [ ] Modified duty. You must complete question 6.
   [ ] Not released for any type of duty.

6. If you are releasing the employee to modified work duty, you must complete this section thoroughly.
   a. Estimated date that employee will be able to return to full, unrestricted duty: ____________________________
   b. Date of your next evaluation of the employee: ____________________________
c. Indicate the exact work restrictions which apply to the employee at this time on the

<table>
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<tr>
<th>PHYSICAL LIMITATION</th>
<th>FULL RESTRICTIONS</th>
<th>PARTIAL RESTRICTIONS</th>
<th>NO RESTRICTIONS</th>
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<td>Light-Lifting 1 to 20 lbs.</td>
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<td>Moderate-Lifting 50 to 50 lbs.</td>
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<td>Reaching or working above Shoulder</td>
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<td>Repeating Bending (hrs.)</td>
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<td>Climbing (hrs.)</td>
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<td>Operating a motor vehicle, crane, tractor, etc.</td>
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Other

Exposure Limitation (specify)

I hereby certify that the foregoing facts are true and correct, and are executed under penalty or perjury in ______________, California this __________ day of ______________ 20___.

Signature of Treating Physician or Practitioner

Date

Print Name of Treating Physician or Practitioner

Phone Number
CITY OF ALHAMBRA
FITNESS FOR DUTY TO RETURN FROM LEAVE CERTIFICATION

On ___________________________ employee commenced leave (for serious health condition)

employee's name

began a period of family/medical care leave from ___________________________

name of agency employer

Based on my examination of ___________________________ on ___________________________,

employee's name date of physical examination

I, after having reviewed the job description of ___________________________, certify that he/she

employee's name

is medically/psychologically fit to return to ___________________________ with the following

employee's job

limitations: ____________________________________________________________

A Serious Health Condition means an illness, injury, impairment, or physical or mental condition that
involves one of the following:

1. Hospital Care

   Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care
   facility, including any period of incapacity or subsequent treatment in connection with or
   consequent to such inpatient care.

2. Absence Plus Treatment

   A period of incapacity of more than three consecutive calendar days (including any
   subsequent treatment or period of incapacity relating to the same condition), that also
   involves

   a. Treatment (does not include routine physical examination, eye examinations, or
dental examinations) two or more times by a health care provider, by a nurse or
physician's assistant under direct supervision of a health care provider, or by a
provider of health care services (e.g., physical therapist) under orders, or on referral
by a health care provider; or

b. Treatment by a health care provider on at least one occasion which results in a
regimen of continuing treatment (a regimen of continuing treatment includes, for
example, a course of prescription medical, i.e. an antibiotics, or therapy requiring
special equipment to resolve or alleviate the health condition) under the supervision
of the health care provider.
3. **Pregnancy**. Any period of incapacity due to pregnancy, or for prenatal care.

4. **Chronic Conditions Requiring Treatments**
   
a) A chronic condition which requires periodic visits for treatment by a health care provider, or by a nurse physician's assistant under direct supervision of a health care provider;

b) Continues over an extended period time (including recurring episodes of a single underlying condition); and

c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. **Permanent/Long Term Conditions Requiring Supervision**

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples, a severe stroke, or the terminal stages of a disease.

6. **Multiple Treatment (Non-Chronic Conditions)**

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under order of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
SUMMARY OF REQUIREMENTS PERTAINING TO FOREIGN NATIONALS

Following material taken from Training Bulletin 04-01:

1. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.

2. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national’s wishes.

3. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.

4. When a government official becomes aware of the death of a foreign national, consular officials must be notified.

5. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.

6. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.

STEPS TO FOLLOW WHEN A FOREIGN NATIONAL IS ARRESTED OR DETAINED

1. Determine the foreign national’s country. In the absence of other information, assume this is the country on whose passport or other travel document the foreign national travels.

2. If the foreign national’s country is not on the mandatory notification list on the next page:

   * Offer, without delay, to notify the foreign national’s consular officials of the arrest/detention. For a suggested statement to the foreign national, refer to page 7(statement 1) in the Department of State guidebook kept in the Watch Commander’s Office.

   * If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national’s country without delay. For phone and fax numbers for foreign embassies and consulates in the United States, see Part Six of the guidebook. A suggested fax sheet for making the notification is on page 9 of the same book.
3. If the foreign national’s country is on the list of mandatory notifications countries on the following pages:

- Notify that country’s nearest consular officials, without delay, of the arrest/detention. Phone and fax numbers are in Part Six, and you may use the suggested fax sheet on page 9 for making the notification.

- Tell the foreign national that you are making this notification. A suggested statement to the foreign national is found on page 7 (Statement2), and translations into selected languages are in Part Four.

4. Keep a written record of the provision of notification and actions taken.

The U.S. State Department wishes to remind all law enforcement personnel that whenever they arrest or otherwise detain a foreign national in the United States, there may be a legal obligation to notify diplomatic or consular representatives of the person’s government in this country. Compliance with the notification requirements is essential to ensure that similar notice be given to U.S. diplomatic and consular officers when U.S. citizens are arrested or detained abroad.

When a foreign national is taken into custody, the on duty watch commander should consult the list to determine whether notification is mandatory. If the detainee is a national of one of the countries listed, there is a bilateral agreement in force with that country requiring notice in all cases. The nearest consulate or embassy should be notified without delay and the detainee so informed.

In any case, upon arrest and booking or detention for more than two hours of a known or suspected foreign national, the arresting officer shall advise the foreign national that he or she has a right to communicate with an official from the consulate of his or her country (834c, PC)

Law enforcement agencies should keep a written record of all notifications to foreign diplomatic or consular representatives. If notification is optional and is not requested by the detainee, the fact should be recorded in the detainee’s file, and no notice should be given. In both the above cases the advisement and notification must be recorded in the original report, on a supplemental, or on a separate Officer’s Report (whichever is most appropriate).

Subject to local laws and regulations regarding access to detained persons, foreign consular officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation.
Inquiries concerning the forgoing may be addressed to the Assistant Legal Adviser for consular affairs, U.S. Department of State, Washington, D.C. Telephone (202) 647-4415, FAX (202) 736-7559. Telephone inquiries after normal business hours may be directed to the command center of the Bureau of Diplomatic Security at (202) 647-1512 or (800) 979-9331.
COUNTRIES FOR WHICH CONSULAR NOTIFICATION IS MANDATORY:

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<tr>
<th>Antigua</th>
<th>Malta</th>
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<tr>
<td>Armenia</td>
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<tr>
<td>Azerbaijan</td>
<td>Moldova</td>
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<tr>
<td>Bahamas</td>
<td>Mongolia</td>
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<tr>
<td>Barbados</td>
<td>Nigeria</td>
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<tr>
<td>Belarus</td>
<td>Philippines</td>
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<tr>
<td>Belize</td>
<td>Poland</td>
</tr>
<tr>
<td>Brunei</td>
<td>Romania</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Russia</td>
</tr>
<tr>
<td>China (Including Hong Kong)*</td>
<td>Seychelles</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>Sierra Leone</td>
</tr>
<tr>
<td>Cyprus</td>
<td>Singapore</td>
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<tr>
<td>Czech Republic</td>
<td>Slovakia</td>
</tr>
<tr>
<td>Dominica</td>
<td>St. Kitts &amp; Nevis</td>
</tr>
<tr>
<td>Fiji</td>
<td>St. Lucia</td>
</tr>
</tbody>
</table>
| The Gambia | St. Vincent &
| Grenadines | Turks & Caicos Islands |
| Georgia | United Kingdom*** |
| Ghana | Ukraine |
| Grenada | U.S.S.R. ** |
| Guyana | Uzbekistan |
| Hungary | Zambia |
| Jamaica | Zimbabwe |
| Kazakhstan | |
| Kiribati | |
| Kuwait | |
| Kyrgyzstan | |
| Malaysia | |

* When Taiwan nationals (who carry “Republic of China” passports) are detained, notification should be made to the nearest office of the Coordination Council for North American Affairs, the unofficial entity representing Taiwan’s interest in the United States.

** All U.S.S.R. successor states are covered by this agreement. They are: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

*** British dependencies are also covered by this agreement. They are: Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.
An updated copy of the U.S. Department of State publication "Consular Notification and Access" has been placed in the Watch Commander's office to assist personnel in handling the arrest or detention of Foreign Diplomats and Consular Personnel. The information contained in this bulletin supercedes any conflicting info in previous training bulletins.

Revised 9-4-2001
DIPLOMATIC AFFAIRS

Diplomatic Officers: Political representatives of one country to
another; their titles may be Ambassador, Minister, Counselor,
Secretary, Secretary First, Second, or Third, or Attache. Most
of them reside in or near Washington, D.C., or New York City.
They are concerned with international relationships and foreign
policy.

"Diplomatic officers and their families, administrative staffs
and their families, and technical personnel and their families
are protected by complete immunity from arrest. This immunity is
providing they are not U.S. citizens or permanent residents of
the United States.

Service staffs enjoy complete immunity for their official acts
only, and private servants do not enjoy diplomatic immunity.

Diplomatic immunity applies to the Consular Officers of China,
the Philippines and the U.S.S.R. in the following ways:

1. China - Consular Officers enjoy criminal, civil, and
administrative immunity with the exception of private
contracts; private estate involvement; damage resulting from
accidents; private property; and private commercial
activities. Family members, consular employees, and their
family members enjoy the same immunity as consular
officers.

2. Philippines - Consular Officers enjoy criminal, civil,
and administrative immunity with the exception of private
contracts; damage resulting from accidents; and certain
official acts regarding the estates of Philippine nationals.
Family members of consular officers enjoy the same immunity, while consular employees enjoy only official acts immunity and their families do not enjoy diplomatic immunity.

3. U.S.S.R. — Consular Officers enjoy only criminal and official acts immunity; their families enjoy no diplomatic immunity. Consular employees also enjoy only criminal and official acts immunity and their families enjoy no diplomatic immunity."

Consular Officers: These official foreign government representatives are designated Consuls General, Deputy Consuls General, Consuls, and Vice Consuls. The principal duties relate to protecting the interests of their nationals, promoting the business of the countries they represent, issuing passports, and performing other administrative and legal functions.

Consular Immunity: Consular officers are accorded certain immunities and privileges. They may not be arrested for misdemeanors, but may be arrested for serious crimes (felonies which endanger the public safety). The families, servants and staffs of consular officers are not entitled to immunity from arrest. Law enforcement personnel should treat consular officers with due respect and should take all appropriate steps to prevent any attack on their personal freedom of dignity.

Honorary Consular Officers: Some citizens of the United States, or permanent residents of this country, are appointed as honorary consular officers by foreign countries for the purpose of facilitating and promoting the interests of those countries. Although honorary consular officers may perform the same duties
as career consular officers, they are not accorded the range of immunities, including the immunity from arrest.
The Vienna Convention on Consular Relations, Articles 58 (2) and 43, provide an honorary consular officer with consular immunity in respect to acts performed in the exercise of consular functions. Such immunity is not automatically established, but must be asserted as a positive defense and is subject to judicial determination.

Consular Premises: The consular premises include that area which is used exclusively for the work of a consular post. This area may not be entered without explicit permission of the head of the consular post, or his designee. This is not true of an honorary consulate. (Permission to enter a consulate may be presumed in the case of fire or other disaster requiring prompt protective action.) Law enforcement personnel have an obligation to take all appropriate steps to protect consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post.

Consular Archives, Records, Documents and Correspondence: These are the official working papers of the consular post, including an honorary consulate. They are inviolable at all times, and wherever they may be. The official correspondence of the consular post, and, all correspondence relating to the consular post and its functions, are inviolable.

NOTE: That portion of an honorary consul's records which are entitled to inviolability must be separate from other records and must be devoted exclusively to consular activities.
Official Guest: Officials guests are foreign nationals present in the United States at the invitation of the United States and so designated by the U.S. Secretary of State. They normally carry letters of introduction or other documentation identifying them as official guests of the United States Government.

General Policies: Diplomatic and consular officers should be accorded their respective rights, privileges, and immunities as directed by international law and federal statutes. Nevertheless, all persons enjoying such privileges and immunities have an obligation under international law to respect local laws and regulations.

Moving Traffic Violations: When a consular officer is stopped for a moving violation and presents his credentials (He may or may not have Consular Corps plates on his car. See Consular Corps Plate Attachment. The police officer should take into consideration not only the situation, but also the immunities due the consular officer. It is generally inappropriate to issue a citation, but rather to point out the dangers involved in the infraction and allow the consular official to proceed. In a particularly aggravated case, a citation may be issued. If the official refuses to sign the citation, the word "refused" should be written across the face of the citation, and it should be forwarded to higher authority along with a written report concerning the incident.

NOTE: The issuance of a traffic citation under these circumstances does not constitute either a detention or an arrest.
Driving While Under the Influence of an Intoxicant: When a consular official is involved with the police in such a circumstance, the situation should be handled by the police officer with the utmost tact. The police officer's primary emphasis should be toward assuring the consular officer that his and the public's safety are the principal concern. There should be no arrest. The most desirable actions are, in order of preference:

1. Get him to a telephone so he can ask someone to pick him up.
2. Take him home.
3. Call a taxi for him.
4. Take him to the station or to some other location where he can recover sufficiently to permit him to drive home safely. If you take him to the station, do not put him into a cell or into any kind of confinement while there, though he can be transported in the back of a partitioned car if he wishes to go the station. Do not handcuff him or give him any kind of sobriety test.

Offenses Involving Family Members of a Consular Officer: Family members of consular officers do not, in general, have immunity from arrest, however, appropriate consideration should be given to them as special foreign residents or visitors in our country. A violation should be handled, when possible, through the seeking of a complaint. If the relative is a juvenile, the juvenile should be released to the parent consular officer in accordance with our department's procedures for such cases.
Driving While Under the Influence of an Intoxicant: When a consular official is involved with the police in such a circumstance, the situation should be handled by the police officer with the utmost tact. The police officer's primary emphasis should be toward assuring the consular officer that his and the public's safety are the principal concern. There should be no arrest. The most desirable actions are, in order of preference:

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Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Alhambra Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.1.1 DEFINITIONS
Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Foreign Officials - Titles and Credentials: There are several types of foreign officials attached to foreign diplomatic and consular missions in the United States. The scope of a person's immunity is determined by title and credentials.

Anyone claiming immunity can be identified by credentials issued by the United States Department of State, the United Nations, the California State Department, the Los Angeles Police Department or the Los Angeles County Sheriff's Department.

Diplomatic Officers - Diplomatic officers are: Ambassadors, Ministers, Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. These persons are diplomats and represent their governments in the affairs of state. They are not consular officers.

Consular Officer - A Consular Officer is any person officially authorized and entrusted by a foreign government to represent the commercial interests of the citizens of the appointing country.

Persons so appointed have been approved by the United States Government to exercise consular functions in this country. Consular Officers include the Consul-General, Deputy Consul-General, Consuls, and Vice Consuls. Consular Officers may be either Career Consular Officers or Honorary Consular Officers.

A career Consular Officer is a citizen of a foreign country empowered by its government to act in its behalf on matters of trade and limited governmental functions. Each career Consular Officer possesses U.S. State Department credentials bearing the State Department's seal, the name of the officer, title, and the signature of State Department officials and other official identification.

An honorary Consular Officer is a citizen of the United States or a citizen of a foreign country who is a permanent resident of the United States. The honorary Consular Officer is appointed to perform the functions of a career Consular Officer. Unlike the career officer, an honorary Consular Officer does not possess a State Department Identification card but may have other official identification.

Official Guests - Official guests carry letters of introduction or other documentation identifying them as official guests of the United States Government.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments.
These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 POLICY
The Alhambra Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

422.3 CLAIMS OF IMMUNITY
If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person’s Identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.
422.4 ENFORCEMENT
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.
422.5 DOCUMENTATION
All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

422.6 DIPLOMATIC IMMUNITY TABLE
Reference table on diplomatic immunity:

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note (a))</td>
<td>Yes (note (d))</td>
<td>Yes</td>
<td>No for official acts. Testimony may not be compelled in any case</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Int'l Org Staff</td>
<td>Yes (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No for official acts. Yes otherwise (note (c))</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>
## Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Diplomatic-Level Staff of Missions to Int’l Org</th>
<th>No (note (b))</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
<th>Same as sponsor (full immunity &amp; inviolability)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support Staff of Missions to Int’l Orgs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No for official acts</td>
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<tr>
<td></td>
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<td></td>
<td>Yes otherwise</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

### 422.6.1 PARKING VIOLATIONS

Consular immunity does not prohibit citing and/or impounding consular vehicles which constitute a traffic hazard or which are in clear violation of local codes. However, as a matter of courtesy, officers should make a reasonable attempt to warn the concerned driver or Consular Officer of the pending action, and allow the vehicle to be moved prior to taking any action.
Hazardous Material Response

412.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED
A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizers and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance.

1. Identification can be determined by placard, driver's manifest or statements from the person transporting.

2. Officers should consult their Emergency Response Guidebook located in their units.

(b) Provide Dispatch with the four-digit Hazmat Hazardous Material Identification Number.

(c) Notify the Fire Department.

(d) Provide first-aid for injured parties if it can be done safely and without contamination.

(e) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(f) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(g) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

Employees who encounter a situation involving "verified" hazardous materials should not enter the area. Instead, they should notify dispatch of the incident as soon as possible. The employee
Hazardous Material Response

should secure the area, prevent entry into it by others and wait for the arrival of properly equipped personnel.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Assistant Chief. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure. The exposure shall be treated as would any other on-duty illness or injury. The supervisor will complete a Supervisor Report of Injury and Workers Compensation Form. Both of these forms shall immediately be Faxed to the Personnel Department and then given to the employee’s respective Division Commander. The Division Commander shall also be given a copy of the Notice of Supervisory Incident and any other reports pertaining to the incident, including a Potential Claim form, if appropriate.

The supervisor or Watch Commander should immediately notify the Division Commanders and Chief of Police. They will determine if the City Attorney also needs to be notified immediately.

There are instances of potential exposures to a hazardous material that cannot be verified and there is no apparent immediate reaction to the exposure. In these instances, the supervisor shall document the exposure in a Notice of Supervisory Incident or memorandum and make it to the attention of the employee’s Division Commander for their review. A copy of the Notice of Supervisory Incident or memorandum shall be faxed to the City Attorney and a copy given to the involved employee. The Division Commander or Personnel Director may direct the employee for further medical examinations and to establish a medical base-line.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.
CONTACTING AN EMERGENCY RESPONSE DUTY OFFICER:

During normal work hours (Monday-Friday, 8-5), call DTSC directly at (800) 260-3972 or (916) 322-1600, and request to speak to the daytime Emergency Response Duty Officer. After Hours, weekends, or on Holidays, call the Governor's Office of Emergency Services' (OES) Warning Control Center at (800) 852-7550. Notify OES of the incident and of the fact that you are requesting some funding for the cleanup. Then request that the Warning Control Officer contact the on-call DTSC Emergency Response Duty Officer (Duty Officer). The Emergency Response Duty Officer will contact you as soon as he or she is notified.

FUNDING REQUIREMENTS:

As a condition of receiving funding from the Emergency Reserve Account (ERA), the requesting agency is required to provide on-scene oversight, including documentation of incident cleanup/response. On-scene oversight is documented by filling out and signing the Emergency Response Incident Report, completing the Cleanup Work Log, and signing the Hazardous Waste Manifest which designates your agency as the Generator.

Emergency Response Incident Report (ERIR):

The "ERIR" must be filled out completely and accurately. It is used to confirm the incident information originally given to the Emergency Response Duty Officer by the requesting agency. The contents of the report should include relevant details identifying potential responsible parties and also must certify that the incident was an emergency.

When further investigation reveals responsible party information, that information should be included in the ERIR. If there are no responsible parties or potential responsible parties identified, this should be stated on the ERIR.

Responsible party information should include as much of the following information as is readily available: the names, addresses, and phone numbers of property owners, tenants, leaseholders; assessor parcel numbers, vehicle license or identification numbers; names of registered owners; and driver's license numbers.

Other details that need to be reported include:
- Names and addresses of witnesses
- Container label information
- Container shipping labels
- Bills of lading
- Any other evidence found with the waste, i.e., canceled checks, old letters and/or medical prescriptions

Cleanup Work Log:

The Cleanup Work Log is used to verify the contractor invoice charges. Therefore, arrival and departure times of the respective contractor's personnel and equipment, and a description of the materials used must be recorded. In lieu of filling out the equipment and materials portion of the log, a contractor field service order, signed by the local requesting agency representative, may be attached.

Hazardous Waste Manifest:

It is the responsibility of the requesting agency to ensure that the Hazardous Waste Manifest (Manifest) is properly and completely filled out and signed. In most cases the County is the Generator and must sign the Manifest as the Generator, even though DTSC is funding the cleanup. Remember: DTSC is NOT the Generator.

The ERIR, Cleanup Work Log, and any other documentation should be mailed to DTSC within 10 working days of the initial funding request. IF THESE REPORTS AND SUPPORTING DOCUMENTATION ARE NOT SUBMITTED, FUTURE FUNDING MAY BE JEOPARDIZED.

Mail To:
Department of Toxic Substances Control
Site Mitigation Branch
Emergency Response Unit, HQ-24
P. O. Box 806
Sacramento, California 95812-0806
**CLEANUP WORK LOG**

**Dates of Cleanup:**

**Location of Cleanup:**

**Contractor:**

**Contractor's Representative:**

**Time of Contractor Arrival:**

**Time of Equipment Arrival:**

**Description of Extent of Contamination:**
- Soil:
- Water:
- Air:
- Other:

**Description of Cleanup Procedures Used:**

---

<table>
<thead>
<tr>
<th>Equipment Utilized</th>
<th>Labor Utilized</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td><strong>Time</strong></td>
</tr>
<tr>
<td><strong>Arrive</strong></td>
<td><strong>Depart</strong></td>
</tr>
<tr>
<td><strong>Job Classification</strong></td>
<td><strong>Time</strong></td>
</tr>
<tr>
<td><strong>Arrive</strong></td>
<td><strong>Depart</strong></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Materials Utilized</th>
<th>Materials Utilized</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td><strong>Number of Units</strong></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td><strong>Number of Units</strong></td>
</tr>
</tbody>
</table>

(Use additional sheets for the above information if needed.)

**Quantity of Hazardous Materials Removed (identification procedures, lab results if available):**

---

**Registered Hauler Utilized:**

**Hauler Number:**

**Material Transported To:**

**Manifest Number:**

**Time and Date Job Was Completed:**

**Report By:**

**Agency:**
HAZARDOUS MATERIAL CLASSIFICATION CHART

FLAMMABILITY
Degree of Susceptibility of Materials to Burning
4—EXTREMELY DANGEROUS; Highly flammable liquids and explosive gases. Flash Point below 73°F.
3—HAZARDOUS; ignites at room temperature. Flash Point 73°F-98°F.
2—WARNING; ignites with moderate heat. Flash Point 100°F-200°F.
1—May be preheated to burn. Flash Point above 200°F.
0—Will not burn.

HEALTH HAZARD
Degree of Injury from Burning Materials
4—FATAL; Too dangerous to enter without specialized protective equipment.
3—EXTREMELY DANGEROUS; Avoid skin contact and inhalation.
2—HAZARDOUS; Intense exposure may be harmful.
1—CAUTION; Causes irritation or minor injury.
0—Creates no unusual hazard.

REACTIVITY
Degree of Susceptibility of Materials to Release Energy
4—EXTREMELY DANGEROUS; Exploses at room temperature.
3—DANGEROUS; Exploses with exposure to combined heat, shock, or when mixed with water.
2—HAZARDOUS; Normally Unstable/may have violent chemical change when mixed with water.
1—CAUTION; May become unstable when heated or mixed with water.
0—Normally Stable at all temperatures. Not reactive with water.

ACID—Acid
ALK—Alkali
COR—Corrosive Chemicals
OXY—Oxidizing Chemicals
R—Radiation Hazard
W—Do Not Use Water
P—Subject to Polymerization (Self-Reacting when Mixed with Water)
Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
Formulario de Reclamo de Compensación de Trabajadores (DWC 1) y Notificación de Posible Elegibilidad

If you are injured or become ill, either physically or mentally, because of your job, including injuries resulting from a workplace crime, you may be entitled to workers’ compensation benefits. Use the attached form to file a workers’ compensation claim with your employer. You should read all of the information below. Keep this sheet and all other papers for your records. You may be eligible for some or all of the benefits listed depending on the nature of your claim. If you file a claim, the claims administrator, who is responsible for handling your claim, must notify you within 14 days whether your claim is accepted or whether additional investigation is needed.

To file a claim, complete the ‘Employee’ section of the form, keep one copy and give the rest to your employer. Do this right away to avoid problems with your claim. In some cases, benefits will not start until you inform your employer about your injury by filing a claim form. Describe your injury completely. Include every part of your body affected by the injury. If you mail the form to your employer, use first-class or certified mail. If you fail to file a return receipt, you will be able to prove that the claim form was mailed and when it was delivered. Within one working day after filing the claim form, your employer must complete the ‘Employer’ section, give you a dated copy, keep one copy, and send one to the claims administrator.

Medical Care: Your claims administrator will pay for all reasonable and necessary medical care for your work injury or illness. Medical benefits are subject to approval and may include treatment by a doctor, hospital services, physical therapy, lab tests, x-rays, medicines, equipment and travel costs. Your claims administrator will pay the costs of approved medical services directly so you should never see a bill. There are limits on chiropractic, physical therapy, and other occupational therapy visits.

The Primary Treating Physician (PTP) is the doctor with the overall responsibility for treatment of your injury or illness.

- If you previously designated your personal physician or a medical group, you may see your personal physician or the medical group after you are injured.

- If your employer is using a medical provider network (MPN) or Health Care Organization (HCO), in most cases, you will be treated in the MPN or HCO unless you previously designated your personal physician or a medical group. An MPN is a group of health care providers who provide treatment to workers injured on the job. You should receive information from your employer if you are covered by an HCO or a MPN. Contact your employer for more information.

- If your employer is not using an MPN or HCO, in most cases, the claims administrator can choose the doctor who first treats you unless you previously designated your personal physician or a medical group.

- If your employer has not put up a poster describing your rights to workers’ compensation, you may be able to be treated by your personal physician right after you are injured.

Within one working day after you file a claim form, your employer or the claims administrator must authorize up to $10,000 in treatment for your injury, consistent with the applicable treating guidelines until the claim is accepted or rejected. If the employer or claims administrator does not authorize treatment right away, talk to your supervisor, someone else in management, or the claims administrator. Ask for treatment to be authorized right now, while waiting for a decision on your claim. If the employer or claims administrator will not authorize treatment, use your own health insurance to get medical care. Your health insurer will not seek reimbursement from the claims administrator. If you do not have health insurance, there are doctors, clinics or hospitals that will treat you without immediate payment. They will seek reimbursement from the claims administrator.

Switching to a Different Doctor at Your PTP:

- If you are being treated in a Medical Provider Network (MPN), you may switch to other doctors within the MPN after the first visit.

- If you are being treated in a Health Care Organization (HCO), you may switch at least one time to another doctor within the HCO. You may switch to a doctor outside the HCO 90 or 180 days after your injury is reported to your employer (depending on whether you are covered by employer-provided health insurance).

- If you are not being treated in an MPN or HCO and did not designate, you may switch to a new doctor one time during the first 30 days after your injury is reported to your employer. Contact the claims administrator to switch doctors. After 30 days, you may switch to a doctor of your choice if

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your employer or the claims administrator has not created or selected an MPN.

Disclosure of Medical Records: After you make a claim for workers' compensation benefits, your medical records will not have the same level of privacy that you usually expect. If you don't agree to voluntarily release medical records, a workers' compensation judge may decide what records will be released. If you request privacy, the judge may "seal" (keep private) certain medical records.

Problems with Medical Care and Medical Reports: At some point during your claim, you might disagree with your PTP about what treatment is necessary. If this happens, you can switch to other doctors as described above. If you cannot reach agreement with another doctor, the steps to take depend on whether you are receiving care in an MPN, HCO, or neither. For more information, see "Learn More About Workers' Compensation," below.

If the claims administrator denies treatment recommended by your PTP, you may request independent medical review (IMR) using the request form included with the claims administrator's written decision to deny treatment. The IMR process is similar to the group health IMR process, and takes approximately 40 (or fewer) days to arrive at a determination so that appropriate treatment can be given. Your attorney or your physician may assist you in the IMR process. IMR is not available to resolve disputes over matters other than the medical necessity of a particular treatment requested by your physician.

If you disagree with your PTP on matters other than treatment, such as the cause of your injury or severity of the injury, you can switch to other doctors as described above. If you cannot reach agreement with another doctor, notify the claims administrator in writing as soon as possible. In some cases, you risk losing the right to challenge your PTP's opinion unless you do this promptly. If you do not have an attorney, the claims administrator must send you instructions on how to be seen by a doctor called a qualified medical evaluator (QME) to help resolve the dispute. If you have an attorney, the claims administrator may try to reach agreement with your attorney on a doctor called an agreed medical evaluator (AME). If the claims administrator disagrees with your PTP on matters other than treatment, the claims administrator can require you to be seen by a QME or AME.

Payment for Temporary Disability (Lost Wages): If you can't work while you are recovering from a job injury or illness, you may receive temporary disability payments for a limited period. These payments may change or stop when your doctor says you are able to return to work. These benefits are tax-free. Temporary disability payments are two-thirds of your average weekly pay, within minimums and maximums set by state law. Payments are not made for the first three days you are off the job unless you are hospitalized overnight or cannot work for more than 14 days.

Stay at Work or Return to Work: Being injured does not mean you must stop working. If you can continue working, you should. If you can't, it is important to go back to work with your current employer as soon as you are medically able. Studies show that the longer you are off work, the harder it is to get back to your original job and wages. While you are recovering, your PTP, your employer (supervisors or others in management), the claims administrator, and your attorney (if you have one) will work with you to decide how you will stay at work or return to work and what work you will do. Actively communicate with your PTP, your employer, and the claims administrator about the work you did before you were injured, your medical condition and the kinds of work you can do now, and the kinds of work that your employer could make available to you.

Payment for Permanent Disability: If a doctor says you have not recovered completely from your injury and you will always be limited in the work you can do, you may receive additional payments. The amount will depend on the type of injury, extent of impairment, your age, occupation, date of injury, and your wages before you were injured.

Supplemental Job Displacement Benefit (SJD): If you were injured or after 1/1/04, and your injury results in a permanent disability and your employer does not offer regular, modified, or alternative work, you may qualify for a nontransferable voucher payable for retaining/developing skills enhancement. If you qualify, the claims administrator will pay the costs up to the maximum set by state law.

Death Benefits: If the injury or illness causes death, payments may be made to a (Medical Provider Network-MPN), you are entitled to other medical benefits within the MPN and after the first 30 days.

- If you do not receive treatment in an MPN, you are entitled to the benefits of an MPN and after the first 30 days.

- If you do not receive treatment in an MPN or an HCO and you do not receive a direct claim, you are entitled to a medical claim, you are entitled to a medical claim, you are entitled to a medical claim.

- If you do not receive treatment in an MPN or an HCO and you do not receive a direct claim, you are entitled to a medical claim, you are entitled to a medical claim.

Divulgación de Expedientes Médicos: Después de que Ud. presente un reclamo para beneficios de compensación de trabajadores, sus expedientes médicos no tendrán el mismo nivel de privacidad que usted normalmente espera. Si Ud. no está de acuerdo en divulgar voluntariamente los expedientes médicos, un juez de compensación de trabajadores podría decidir que los expedientes serán revelados. Si ud. solicita privacidad, es posible que el juez "selea" (mantenga privados) ciertos expedientes médicos.

Problemas con la Atención Médica y los Informes Médicos: En algún momento durante su reclamo, podría estar en desacuerdo con su PTP sobre trato necesario. Si este sucede, usted puede cambiar a otros médicos como se describe anteriormente. Si no puede llegar a un acuerdo con otro médico, los pasos a seguir dependen de si usted está recibiendo atención en una MPN, HCO o ninguna de las dos. Para más información, consulte la sección "Aprendiendo Más Sobre la Compensación de Trabajadores," a continuación.

Si el administrador de reclamos niega el tratamiento recomendado por su PTP, puede solicitar una revisión médica independiente (Independent Medical Review-IMR), utilizando el formulario de solicitud que se incluye con la decisión por escrito del administrador de reclamos negando el tratamiento. El proceso de la IMR es parecido al proceso de la IMR de un seguro médico colectivo, y tarda aproximadamente 40 (o menos) días para llegar a una determinación de manera que se pueda dar un tratamiento apropiado. Su abogado o su médico le pueden ayudar en el proceso de la IMR. La IMR no está disponible para resolver disputas sobre cuestiones aparte de la necesidad médica de un tratamiento particular solicitado por su médico.

Si no está de acuerdo con su PTP en cuestiones aparte del tratamiento, como la causa de su lesión o la gravedad de la lesión, usted puede cambiar a otros médicos como se describe anteriormente. Si no puede llegar a un acuerdo con otro médico, notifique al administrador de reclamos por escrito tan pronto como sea posible. En algunos casos, usted arriesga perder el derecho a objetar la opinión de su PTP a menos que esto sea inmediato. Si no tiene un abogado, el administrador de reclamos debe enviarle instrucciones para ser evaluado por un médico llamado evaluador médico calificado (Qualified Medical Evaluator-QME) para ayudar a resolver la disputa. Si tiene un abogado, el administrador de reclamos puede tratar de llegar a un acuerdo con su abogado sobre un médico llamado evaluador médico calificado (Agreed Medical Evaluator-AME). Si el administrador de reclamos no está de acuerdo con su PTP sobre aspectos aparte del tratamiento, el administrador de reclamos puede exigir que sea atendido por un QME o AME.

Permanecer en el Trabajo o Regresar al Trabajo: Estar lesionado no significa que usted debe dejar de trabajar. Si su trabajador no puede trabajar, mientras está recuperándose de una lesión o enfermedad relacionada con el trabajo, Ud. puede recibir pagos por incapacidad temporal por un período limitado. Estos pagos pueden cambiar o parar cuando su médico dice que Ud. está en condiciones de regresar a trabajar. Estos beneficios son libres de impuestos. Los pagos por incapacidad temporal son dos tercios de su pago semanal promedio, con cantidades mínimas y máximas establecidas por las leyes estatales. Los pagos no se hacen durante los primeros tres días en que Ud. no trabaja, a menos que Ud. sea hospedado a una noche o no puede trabajar durante más de 14 días.

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spouse and other relatives or household members who were financially dependent on the deceased worker.

It is illegal for your employer to punish or fire you for having a job injury or illness, for filing a claim, or testifying in another person’s compensation case (Labor Code 132a). If injured you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

Resolving Problems or Disputes: You have the right to disagree with decisions affecting your claim. If you have a disagreement, contact your employer or claims administrator first to see if you can resolve it. If you are not receiving benefits, you may be able to get State Disability Insurance (SDI) or unemployment insurance (UI) benefits. Call the State Employment Development Department at (800) 480-2387 or (866) 332-4606, or go to their website at www.edd.ca.gov.

You Can Contact an Information & Assistance (I&A) Officer: State I&A officers answer questions, help injured workers, provide forms, and help resolve problems. Some I&A officers hold workshops for injured workers. To obtain important information about the workers’ compensation claims process and your rights and obligations, go to www.dwc.ca.gov or contact an I&A officer of the State Division of Workers’ Compensation. You can also hear recorded information and a list of local I&A offices by calling (800) 736-7401.

You can consult with an attorney. Most attorneys offer one free consultation. If you decide to hire an attorney, his or her fee will be taken out of some of your benefits. For names of workers’ compensation attorneys, call the State Bar of California at (415) 538-2120 or go to their website at www.californiaspecialist.org.

Learn More About Workers’ Compensation: For more information about the workers’ compensation claims process, go to www.dwc.ca.gov. At the website, you can access a useful booklet, “Workers’ Compensation in California: A Guidebook for Injured Workers.” You can also contact an Information & Assistance Officer (above), or hear recorded Information by calling 1-800-736-7401.

pronto como usted pueda médicamente hacerlo. Los estudios demuestran que entre más tiempo esté fuera del trabajo, más difícil es regresar a su trabajo original y a sus salarios. Mientras se está recuperando, su PTP, su empleador (supervisores u otras personas en la gerencia), el administrador de reclamos, y su abogado (si tiene uno) trabajarán con usted para decidir cómo va a permanecer en el trabajo o regresar al trabajo y qué trabajo hará. Comuniquese de manera activa con su PTP, su empleador y el administrador de reclamos sobre el trabajo que hizo antes de lesionarse, su condición médica y los tipos de trabajo que usted puede hacer ahora y los tipos de trabajo que su empleador podría poner a su disposición.

Pago por Incapacidad Permanente: Si un médico dice que no se ha recuperado completamente de su lesión y siempre será limitado en el trabajo que puede hacer, es posible que Ud. reciba pagos adicionales. La cantidad dependerá de la clase de lesión, grado de deterioro, su edad, ocupación, fecha de la lesión y sus salarios antes de lesionarse.

Beneficio Suplementario por Desplazamiento de Trabajo (Supplemental Job Displacement Benefits, SJDB): Si Ud. se lesionó o después del 1/1/04, y su lesión resulta en una incapacidad permanente y su empleador no ofrece un trabajo regular, modificado, o alternativo, usted podría cumplir los requisitos para recibir un vale no-transferible pagadero a una escuela para recibir un nuevo curso de reentrenamiento y/o mejorar su habilidad. Si Ud. cumple los requisitos, el administrador de reclamos pagará los gastos hasta un máximo establecido por las leyes estatales.

Beneficios por Muerte: Si la lesión o enfermedad causa la muerte, es posible que los pagos se hagan a un cómplice y otros parientes o a las personas que viven en el hogar que dependían económicamente del trabajador fallecido.

Es ilegal que su empleador le castigue o despidiera por sufrir una lesión o enfermedad laboral, por presentar un reclamo o por testificar en el caso de compensación de trabajadores de otra persona. (Código Laboral, sección 132a.) De ser probado, usted puede recibir pagos por pérdida de sueldos, reposición del trabajo, aumento de beneficios y gastos hasta los límites establecidos por el estado.

Resolviendo problemas o disputas: Ud. tiene derecho a no estar de acuerdo con las decisiones que afecten su reclamo. Si Ud. tiene un desacuerdo, primero comuníquese con su empleador o administrador de reclamos para ver si usted puede resolverlo. Si usted no está recibiendo beneficios, es posible que Ud. pueda obtener beneficios del Seguro Estatal de Incapacidad por Discapacidad (State Disability Insurance-SDI) o el Seguro de desempleo (Unemployment Insurance- UI). Llame al Departamento del Desarrollo del Empleo estatal al (800) 480-3287 o (666) 332-4606, o visite su página Web en www.edd.ca.gov.

Puede Contactar a un Oficial de Información y Asistencia (I&A): Los Oficiales de Información y Asistencia (I&A) estatal contestan preguntas, ayudan a los trabajadores lesionados, proporcionan formularios y ayudan a resolver problemas. Algunos oficiales de I&A tienen talleres para trabajadores lesionados. Para obtener información importante sobre el proceso de la compensación de trabajadores y sus derechos y obligaciones, vaya al www.dwc.ca.gov o comuníquese con un oficial de información y asistencia de la División Estatal de Compensación de Trabajadores. También puede escuchar información grabada y una lista de las oficinas de I&A locales llamando al (800) 736-7401.

Ud. puede consultar con un abogado. La mayoría de los abogados ofrecen una consulta gratuita. Si Ud. decide contratar a un abogado, los honorarios serán tomados de algunos de sus beneficios. Para obtener nombres de abogados de compensación de trabajadores, llame a la Asociación Estatal de Abogados de California (State Bar) al (415) 538-2120, o consulte su página Web en www.californiaspecialist.org.


Rev. 1/1/2016
State of California
Department of Industrial Relations
DIVISION OF WORKERS' COMPENSATION

WORKERS' COMPENSATION CLAIM FORM (DWC 1)

Employee—complete this section and see note above
1. Name. Nombre. Jane Doe
2. Home Address. Dirección Residencial. 123 Forest Lane
3. City, Citad. Alhambra
4. Date of Injury. Fecha de la lesión (accidente). 12/14/2017
5. City Hall first floor by elevator
6. Describe injury and part of body affected. Describe la lesión y parte del cuerpo afectada. Walking to take elevator, slipped/fell injuring right leg.
8. ☑ Check if you agree to receive notices about your claim by email only. ☑ Marque si usted acepta recibir notificaciones sobre su reclamo solo por correo electrónico. Employee’s e-mail. Correo electrónico del empleado. Jane Doe@email.com

Employer—complete this section and see note below. Empleado—complete esta sección y note la notación abajo.
10. Name of employer. Nombre del empleador. City of Alhambra
11. Address. Dirección. 111 South First Street, Alhambra, CA 91801
12. Date employer first knew of injury. Fecha en que el empleador supo por primera vez de la lesión o accidente. 12/14/2017
13. Date claim form was provided to employee. Fecha en que le entregó el empleado la petición. 12/14/2017
14. Date employer received claim form. Fecha en que el empleador devolvió la petición al empleado. 12/14/2017
15. Name and address of insurance carrier or adjusting agency. Nombre y dirección de la compañía de seguros o agencia administradora de seguros.
17. Signature of employer representative. Firma del representante del empleador.
18. Title. Título. Supervisor
19. Telephone. Teléfono. (629) 570-6000

Employer: You are required to date this form and provide copies to your insurer or claim administrator and to the employee, dependent or representative who filed the claim within one working day of receipt of the form from the employee.

SIGNING THIS FORM IS NOT AN ADMISSION OF LIABILITY

☐ Employer copy/Copia del Empleado ☐ Employee copy/Copia del Empleado ☐ Claims Administrator/Administrador de Reclamos ☐ Temporary Receipt/Recibo del Empleado

Rev. 1/1/2016
Supervisor's Report of Injury or Illness
(Complete for All Employee Reported Injuries)

Employer: City of Alhambra  
Nature of Business: Municipality  
Department: Management Services  
Division/Location:  
Name of Injured Employee: Jane Doe  
Occupation: Custodian  
Date of Injury or Illness: 12/14/2017  
Time: 9:30 AM  
Was medical treatment offered? ☑ Yes ☐ No  
Was treatment refused? ☑ Yes ☐ No  
Was employee given a claim form? ☑ Yes ☐ No  
Employee's Signature:  

What type of medical treatment was given?  
☑ First Aid  ☐ Paramedics  ☐ Hospitalization  ✓ Clinic  ☐ Emergency Room  ☐ Authorized  
Pre-designated Physician's Name: (attach form) N/A  

Was employee required to leave work due to this injury or illness? ☑ Yes ☐ No  
Date Last Worked:  
Has employee returned to work? ☑ Yes, Date Returned: 12/15/2017 ☐ No, Still Off Work  

Name of person injury or illness was reported to: Supervisor's Name and Title  
Timeliness of Reporting: If the accident was not reported immediately, why not? N/A  

Location where accident or exposure occurred: City Hall first floor, 111 South First Street, Alhambra, CA 91801  

What was employee doing at the time of injury or exposure? Walking to take elevator.  

Person, object or substance that directly injured employee: Wet floor.  

Was the injury or exposure witnessed? ☑ Yes ☐ No  

WITNESS INFORMATION  

Name: John Doe  
Address: 123 Memory Lane  
City/State/Zip: Alhambra, CA 91801  
Telephone: (626) 370-0000  

List property damage, if any: N/A  

(continued on reverse)
Body Part Injured (check all that apply, indicate left and/or right):

- Head
- Upper Back
- Finger (which?)
- Ankle
- Face
- Lower Back
- Upper Leg
- Foot
- Eye
- Arm
- Lower Leg
- Toe (which?)
- Neck
- Wrist
- Knee
- Other

Nature of Injury/Illness:

- Scrape
- Burn
- Fracture
- Cold Related Problem
- Cut
- Sprain/Strain
- Skin Problem
- Loss of Consciousness
- Puncture
- Foreign Body
- Chemical Related Problem
- Respiratory Problem
- Bruise
- Poisoning
- Heat Related Problem
- Other

Check any of the following unsafe actions which apply:

- Haste/Unsafe Speed
- Improper Procedure
- Unsafe Lifting
- Not Authorized
- Unsafe Equipment Usage
- unsafe Position
- Disregard of Instructions
- Defective Equipment/Tools
- Running/Jumping
- Lack of Knowledge Skill/Training
- Inattention
- Poor Housekeeping
- Failure to Use Proper Equipment
- Assault
- Act of Other
- Inadequate Protective Gear
- Horseplay
- Physical Handicap
- Carelessness
- Alcohol/Drugs
- Other wet surface

I know the injury occurred on duty. I have no specific knowledge the injury occurred on duty.

What steps have been taken or recommended to prevent recurrence? Instructed employee to be aware of surroundings and proceed with caution.

Comments:

FEDERAL LAW – NMSEA INFORMATION (EMPLOYEE MUST COMPLETE):

Please check all that apply to you:

- I have applied or intend to apply for Social Security Administration and/or Medicare benefits in the next 30 months.
- I previously applied and/or received benefits from the Social Security Administration and/or Medicare in the past.
- I am currently receiving Social Security and/or Medicare benefits.
- None of the above applies to me.

Employee Signature: ___________________________ Date: ____________________

Supervisor’s Signature: ___________________________ Date: ____________________
IN CASE OF WORKPLACE INJURY:
ACCION a seguir en caso de un accidente en el trabajo

COMPANY NURSE®
Injury Hotline
1-877-223-9310
AVAILABLE 24 HOURS A DAY

1. Injured worker notifies supervisor.
Empleado lesionado notifica a su supervisor.

2. Supervisor / Injured worker immediately calls injury hotline.
Supervisor / Empleado lesionado llama inmediatamente a la línea de enfermeros/as.

3. Company Nurse gathers information over the phone and helps injured worker access appropriate medical treatment.
Profesional Médico obtiene información por teléfono y asiste al empleado lesionado en localizar el tratamiento médico adecuado.

EMPLOYER NAME
(NOMBRE DE COMPANIA)  SEARCH CODE
(CÓDIGO DEL BÚSQUEDA)

City of Alhambra    IC004

Notice to Employer/Supervisor:
Please post copies of this poster in multiple locations within your worksite. If the injury is non-life threatening, please call Company Nurse prior to seeking treatment. Minor injuries should be reported prior to leaving the job site when possible.

Visit us online: www.CompanyNurse.com
### Injury or Illness Event Report

To be completed by the immediate supervisor within 24 hours of the event
Submit to Human Resources or Risk Management.

<table>
<thead>
<tr>
<th>1. Name of employer:</th>
<th>2. Name of supervisor:</th>
<th>3. Division/Department:</th>
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<tr>
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<tr>
<th>4. Employee name:</th>
<th>5. Employee job title or position:</th>
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<tr>
<th>6. Date of Event:</th>
<th>7. Event Description and location:</th>
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<tr>
<th>8. Type of injury/illness:</th>
<th>9. Activity at time of injury/illness:</th>
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<tbody>
<tr>
<td>Amputation</td>
<td>Absorption, inhalation, ingestion</td>
</tr>
<tr>
<td>Bite, sting</td>
<td>Animal, insect, plant</td>
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<tr>
<td>Burn, scald</td>
<td>Assault, pursuit, criminal act</td>
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<tr>
<td>Cancer</td>
<td>Bending, kneeling, standing, squatting</td>
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<tr>
<td>Cardiovascular, internal</td>
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<tr>
<td>Confusion, bruise</td>
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<tr>
<td>Cumulative trauma</td>
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<td>Dermatitis, rash</td>
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<td>Disease, blood-borne pathogen</td>
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<td>Foreign body</td>
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<td>Fracture</td>
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<td>Hernia</td>
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<td>Infection</td>
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<td>Inflammation</td>
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<td>Laceration</td>
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<td>Mental disorder</td>
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<td>Puncture</td>
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<td>Strain/sprain</td>
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<td>No physical injury</td>
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</tr>
<tr>
<td>Lifting, pushing, pulling</td>
<td></td>
</tr>
<tr>
<td>Holding, carrying, throwing, handling</td>
<td></td>
</tr>
<tr>
<td>Twisting, reaching</td>
<td></td>
</tr>
<tr>
<td>Repetitive motion, cumulative trauma</td>
<td></td>
</tr>
<tr>
<td>Running, jumping, kicking, walking, riding</td>
<td></td>
</tr>
<tr>
<td>Slip, trip, fall, misstep</td>
<td></td>
</tr>
<tr>
<td>Struck by, against</td>
<td></td>
</tr>
<tr>
<td>Vehicle use, collision, upset</td>
<td></td>
</tr>
</tbody>
</table>

10. Identify the single or closest root cause, which if eliminated would have prevented the injury or illness from occurring (see definitions on next page)

**EQUIPMENT**
- Malfunction
- Safety guard(s) modified
- Safety guard(s) missing
- Improper use of tool or material
- Improper protective equipment, clothing
- Inadequate protective equipment, clothing

**WORK ENVIRONMENT**
- Arrangement of equipment, work flow, tools
- Poor housekeeping – cleanliness and organization
- Third party causation
- Third party causation - suspect
- Weather related

**POLICY/PROCEDURE**
- Unsafe procedures or work practice
- Policy and/or procedures missing
- Policy and/or procedures inadequate

**TRAINING**
- Employee was not trained for this task or assignment
- Police/Fire Department conditioning & physical training

**SUPERVISION**
- Policy and/or procedures not enforced

**WORKER**
- Continuous Trauma/Repetitive Strain
- Horseplay, unsafe behavior
- Short cuts, carelessness
- Distracted, inattentive
- Presumption

11. Describe all steps recommended or taken to prevent a recurrence:

12. Comments:

Completed by (print name): ___________________________  Date: ____________

Signature: ___________________________  Phone #: ___________________________
<table>
<thead>
<tr>
<th>Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malfunction</td>
</tr>
<tr>
<td>Includes any power and non-power equipment that failed to operate properly, broke during use, or malfunctioned.</td>
</tr>
<tr>
<td>Safety guard(s) modified</td>
</tr>
<tr>
<td>Employee used a tool with proper safety guards in place, but modified to prevent proper operation.</td>
</tr>
<tr>
<td>Safety guard(s) missing</td>
</tr>
<tr>
<td>Employee utilized a tool without the proper safety features.</td>
</tr>
<tr>
<td>Improper use of equipment or material</td>
</tr>
<tr>
<td>Employee failed to use the equipment or material properly.</td>
</tr>
<tr>
<td>Improper protective equipment or clothing</td>
</tr>
<tr>
<td>Employee utilized protective clothing or equipment not specific to the operation.</td>
</tr>
<tr>
<td>Inadequate protective equipment or clothing</td>
</tr>
<tr>
<td>Employee lacked the proper protective clothing or equipment for the operation.</td>
</tr>
<tr>
<td>Work Environment</td>
</tr>
<tr>
<td>Arrangement of equipment, work flow, tools</td>
</tr>
<tr>
<td>Area in which employee was operating was not orderly and contained noticeable hazards.</td>
</tr>
<tr>
<td>Poor housekeeping – cleanliness and organization</td>
</tr>
<tr>
<td>Walking surface, water on floor, loose electrical cords, rugs not tucked down, improper or poor lighting, improper or poor ventilation, and storage.</td>
</tr>
<tr>
<td>Third party causation</td>
</tr>
<tr>
<td>Injury caused by a third party. Employees followed all policies and procedures.</td>
</tr>
<tr>
<td>Third party causation – suspect</td>
</tr>
<tr>
<td>Injury caused by suspect. Employees followed all policies and procedures.</td>
</tr>
<tr>
<td>Weather related</td>
</tr>
<tr>
<td>Injury was a direct result of weather related conditions. Employees followed all policies and procedures.</td>
</tr>
<tr>
<td>Policy/Procedure</td>
</tr>
<tr>
<td>Unsafe procedures or work practice</td>
</tr>
<tr>
<td>Employee failed to follow procedures or training.</td>
</tr>
<tr>
<td>Policy and/or procedures missing</td>
</tr>
<tr>
<td>Agency does not have policy or training in place to address mechanism performed when injury occurred.</td>
</tr>
<tr>
<td>Policy and/or procedures inadequate</td>
</tr>
<tr>
<td>Agency has inadequate policy or training to address mechanism performed when injury occurred.</td>
</tr>
<tr>
<td>Training</td>
</tr>
<tr>
<td>Employee was not trained for this task or assignment</td>
</tr>
<tr>
<td>Employee has not or did not receive training for the use, operation, or safe work practices.</td>
</tr>
<tr>
<td>Police/Fire department conditioning &amp; training</td>
</tr>
<tr>
<td>Police Officer or Firefighter injured during physical conditioning or department training.</td>
</tr>
<tr>
<td>Supervision</td>
</tr>
<tr>
<td>Policy and/or procedures not enforced</td>
</tr>
<tr>
<td>Employee failed to follow policy/procedure.</td>
</tr>
<tr>
<td>Worker</td>
</tr>
<tr>
<td>Continuous Trauma/Repetitive Strain</td>
</tr>
<tr>
<td>Injury caused over period of time, no acute traumatic incident occurred.</td>
</tr>
<tr>
<td>Horseplay, unsafe behavior</td>
</tr>
<tr>
<td>Injury caused while engaging in horseplay or inappropriate behavior.</td>
</tr>
<tr>
<td>Short cuts, carelessness</td>
</tr>
<tr>
<td>Employee showed lack of concern about the consequences of the action.</td>
</tr>
<tr>
<td>Distractions, shift work</td>
</tr>
<tr>
<td>Includes injuries caused by lack of attention to detail, surroundings, etc.</td>
</tr>
<tr>
<td>Presumption</td>
</tr>
<tr>
<td>Injuries or illness specific to certain classes of employees presumed to be compensable under state law. Examples—skin cancer for firefighters.</td>
</tr>
</tbody>
</table>

Rev. 9/15
Employee's Report of Injury or Illness

1. Employee's name (please print)
2. Birth date
3. Social Security #
4. Employer's name
5. Job title, duties or position
6. Department
7. Date and time of injury or illness
8. Location of injury or illness
   On employer property? □ Yes □ No
9. What you were doing when the injury or illness occurred?
10. How did the injury or illness occur?
11. Describe the injury or illness (body parts, condition)
    Mark affected area(s) on this diagram

12. Supervisor's name
13. Who did you report the injury or illness to?
14. Did you get a claim form (DWC-1)? □ Yes □ No
15. Did you return the claim form? □ Yes □ No
16. List all witnesses
17. Have you ever had any injury or illness to this part of your body before now? □ Yes □ No (if "no", skip to 19)
18. Please explain any previous condition that may have been aggravated by this incident
19a. List the name and addresses of all medical providers you have seen for these previous conditions
19. Do you feel something could have been done to prevent this accident? If "yes", explain.
20. Describe any safety hazards you observed

I currently refuse medical treatment.
                      Employee's signature ___________________________ Date __________

I certify that the foregoing is true and correct:
                      Employee's signature ___________________________ Date __________

                      Employer's representative's name ___________________________ Date __________

                      Employer's representative's signature ___________________________ Date __________

Declination of Medical Treatment

<table>
<thead>
<tr>
<th>Employee’s name (please print)</th>
<th>Employer’s name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of injury or illness</td>
<td>Date of treatment offer</td>
</tr>
<tr>
<td>Description of injury or illness</td>
<td></td>
</tr>
<tr>
<td>Body part(s) injured</td>
<td></td>
</tr>
</tbody>
</table>

I have been advised by my employer that I may seek medical treatment for the illness or injury described above.

I do not wish to seek medical attention at this time and am declining medical treatment for this work-related incident. I understand that I may seek medical treatment from a physician within the California JPIA Medical Provider Network or from my appropriately predesignated personal physician. Additionally, I am aware that I must notify my supervisor if my needs change and I later want to seek medical treatment.

If I elect to seek medical treatment without advising my employer, I understand I may be responsible for the total cost of such treatment.

Employee’s signature

Signature of employer’s representative

Name of employer’s representative (please print)

Date

Rev.4/16
HUNTINGTON HOSPITAL – EMERGENCY SERVICES
100 West California Boulevard * Pasadena, California 91105 * (626) 421-7713

AUTHORIZATION FOR TREATMENT

☐ New Injury  ☐ Workers Comp  ☐ Other ________________

Name of Employee: __________________________________________

Date of Birth: _______________ Social Security No.: _______________

Address: __________________________________________________

Phone No.: ____________________ Work No.: ____________________

Name of Employer: City of Alhambra

Address: 111 S. 1st Street, Alhambra, CA 91801 Phone: (626) 570-5095

Date of Injury: _______________ Time of Injury: ____________ □ AM □ PM

Worker's Compensation Carrier: YORK Risk Services Group

Address: P.O. Box 619079, Roseville, CA 95661

Print Name of Employer Representative __________________________ Date __________

Signature of Employer Representative __________________________
ST. GEORGE'S MEDICAL CLINIC

ORDER FOR TREATMENT

☐ Industrial Injury   ☐ Post Offer Physical   ☐ Executive Physical   ☐ Drug Screen   ☐ Other __________________________

Name of Employee: ____________________________________________________________

Name of Employer: __________________________ City of Alhambra

Address: __________________________ 111 S. 1st Street, Alhambra, CA 91801

Date of Injury: ______________ Date and time of appointment: August 15, 2018 @ 12:00pm

Insurance Company: __________________________________________________________

TREATMENT AUTHORIZED BY: ________________________________________________

Directions on reverse side.

*ATTENTION EMERGENCY DEPARTMENT: After acute care, please refer patient back to St. George's Medical Clinic for follow-up treatment.
I. Introduction

This unit of instruction is provided to enable Departmental personnel to effectively carry out their duties and responsibilities during labor-management disputes.

II. Purpose

To explain Departmental policy regarding labor-management disputes and to provide guidelines for Operations personnel in the handling of labor-management disputes.

III. Policy

1. To protect life and property
2. To maintain law and order
3. To maintain an attitude of strict neutrality and impartiality at all times.

IV. Objective

1. To obtain cooperation from both labor and management in keeping the peace
2. To avoid becoming involved in the issues of the dispute.

V. Definitions

1. Strike - A concerted refusal of employees to work in an effort to force an employer to accede to certain demands.

2. Types of Picket Lines
   a. Authorized Strike (sanctioned by the union)
   b. Wildcat Strike (walk-out, not union sanctioned)
   c. Jurisdictional Dispute (dispute between two unions)
   d. Lockout (employees not permitted on premises by employer)
   e. Informational Line (sanctioned by union to advertise a grievance)
   f. Organizational Attempt (by union representative)

VI. Role of the Police Department

1. The Alhambra Police Department shall be unbiased, reasonable and impartial in regard to peaceful and lawful demonstrations. Violence and other major violations of the law shall be handled in the appropriate manner each independent action requires.
2. All Police Department Personnel shall maintain a policy of strict impartiality toward labor, management and the issues involved in the dispute.

3. The Alhambra Police Department shall ensure that persons desiring to enter or leave a dispute location, may do so without unreasonable delay.

VII Duties of Uniformed Officers at Dispute Locations

1. At a dispute location, the duties of the uniformed officer are the same as in any other incident requiring Police attention. Officers shall maintain a fair and impartial attitude to labor and management and avoid expressing any opinion concerning the dispute.

2. To assure the safety of all parties, officers may be assigned to monitor personnel and vehicular traffic in and out of the dispute location.

3. Officers assigned to a dispute location should impartially document all incidents or changes in the situation and maintain a pertinent chronological log during major dispute situations.

4. Officers shall not enter property under dispute, except for official business. To maintain impartiality, officers should not park their vehicles on the property, use management’s phones, or fraternize with parties to the dispute.

5. At a dispute location, both labor and management may have food and beverages available for their personnel. Officers shall not partake in any food or beverage gifts from either labor or management.

6. Officers shall not, under any circumstances, accept or retain any form of employment from labor or management involved in a dispute.
LOUD PARTY DISTURBANCES

REPORTING PROCEDURE

A. Loud Party Service Fee: AMC Section 9.98.020 authorizes the police department to charge a service fee on multiple calls for service which put a drain on police resources.

B. Officer’s Responsibility: At all loud, disturbing parties, or gatherings, Alhambra Police Department First Response Forms will be completed and given to a responsible person in the following priority:

1. Property Owner
2. Persons in control of property
3. Host/hostess of party

C. First Response Procedure

1. Obtain responsible party’s name, DOB, and phone number.
2. Indicate location of violation and date/time of call
3. Advise him/her that if a return call is required. A fee will be assessed for all personnel and equipment costs associated with any recalls. This will also result in the dispersal of the party. Any party member/s who commit a violation of law will be subject to arrest and/or citation.
4. Sign the completed card.
5. Have responsible party sign the card. If he/she refuses, indicate “refused” in signature space, and give the person his/her copy.
6. In all cases where a First Response Form is issued, the reporting officer is responsible to notify the dispatcher that such action has been taken. Dispatcher will note same on the event screen.
7. If there are no return calls during the officer’s tour of duty, the officer will give the First Response Form to his supervisor who will pass it on to the oncoming supervisor advising him of the first response call. The on coming supervisor shall notify the beat officer.

D. Second Response

1. Request a supervisor to verify officers present, the time expended and equipment used at the location.
2. Complete Alhambra Police Department Violation Notice and obtain signature from the same responsible party, if practical. If circumstances do not afford this opportunity, any responsible party available should be served with the second notice informing the violator that the ordinance is being enforced.
3. Give the responsible party his/her copy.
4. Complete an officer’s report of incident or other appropriate report’s. This report should indicate the names of the officers involved and the individual total time at the scene due to different pay rates.
5. Attach department copies of the First Response form and the Disturbance Violation Notice to the department report and give to immediate supervisor for approval.

E. Supervisor’s Responsibility

1. Respond to the location of the second and any subsequent return calls to the same incident.
2. Ensure that the disturbance violation notice is accurately completed.
3. Route these completed forms with copies of any report to the Administration Division.

F. Administrative Division Responsibility

1. Compute real cost of officer time (current rate) plus any additional fees for special equipment or services.
2. Complete intercom detailing exact cost breakdown of time for officers and other miscellaneous personnel involved in the incident
   a. Forward intercom to Finance Department.
   b. Maintain Public Safety Service Fee file.

G. Intended Enforcement Of This Ordinance

The intent for this ordinance is to apply in extreme cases where a disturbance is a nuisance that becomes a threat to the public peace, health, safety or general welfare. The ordinance is not intended to be invoked for all disturbing parties but rather those that involve uncooperative hosts that refuse to comply with the officers attempt to remove the disturbance as it affects the surrounding community.

Associated Violations beyond 415 PC

A. Advertising - 9.04.030 AMC - unlawful to post on any telephone, utility or light pole, or post on any public street, or curb within the City. Permit must be obtained in order to distribute flyers in public - 5-36.040 AMC

B. Charging Admission - unlawful without permit or variance. 5.04.020 AMC

C. Noise Regulations - unlawful to cause discomfort or annoyance 18.28.010 AMC
D. Amplified Music - unlawful to operate any loudspeaker or sound amplifying equipment without permit. 18.24.020 AMC
Under no conditions shall the use of sound amplifying equipment be permitted after 7:00 P.M. or before 8:00 A.M. each day except on Sundays and legal holidays when sound amplifying equipment may be used only for non-commercial purposes between the hours of 9:00 A.M. and 6:00 P.M. 18.24.060 AMC

E. Alcohol - Permits from ABC must be obtained prior to the selling of alcoholic beverages. 23300 B&P Code.

F. General Responsibilities - A person or persons hosting, responsible for, or managing a party or gathering may be found civilly liable for damages caused by or resulting from their party.
LOUD PARTY
FIRST RESPONSE

CITY OF ALHAMBRA
POLICE DEPARTMENT

This NOTICE OF VIOLATION given to
(Name)______________________________
(DOB)______________________________
at (LOCATION)______________________
on (DATE)_______ (TIME)___________
(PHONE)____________________________
is the result of a loud party and in violation of California Penal Code Section 415 (Disturbance of the Peace). A second police call to this disturbance location will result in a service fee charged to you for all City personnel and equipment costs expended during this second, and any subsequent, returns to this location. This will also result in the dispersal of the party with the violator(s) subject to arrest and/or citation.

Responsible Party Signature

Officer Signature

FILE COPY

FEE

(FIRST RESPONSE)
ALHAMBRA-CITY BOUNDARY

-NORTHEAST SECTION-

PINE & ATLANTIC: The boundary to the north runs along the centerline of Pine from Dos Robles to the centerline of Atlantic at the intersection of Pine and Atlantic. The boundary then goes north along the centerline of Atlantic to the centerline of Garfield at the intersection of Atlantic.

GARFIELD & ATLANTIC: From the middle of the intersection of Atlantic & Garfield, the boundary goes north along Garfield along the centerline to the middle of the intersection of Garfield & Huntington Drive, at the center of the raised median.

HUNTINGTON DRIVE: The boundary runs along the middle of the center median of Huntington Drive in a easterly direction to the west curbline of Granada Ave.

GRANADA & HUNTINGTON DRIVE: The boundary runs along the west curb of Granada from the middle of the median of Huntington Drive to the north curb of Alhambra Road.

ALHAMBRA ROAD: The boundary runs along the north curb of Alhambra Road from the northwest curb of Granada and Alhambra Road to a point located at 162' east of the east curbline of Alahmar. The boundary then runs southward along the flood control channel located to the east of Alahmar.

MAIN ST. & EAST LIMITS: The boundary line crosses Main in a south direction at 201' east of the east curbline of Champion Place. The boundary then continues a south direction along the flood control channel.

MISSION & EAST CITY LIMITS: The boundary line crosses Mission in a south direction at a point located 352' east of the centerline at the intersection of Granada and Mission.

-NORTHWEST SECTION-

WINCHESTER: The boundary crosses Concord in a north direction running north towards Stockbridge. The line is located 14' west of the west curb of Winchester.

KEATS: The line which runs northward from Winchester, can be found 227' west of the west curb of Westmont. The west property line of the residence located at 3221 Keats is the boundary line.
SHERWOOD AVE: The boundary runs across Sherwood on an angle that can be found by a line running from the west property line of 3227 Sherwood (on the north section of Sherwood) to the west property line of 3220 Sherwood (on the south of Sherwood).

HUNTINGTON DRIVE: The boundary line can be found at 420' southwest the west curb of Westmont, which is measured along the south curb of Huntington. This line also can be found at 63.5' west of the west property line of 3240 Huntington Dr.

HUNTINGTON DRIVE: The boundary line follows the west curb of the island to the north curb prolongation of the north curb of Alhambra Road.

ALHAMBRA ROAD: The north curbline of Alhambra Road from Huntington Drive to a point located at 136' west of the west curbline of Bushnell. The boundary then runs north to Huntington Drive to a point located 136' west of the west curbline of Bushnell and 12' north of the south median curbline of Huntington Drive.

HUNTINGTON DRIVE: The boundary line can be found at 12' north of the south curb of the median of Huntington Drive to Dos Robles.

FINE STREET: The boundary can be found along the centerline of Pine Street from Dos Robles to the centerline of Atlantic.

---SOUTHEAST SECTION---

MISSION DRIVE-EAST CITY LIMITS: The boundary line crosses Mission at a point approximately 352' east of center of the intersection of Granada and Mission in a south direction. The line then goes east along the south curb of Mission to a point located 152' west of the west curb of Ramona Road. The line then goes southward from this point toward the City Yards and Grand Ave. (in San Gabriel).

GRAND AVE. (SAN GABRIEL): The city boundary crosses Grand Ave. at a point located 65' west of the west curb of Ramona. The line continues south across this point toward New Ave.

NEW AVENUE & SORBO: The city boundary follows a south direction which is located 18' west of the east curb of New Ave. This line continues south towards Valley.

NEW AVENUE & VALLEY (NORTH OF VALLEY): The southward boundary line is located 18' west of the east curb of New Ave.
NEW AVENUE & VALLEY (SOUTH OF VALLEY): The southward boundary line is located 5' west of the east curb of New Avenue. This line extends south from Valley to Bencamp. After Bencamp, the east curb is the boundary. This line continues to the 10 freeway.

I-10 Fwy & NEW AVENUE: The southward line that continued along the east curb of New Ave. ends at the south side of the freeway. The boundary line then follows the south side of the freeway in a west direction.

HELLMAN & EAST LIMIT: The east city limit at Hellman is the east property line of Mark Keppel High School. This line runs north and south from the south side of the I-10 freeway to the centerline of Hellman Avenue.

HELLMAN AVENUE: The city boundary runs east and west along the centerline of Hellman from the east property line of Mark Keppel High School through Garfield Avenue and Atlantic Avenue.

-SOUTHWEST SECTION-

HELLMAN & HATHAWAY: The boundary follows the centerline of Hellman (north of centerline is Alhambra/south of centerline is Monterey Park) to the west curb of Hathaway. The line then goes in a southward section along the west curb of Hathaway. The boundary then crosses Hathaway in an eastbound direction at the north property line of the house located at 2200 Hathaway.

HATHAWAY: As the property line crosses Hathaway at 2200 South Hathaway, it runs along the north property line of the house at 2200 Hathaway to the rear of this residence. The line then runs southward along the rear property line of this house and others towards Emerson. The rear property line of these residences which is east of Hathaway, is the city boundary.

EMERSON & HATHAWAY: The city boundary which runs along the rear (east) residential property lines crosses Emerson and continues towards Garvey. The location of where the line crosses Emerson can be measured as 203' west of the west curb of Atlantic.
GARVEY AVENUE: The boundary line begins at the east curb line of the pedestrian walkway that runs north and south connecting Hathaway and Garvey. The line then follows a westerly direction along the rear residential property lines of Sarazan which is slightly to the north of the north curb of Garvey. This line continues to the northeast corner of Casuda Canyon Rd., except for the area located at the underpass east of Fremont. In this area the boundary, which is 500' east of Fremont, runs along the north right of way line of the ramp road of the underpass.

WESTMINSTER: The boundary runs along the north property line of the business establishment located at the northeast corner of Garvey and Casuda Canyon in a westerly direction towards Westminster. The boundary crosses Westminster at the south property line of the residence at 2635 Westminster. The line continues in a westerly direction towards Montezuma.

MONTEZUMA: The boundary crosses Montezuma at the southerly property line of the residence located at 3208 Montezuma. The line continues towards the driveway of the Luminaria's Restaurant.

RAMONA ROAD—WEST CITY LIMITS: The boundary line is located at the city limits sign adjacent to the driveway (east of) of the restaurant. The line then runs in a northerly direction towards Valley Blvd., along the west side of the Long Beach Freeway. The line crosses Hellman at the west end of the bridge of the overpass of the Long Beach Freeway.

VALLEY BLVD.—WEST CITY LIMITS: The west city limits crosses Valley at a point located 132' west of the west curb of Westmont Avenue. The line then runs along the north curb of Valley, and then runs in a north direction towards Mission Drive at a point located 11' west of the west curb of Westmont.

MISSION DRIVE: The property line crosses Mission at a point located at the west property line of 3201 W. Mission (Mercury Die & Container Co.).
St. Joseph Hall  * Rooms 1 - 3
Library - Lower Level  * Rooms L4 - L7
Library - Upper Level  * Computer Lab
Dufresne  * Rooms 101 - 211
English Wing  * Rooms 24 - 28
MEDICAL TREATMENT OF JUVENILES

In cases of juveniles, it is required that the consent of the parent or guardian be obtained before a physician gives medical treatment. There are three exceptions:

a. A juvenile may give consent for his/her own treatment if he/she is lawfully married, even if the marriage is later annulled.

b. A juvenile on active duty with any of the Armed Services of the United States may give consent for medical treatment.

c. An emancipated juvenile (refers to a juvenile who is legally supporting him or herself, independent of his/her parents or guardians).

Section 625 A (c) W.I.C. authorizes a peace officer to take into temporary custody without a warrant a minor who is under the age of 18 years, and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care. (This section does not authorize medical care, nor does taking a minor into custody authorize treatment.)

A juvenile, whether a prisoner or a dependent, who is in need of medical treatment should be transported to the hospital. Every effort should be made to locate the parents or legal guardian in order that they may sign any necessary consent. In cases of life or death, the physician may give treatment, as necessary, without parental permission.

If the parents or legal guardian cannot be located and the attending physician determines emergency medical care is necessary, (although short of life saving treatment), the investigating officer shall contact the Probation Department at Juvenile Hall (323-226-8566). They will make arrangement to obtain a court order immediately authorizing the necessary treatment.

Revised 9-4-2001
Mental Illness Commitments

418.1 PURPOSE AND SCOPE
This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

418.2 POLICY
It is the policy of the Alhambra Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

418.2.1 STATUTORY

(a) Welfare and Institutions Code § 5150.2 states that officers admitting a patient into a mental health facility "shall be detained no longer than the time necessary to complete documentation of the factual basis of the detention under Welfare and Institutions Code § 5150 and a safe and orderly transfer of physical custody of the person."

(b) Health and Safety Code §§ 1257.7 and 1257.8 state in part that all designated facilities licensed pursuant to these sections will be well equipped to handle potentially violent individuals. These licensed designated facilities must have a security plan that is approved by their hospital administrative staff that includes considerations relating to staffing, security personnel availability, and policy and training related to appropriate responses to violent acts. Designated facilities that have emergency departments need to employ sufficient emergency department security personnel to maintain a safe environment. Law enforcement personnel transporting potentially violent individuals for mental health evaluation and treatment cannot be used in lieu of each facility's security personnel.

(c) Welfare and Institutions Code § 5150 defines a "Designated Facility" as a mental health facility designated by the Los Angeles County Department of Health Services and approved by the State Department of Mental Health as a facility for 72-hour mental health treatment and evaluation. A "Non-Designated Facility" is not licensed to treat any mental health condition on an involuntary basis.

418.3 AUTHORITY
An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5160; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):
Mental Illness Commitments

(a) An individual who is providing or has provided mental health treatment or related support services to the person
(b) A family member
(c) The person subject to the determination or anyone designated by the person

418.3.1 VOLUNTARY EVALUATION
If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

418.3.2 RESTRAINTS
If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION
The officer will complete an Application for 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

When an alleged mentally ill person has been transported by officers to any State or County hospital (regardless of whether the person was admitted or not), an incident report shall be made by the primary officer.

Under current law, any designated County Mental Health Facility is required to accept someone who is evaluated as a person requiring treatment under Welfare and Institutions Code § 5150. Non-availability of "bed space" is not acceptable as a rejection of someone requiring treatment.

418.3.4 SECURING OF WEAPONS
If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.
418.4 CONSIDERATIONS AND RESPONSIBILITIES
Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
(b) Community or neighborhood mediation services.
(c) Conflict resolution and de-escalation techniques.
(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

418.4.1 SECURING OF PROPERTY
When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

418.4.2 NON-EMERGENT CASES OF A MENTALLY ILL PERSON
Non-emergent cases are not normally handled by the police; however, officers may advise a relative or guardian of the proper procedures as follows:

(a) Persons requesting information relative to the filing of an application for petition on behalf of the mentally ill person, drug addict, or inebriate, shall be referred to the Arcadia Mental Health PET Team or the USC Medical Center in Los Angeles.
(b) If a court order is issued to commit a mentally ill person, this "Order of Apprehension" must be signed by a Superior Court Judge and will be served by the Mental Health Detail of the Los Angeles County Sheriff's Department.
(c) Non-emergent cases shall include mentally ill persons who are desirous of committing themselves to the facility.

If a mentally ill person of a non-emergency nature is to be admitted, the relative or physician must make their own arrangements for transportation.
418.4.3 UNIDENTIFIED PERSONS
Persons who are found wandering in a bewildered, confused state of mind, with no identification, and meet the requirements of Welfare and Institutions Code § 5150 WIC (gravely disabled) may be transported to a county mental health facility when all attempts to identify the person have been unsuccessful.

Procedures pertaining to the admittance of this person will be the same as those set forth in the emergency admittance of mentally ill individuals.

418.4.4 NOTIFICATION
In every incident involving the detention or transportation to another agency of a mentally ill person, the officer assigned shall have the responsibility of making every reasonable effort to notify the family of the mentally ill person of the individual's whereabouts as soon as possible. The officer shall record the efforts made and the results in the incident report.

The Watch Commander shall be advised of the officer's intent to transport the subject prior to transportation in a patrol unit.

418.4.5 MENTAL HEALTH DETENTION AND COMMITMENT OF JUVENILES
When any minor, as a result of a mental disorder, is a danger to others, or to himself or herself, or gravely disabled and authorization for voluntary treatment is not available, a peace officer with probable cause may admit the minor into a mental health facility for 72-hour treatment and evaluation. Prior to admittance, the officer shall make an effort to notify the minor's parent or legal guardian as soon as possible after the minor is detained.

Upon admittance, the officer shall provide the mental health facility with a written application describing the circumstances under which the minor's condition was brought to his/her attention and the probable cause to believe the minor is, as a result of a mental disorder, a danger to others, or to himself or herself, or gravely disabled and authorization for voluntary treatment is not available (Welfare and Institutions Code § 5586.50).

Gravely Disabled Minor - means a minor who, as a result of a mental disorder, is unable to use the elements of life that are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others. Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder Welfare and Institutions Code § 5586.25).

418.5 TRANSPORTATION
When transporting any individual for a 5150 commitment, the transporting officer should have Communications Section notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

All individuals being transported for a 5150 commitment shall be transported by a two person unit. Any deviations to this will be approved by the watch commander.
Mental Illness Commitments

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

418.6 TRANSFER TO APPROPRIATE FACILITY
Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION
The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.7.1 ADVISEMENT
The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer's name and agency.
(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
(c) The name of the facility to which the person is being taken.
(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.
Mental Illness Commitments

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

418.8 CRIMINAL OFFENSES
Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.
(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
(c) Facilitate the individual’s transfer to jail.
(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor’s judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 FIREARMS AND OTHER WEAPONS
Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).
Mental Illness Commitments

418.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS
Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Section, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

418.10 TRAINING
This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.
Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE
The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or as a result of the actions of an officer.

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

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

310.1.1 OFFICER-INVOLVED SHOOTING DEFINITIONS
Officer Involved Shooting: an officer involved shooting is an incident in which shots are fired by an officer resulting in an injury or death to any person; or shots fired by a suspect resulting in injury or death to the officer.

On-Duty: refers to the working hours during which an officer is on salary and actively pursuing the objectives of the Alhambra Police Department.

Off-Duty: refers to the non-working hours during which an officer is not on salary or actively pursuing the objectives of the Alhambra Police Department.

310.2 INVESTIGATION RESPONSIBILITY
The Alhambra Police Department defers to the Los Angeles County Sheriff's Department, in conjunction with the Los Angeles District Attorney's Office, for investigating Officer-Involved Shootings (OIS).

310.3 TYPES OF INVESTIGATIONS
Officer-involved shootings involve several separate investigations. The investigations may include:

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or his/her designee, if not available then the Support Services Assistant Chief.

(b) A criminal investigation of the involved officer(s) conducted by an outside agency.

(c) A civil investigation to determine potential liability conducted by the involved officer's agency.

(d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.
310.4 JURISDICTION
Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer(s). If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.4.1 APD OFFICER WITHIN THIS JURISDICTION
The Alhambra Police Department is responsible for the criminal investigation of the suspect’s actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the Los Angeles County Sheriff’s Department. The Los Angeles County District Attorney’s role in OIS investigations is only to investigate and determine whether any violation of criminal law may have occurred.

310.4.2 ALLIED AGENCY’S OFFICER WITHIN THIS JURISDICTION
The Alhambra Police Department is responsible for the criminal investigation of the suspect’s actions. The primary responsibility for the criminal investigation of the officer-involved shooting will be conducted by the Los Angeles County Sheriff’s Department. The officer’s employing agency will be responsible for any civil and/or administrative investigation(s).

310.4.3 APD OFFICER IN ANOTHER AGENCY’S JURISDICTION
The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. If the jurisdictional agency declines to conduct the investigation, the Alhambra Police Department will contact the Los Angeles County Sheriff’s Department to conduct the investigation. A liaison from the Department will be assigned to cooperate with the agency in whose jurisdiction the officer-involved shooting occurred to assist and to monitor the investigation. The Alhambra Police Department will conduct timely civil and/or administrative investigations.

310.4.4 LA COUNTY DISTRICT ATTORNEY RESPONSE TO OFFICER-INVOLVED SHOOTING: PROTOCOL
The Alhambra Police Department and the Los Angeles County District Attorney’s Office recognize the importance of the independent review of officer-involved shootings. These two agencies have entered into a formal agreement (Involved Shooting Response Program - For Officer/Deputy-Involved Shootings and In-Custody Deaths) establishing a protocol for the immediate response of Los Angeles County District Attorney personnel to the scene of officer-involved shootings. The District Attorney’s role in such investigations is only to investigate and determine whether any violation of criminal law may have occurred.
Officer-Involved Shootings and Deaths

This agreement with the Los Angeles County District Attorney's Office does not negate the policy of the Alhambra Police Department to request the Los Angeles County Sheriff's Department to conduct independent investigations of officer involved shootings and serve as the lead Investigative agency.

310.4.5 INVESTIGATION RESPONSIBILITY MATRIX
The following table identifies the possible scenarios and responsibilities for the Investigation of officer-involved shootings:

<table>
<thead>
<tr>
<th></th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>APD Officer in our Jurisdiction</td>
<td>APD Investigators</td>
<td>LASD and LACDA's Office</td>
<td>APD Civil Liability Team</td>
<td>APD Professional Standards Unit</td>
</tr>
<tr>
<td>Allied Agency's Officer in our Jurisdiction</td>
<td>APD Investigators</td>
<td>LASD and LACDA's Office</td>
<td>Involved Officer's Department</td>
<td>Involved Officer's Department</td>
</tr>
<tr>
<td>APD Officer in another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>APD Civil Liability Team</td>
<td>APD Professional Standards Unit</td>
</tr>
</tbody>
</table>

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

310.5.1 DUTIES OF INITIAL ON SCENE OFFICER
Upon arrival at the scene of an officer-involved shooting, the first uninvolved APD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

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

310.5.2 DUTIES OF INITIAL ON SCENE SUPERVISOR
Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

2. Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.

(c) Provide all available information to the Watch Commander and Communications Section. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

(e) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.

1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

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

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

310.5.4 NOTIFICATIONS
The following person(s) shall be notified as soon as practical:

- Chief of Police
- Field Services Assistant Chief
- Support Services Assistant Chief
- Detective Section Supervisor
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- District Attorney OIS roll-out team
- Professional Standards Section supervisor
- Civil Liability Response Team
- Employee Assistance Program
- Coroner (if necessary)
- Officer representative (if requested)
- Press Information Officer (PIO)
- Counseling Team
- Chaplain

All outside inquiries about the incident shall be directed to the Watch Commander. All media requests shall be directed to the Press Information Officer (PIO).

310.5.5 INVOLVED OFFICERS
Once the involved officer(s) have arrived at the station, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for department or legal representation will be accommodated (Government Code § 3303(f)). Unless having the approval of the Chief of Police or his/her designee, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.

(d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
   1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
   2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.
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Care should be taken to preserve the integrity of any physical evidence present on the officer’s equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer’s physical and emotional needs (Government Code § 3303(d)).

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

310.5.6 ADMINISTRATIVE LEAVE
Each involved officer shall be given paid administrative leave following an officer-involved shooting and it shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave. The Chief of Police or Division Commander will determine the appropriateness and duration of extended mandatory administrative leave, based upon the findings of the preliminary criminal investigation and the recommendation of the psychotherapist regarding the officer’s readiness for field assignment, generally the length of administrative leave shall not exceed the time remaining in the employee’s current scheduled work week. An employee may request additional administrative leave time subject to approval of the Chief of Police or Division Commander, based upon information provided to establish the need to grant the request.

The officer(s), upon being placed on administrative leave, will automatically be temporarily assigned to the Personnel and Training manager for the duration of administrative leave. During this time, the officer(s) shall maintain regular contact with the Personnel and Training manager. Regular contact will consist of once per week, unless other arrangements are approved or requested by the Division Commander. While the employee is off, their payroll hours will revert to Monday thru Friday, 8:00 am to 4:00 pm. Each employee will also be expected to remain available to the Department by phone during those hours.

If an employee has been on administrative leave for six months or longer, that employee must report to the Personnel and Training Office to ensure all policy and/or training mandates and weapons qualifications have been met prior to returning to full duty.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 DETECTIVE PERSONNEL
Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Section supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from the Los Angeles County Sheriff’s Department and may be assigned to separately handle the investigation of any related crimes not being investigated by the Los Angeles County Sheriff’s Department.

All related departmental reports, except administrative and/or privileged reports, will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained
exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Section Commander.

310.6.2 CRIMINAL INVESTIGATION
It shall be the policy of this department to utilize the Los Angeles County Sheriff's Department to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to partner with investigators from the Los Angeles County Sheriff's Department so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Professional Standards Section personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

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

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

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.
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Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.

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

(a) Identification of all persons present at the scene and in the immediate area.
   1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
   2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
   1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

310.7 ADMINISTRATIVE INVESTIGATION
In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Section and will be considered a confidential peace officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (see Policy 1020 - Personnel Complaints).

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
Officer-Involved Shootings and Deaths

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(l)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(l)).

3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview) (Government Code § 3303(g)).

4. The officer shall be informed of all constitutional Miranda rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed; however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Lybarger or Garrity admonishment).

5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department's Use of Force policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
310.8 AUDIO AND VIDEO RECORDINGS
Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

310.9 DEBRIEFING
Following an officer-involved shooting or death, the Alhambra Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

310.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING
A critical incident/stress debriefing should occur as soon as practicable. The Support Services Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian members). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Section personnel.

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

310.10 MEDIA RELATIONS
A single press release shall be prepared with input and concurrence from the supervisors and agency representatives responsible for each phase of the investigation. This release will be available to the Chief of Police, all Assistant Chiefs, Watch Commander and Public Information Officer in the event of inquiries from the media.
Officer-Involved Shootings and Deaths

It will be the policy of this department to not release the identities of involved officers absent their consent, as required by law or at the direction of the Chief of Police. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or an Assistant Chief.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.11 REPORTING
If the death of an individual occurs in the Alhambra Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Field Services Assistant Chief will ensure that the Records Manager is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).
3300. This chapter is known and may be cited as the Public Safety Officers Procedural Bill of Rights Act.

3301. For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.3.1, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code. The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

3302. (a) Except as otherwise provided by law, or whenever on duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.

(b) No public safety officer shall be prohibited from seeking election to, or serving as a member of, the governing board of a school district.

3303. When any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.

(b) The public safety officer under investigation shall be informed prior to the interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.

(c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

(d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his or her own personal physical necessities.

(e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address or photograph be given to the press or news media without his or her express consent.

(f) No statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding. This subdivision is subject to the following qualifications:

Revised 8/15/2001
(1) This subdivision shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any public safety officer, including disciplinary action brought under Section 19572.

(2) This subdivision shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.

(3) This subdivision shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an in camera review to determine whether the statements serve to impeach the testimony of the officer.

(4) This subdivision shall not otherwise prevent the admissibility of statements made by a public safety officer under interrogation if that officer subsequently is deceased.

(g) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports that are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation.

(b) If prior to or during the interrogation of a public safety officer it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.

(i) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for non-criminal matters. This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

(j) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

3304. (a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure. Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him or her with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency against any public safety officer who has successfully completed the probationary period that may be required by his or her employing agency without providing the public safety officer with an opportunity for administrative appeal.
Alhambra Police Department
Peace Officers Bill of Rights – California Government Code § 3300-3311

(c) No chief of police may be removed by a public agency, or appointing authority, without providing the chief of police with written notice and the reason or reasons therefore and an opportunity for administrative appeal. For purposes of this subdivision, the removal of a chief of police by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, for reasons including, but not limited to, incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute "reason or reasons."

Nothing in this subdivision shall be construed to create a property interest, where one does not exist by rule or law, in the job of Chief of Police.

(d) Except as provided in this subdivision and subdivision (g), no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct. This one-year limitation period shall apply only if the act, omission, or other misconduct occurred on or after January 1, 1998. In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that year, except in any of the following circumstances:

(1) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.

(2) If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.

(3) If the investigation is a multi-jurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.

(4) If the investigation involves more than one employee and requires a reasonable extension.

(5) If the investigation involves an employee who is incapacitated or otherwise unavailable.

(6) If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.

(7) If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.

(8) If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer.

(e) Where a pre-disciplinary response or grievance procedure is required or utilized, the time for this response or procedure shall not be governed or limited by this chapter.

(f) If, after investigation and any pre-disciplinary response or procedure, the public agency decides to impose discipline, the public agency shall notify the public safety officer in writing of its decision to impose discipline, including the date that the discipline will be imposed, within 30 days of its decision, except if the public safety officer is unavailable for discipline.

(g) Notwithstanding the one-year time period specified in subdivision (c), an investigation may be reopened against a public safety officer if both of the following circumstances exist:

Revised 8/15/2001
(1) Significant new evidence has been discovered that is likely to affect the outcome of the investigation.

(2) One of the following conditions exists:

(A) The evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by the agency.

(B) The evidence resulted from the public safety officer's pre-disciplinary response or procedure.

(h) For those members listed in subdivision (a) of Section 830.2 of the Penal Code, the 30-day time period provided for in subdivision (e) shall not commence with the service of a preliminary notice of adverse action, should the public agency elect to provide the public safety officer with such a notice.

3304.5. An administrative appeal instituted by a public safety officer under this chapter shall be conducted in conformance with rules and procedures adopted by the local public agency.

3305. No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer.

3306. A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

3306.5. (a) Every employer shall, at reasonable times and at reasonable intervals, upon the request of a public safety officer, during usual business hours, with no loss of compensation to the officer, permit that officer to inspect personnel files that are used or have been used to determine that officer's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action.

(b) Each employer shall keep each public safety officer's personnel file or a true and correct copy thereof, and shall make the file or copy thereof available within a reasonable period of time after a request therefore by the officer.

(c) If, after examination of the officer's personnel file, the officer believes that any portion of the material is mistakenly or unlawfully placed in the file, the officer may request, in writing, that the mistaken or unlawful portion be corrected or deleted. Any request made pursuant to this subdivision shall include a statement by the officer describing the corrections or deletions from the personnel file requested and the reasons supporting those corrections or deletions. A statement submitted pursuant to this subdivision shall become part of the personnel file of the officer.

(d) Within 30 calendar days of receipt of a request made pursuant to subdivision (c), the employer shall either grant the officer's request or notify the officer of the decision to refuse to grant the request. If the employer refuses to grant the request, in whole or in part, the employer shall state in writing the reasons for refusing the request, and that written statement shall become part of the personnel file of the officer.

3307. (a) No public safety officer shall be compelled to submit to a lie detector test against his or her will. No disciplinary action or other retribution shall be taken against a public safety officer refusing to submit to a lie detector test, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take, or did not take, a lie detector test, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take, or was subjected to, a lie detector test.
(b) For the purpose of this section, "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

3307.5. (a) No public safety officer shall be required as a condition of employment by his or her employing public safety department or other public agency to consent to the use of his or her photograph or identity as a public safety officer on the Internet for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to that officer or his or her family.

(b) Based upon his or her reasonable belief that the disclosure of his or her photograph or identity as a public safety officer on the Internet as described in subdivision (a) may result in a threat, harassment, intimidation, or harm, the officer may notify the department or other public agency to cease and desist from that disclosure. After the notification to cease and desist, the officer, a district attorney, or a United States Attorney may seek an injunction prohibiting any official or unofficial use by the department or other public agency on the Internet of his or her photograph or identity as a public safety officer. The court may impose a civil penalty in an amount not to exceed five hundred dollars ($500) per day commencing two working days after the date of receipt of the notification to cease and desist.

3308. No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

3309. No public safety officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

3309.5. (a) It shall be unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed to them by this chapter.

(b) The superior court shall have initial jurisdiction over any proceeding brought by any public safety officer against any public safety department for alleged violations of this chapter.

(c) In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer.

3310. Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such a procedure.

3311. Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where such activity is deemed necessary or desirable by the jurisdictions or the agencies involved.
ALHAMBRA POLICE DEPARTMENT
INTERDEPARTMENTAL MEMORANDUM

DATE:

TO:

FROM:

SUBJECT:  NOTICE OF INTERNAL AFFAIRS INVESTIGATION # C-01-

The purpose of this memorandum is to advise that you are the subject of an internal affairs investigation regarding the following potential violation(s) and/or misconduct:

General description of misconduct or Manual sections goes here

This pertains to ______________________ that occurred on or about ______________. The investigation has been assigned to ______________________, who will be contacting you to arrange for an interview. Attached is a copy of the rights afforded you by the Government Code.

Until this investigation is concluded, you are ordered not to discuss this matter with anyone who is an alleged victim, a witness to this investigation or any City Employee other than your representative or legal counsel without first obtaining permission from a Division Commander, the Chief of Police, or the supervisor conducting this investigation. If you have any questions regarding this matter, please contact the supervisor who is assigned this investigation as noted above.

I acknowledge receipt of this memorandum.

Signature: __________________________ Date: _________________

Revised 8/2/2001
Alhambra Police Department
Peace Officers' Statement of Rights and SpecificWarnings

Peace Officer: ____________________________

Date of Interrogation: ____________________________

Time of Interrogation: ____________________________

My name is ____________________________. I am a ____________________________ assigned to the Alhambra Police Department's ____________________________.

This is an internal affairs investigation being conducted at the ____________________________.

Today's date is ____________________________. The time is ____________________________.

I will be the officer in charge of the interrogation. All questions asked during this interrogation will be asked by and through no more than two investigators at one time.

The other Police Department investigator present is: ____________________________.

Also present is Officer ____________________________, who is accompanied by his/her representative/counsel, ____________________________.

This investigation concerns events which occurred on or about ____________________________.

Officer ____________________________ has previously been provided with a notice of internal affairs investigation that summarized the nature of the misconduct under investigation, as well as a copy of his/her AB 301 rights pursuant to Government Code Sections 3300-3311. That document is incorporated herein by reference.

This interrogation is being recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. You have the right to use your own recording device and record any and all aspects of this interrogation.

You will be able to attend to your own personal physical necessities. Please ask if you need to use the bathroom, get a drink of water or take a short rest break at any time.

You will not be threatened with punitive action or promised any type of reward or inducement. No offensive language will be used during the course of this interrogation.

You have the right to have a representative or counsel of your choice present at all times during the interrogation. The representative shall not be a person subject to this investigation and shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from you to the extent it does not regard criminal matters. The Department will neither provide nor compensate any such representative.
Statement of Rights & Specific Warnings (Continued)

If the officer is unaccompanied by a representative or counsel, ask the following question:

Do you waive your right to have a representative or counsel present during this interrogation?

Y    N

Initials

The press or media may request your home address or photograph. Such information will not be provided without your consent. Do you consent to the release of such information?

Y    N

Initials

Are you taking any medication which would cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you or in the alternative, have you failed to take any prescription or other medication which would assist you to understand and respond truthfully and fully to the questions that will be asked of you?

Y    N

Initials

Are you suffering from any physical or mental condition that will cause you to be unable to understand and respond truthfully and fully to the questions that will be asked of you?

Y    N

Initials

A peace officer must be advised of his/her “Miranda” rights before any interrogation when it is apparent that the officer may be charged with a criminal offense. As a matter of policy, the Alhambra Police Department advises all peace officers of their Miranda rights prior to any interrogation, whether or not it appears at the outset that they may be charged with a criminal offense.

You have the following rights:

1. You have the right to remain silent
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and to have a lawyer present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you so desire.

Do you understand each of the rights I have explained to you?

Y    N

Initials

Having these rights in mind, do you wish to talk to us now?

Y    N

Initials
Statement of Rights & Specific Warnings (Continued)

Although you have refused to waive your Constitutional rights, be advised that I will now proceed with the administrative aspect of this interrogation. Therefore, you are now ordered to fully and truthfully answer all questions asked of you during this interrogation. Your failure to do so will, in and of itself, constitute insubordination and result in a recommendation for administrative discipline against you, up to and including dismissal pursuant to APD Manual section 3/720.10(r).

Should you decide to answer these questions as a result of my order, any statements you make under threat of such discipline, or information arising there from, cannot be used against you in any subsequent criminal proceedings arising from this incident.

You are also ordered that until this investigation is concluded, you are not to discuss this matter with anyone who is an alleged victim, a witness to this investigation or any City Employee other than your representative or legal counsel without first obtaining permission from a Division Commander, the Chief of Police, or the supervisor conducting this investigation.

Prior to proceeding with the interrogation, do you have any questions regarding the admonitions that I have read to you?

Y  N  __________

initials

This statement of rights and specific warnings was read to me and by signature herein, I acknowledge my understanding of my rights and duties.

Peace Officer's Signature ___________________________ Date __________

Admonitions and administrative order issued by: __________________________________

Date: ___________ Time: ___________ Location: ________________________________
Alhambra Police Department
Internal Affairs Interview Rights & Warnings (Witness)

My name is _______________________. I am a ______________________ assigned to
the Alhambra Police Department’s ______________________.

This is an internal affairs investigation being conducted at the ______________________.

Today’s date is ____________________. The time is ____________________.

I will be the officer in charge of the interview. All questions asked during this interview will be asked by
and through no more than two investigators at one time.

The other Police Department investigator present is: ______________________.

Also present is Officer ______________________.

This investigation concerns events which occurred on or about ______________________.

At this time, Officer ______________________ is considered a witness only. If at any time during
the interview it becomes apparent that he/she may be subject to discipline as defined by Government
Code Section 3300, I will suspend the interview and afford him/her the opportunity to contact a
representative or legal counsel prior to any further questioning.

This interview is being recorded. You will have access to the recording if any further proceedings are
contemplated or prior to any further interrogation at a subsequent time. You have the right to use your
own recording device and record any and all aspects of this interview.

You may request to use the bathroom, get a drink of water or take a short rest break at any time. You will
not be threatened with punitive action or promised any type of reward or inducement. No offensive
language will be used during the course of this interview.

You are now ordered to fully and truthfully answer all questions asked of you during this interview.
Your failure to do so will, in and of itself, constitute insubordination and result in a
recommendation for administrative discipline against you, up to and including dismissal pursuant
to APD Manual section 3/720.10(r).

You are also ordered that until this investigation is concluded, you are not to discuss this matter with
anyone who is an alleged victim, a witness to this investigation or any City Employee other than your
representative or legal counsel without first obtaining permission from a Division Commander, the Chief
of Police, or the supervisor conducting this investigation.

Prior to proceeding with the interview, do you have any questions regarding the admonitions that I have
read to you?

Y  N  ____________

Initials

This statement of rights and specific warnings was read to me and by signature herein, I acknowledge my
understanding of my rights and duties.

Peace Officer’s Signature  ______________________  Date ______________________

Revised 8/1/2001
Alhambra Police Department
Notice of Suspension from Duty

DATE: ______________________

TO: ______________________

Effective this date at ___________ hours and until further notice, you are suspended from duty
and placed on Administrative Leave.

While suspended from duty or placed on Administrative Leave, sworn personnel no longer possess
peace officer powers granted under authority of Section 830.1 of the California Penal Code.

As your peace officer powers have been removed, you are required to surrender your Department
issued service weapon, police badges and Identification Cards until you are reinstated.

Your authority to carry a concealed weapon, granted under Section 12027(a)(1)(A) of the California
Penal Code is also withdrawn while you are suspended or on Administrative Leave.

During the period of suspension or Administrative Leave, you are not authorized employee access to
the Police Facility unless accompanied by the Watch Commander or his designee. You are required
to surrender your Police Facility building and locker keys and access card(s) until you are reinstated.

I have read and understand the foregoing and acknowledge receipt of this memorandum.

_____________________________  ______________________
Signature of Employee   Date

EQUIPMENT RECEIVED:
Service Weapon (s/n) ___________________ Uniform Badge ___________________
Identification Cards ___________________ Flat Badge ___________________
Access Card(s) ________________________ Building & Locker Keys ________________

_____________________________  ______________________
Supervisor Serving Notice on Employee   Date

_____________________________  ______________________
Witness   Date

Revised 8/15/2001
All times are approximate
Vehicle Pursuits

314.1 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 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.

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

314.1.2 ACCOUNTABILITY
Officers involved in vehicular pursuits will be held administratively accountable for the initiation or continuation of a pursuit when the information which the officer knew or reasonably should have known at the time indicated that the pursuit should not have been initiated or should have been discontinued. No officer or supervisor will be criticized or subject to any discipline for a decision to not initiate a pursuit or for terminating a pursuit based upon the risk involved.

Vehicle Code § 21055 specifies that in emergency situations the driver of an authorized emergency vehicle is exempt from the "Rules of the Road," as specified in Division 11 of the Vehicle Code, provided that the lights and siren of the vehicle are activated. However, Vehicle Code § 21056 specifies that this exemption “does not relieve the driver from the duty to drive
with due regard for the safety of all persons using the highway, nor does it protect him from the consequences of an arbitrary exercise of the privileges granted in Vehicle Code § 21055.

314.2 OFFICER RESPONSIBILITIES
It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light 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.

314.2.1 WHEN TO INITIATE A PURSUIT
Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.
The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
(c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
(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 beyond the worth of apprehending the suspect.
(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
(i) Vehicle speeds.
(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
Vehicle Pursuits

(k) Availability of other resources such as helicopter assistance.
(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

314.2.2 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.

The factors listed in §314.2.1 - When to Initiate a Pursuit, of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. 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.

In addition to the factors listed in When to Initiate a Pursuit of this policy, 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 discouraged.
(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.

314.2.3 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:
Vehicle Pursuits

(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.

314.3 PURSUIT UNITS
Pursuit units should be limited to three vehicles (two units and a supervisor); 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.

314.3.1 MOTORCYCLE OFFICERS
A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Vehicles not equipped with red light and siren are generally 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.

314.3.3 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 Communications Section 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.
Vehicle Pursuits

(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.

314.3.4 SECONDARY UNITS 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.

314.3.5 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 may 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) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. 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.
Vehicle Pursuits

(d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

(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.

314.3.6 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 primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

314.3.7 PURSUIT TRAILING
In the event the initiating unit from this agency 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.

314.3.8 AIRCRAFT ASSISTANCE
When available, 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.

(a) Based on conditions, a supervisor can authorize units to "track" the pursued vehicle.

1. When tracking the pursued vehicle, the air unit will divert its spotlight and gain altitude.

2. The air unit will continue to call the pursued vehicle's location and actions.

3. Ground units should disengage from direct pursuit of the suspect vehicle and remain out of the direct line-of-sight of the suspect(s).
Vehicle Pursuits

4. Ground units shall remain in Code Three operation (with operating red light and siren) while following the air unit's broadcast.

(b) When ground units are not within visual contact while "tracking" the pursued vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.3.9 PURSUITS INVOLVING A HOSTAGE
In any vehicular pursuit where there is suspected to be a hostage in the suspect vehicle, the safety and successful release of the hostage shall be the primary consideration in determining the tactics to be used by the officers in the course of the pursuit.

(a) Officer Responsibility: When an officer becomes aware that a hostage may be in a pursued vehicle, the dispatcher shall be advised immediately. All available information shall be reported, including a description of the hostage(s), manner of dress, and the location of the hostage(s) within the suspect vehicle.

(b) Communications: The dispatcher shall notify a supervisor and ensure that all hostage-related information is immediately broadcast. The fact that a hostage may be involved in a pursuit shall be periodically re-transmitted during subsequent pursuit status broadcasts. In instances where the taking of a hostage has not been confirmed, the dispatcher shall attempt to obtain additional information from the original reporting person via land line. If a callback number is not available, or the reporting person cannot be contacted, the dispatcher shall assign a unit to respond to the scene of the initial occurrence to verify the taking of a hostage.

314.4 SUPERVisory CONTROL AND RESPONSIBILITY
It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor 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.
Vehicle Pursuits

(f) Ensuring that aircraft are requested if available.
(g) Ensuring that the proper radio channel is being used.
(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
(i) Controlling and managing APD units when a pursuit enters another jurisdiction.
(j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.4.1 WATCH COMMANDER RESPONSIBILITY
Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

314.5 COMMUNICATIONS
If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications 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.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES
Upon notification that a pursuit has been initiated, Communications Section 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 field 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.
(f) Notify the Watch Commander as soon as practicable.

314.5.2 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.
314.6 PURSUITS ENTERING INTO OTHER JURISDICTIONS

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

(b) The Dispatcher shall notify the responsible agency that a vehicular pursuit is entering its jurisdiction, preferably prior to the pursuit entering that jurisdiction or as soon as practical after the pursuit has entered that agency's jurisdiction.

314.6.1 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 the Alhambra Police Department 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 should 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. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

314.6.2 PURSUITS ENTERING 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 should consider these additional following factors:

(a) The original reason for the pursuit.

(b) The behavior of the suspect(s) during the pursuit, including any information known or suspected that would increase or lessen the need to continue the pursuit.

(c) Ability to maintain the pursuit.
Vehicle Pursuits

(d) Circumstances serious enough to continue the pursuit.
(e) Adequate staffing to continue the pursuit.
(f) The public's safety within this jurisdiction.
(g) Safety of the pursuing officers.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or 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 City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, 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.

The initiating agency will be responsible for handling the prosecution of the violation which caused the pursuit. If the pursuit is terminated within the initiating agency's area of responsibility, or if the initiating agency has responded to the point the pursuit is terminated, the initiating agency generally should take custody of the violator. However, if non-traffic violations have occurred subsequent to the pursuit being taken over by this department, this department will be responsible for their prosecution.

The agency having or witnessing the most serious crimes should retain custody of the violator.

314.7 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.

314.7.1 WHEN USE IS AUTHORIZED
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.
Vehicle Pursuits

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

314.7.2 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.

314.7.3 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.

314.7.4 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 involving felony suspects or impaired drivers who pose a 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:
Vehicle Pursuits

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) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) 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 a 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.

(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.
Vehicle Pursuits

(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.

314.7.5 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.

314.7.6 CONCLUSION OF THE PURSUIT

(a) Officer Responsibilities: The senior officer in the primary pursuit vehicle is responsible for maintaining control and directing activities at the point at which a vehicular pursuit concludes, specifically as it relates to the apprehension of the suspect and the use of force, unless relieved by a supervisor. Unless otherwise requested to the scene, officers in all other units shall remain clear of the point at which the pursuit concluded. Plainclothes personnel at the scene shall ensure that they are readily identifiable as law enforcement personnel by displaying proper identification on their outer garment.

(b) Supervisor Responsibilities: When a pursuit concludes, a Field Supervisor shall proceed to the point the pursuit concluded in order to provide the necessary supervision and to evaluate the pursuit. The supervisor at the scene is responsible for controlling law enforcement activity at the scene and for ensuring adherence to Department policies. This responsibility shall continue until the suspect is booked or released, or it is determined that the search for the suspect(s) should be abandoned and all reports are completed pursuant to Vehicle Code § 14602.1.

(c) Watch Commander: Shall enter the relevant information on the pursuit log and review the reports written by the initiating officer and the Field Supervisor. The Watch Commander shall complete a Pursuit Review Report and submit it to the Field Services Assistant Chief.
Vehicle Pursuits

It shall also be the responsibility of the Watch Commander to schedule a "pursuit debriefing." The purpose of the debriefing will be to review the progress of the pursuit, assess the areas of improvement and ensure that the proper reports are completed.

314.7.7 TRAFFIC COLLISION DURING A PURSUIT
If a pursuing unit becomes involved in a traffic collision, the accident should be investigated by the law enforcement agency having jurisdiction where the collision occurred. If the collision occurs within the City limits, and injuries are sustained, the accident should be investigated by the California Highway Patrol.

314.7.8 VEHICLE INSPECTIONS
Any vehicle involved in a high speed pursuit shall be inspected by a supervisor as soon as practical after the conclusion of the incident. The vehicle will also be inspected by one of the Department's repair service mechanics at the earliest opportunity. Vehicles, known or suspected to have been damaged, will not be returned to service until properly inspected and repaired.

314.8 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 Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (CHP Form 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

(c) After first obtaining the available information, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
Vehicle Pursuits

10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted.

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

314.8.2 POLICY REVIEW
Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member’s training file.

314.8.3 ANNUAL ANALYSIS
Annually, the Professional Standards Unit will conduct a documented analysis of all pursuits initiated or assumed by officers of this department. The report will be forwarded to the Chief of Police for review of patterns or trends that indicate training needs and/or policy modifications in addition to all other statistical information.

314.9 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.
WELFARE REQUESTS

If someone comes to the front counter of the Police Department requesting food, the Watch Commander should refer them to one of the agencies listed below. The Department no longer has money or vouchers to distribute and there are no other agencies in the city to assist these people.

1. Union Station
   412 S. Raymond Ave.
   Pasadena, California
   626-449-4596

They provide 56 beds for a 2 week time period and accept males and females. Anyone seeking shelter must sign up for a bed and see a caseworker by 0900 hrs. Breakfast and lunch are served from 0900 to 1500 hrs.

2. Sisters of Good Shepherd Center
   267 N. Belmont
   Los Angeles, California
   213-250-5241

For homeless single women. They have 30 beds available for shelter. Limited food. They are allowed 2 week intervals, up to a maximum of 6 weeks. They also run a daily center where women may go to shower and receive food from 0900 to 1600 hrs Monday through Friday. Services include counseling assistance and general relief.

3. People for People
   8618 Mission Drive
   Rosemead, California
   626-285-2549

Free food agency. A large box or bag of groceries may be picked up from 1000 to 1600 hours on Monday, Tuesday, Thursday, Friday and on the last Saturday of the month. Some clothing provided if needed. If referred by police department, ID not necessary on first visit.

4. Sundown
   Los Angeles County Information Line
   800-339-6993

Twenty-four hour toll free number available every day. They do assessment of needs over the telephone and refer shelters and food agencies county-wide. Must have identification. Services provided in both English and Spanish 7 days a week.

Revised 9-4-2001
Case Law (pursuant to Skelly vs Personnel Appeals Board) mandates that employees be granted an opportunity to respond to charges wherein proposed disciplinary action affects their employment, i.e., suspension, reduction in salary or termination. In all disciplinary actions other than oral reprimands, the following procedures shall be followed:

1. The employee shall be notified in writing of the charges and the reason a disciplinary action is proposed.

2. Copies of all relevant materials to be considered by the appointing authority shall be furnished to the employee.

3. A hearing date shall be set, allowing five working days for the charged employee to prepare a response.
   a. An employee may waive, in writing, his or her right to a hearing and accept the decision of the appointing authority.
   b. The employee may be represented by an attorney and or a representative of his or her choice from the employee’s bargaining unit at the hearing.

The foregoing provisions do not apply to probationary, provisional or temporary employees.

Included in this section is a copy of the employee’s appeal rights and the progressive disciplinary guide taken from the City’s Administrative Policy Manual.

Revised 9-4-2001
NOTIFICATION OF EMPLOYEE APPEAL RIGHTS FROM DISCIPLINARY ACTION

Notice is hereby given of your rights to and procedures for filing an appeal to a disciplinary action taken against you as an employee of the City of Alhambra. Pursuant to procedures outlined in the Alhambra Municipal Code and Administrative Policy V-C-2, you will be furnished a copy of this form and a Written Statement of Disciplinary Action. You must sign acknowledgment of receiving a copy of the Written Statement of Disciplinary Action and a copy of the Notification form.

PLEASE READ THE FOLLOWING STATEMENTS CAREFULLY:

1. Section 2.48.170 of the Alhambra Municipal Code provides that..... "Notice of disciplinary action to be given. The notice of disciplinary action shall be served upon the employee either personally or by mail and shall include:

   (a) The nature of the disciplinary action;

   (b) The effective date of the action;

   (c) The causes for the action;

   (d) A copy of Section 2.48.170 through 2.48.190 of this chapter.

2. Pursuant to item 1(d) above, please find attached Alhambra Municipal Code Sections 2.48.170 through 2.48.190.

   Issued by: ___________________________

   Date: ______________________________

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THE WRITTEN STATEMENT OF DISCIPLINARY ACTION AND A COPY OF THIS FORM.

____________________________________
Name of Employee

Date: ________________________________
2.48.170 Rule XVI - Disciplinary action and administrative review.

A. Disciplinary action. Disciplinary action refers to actions by management directed to the modification of employee conduct which is contrary to the best interests of the public service. It is primarily educational and corrective in nature and taken in response to acts or a failure to act on the part of the employee. Disciplinary action does not include demotions, pay reductions, and layoffs resulting from service modifications, general cost reduction programs, or organizational changes.

The following disciplinary actions may be taken against any employee:

(1) Oral and Written reprimands. Informal (oral) or formal (written) notification of performance or conduct deficiencies.

(2) Suspension. The temporary separation from the service of an employee for disciplinary purposes.

(3) Salary reduction. A reduction in pay from the employee's current step within a pay range to a lower step within that same range as provided in the City's salary ordinance and/or resolution and schedule of salary ranges.

(4) Demotion. Involuntary movement from a position in one class to a position in another class having a lower salary range.

(5) Dismissal. Discharge from the City service.

B. Cause for disciplinary action. An employee shall be subject to discipline for misconduct, incompetency, inefficiency or failure to observe the rules and regulations of the Department, or to cooperate reasonably with his superiors or fellow employees, or for violation of these rules, or for other reasonable causes. In addition to the foregoing, the following is a non-exclusive list of the more common causes for disciplinary action:

(1) Violation of City policies, ordinances, rules and regulations.

(2) Failure to maintain job performance standards.

(3) Failure to maintain adequate personal appearance.

(4) Lack of cooperation and courtesy.

(5) Insubordination.
(6) Carelessness.

(7) Failure to comply with these rules regarding attendance and working hours.

(8) Violation of a safety rule.

(9) Failure to prepare and/or maintain prescribed records (i.e., falsifying, concealing, misusing, mutilating or removing).

(10) Willful concealment of pertinent information from supervisors.

(11) Physical abuse or threats directed at supervisors, co-workers, or the public.

(12) Willful damage of City property.

(13) Theft of City property or property of others.

(14) Under the influence of alcohol while on-duty.

(15) Using, possessing, or being under the influence of illegal drugs or illegal narcotics while on-duty.

(16) Conviction of a crime affecting job performance. However, conviction is not a prerequisite to disciplinary action.

C. Notification of proposed disciplinary action. An affected employee shall be given prior notice of proposed disciplinary action, except reprimands. Notification shall include a statement of the proposed action and the reasons therefore, together with the right to request the materials upon which the action is based and to respond, either orally or in writing, to the authority initially imposing discipline.

D. Records of disciplinary actions.

(1) Filing of records. Records of disciplinary actions will be filed in the confidential portion of an employee's personnel file. This section shall not be open without the permission of the personnel officer.

(2) Records purging. Records of disciplinary actions shall be purged five years after the date of the action was taken unless there are subsequent disciplinary actions in the same related areas.

E. Administrative review.

(1) Right to administrative review. Any permanent employee in the classified service shall have the right to an administrative review of a disciplinary suspension, salary reduction,
(2) Administrative review process. A department head considering disciplinary action subject to the administrative review process shall serve the affected employee with a written notice of the proposed action and the time period within which a written request for an opportunity to be heard orally or in writing may be filed by the employee. If the employee requests, he or she shall be provided copies of materials upon which the proposed disciplinary action is based.

Upon receipt of the employee's written request, the department head shall conduct any further necessary investigation and meet with the employee within five work shifts or business days. At the conclusion of this meeting and within five work shifts or business days after the meeting, the department head shall concurrently serve a written decision upon the employee and the personnel officer.

When the dismissal of a permanent employee is under consideration, the appointing authority, or his designee, shall participate in the meeting and must concur in the decision of the department head, if the department head decides to terminate the employee before the employee is served with the written decision. The written decision of the department head shall be in the form of a notice of whatever action the department head has decided upon and shall be served upon the affected employee, with a copy of same being filed concurrently with the personnel officer and the civil service commission.

If the permanent employee is dissatisfied with the decision of the department head, and if such decision involves any of the disciplinary actions set forth in Section 2.48.180A (Rule XVII) of this code, the employee may appeal said decision to the civil service commission within fifteen days after receipt of such decision. (Ord. 3898 § 1 (part))

2.48.180 Rule XVII - Appeal to the civil service commission.

A. Right to appeal. Permanent employees shall have the right to appeal any of the following disciplinary actions to the civil service commission:

(1) Suspension.
(2) Salary reduction.
(3) Demotion.
(4) Dismissal.

B. Method of Appeal. Appeals shall be in writing, signed by the appellant or his representative
and filed with the personnel officer within fifteen days after the appellant has been notified in writing of the final decision with respect to his or her disciplinary action. The personnel officer then, within ten days after receipt of the appeal, shall inform each member of the civil service commission, the city manager and such other persons or officers named or affected by the appeal. The appeal shall be a written statement, addressed to the civil service commission, explaining the matter appealed from and setting forth therein a statement of the action desired by the appellant. The formality of a legal pleading is not required. The appellant, in his or her appeal, shall indicate whether he or she desires an open or closed hearing before the civil service commission. A request for a closed hearing shall be approved in accordance with subsection E of this section.

C. Notice. Upon the filing of an appeal, the personnel officer shall set a date for a hearing on the appeal which date shall not be less than ten days nor more than thirty days from the date of filing. However, such time limits may be waived upon the mutual consent of the appellant and the personnel officer. The personnel officer shall notify all interested parties of the date, time and place of the hearing.

D. Hearing. The appellant shall appear personally, unless physically unable to do so, before the commission at the time and place of the hearing. He may be presented by any person he may choose and present any relevant evidence. Cross-examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the president of the civil service commission, with due regard to the rights and privileges of the parties appearing before the commission. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Proceedings of the hearings shall be recorded by a certified shorthand reporter at the City's expense; however, transcription expenses shall be paid by the party requesting the transcript.

E. Public hearings. Hearings conducted by the civil service commission shall be public. However, such hearings shall be conducted in private if they pertain to the appointment, employment or dismissal of a classified employee or pertain to the hearing of a complaint or charge brought against an officer or employee of the City, unless such officer or employee requests a public hearing. The commission may exclude from any such public or private hearing, during the examination of a witness, any or all other witnesses in the matter being investigated. The hearing need not be conducted according to technical rules relating to evidence and witnesses.

F. Order of proof. The procedures in any appeal hearing shall be as follows:

1. Opening statements.

2. The City shall present evidence in support of its position.

3. The employee shall present evidence in support of his or her position.

4. The parties may then offer rebuttal and surrebuttal evidence, respectively.
(5) All evidence must be relevant and material to the issues, and the commission's decision concerning the relevance or materiality of evidence shall be final.

(6) Following the presentation of evidence, each side shall be permitted to argue the case to the civil service commission.

The order of arguments shall be as follows:

(a) The City shall be permitted to present its opening argument;

(b) The employee, or his or her representative, presents an argument;

(c) The City shall be permitted to present a final argument.

(7) The burden of proof on establishing the charges is upon the City.

(8) The burden of proof is by a preponderance of the evidence.

G. Findings and action. Within thirty days after conclusion of a hearing, the civil service commission shall submit its findings and decisions in writing to the city manager and the appellant. Such findings and decisions shall be final. (Ord. 3898 section 1 (part))

2.48.190 Rule XVIII - Separation from city service.

A. Dismissal. A permanent employee in the classified service may be dismissed by the appointing authority only for cause as set forth in Section 2.48.170 (Rule XVI) of this code. Such dismissal shall be made by the appointing authority with the approval of the personnel officer.

B. Layoff.

(1) Commission to provide plan for layoff or reduction. For economic reasons, the council may abolish any position in the classified civil service. The commission shall administer a plan which shall provide for layoff and reduction on the basis of seniority and for the establishment of re-employment lists.

(2) Layoff and reduction procedure. The head of the department in which a layoff is to be made shall notify the personnel officer in writing of the number of employees to be laid off. The personnel officer shall then determine the employees who shall be reduced and/or laid off and so inform the department head in writing. The department head shall then immediately notify the employees who are to be reduced and/or laid off, giving them the effective date of such action.

(3) Emergency and temporary employees to be laid off first. Emergency and temporary employees in a classification shall be laid off before probationary or
permanent employees.

(4) Plan for layoff and reduction. Layoff in a classification shall take place in inverse order of seniority credit within the classification from which an employee or employees are to be laid off. If there is a class of positions in a lower rank that is in the same regular promotional line for which the employee meets the requirements, the employee shall be reduced to such lower ranking class, provided he has greater combined seniority in the lower ranking class and higher classes than other employees in that lower-ranking class. The employee in the lower ranking class with the least seniority credit shall in turn be laid off or reduced in the same manner, to the end that the last person employed in the lowest ranking class shall be the person laid off.

(5) Plan for computing seniority. Seniority credit shall be allowed only for continuous service in the class in which the employee is serving or in higher ranking classes in which he has served. No seniority credit shall be allowed for service prior to a break in the employee’s employment with the City. Authorized leaves of absence shall not count as breaks in service. However, time while on leave shall not count toward seniority credit, except in the case of sick leave, military leave, and leave for which an employee receives disability payments under worker’s compensation.

After temporary and emergency employees have been separated, seniority credit for probationary and permanent employees shall not include service as temporary and emergency employees.

(6) Layoffs when there are ties in seniority credit. In the event of ties in seniority credit, the employee who stands the highest on the eligible list from which the employees were appointed shall be considered to have the greatest seniority credit. In the event that the tied employees were appointed from separate lists, the employee on the list with the highest priority shall be considered to have the greatest seniority credit.

(7) Establishment of reemployment lists. Permanent and probationary employees who are laid off and reduced shall have their names placed on reemployment lists in the reverse order of layoff or reduction.

(8) Reemployment of employees laid off or reduced. If, within two years, a vacancy occurs in any existing class having the same or substantially similar qualifications as the position abolished or vacated, the employee laid off or reduced shall have the right to appointment to such vacancy, unless such person shall file a written waiver with the personnel officer, or fails to report for work within two weeks of notice of appointment.
(9) Reclassification lists. The employee on the reemployment list who has the greatest seniority shall be appointed to the first vacant position in the class for which the list exists unless he waives appointment. The reclassification or reallocation of all positions in a given class automatically reclassifies the reemployment list.

C. Resignation. An employee wishing to leave the classified service in good standing shall file with the appointing authority a written resignation stating the effective date and the reasons for leaving. Such resignation should be filed at least two weeks before leaving the service, unless such time limit is waived by the appointing authority. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded by the concerned department head to the personnel officer. Failure to give notice as required hereby may be cause for denying future employment by the City. The department head may rescind a resignation notice on request of the employee. (Ord. 3898 section 1 (part))
PURPOSE: To provide a uniform and consistent guide for the administration of disciplinary action.

POLICY:

A. Discipline is a last resort and shall be used only when positive steps have failed to achieve the desired objective in helping an employee modify his or her behavior to meet departmental and City expectations.

B. Progressive discipline will be administered consistently in line with the attached guide (Attachment A). Exceptions require the prior approval of the City Manager.

PROCEDURE:

A. Grades of Discipline

The nature, severity, and number of incidents of an offense require varying grades of discipline. Attachment A provides a guide to supervisors on the grade appropriate to specific infractions. The grades of discipline are as follows:

Grade 1 - Oral Reprimand.
2 - Written Reprimand.
3 - 1-9 days suspension.
4 - 10-30 days suspension.
5 - Discharge.

B. Guidance and assistance in the preparation of documents to be used in administering progressive discipline should be sought on a case by case basis from the Personnel Office, the City Attorney and/or the City Manager.

1. Department heads may impose discipline of Grades 1 and 2 and up to 5 days suspension within Grade 3 after consulting with the Personnel Office.

2. Department heads shall confer with the City Manager before imposing discipline in Grades 3, 4 and 5 (beyond a 5 day suspension).
C. Grade 1 or 2 Discipline

Employees shall be given notice by their department if discipline of Grade 1 or 2 is imposed. The employee shall be given a written statement of the reasons such action is being taken. Employees shall be advised of the right of review of such disciplinary action under the procedures prescribed by the City's Municipal Code.

D. Grade 3, 4 or 5 Discipline

1. The department head shall impose such discipline (excepting suspension of 5 days or less) after consulting with the City Manager. The following "Prior Notice" rights shall be observed:

   a. Employees must be given prior written notice by the department head before Grade 3, 4 or 5 measures are taken against them.

   b. Employees must have access to all materials supporting the proposed action and be provided with copies on their request.

   c. Prior to the imposition of the proposed disciplinary action, employees have the right to respond, either orally or in writing. If responding orally, the employee may be represented by a representative of his/her choosing. The name of the representative shall be given to the department head within 48 hours prior to any meeting.

2. The written notice must contain the same information as the letter which later serves to make the disciplinary action effective. Both will include the same kind of specifications and detail. The first paragraph of the notice, however, will indicate that the discipline is only proposed, not effective, and the last paragraph will contain a statement of employee rights appropriate to the preliminary notice (see Attachment B). The employee will be served with the written notice (Attachment B)
and letter ultimately imposing the discipline (attachment) by the department head or their designee. The employee must sign each as received and date the letter. If the written notice or letter cannot be personally served, then the City shall send these by registered mail, return receipt requested to the latest mailing address provided by the employee.

3. Suspension of employees pending investigation is allowed with the approval of the City Manager. On a case by case basis, under unusual circumstances, an employee may be removed from the work place prior to receiving his or her "prior notice" rights. In these cases, the department should document circumstances which indicate that the employee's continued presence at the work site could have detrimental consequences. In such a situation, the employee may be suspended with pay until the investigation is complete and a decision reached regarding the potential disciplinary action. If the investigation is anticipated to or does continue beyond 10 days, the employee must be given "prior notice" rights. This notice and the right to respond must be given prior to the tenth day of suspension.

4. Management must set the time for response, and must allow the employee a reasonable period of time for review of the matter. In cases involving lengthy specifications, supporting materials and related documents, as many as 10 working days may be appropriate. For actions with less documentation, 5 working days or less may be proper. When establishing a response deadline for each case, the City Manager will consider the complexity of issues involving the volume of documented materials. Requests for extensions of the time period may be granted by management if the justification for the request is reasonable. Except in those cases covered by Procedure 3, as outlined above the disciplinary action cannot be taken until this process has been completed.
5. Although there is no fixed standard as to what level of management should be appointed to review employee responses, the management should be appropriate to the level of employee responding. This may be one or two levels above the employee's supervisor. In all cases, the management should have enough authority in the organization to make an effective recommendation on the proposed action.

6. In conducting the administrative hearing to review the proposed discipline with the employee, the department head and the affected employee's immediate supervisor should be present.

7. Once the employee has been disciplined it will still be necessary for him or her to follow the procedure in Section 2.48.180 of the Municipal Code in order to obtain a hearing before the Civil Service Commission. A copy of Sections 2.48.170-190 shall be given to employee at the time the employee receives notice of the final discipline to be imposed.
This table of progressive discipline will be used in those cases where positive measures of employee behavior and performance modification have failed. Positive measures include informing employees of improvements required, verbal discussion, development of a specific improvement plan, explaining behavior correction objectives, follow up with the employees on use of improvement plan, and documentation as appropriate. Positive measures may be omitted depending on the severity of the incident.

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<thead>
<tr>
<th>Reason Discipline Required</th>
<th>Grade of Discipline Required For Incident Beyond Positive Measures</th>
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<tbody>
<tr>
<td></td>
<td>1st</td>
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<tr>
<td>A. Failure to maintain job performance Standards</td>
<td>1-2</td>
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<tr>
<td>B. Failure to maintain adequate personal appearance</td>
<td>1-2</td>
</tr>
<tr>
<td>C. Lack of cooperation and courtesy</td>
<td>1-2</td>
</tr>
<tr>
<td>D. Insubordination</td>
<td>1-3</td>
</tr>
<tr>
<td>E. Carelessness</td>
<td>1-3</td>
</tr>
<tr>
<td>F. Punctuality and/or attendance problems</td>
<td>1-2</td>
</tr>
<tr>
<td>G. Violation of a safety rule</td>
<td>1-3</td>
</tr>
<tr>
<td>H. Failure to maintain prescribed records (i.e., falsifying, concealing, misusing, mutilating or removing)</td>
<td>3-4</td>
</tr>
<tr>
<td>I. Willful concealment of pertinent information from supervisor</td>
<td>3-4</td>
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<tr>
<td>J. Physical abuse or threats</td>
<td>3-5</td>
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<tr>
<td>K. Willful damage of property</td>
<td>3-4</td>
</tr>
<tr>
<td>L. Misappropriation of City Property or property of others</td>
<td>3-5</td>
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### PROGRESSIVE DISCIPLINE GUIDE

<table>
<thead>
<tr>
<th>Reason Discipline Required</th>
<th>Grade of Discipline Required For Incident Beyond Positive Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. Under the influence of alcohol while on duty status</td>
<td>1st</td>
</tr>
<tr>
<td>N. Use, possession or under the influence of illegal drugs or narcotics while in a duty status</td>
<td>2-5</td>
</tr>
</tbody>
</table>

1. Oral reprimand.
2. Written reprimand.
3. 1-9 days suspension.
4. 10-30 days suspension.
5. Discharge.
SUBPOENA ACCEPTANCE

Penal Code section 1328 outlines the procedure for Service of subpoenas; servers; persons served; minors; returns; method; and nonacceptance.

1. Subsection (a). A subpoena may be served by any person, except a defendant may not serve a subpoena in the criminal action to which he or she is a party.

   A peace officer shall serve in his or her county any subpoena delivered to him or her for service, either on part of the people or of the defendant, and shall without delay, make written return, stating the time and place of service.

2. Subsection (b)(1). Describes how service on a minor shall be made on the minor's parent, guardian, conservator, or similar fiduciary. If reasonable service cannot be made on anyone of these, then service shall be made on the person having care or control of said minor, resides with, or is employed by.

   Subsection (b)(2). Provides the court with the power to appoint a guardian ad litem to receive service on behalf of the minor.

3. Subsection (c). Whenever any peace officer is required as a witness before any court to testify in a matter regarding an event or transaction in the course of his or her duties, a criminal subpoena issued pursuant to this chapter requiring his or her attendance may be served either by:

   Delivering a copy to the peace officer personally, or
   By delivering two copies to his or her immediate superior.

   If service is made by electronic means, then the superior shall acknowledge receipt of the subpoena by telephone or electronic means to the sender or origin.

   The subpoena shall then be delivered to the peace officer as soon as possible and in no event later than a time which will enable the officer to comply with the subpoena.

4. Subsection (d). If the superior or his or her designated agent knows he or she cannot deliver the subpoena to the peace office within a time which will allow the officer to comply with the subpoena, then the superior or agent may refuse to accept service of process and is excused from any duty, liability or penalty arising from such service.

5. Subsection (e). If the superior or his or her agent is tendered service of a subpoena less than five working days prior to the date of hearing, and he or she is not reasonably certain he or she can complete the service, he or she may refuse acceptance.
Civil Subpoenas

1. Duces Tecum or Discover Motion - Subpoenas for Records. When these come in, please check the date. We are supposed to be given 15 days (not working days) to respond to these per Section 1560 of the California Evidence Code.

2. There also must be what is called a Notice to Consumer. This is a statement mandated by 1985.3 of the Code of Civil Procedure when the entity seeking records must notify the subject of those records that they are being sought, so he or she may object if he or she chooses.

3. If the Administrative Services Manager is here when these subpoenas are served, they may be referred to her. Otherwise, accept them regardless of the number of days allowed and leave them in the A.S.M.'s mailbox. If there looks like a problem with the number of days, call the A.S.M. and alert her. We are not authorized to refuse to accept subpoenas for the production of documents. The proper protocol is to file a Motion to Quash. This process, if necessary, is facilitated by the A.S.M.

4. Subpoenas for the appearance of police officers and non-sworn personnel must be accompanied by a fee of $150 pursuant to City of Alhambra Administrative Police. You may apply section 1328 of the Penal Code when considering whether or not to accept a subpoena for the appearance of a police department employee in a civil matter.

Criminal Subpoenas for Records

It is a violation of 1054 of the California Penal Code to subpoena records or attempt to compel any kind of discovery in a criminal matter. The defense is required to make an informal request from the prosecution and, if they fail to obtain the records they seek, they are required to obtain a court order. A subpoena is not a court order. On these types of subpoenas, we accept them at the front counter and write a letter to the defense that the records that are being sought are available for them at the DA's office. These subpoenas are to be forwarded to the Administrative Services Manager who will handle the response.

Revised 9-1-2001
TAMPERED CONSUMER PRODUCTS

Background and Procedure:

Consumer products that have been tampered with pose serious threats to the public. In the past, a wide variety of products have been the target of tampering, including baby foods, meat products and patent medicines.

The Food and Drug Bureau (FDB) of the California Department of Health Services is responsible for identifying and removing commerce products with which someone has tampered. Therefore, when you receive reports of possible tampering or defective products, you should immediately notify the FDB.

An investigation will then be promptly conducted by the FDB, the County Health Department, and/or the United States Food and Drug Administration (FDA). Any necessary restriction of product sales and distribution, as well as media contacts, will be handled by the FDB and FDA.

Our cooperation with the FDB will ensure that complaints regarding tampered consumer products can be handled quickly and efficiently. The following two numbers can get you in touch with the State Health Services Department:

Southern California Branch (213) 580-5788

After hours Office Emergency Services (916) 262-1621

Revised 9-4-2001