

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.01
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Case Assignment and Disposition
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/11/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

It is the policy of the Upland Police Department that all cases investigated by police personnel be reviewed by the Investigation Division Commander. Assignment of cases to Detective Bureau personnel for follow-up investigation and disposition will be according to the following guidelines.

## **II. ASSIGNMENT PROCEDURE**

### **A. Circumstances requiring case assignment:**

1. All felonies, except those burglaries and grand thefts having no leads or suspects.
2. All sex crimes.
3. All suicides, attempted suicides, unattended and/or accidental deaths.
4. All missing persons unless the victim is located and/or returns prior to receipt of the case by the Detective Bureau.
5. All narcotic and dangerous drug cases.
6. All check and forger cases.
7. Any crime or incident where, in the opinion of the Detective Division Commander, the nature of the case warrants assignment and investigation.

### **III. CASE DISPOSITION**

A criminal offense can only be disposed out in one of the following three ways:

#### **A. Suspended**

1. Pending further leads. All leads have been exhausted and no new leads have developed.
2. No suspects. No witness information or evidence available to establish the identity of the suspect.
3. Victim cannot I.D. suspect. Suspect(s) have been established, however, the victim cannot identify, and no other information is available.
4. Victim cannot I.D. property/evidence. Property or evidence has been recovered, however, no identification can be made.

#### **B. Closed**

1. Victim refuses to prosecute. Victim is unable to be located or the victim is uncooperative in the investigation. (A description must be in the remark section.) If the victim refuses to aid in the prosecution of the offense, and no further investigation is possible, the case may be cleared exceptionally if it meets the requirements of Section "2" under "Cleared".
2. District Attorney refuses to prosecute. In all cases where the District Attorney's Office will not prosecute and the requirements of exceptional clearance are not met, the D.A. refusal may meet the requirements of the unfounded or exceptional clearance.
3. Statute of Limitations. May be used to close the case per time limit for misdemeanor or felony, as the law allows.

#### **C. Cleared**

1. Unfounded. Investigation proves that the crime did not happen, or was not attempted. The D.A. advises that the case lacks an element or elements of the offense. Example: Report of burglary or theft and investigation reveals property was lost or misplaced. It will be necessary to make an explanation in the case notes.
2. Exceptional. To clear the case exceptional, the following conditions must be met, and all questions must be answered 'yes'.
  - a. Has the investigation definitely established the identity of the offender?
  - b. Is there enough information to support an arrest, charge, and turning over to the court for prosecution?
  - c. Is there some reason outside the police control that stops you from arresting, charging, and prosecuting the offender?

Examples:

- 1) Suicide of the offender;
- 2) Double murder (two persons kill each other);

- 3) Deathbed confession (the person responsible dies after making a confession);
  - 4) Offender killed by the police;
  - 5) Confession by offender already in your custody, or serving sentence;
  - 6) Offender prosecuted in another city for a different offense by state or local authorities or prosecuted in another city or state by the Federal Government for an offense which may be the same (you attempt to return him for prosecution, but the other jurisdiction will not release to you);
  - 7) Extradition is denied;
  - 8) The victim refuses to cooperate in the prosecution (the answer must still be "yes" to the first three questions above); and
  - 9) Informal - the handling of a juvenile offender either orally or by written notice to parents in instances involving minor offenses. No referral is made to Juvenile Court. The space "Persons Arrested" is to be filled out if an arrest report is made out for this offense.
3. Application for petition filed. Juvenile arrest - Formal may be cleared in the same manner as an adult arrest. This may be done whether or not an actual physical arrest is made. An application for petition must be filed.
  4. Arrest. The offense and disposition must be shown in the remarks section.
    - a. Adult Arrest - An offense is "Cleared by Arrest" when at least one person is:
      - 1) Arrested;
      - 2) Charged with the commission of the offense; or
      - 3) Turned over to the court for prosecution (whether following arrest, court summons, or police notice).
    - b. If several persons commit one crime and only one is arrested and charged, list the offense as cleared by arrest. When the other persons are arrested, DO NOT list a clearance by arrest a second time for the offense.
    - c. Several offenses may be cleared by the arrest of one person.
    - d. Warrant issued. Felony or misdemeanor complaint obtained. Remarks must contain name the charge and name of the person charged.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.02
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Incident Only Report Procedure
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/18/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## I. POLICY

Police personnel frequently respond on incidents of a very minor nature that can be resolved quickly with no further police action required. In order to expeditiously document minor incidents where there is no further police action required or reasonably anticipated, no City liability is indicated, or a special document is not required, personnel may utilize the method of reporting known as C.A.D. entry only.

## II. PROCEDURE

- A. Assigned personnel shall determine if the incident falls into the above described category. If so, a written report need not be submitted, and the following procedure will be utilized.
  1. When the employee completes the investigation, they shall notify the dispatcher of the disposition of the call. Some reasons for not taking a numbered report include:
    - a. Disturbances where the problem is resolved;
    - b. Unable to locate the victim or problem; and
    - c. Suspicious persons who are gone upon arrival.
  2. The police dispatcher shall note the appropriate disposition in the C.A.D. entry.
  3. Dispatch receives numerous calls of speeding vehicles, drunk driving, or similar calls involving moving vehicles. When the calls are received and there are no available units to send, dispatch will broadcast an informational item and close the call as a C.A.D. entry only.
  4. The watch commander or field sergeant shall review the daily computer log by the end of their shift to ensure that appropriate dispositions were made on each call. Seems like unnecessary busy work.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.04
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Computer Entry of Firearms
<b>Effective Date</b>	04/27/2010
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

Pursuant to Penal Code section 11108; all local law enforcement agencies must enter all recovered/received firearms into the Automated Firearm System (AFS) and it must be done in accordance with established procedures.

## **II. PURPOSE**

To establish uniform procedures to determine the ownership and trace the history of all seized firearms.

## **III. PROCEDURE**

- A. Whenever a firearm is taken into an employee's custody, he/she shall complete a Firearm Entry Form and have the firearm entered into the Automated Firearm System as a Crime Gun. To maintain consistency and provide proper tracing, this is for ALL firearms. (Evidence, Found, Recovered, Destroyed and Safekeeping)
- B. The completed form must be given to a dispatcher to be entered into the Automated Firearm System prior to the employee's end of watch.
- C. The dispatcher accepting the form will enter ALL of the information from the form into the Automated Firearm System then return the form to the originating employee.
- D. The completed form and all computer entries will be attached to the original report.

- E. A report of a Stolen or Lost firearm, which is not in the custody of an employee, will be entered into AFS but NOT as a crime gun.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.05
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Stolen and Recovered Vehicle Cases
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/10/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

It is the policy of this Department to receive and investigate reports of all vehicles stolen within the City.

## **II. VEHICLES DEFINED**

Section 670 of the California Vehicle Code defines a vehicle as a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power, or used exclusively upon stationary rails or tracks.

## **III. PROCEDURE - STOLEN VEHICLE CASES**

### **A. Report of a stolen vehicle.**

1. The dispatcher receiving a report of a stolen vehicle, via telephone or personal contact, shall record the following information:
  - a. Name, address, and telephone number of the person making the report;
  - b. Location from which the vehicle was stolen;
  - c. Location to contact the person making the report; and
  - d. Complete description of the vehicle.
2. The dispatcher receiving the report of a stolen vehicle shall then verify the license and registration information with the Department of Motor Vehicles.
3. A police officer shall be assigned to investigate the reported theft.

### **B. Signed Theft Report – Investigation**

1. The officer assigned shall take all reasonable steps to ascertain that the vehicle has actually been stolen before he obtains a signed theft report.
2. The investigating officer shall obtain all pertinent information on CHP Form I80, "Stolen Vehicle Form". The person making the report shall sign the CHP I80 Form, certifying under penalty of perjury under the laws of California that the report is true and correct.
3. In the event that more than one vehicle has been stolen, a separate case number shall be assigned to each vehicle.
4. The investigating officer shall verify all information and have the dispatcher place the vehicle in the Stolen Vehicle System (SVS) as stolen. This shall be noted on the report in the proper space.
5. The police dispatcher shall then make a radio broadcast over the primary radio frequency that the vehicle is a signed stolen.

C. Information Only - Stolen Vehicle Report – Investigation

1. An Information Only Report shall be taken when there is a possibility that the vehicle was not actually stolen, as determined by the officer taking the report.
2. This report shall contain all of the information required in the signed report. The person making the report shall sign the CHP I80 Form, certifying under penalty of perjury under the laws of California that the report is true and correct.
3. This report shall also include the information that lead the officer to believe the vehicle was not actually stolen.
4. This vehicle shall be placed into the Stolen Vehicle System (SVS) as a lost vehicle only.

D. Outside Stolen Vehicle Report – Investigation

1. Outside Stolen Vehicle Reports may be taken at the discretion of the Watch Commander. Our general policy is to refer the reporting party to the agency with jurisdiction. The following procedures shall be followed for all outside stolen vehicle reports we do take.
  - a. All reasonable steps shall be taken to determine that the vehicle has actually been stolen.
  - b. When some doubt exists, the informant shall be directed to the appropriate law enforcement agency for an "Information Only" report.
  - c. A signed report shall be taken if there is reason to believe that the vehicle has actually been stolen.
  - d. The vehicle shall be placed in the Stolen Vehicle System. A Teletype shall be sent to the jurisdiction in the area from which the vehicle was stolen.
    - 1) List all pertinent vehicle information and circumstances surrounding the theft.

- 2) The Teletype should also advise the jurisdiction that the vehicle has been placed in the Stolen Vehicle System by the Upland Police Department.
- 3) The Teletype should also request that the agency of jurisdiction contact our department to make the necessary arrangements to have the vehicle canceled and re-entered into the Stolen Vehicle System with the agency of jurisdiction information. Upland Police dispatchers shall not remove the vehicle from the Stolen Vehicle System until these arrangements have been made.

- E. It is not necessary to broadcast an Outside Stolen Report.
- F. The officer taking the report shall immediately fax a copy of the report to the jurisdictional agency.

#### **IV. PROCEDURE - RECOVERED STOLEN VEHICLES**

##### A. Local Stolen - Local Recovery.

1. When information of a recovered stolen vehicle is received, the person receiving the information, shall cause an officer to be assigned to investigate the information.
2. The officer assigned shall assume responsibility for the vehicle until the vehicle is determined not to be stolen, or the vehicle is released to an authorized person, or impounded, in accordance with policy.
3. A recovered stolen vehicle shall be released to the owner or the owner's authorized agent at the scene of the recovery, if possible, or towed for safekeeping.
4. The officer shall request the dispatcher to verify the name and/or address of the current owner from the report on file, and to make notification to the owner.
5. Physical evidence shall be taken on recovered stolen vehicles by the assigned officer.
  - a. The assigned officer shall indicate on the report when circumstances preclude the taking of physical evidence.
6. The assigned officer shall cause dispatch to remove the vehicle from the Stolen Vehicle System, and such removal shall be properly recorded in the report.

##### B. Outside Stolen - Local Recovery.

1. These cases shall be handled as local stolen - local recovery, with the following exceptions:

- a. A locate message shall be entered into the Stolen Vehicle System, rather than a recovery message.
- b. A Teletype shall be sent to the originating jurisdiction advising of the recovery.
- c. Physical evidence will not be processed. The vehicle will only be held for prints if requested in the teletype. We will not call the originating agency to ask if they want it held for prints.
- d. The originating jurisdiction is responsible for recovery notification to the owner.

C. Local Stolen - Outside Recovery.

1. The dispatcher is responsible for:
  - a. Recovery notification to owner;
  - b. Removal of the vehicle from the Stolen Vehicle System; and
  - c. Insuring that the recovery is listed on the Daily Bulletin.

**V. PROCEDURE - FOLLOW-UP OF ALL CASES**

The Detective Bureau is responsible for all follow-up investigation; however, this should not be construed as prohibiting an officer from performing a field investigation, or submitting additional information to the Detective Bureau.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.07
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Deceased Person Investigation
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/16/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

- A. It is the policy of this Department to conduct an investigation into the circumstances surrounding all deaths called to the attention of the Department. In those cases delegated to the San Bernardino County Coroner by the Health and Safety Code, all necessary investigative support will be provided the Coroner in order that he may determine the cause of death.
- B. The premises and/or personal property of a deceased person will be safeguarded until the police investigation is complete. Responsibility for the premises and/or personal property of the decedent shall then be transferred to a relative of the decedent or the San Bernardino County Coroner, as appropriate.
- C. Police personnel shall conduct all deceased person investigations with appropriate sensitivity and concern for the emotional impact experienced by friends and relatives of the decedent.

## **II. DEFINITIONS**

### **A. Coroner Case**

- 1. In all instances of death, without a physician in attendance, the Coroner is required to determine the cause of death. In order to make this determination, the Coroner, as authorized by Section 10250, Health and Safety Code, has assigned the responsibility for investigating the circumstances surrounding such death to local peace officers. Deaths that include any of the following circumstances shall be classified as Coroner's cases:
  - a. When the decedent has not been attended by a physician within twenty (20) days preceding death.
  - b. When the attending physician is unable to state the cause of death.

- c. When death follows an injury or accident.
- d. When suicide is suspected.
- e. When death was caused by another person.
- f. When death was caused by criminal or suspected criminal means.
- g. When death occurred while the decedent was under the care or control of a member of this Department.

**B. Non-Coroner Case**

- 1. A death is classified as a non-Coroner case when a medical doctor, who has attended the decedent within a twenty (20) day period preceding death, is able to establish the cause of death and will sign the death certificate. The Coroner may extend the 20 day limitation under certain conditions.

**III. PROCEDURE - CORONER CASE**

- A. If a medical doctor or other qualified medical personnel, such as a registered nurse or certified paramedic, are not available, a police supervisor shall determine whether death has occurred.
- B. The first officer on the scene, or the officer assigned to the case by a supervisor, shall determine, as soon as possible, whether circumstances indicated that the Coroner shall be responsible for the case, as defined in Section I.
- C. The investigating officer shall be responsible for the following conditions at the location of the decedent:
  - 1. The investigating officer shall secure the scene, utilizing adequate procedures to prevent any person, other than the Coroner's representative and police investigative personnel, from searching or removing any items from the decedent.
  - 2. Responsibility for the property of the decedent shall be assigned in accordance with Section IV of this policy.
  - 3. A decedent, under the jurisdiction of the Coroner, shall not be moved to a mortuary or other location, except on the instructions of the Coroner.
  - 4. The investigating officer shall remain at the scene until the decedent is removed by the Coroner's representative.
  - 5. A peace officer may search the person or property on or about the person of the deceased, whose death is due to a traffic accident, for a driver's license or identification card to determine if an anatomical donor card is attached. If a peace officer locates such an anatomical donor card which indicates that the deceased is an anatomical donor, the peace officer shall immediately furnish such information to the Coroner having jurisdiction.

#### D. Notification

1. Notification to the following, as appropriate, shall be made when the case is the responsibility of the Coroner:
  - a. A police supervisor, who will notify the Watch Commander of all Coroner cases.
2. The Detective Bureau, in cases of homicide, suspected homicide, or any other case where further investigation is necessary.
3. The Investigation Division Commander will be notified by the Watch Commander during those hours that the Detective Bureau is not on duty, when the Watch Commander determines that a Coroner's case requires further investigation.
4. The Coroner's office shall be called. The name of the Deputy Coroner contacted and the Coroner's case number shall be included in the police report. The following information shall be exchanged as necessary:
  - a. The Coroner shall be advised in those instances where the decedent is in a location open to public view;
  - b. The Coroner shall also be advised of the mortuary preference of the decedent's relatives, if known;
  - c. The Coroner will make the notification to the proper mortuary in all Coroner cases;
  - d. If the identity of the decedent cannot be determined, the investigating officer shall request a "John or Jane Doe" number from the Coroner's office. This number shall be used in the report until the decedent's identity is ascertained;
  - e. A "John or Jane Doe" report shall also include a description such as race, physical characteristics, approximate age, and clothing worn; and
  - f. A color photo of the face of the decedent.
5. Next of Kin: In those instances where the name of the decedent's next of kin is available, the investigating officer shall assist the Coroner in the personal notification, when the relative resides within the City. If the relative lives in another jurisdiction, the law enforcement agency of that jurisdiction shall be requested by the Coroner to make a personal notification. When the next of kin is serving in the Armed Forces, the local chapter of the American Red Cross should be contacted at their 24 hour telephone number for notification by the Coroner.
6. Relatives: In those instances where the decedent's next of kin is not available, notification as stated in D-5 shall be made to the relative, if known, residing closest to the location of the decedent.
7. Armed Forces: When the decedent is a member of the Armed Forces, telephone Criminal Investigations Division (CID), Camp Pendleton, California, (760) 207-6087, as soon as possible, and report the following information:

- a. Decedent's name, rank, and military serial number;
- b. Branch of service;
- c. Name and location of decedent's military unit;
- d. Location, date, and time of death;
- e. Whether decedent was wearing a uniform at the time of death;  
and
- f. Current location of decedent.

E. Suicide or Suspected Suicide Case: These cases require the following procedures, as applicable:

1. Guns found at the scene shall, with the Coroner's approval, be taken by the investigating officer as evidence. After necessary examination, the Detective Bureau shall forward all suicide guns to the Coroner's office, as required by State law.
2. Guns found at the scene shall not be "dry-fired".
3. Officers shall exercise care in the collection of all evidence at the scene. For example, the placing of expended bullets, expended cartridge cases, live ammunition, and weapons in the same evidence bag may destroy ballistics evidence.
4. All drugs and poisons, or containers of same, possibly related to the case, shall be recorded for inclusion in the police report and then released to the Coroner's representative.
5. In those cases where a note or purported will is found, the original note or will, and an example of the decedent's writing, when available, shall be brought to the station by the investigating officer.
  - a. The officer shall make a Xerox copy of all items. The copies shall become a part of the police report.
  - b. The original note or will and exemplar shall be released to the Coroner's representative.
6. Officers shall not place marking of any type on a suicide note, purported will, or writing exemplar.

F. Homicide or Suspected Homicide: These cases require the following procedures:

1. Personnel assigned to a homicide or suspected homicide investigation shall record all circumstances as completely as is practicable. The first officer at the scene shall take necessary steps to isolate or protect the crime scene to prevent contamination of evidence. He/she shall use good judgment in permitting only essential medical and police personnel into the area.
2. Officers shall exercise care in the collection of all evidence at the scene.

3. Upon notification from the appropriate authority, homicide unit personnel shall respond to the crime scene. Their special skills and knowledge should be used as a means of facilitating an effective investigation. Homicide unit personnel shall be responsible for receiving all pertinent information from assigned officers before those officers are relieved of investigational duties.
  4. All officers at the scene of a homicide or suspected homicide shall write an additional report to the investigation, detailing their involvement and observations.
- G. Police Report: A copy of the police report shall be delivered to the Coroner's office, or the Coroner's representative, as soon as the report is completed in the following Coroner's cases:
1. Homicide;
  2. Suicide;
  3. Accidental Death; and
  4. Traffic Collision.
- H. Property: Responsibility for the property of the decedent shall be assigned in accordance with Section V of this policy.

#### **IV. PROCEDURE - NON-CORONER CASES**

- A. Classification: The investigating officer shall determine, as soon as possible, whether circumstances indicate a non-Coroner classification as defined in Section I of this policy. A "non-Coroner case" classification shall be confirmed with the County Coroner's office.
- B. Notification: The investigating officer shall assist with the relative notification, if requested.
- C. Mortuary: When the investigating officer determines that transportation for the decedent to a mortuary is arranged, the investigating officer may leave the location provided a family member is present to allow access for the transportation personnel and the officer has asked the family if they would like the officer to stay. If the family requests the officer to stay or the family is not present or is unwilling to stay, the officer must remain on the scene to oversee the removal of the decedent. If a relative cannot be contacted within a reasonable time, the investigating officer shall notify the Coroner's representative to provide temporary custody of the decedent.
- D. Police Report: A Death Investigation Report shall be completed by the investigating officer.

1. "Non-Coroner Case" shall be indicated in the narrative section of the report.
  2. A more detailed report will not be required unless warranted by the situation.
  3. The Coroner does not receive a copy of this report.
- E. Property: Responsibility for the property of the decedent shall be assigned in accordance with Section V of this policy.

## **V. CONVALESCENT HOSPITALS**

- A. Convalescent hospitals have "skilled nursing staff" which means they have L.V.N.'s and/or R.N.'S on duty at all times.
- B. When a death occurs at a "skilled nursing facility" and the patient has seen a doctor within 20 days, this is a non-coroner case and no police report is required.
- C. When a death occurs at a "skilled nursing facility" and the patient has not seen a doctor within 20 days, but has within 60 days, the facility is required to contact the Coroner's office and no police report is required.
- D. The Coroner's office allows doctors to sign the death certificates in the above cases.
- E. The Police Department should continue to respond to all calls at the convalescent hospitals, however, if the death occurs and meets the criteria listed above, no police report need be taken.
- F. The above applies to deaths where nothing appears suspicious to the officer or nursing staff and only to convalescent hospitals. This does not apply to assisted living facilities, board and care facilities, or private residences.

## **VI. PROCEDURE - PROTECTION OF PROPERTY OF A DECEASED PERSON**

- A. Relative Present: The investigating officer shall allow a relative of the decedent, if present, to assume responsibility for the premises and/or personal property of the decedent. This relative's name shall be listed in the police report.
- B. Relative Not Present: The investigating officer shall see that the premises are securely locked and the key retained by the Coroner's representative.
  1. Any money, securities, or jewelry found with the decedent or on the premises shall be released to the Coroner's representative.

2. In the event that the Coroner's representative refuses to take possession of any valuables found with the decedent, or on the premises, the investigating officer shall deposit said valuables with the Property and Evidence Unit.
3. Valuables deposited with the Property and Evidence Unit shall be released by the Detective Bureau to the decedent's next of kin, if possible. In those instances where the decedent's next of kin are unknown, or not available, the Detective Bureau shall transfer said valuables to the San Bernardino County Public Administrator.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.08
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Drowning and Near Drowning Report
<b>Effective Date</b>	03/21/2005
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

Whenever a report is taken for drowning or near drowning, a "SUBMERSION INCIDENT REPORT" will be completed and faxed to the San Bernardino County Department of Public Health.

## **II. PROCEDURE**

Watch Commanders or other supervisory personnel shall ensure that a "SUBMERSION INCIDENT REPORT" is completed and faxed to the San Bernardino County Department of Public Health on all drowning cases reported to the police department. The report shall be faxed prior to the officer's end of watch. The fax number is on the form.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.09
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Missing Persons Investigations
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/10/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. PURPOSE**

To provide the best level of service and protection to the community when investigating and reporting missing persons, through compliance with Penal Code Sections 14200 - 14212.

## **II. POLICY**

The Upland Police Department will accept all missing person reports made in person or by telephone. The reports shall be accepted without delay, regardless of the location of the missing person's address or the jurisdiction from where he/she is missing. The follow-up investigation and reporting of missing persons to the Department of Justice shall be accomplished through compliance with California Penal Code Sections 14200 - 14213.

## **III. PROCEDURE**

### **A. Missing Persons Defined.**

1. An individual whose whereabouts are unknown to the reporting party and includes, but is not limited to, a child taken, detained, concealed, enticed away, or retained by a parent in violation of Section 277 of the Penal Code.
2. Any child missing voluntarily, or involuntarily, under circumstances not conforming to their ordinary habits or behavior, and who may be in need of help.

### **B. It shall be mandatory that officers:**

1. Accept any report of a missing person as defined by Penal Code 14213(a) without delay, regardless of jurisdiction.
2. Accept any report of a runaway without delay.

3. Accept reports of missing persons by telephone.
  4. Assign priority to missing person reports over non-emergency property crimes.
  5. Make an immediate assessment of the steps to locate based on the type of missing person case, defined in Penal Code 14213(a), and indications that the victim might be "at risk", Penal Code 14213(b).
    - a. "At Risk" Defined. Includes, but is not limited to, circumstances where evidence or indications exist that the missing person (adult or child):
      - 1) Is the victim of a crime or foul play?
      - 2) Is in need of medical attention.
      - 3) Has no pattern of running away or disappearing.
      - 4) Is the victim of parental abduction/kidnapping?
      - 5) Is mentally impaired.
      - 6) Broadcast an APB without delay within our jurisdiction (if child is under 12 years of age or any person who is "at risk").
      - 7) Provide the reporting party with a Department of Justice form (SS8567) to authorize release of dental records, X-rays, skeletal X-rays, and photographs.
      - 8) Transmit an entry into the N.C.I.C. missing person system and submit a Teletype to the Department of Justice within four hours, outlining the circumstances if the missing person is under 12 years of age, or "at risk".
    - b. Child Defined: Any person from birth through 17 years of age.
- C. Transmittal of reports to other jurisdictions.
1. When a missing person case is taken by this agency, and this is not the agency of jurisdiction (determined by residence of the missing person), Detective Bureau personnel assigned on the case shall:
    - a. Notify and forward, without delay, a copy of the report to the agency of jurisdiction and the agency with jurisdiction over where the person was last seen.
      - 1) Cross-reporting must occur within 24 hours if the missing person is a child under 12 years or a person "at risk".
    - b. Shall ensure that all missing person's report forms are complete and sent to the Department of Justice.
- D. When the missing person is a child:
1. The officer shall have the reporting party complete the authorization to release dental and medical records (D.O.J. Form #SS8567).
  2. The Detective assigned to a missing person case of a child under 12 years of age, who has been missing 14 days, shall execute the Release Form (DOJ #SS8567).

- a. The Detective shall immediately contact the coroner and submit the report, photographs, and dental/ skeletal X-ray to the Department of Justice within 24 hours.
3. If the missing child is determined to be "at risk", the Detective shall comply with "2" and 2a" above immediately and prior to the passage of 14 days.
4. If a child over 1 years of age is missing 30 days, the reporting party is required to obtain the dental records and give them to the law enforcement agency that took the initial report, within 10 days after the 30th day.
5. If the child is still missing after 45 days, the Detective shall confer with the Coroner and immediately send the report, X-rays, photograph, and a signed release form (SS8567) to the Department of Justice.

E. Adult Missing Persons.

1. Officers shall have the reporting party complete the authorization for release of dental/skeletal X-rays, photograph, and description information (DOJ form SS8567).
2. Officers shall inform the reporting party that if the person remains missing for 30 days, they should submit the dental records to the Detective Bureau within 10 days of the 30th day.
  - a. Officers may execute a written declaration authorizing the release of dental records when it is not possible to locate a next-of-kin.
3. The Detective shall confer with the Coroner and submit all records and the report to the Department of Justice if the person is still missing after 45 days.
4. If the missing person was "at risk", the Detective, upon locating the person, shall notify the Department of Justice within 24 hours.
  - a. All other missing adults who are located shall be reported to the Department of Justice immediately.

F. Use of the "A Child Is Missing Alert Program"

1. A Child is missing (ACIM) is a non-profit organization founded in 1997. When a person has been reported missing to a law enforcement agency, the agency calls ACIM and provides pertinent information about the individual such as description, clothes worn and time and location last seen. The ACIM technician pulls up the location provided with the computerized satellite mapping system. Then a customized alert message is recorded and phoned to the area where the person was last seen. With its high-tech telephony, ACIM can place up to 1,000 calls in 60 seconds. There is a 98 percent listen rate by residents/businesses answering phones. Call recipients are asked to call police with any information they have about the missing person. Answering machines will record ACIM calls so residents will receive the alert when they return. The program is available 24 hours per day, 7 days per week, and 365 days a year.
2. The types of cases handled by ACIM include all missing children (infants to 18 years), missing elderly persons (often with Alzheimer's), college students on campus, missing persons who are mentally challenged or otherwise disabled/endangered, or for found persons such as disabled or unconscious individuals without identification. ACIM has also been used for missing pregnant women, found children (in an attempt to locate the parents), and to notify residents in an area where a threat may exist for children (i.e., predators/offenders who may be stalking children).
3. Officers and/or Civilian Employees who are investigating a missing/found person meeting the above criteria, should call ACIM at (888)875-2246 or Emergency Back-Up Pager at (954)492-4778, and provide them with the following information:
  - a. Name of missing person
  - b. DOB of missing person
  - c. Gender
  - d. Nationality
  - e. Height
  - f. Weight
  - g. Eye color
  - h. Hair color
  - i. Any other characteristics such as glasses, tattoos, piercing, scars, etc.
  - j. Clothing description
  - k. Location last seen with zip code
  - l. Provide accurate spelling of street names
  - m. Provide nearest major intersection
  - n. Residence if different than last seen location
  - o. Date and time last seen
  - p. Is the person a habitual runaway? First time missing?
  - q. Were friends/family notified?
  - r. Are there water or wooded areas near the location last seen?

- s. Did the missing person leave in a vehicle, on a bicycle or skateboard?
  - t. If in a vehicle, what is the vehicle description and license plate state and number?
  - u. Is there suspected foul play? Parental/stranger abduction?
  - v. Was there a confrontation prior to the person's disappearance?
  - w. Does the person have a substance abuse problem?
  - x. Is the person taking medication?
  - y. Name of law enforcement agency
  - z. State
    - aa. County
    - bb. Case number assigned to the case
    - cc. Agency telephone number for the public to call if they have information
    - dd. Name of officer in charge of the case
    - ee. Contact number for officer in charge of the case. Cell, pager, landline.
4. ACIM is completely independent of the Amber Alert system. When circumstances dictate, it can be used without activating the Amber Alert system or can be used in conjunction with the Amber Alert system.
5. Prior to calling ACIM, the officer/employee should notify a supervisor and Dispatch that the notification to ACIM is about to happen, so that preparations can be made for the calls that will potentially be generated by citizens receiving calls from ACIM.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.10
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Domestic Violence Investigations
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	06/28/2018
<b>Revised By</b>	Captain John Poole
<b>Authorized By</b>	Chief Douglas P. Millmore

## **I. POLICY**

It shall be the policy of the Upland Police Department to comply with the procedures set forth below in regard to the enforcement of laws relating to domestic violence.

## **II. PURPOSE**

- A. Law enforcement agencies are required, by Penal Code Section 13701, to adopt and implement written policies and standards for response to domestic violence calls. Law enforcement agencies are also required by Penal Code Sections 13710 and 13730 to maintain records of protection orders issued in domestic violence incidents, to compile statistical data about domestic violence incidents, and to write a retrievable report in all domestic violence incidents.
- B. The purpose of this law is to address domestic violence as a serious crime against society, and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victims and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated. It is not the intent of the legislature to remove a peace officer's individual discretion where that discretion is necessary, nor is it the intent of the legislature to hold individual peace officers liable for exercising such discretion.
- C. Domestic violence is alleged criminal conduct. A request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred. Arrest of the offender is the Department's preferred response to domestic violence crime.

### **III. DEFINITIONS**

- A. "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship.
- B. "Abuse" means intentionally or recklessly causing, or attempting to cause, bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another (Penal Code 13700(a)). This definition includes all crimes related to domestic violence, ranging from disturbing the peace (Penal Code 415) through murder (Penal Code 187). Threats placing another person in reasonable apprehension of imminent serious bodily injury to oneself or another are sufficient to constitute abuse. Mere quarreling in a domestic dispute does not constitute abuse or domestic violence.
- C. "Officer" means any law enforcement officer employed by a local police department or sheriff's office, consistent with Penal Code Section 830.1 (Penal Code 13700(c)).
- D. "Victim" means a person who is a victim of domestic violence (Penal Code 13700(d)).

### **IV. ENFORCE LAWS RELATING TO DOMESTIC VIOLENCE**

- A. Historically, law enforcement agencies have utilized a variety of dispute resolution methods as alternatives to arrest in domestic violence incidents. Based on public attitudes, lack of prosecution of domestic violence cases, and departmental priorities, a number of factors influenced law enforcement officers to make no arrest in a majority of cases.

B. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated. The following factors, for example, should not be used to avoid making an arrest:

1. Marital status of suspect and victim;
2. Whether or not the suspect lives on the premises with the victim;
3. Existence or lack of temporary restraining order;
4. Potential financial consequences of arrest;
5. Complainant's history of prior complaints;
6. Verbal assurances that violence will cease;
7. Complainant's emotional status;
8. Non-visible injuries;
9. Location of the incident (public/private); and
10. Speculation that complainant may not follow through with the prosecution, or that the case may not result in conviction.

C. Felony Arrest

1. Make an arrest when there is reasonable cause to believe that a felony has occurred.

D. Misdemeanor Arrest

1. Make an arrest when there is reasonable cause to believe that a misdemeanor (including violations of court orders) has occurred in the officer's presence.
2. Officers considering releasing the suspect on a citation shall evaluate the likelihood of a continuing offense, which is one of the statutory conditions under which a field release is not appropriate. Any one of the following may support the likelihood of a continuing offense:
  - a. Whether the suspect has a prior history of arrests or citations involving domestic violence;
  - b. Whether the suspect is violating a criminal court-issued stay-away order;
  - c. Whether the suspect has previously violated or is currently violating, valid, temporary restraining orders;
  - d. Whether the suspect has a prior history of other assaultive behavior (e.g. arrest/convictions for battery or aggravated assaults);
  - e. Statements taken from the victim that the suspect has a history of physical abuse towards the victim; and
  - f. Statements taken from the victim, expressing fear of retaliation or further violence, should the suspect be released?

E. Dual Arrests

1. Officers are discouraged, but not prohibited from, making dual arrests. Officers should identify the primary aggressor in the incident. The primary aggressor is the person determined to be the most significant, rather than the first, aggressor.

F. Complaint Procedure

1. When the suspect is not present, and the victim desires prosecution, the completed report shall be forwarded to the District Attorney's Office. A statement from the suspect shall be obtained whenever possible. The desires of the victim for prosecution shall be reflected in the report.

**V. REPORTING**

A. Write a report in all incidents of domestic violence (Penal Code 13730). A case number shall be taken and the report further identified on its face as "Domestic Violence".

B. Identify in the report, whether or not weapons were involved [PC13730(a)].

1. A weapon is involved if it is used, its use attempted, or its use threatened when the weapon is available. For purposes of domestic violence reporting, hands, fists, feet, etc. are considered weapons.
2. Statistical classifications are:
  - a. Firearm;
  - b. Knife or cutting instrument;
  - c. Other dangerous weapons (specify);
  - d. Strangulation or suffocation;
  - e. Personal weapon (hands, fists, feet, etc.) and
  - f. No weapon

C. A Miscellaneous Report Form (short form) may be used in misdemeanor cases not expected to go to the District Attorney's Office.

D. Provide the victim with a case number of the report, or, if not immediately available, explain to the victim how the number may be obtained [P.C. 13701(c)(8)].

E. Each law enforcement agency shall develop an incident report form that includes a domestic violence identification code by January 1, 1986. In all incidents of domestic violence, a report shall be written and shall be

identified on the face of the report as a domestic violence incident. The report shall include at least all of the following:

- F. (1) A notation of whether the officer or officers who responded to the domestic violence call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance.
- G. (2) A notation of whether the officer or officers who responded to the domestic violence call determined if any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.
- H. (3) A notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. Any firearm or other deadly weapon discovered by an officer at the scene of a domestic violence incident shall be subject to confiscation pursuant to Division 4 (commencing with Section 18250) of Title 2 of Part 6.
- I. (4) A notation of whether there were indications that the incident involved strangulation or suffocation. This includes whether any witness or victim reported any incident of strangulation or suffocation, whether any victim reported symptoms of strangulation or suffocation, or whether the officer observed any signs of strangulation or suffocation.

## **VI. COURT PROTECTIVE ORDERS**

- A. Penal Code Section 13710 requires law enforcement agencies to maintain a complete and systematic record of all protection orders with respect to domestic violence incidents, restraining orders, and proofs of service in effect. This Section also requires that the systematic record shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.
- B. Upon receipt of a protection order or restraining order by mail or by personal service, the Records Supervisor or person on duty at the Complaint Desk shall cause a case number to be assigned to the document, and the parties' names, addresses, and other identifying data entered into the alpha file. The document shall be examined for the signature or name of the magistrate and the file stamp of the clerk of the court. Documents that do not appear valid shall be brought to the attention of a supervisory officer, who shall attempt to resolve the issue with the attorney for the petitioner.

- C. Proof of service on the defendant is not required to file a restraining order. Addresses are optional on restraining orders. The person receiving a restraining order shall prominently note the expiration date on the order and the case jacket.
- D. The following criteria will be used in ascertaining the validity of the restraining order.
  - 1. All orders will reflect the names of the petitioners/plaintiffs and the respondents/ defendants.
  - 2. All orders will reflect an expiration date. Where the order appears to be permanent in nature, no expiration date is required. (If an order does not have an expiration date, but a court date is indicated, the order will be valid until that time.) This will usually hold true on temporary orders only.
  - 3. All orders will reflect a file stamp of the clerk of the court, usually located on the front of the order, or a Superior Court stamp, or both.
  - 4. All orders will reflect the signature of a judge, either handwritten or authorized stamped signature.
  - 5. All orders will reflect the terms of the order. The body of the order or injunction specifies activities the respondent is prohibited from engaging in.
  - 6. All orders will reflect a document/case number of the court. This number is unique to the parties involved. This number should be verified when the order is confirmed by an officer.
- E. Verification of Restraining Orders
  - 1. Whenever a complainant advises of the existence of a restraining order, the officer should ascertain:
    - a. Whether a restraining order is on file with the Department, or whether complainant has a copy of the restraining order in possession.
    - b. Whether a restraining order is still valid as to duration/time. Restraining orders issued in domestic violence complaints are valid for a maximum of one (1) year, unless terminated or extended by agreement of the parties, or further order of the court. Temporary Restraining Orders (TRO) are usually only effective until trial, further hearing, or further order of the court.
    - c. Whether proof of service on the suspect or prior notice exists, or that the suspect was in court when the order was made.
    - d. The terms of the restraining order.
- F. Arrest Criteria and Enforcement Procedures

1. A violation of a restraining order is a misdemeanor under either Penal Code Section 273.6 or 166.4. Make an arrest when there is reasonable cause to believe the subject of the restraining order has violated the order in the presence of the officer, and any one of the following conditions is met:
  - a. The existence of the order and proof of service on the suspect has been verified by the officer.
  - b. The complainant produces a valid copy of the order, bearing a file stamp of a court and proof of service on the subject.
  - c. The existence of the order has been verified by the officer; no proof of service is required if the order reflects that the suspect was personally present in court when the order was made.
  - d. The existence of the order has been verified, and there is proof that the suspect has previously been admonished by an officer.
2. When the officer verifies that a restraining order exists, but cannot verify proof of service or prior knowledge of order by suspect, the officer should:
  - a. Inform the subject of the terms of the order.
  - b. Admonish the subject of the order that the subject is now on notice, and that the violation of the order will result in arrest. If the subject continues to violate the order after being advised of the terms, an arrest shall be made.
  - c. If the suspect complies after admonishment of the terms, the officer shall make a retrievable report, pursuant to Penal Code Section 13730(c) showing the suspect was admonished/advised of the terms of the order, the specific terms of the order suspect was advised about, the name of the admonishing officer, time, and date. The Department's copy of the restraining order will be updated to reflect the admonishment information listed above. This shall be done by the Records Section.
3. In the event the suspect has left the scene of the incident, an investigation should be made to determine if a crime has been committed. Penal Code Section 13730(c) requires that a retrievable report shall be made, and complainant shall be advised of the follow-up criminal procedure, and case number of the report. If the victim desires prosecution, forward the report to the District Attorney's Office.

#### G. Restraining Orders Not Verifiable

1. When the victim is not in possession of the restraining order, and/or in case of file error, officers may not be able to confirm the order's validity.
  - a. Penal Code Section 13730(c) requires that an officer shall write a report, give the victim the police report number, and direct the victim to contact the officer for follow-up information.

- b. The officer shall attempt to identify and correct, with a supervisor, any file errors. Should they be unable to locate the restraining order, the officer should ask the victim to produce a copy, or in case of Department error, the officer shall contact the clerk of the court for a copy. The follow-up investigation may then proceed.

## **VII. EMERGENCY PROTECTIVE ORDERS**

- A. Emergency protective orders allow field officers to obtain a restraining order for special conditions and should be used as a last resort to handle domestic violence situations.
  1. Prior to completing the application:
    - a. Establish that appropriate grounds exist.
      - 1) The criteria is that one of the parties is in immediate physical danger.
    - b. Inform the party to be protected that the order is valid only until 5:00 p.m. on the fifth full court day (weekends and holidays excluded).
  2. The following procedures shall be used to obtain the emergency protective order.
    - a. Contact the on-call Superior Court Judge while at the scene.
      - 1) Explain the request and obtain the approval.
    - b. Complete the emergency protective order. Record the case number on the upper right corner of the emergency protective order.
    - c. Read the order to both parties, including the expiration date.
    - d. If the order is denied:
      - 1) Record the name of the Judge on the order, and that it was denied.
      - 2) Attach the document to the original report.
    - e. Service of the order.
      - 1) The order may be executed without the knowledge of the person to be restrained.
      - 2) Personal service shall be required prior to enforcing the order.
  3. Distribution of the application and protective order:
    - a. The original emergency protective order and application shall be given to the protected person.
    - b. A copy of the emergency protective order shall be given to the restrained person so that the order may be enforced.
    - c. A copy shall be attached to the original report.

- d. A fourth copy of the order shall be made and given to the dispatcher.
  - 1) The dispatcher shall log in the order and preserve it for future reference.
4. The Records Coordinator shall remove the expired orders and forward same to the issuing court.

## **VIII. TENANCY**

- A. Request a person who is not in lawful possession of the premises to leave the premises when: (1) the complainant is in lawful possession of the premises; and (2) the complainant has requested that the person leave the premises.
- B. Arrest the suspect under Penal Code 602.5 if the suspect does not leave upon request. The officer should refer the complainant for a temporary restraining order or other appropriate civil remedy if the complainant requesting removal cannot show proof of lawful possession. "Lawful possession" of the premises is shown by a rental agreement, canceled rent check, lease grant deed, verification from landlord, court order, or other document showing person(s) to be removed.
- C. If there is joint ownership between the disputants, absent a court order, there is no trespass.

## **IX. VICTIM ASSISTANCE**

- A. Officers shall notify victims that strangulation may cause internal injuries and encourage victims to seek medical attention.
- B. Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not (P.C.13701(c)(7)).
- C. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety, or the officer determines a need exists (P.C.13701(c)(7)).
- D. Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property (P.C.13701(c)(7)).

- E. Explain legal options available to the victim, including temporary restraining, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings (P.C.13701(c)(8)).
- F. Give the victim a copy of the Department's brochure on domestic violence, as required by P.C. 13701(h).

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.11
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Investigation of Child Abuse – Sexual and Physical
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/9/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

It shall be the policy of this Department to respond and investigate all incidents of child abuse reported by non-mandated reporters. Those incidents cross-reported by mandated reporters shall be reviewed by the watch commander for possible assignment based on the merits of the referral.

## **II. PROCEDURES**

The following guidelines should be considered by the Watch Commander when receiving a report of suspected child abuse:

- A. It shall be the Watch Commander's responsibility to determine, based on pertinent facts, if the child involved is in immediate risk or in need of medical attention. If either or both conditions exist, the following procedure shall be followed:
  1. Dispatch an officer to the scene to assess the risk to the child, and initiate a criminal investigation.
  2. Immediately notify Child Protective Services and request they respond to the scene to assist in placing the child into protective custody. This notification shall be documented in the investigating officer's report.
  3. To contact Child Protective Services after hours and holidays, use the hot line number: 1-800-827-8724.
  
- B. When a suspected child abuse is reported by a source other than a mandated reporter and, in the watch commander's opinion, there is no immediately risk to the child, the following procedure shall be followed:
  1. Dispatch an officer to the scene, or to the victim's location, if within the local area, and initiate a criminal investigation.

- a. The victim may be asked to respond to the station if circumstances warrant.
  2. After completing the investigation, Child Protective Services must be immediately notified by telephone of the suspected child abuse.
- C. When a suspected abuse is cross-reported by CPS or other mandated reporter, the watch commander shall review it as to the necessity for immediately patrol response. One of the following procedures shall then be followed:
  1. If immediate response is not required, the referral shall be forwarded to the Detective Bureau; and
  2. If immediate response is required, the above procedures outlined in "A" should be followed.
- D. When a suspected child abuse is reported, and the investigation reveals that the reported incident is unfounded, an investigative report must still be completed. The following procedure shall be followed:
  1. Dispatch an officer to the scene or to the victim's location, if in the immediate area, and initiate an investigation.
    - a. The victim may be asked to respond to the station if circumstances warrant.
  2. If the report of abuse originated from a mandated cross-report, a computer generated report is necessary.
    - a. Include enough pertinent information to justify the unfounded status.
  3. If the report originated from other than a mandated reporter, no report is necessary.
    - a. Complete a log entry only, justifying the unfounded status.
  4. Immediately notify Child Protective Services of the unfounded report only if it originated from a cross-report to our police department.
- E. Pursuant to Penal Code Section 11166, a written report of any reported child abuse must be submitted to Child Protective Services within 36 hours. Therefore, the following procedures shall apply:
  1. All reports that are tape-recorded shall be considered first priority, and have a pink recording/transcribing form attached.
  2. Whenever a report is not approved, and a delay is probable, the Detective Bureau Commander shall be notified.
  3. The Detective Bureau shall cause all reports to be forwarded to Child Protective Services.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.13
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Hospital Care & Treatment of Child Abuse/Neglect Victims
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/9/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

Whenever a case involving physical or sexual child abuse or child neglect is investigated by a member of this Department, or the victim is in the need of medical care, or must be removed from the home for his/her welfare and care, the investigating officer shall request Child Protective Services to respond to the scene as soon as possible.

## **II. PURPOSE**

To provide for care and treatment of abused/neglected children under extreme emergency situations.

## **III. PROCEDURE**

- A. When a child is the victim of sexual or physical abuse or neglect, the investigating officer shall have Child Protective Services respond to the scene as soon as possible.
  1. Child Protective Services will determine if the child will be placed in a foster home or other care facility.
  2. Child Protective Services will take charge of the minor child for placement.
  3. To contact Child Protective Services after hours and during holidays, use the hot line number: 1-800-827-8724.
- B. The medical treatment of the abused/neglected child must be obtained by the Child Protective Services or the parent/guardian of the child.

1. Before any officer does sign for such care and treatment, he must first obtain the approval of the on-duty Watch Commander.
2. Whenever an officer does sign hospital forms authorizing such treatment or care, he/she will forward a memo to the Operations Division Commander, explaining the circumstances of the case.

#### **IV. RESPONSIBILITY FOR TREATMENT COSTS**

- A. Whenever a victim is taken to a hospital facility for examination or treatment, the City will pay only for the service performed by the hospital staff which is necessary for evidence and prosecution.
- B. Officers are instructed not to advise or imply to anyone that the City will pay the hospital costs. Rather, make it clear that we do not pay hospital costs related to therapy, treatment of injuries, illness, infections, etc. The City will pay only for that part of the examination which is necessary for evidence and prosecution.

#### **V. REPORTS**

- A. A copy of the investigative report must be sent to Child Protective Services within 36 hours after the investigation has been completed (P.C. 11166.1).

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.14
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Hospital Examination and Care of Victims of Sexual Assault
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

Whenever a case of sexual assault is investigated by a member of this Department, the victim shall be requested to submit to a hospital examination.

## **II. PURPOSE**

To see to the proper collection of evidence in cases of sexual assault.

## **III. PROCEDURE**

- A. The victim will be transported by the officer to the hospital with which the Department has current arrangements to provide sexual assault examinations.
- B. The current Sexual Response Assault Team (S.A.R.T.) nurse should be requested to respond to the hospital to conduct the exam.
- C. Whenever a victim is taken to a hospital facility for examination or treatment, the City will pay for those services performed by the hospital staff which are necessary for evidence and prosecution.
- D. Officers are instructed not to advise or imply to anyone that the City will pay the hospital costs related to therapy, treatment of injuries, illness, infections, etc. The City will pay only for that part of the examination which is necessary for evidence and prosecution.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.15
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Reporting Abuse of the Elderly and Dependent Adults
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/9/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

It shall be the policy of the Upland Police Department to report all incidents of physical abuse of elders and dependent adults to the Adult Protective Services. Other types of abuse, such as neglect, intimidation, fiduciary abuse, abandonment, or other treatment that results in physical harm, pain or mental suffering shall be reported when the reporter has actual knowledge or reasonably suspects that abuse has occurred.

## **II. PROCEDURES**

Physical abuse will be reported under the following circumstances:

- A. When the reporter has observed an incident that reasonably appears to be physical abuse.
- B. When the reporter has observed a physical injury where the nature of the injury, its location on the body, or repetition of the injury, clearly indicates that physical abuse has occurred.
- C. When the reporter is told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse.
- D. When the reporter has actual knowledge or reasonably suspects that other types of abuse have occurred, such as neglect, intimidation, fiduciary abuse, abandonment, or other treatment that results in physical harm, pain, or mental suffering.

### **III. REPORT**

- A. W&I Code Section 15630 requires that law enforcement agencies immediately notify Adult Protective Services by telephone in every case of known or suspected abuse of an elder or dependent adult.
- B. This section also requires that the law enforcement agency shall send a written report of the incident within two working days. The written report will consist of a copy of the case report, which will include the following information:
  - 1. The name of the person making the report.
  - 2. The name, age, and present location of the elder or dependent adult.
  - 3. The name and addresses of family members or other persons responsible for the elder or dependent adult's care, if known.
  - 4. The nature and extent of the person's condition.
  - 5. Any information that lead the reporter to suspect that abuse has occurred.
  - 6. The date of the incident.
- C. The local representative of the Adult Protective Service is:  
Contact: Adult Protection Screener at  
1-877-565-2020 – ALL HOURS.
- D. The case report should be sent to the following address:  
Department of Social Service  
P.O. Box 268  
Colton, CA 92324  
Attn: Department of Aging Adult Services  
Adult Protective Services

### **IV. DEFINITIONS**

- A. **"Elder"** (Welfare and Institution Code Section 15610.27). Any person residing in the state, 65 years of age or older.
- B. **"Dependent Adult"** (Welfare and Institution Code Section 15610.23(a)). Any person residing in this State, between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.

- C. **"Physical Abuse"** (Welfare and Institutions Code Section 15610.07). Physical Abuse means all of the following:
1. Assault, Section 240 Penal Code
  2. Battery, Section 242 Penal Code
  3. Assault with a Deadly Weapon, Section 245 Penal Code.
  4. Unreasonable physical constraint or prolonged or continual deprivation of food or water.
  5. Sexual assault, which means any of the following:
    - a. Sexual battery, Section 243.4 Penal Code
    - b. Rape, Section 261 Penal Code.
    - c. Rape in concert, Section 264.1 Penal Code
    - d. Incest, Section 285 Penal Code
    - e. Sodomy, Section 286 Penal Code
    - f. Oral Copulation, Section 288(a) Penal Code
    - g. Penetration of a genital or anal opening by a foreign object, Section 289 Penal Code.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.16
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Sex Registrants – P.C. 290
<b>Effective Date</b>	06/01/1998
<b>Revision Date</b>	12/9/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

It shall be the policy of the Upland Police Department to ensure that those individuals residing in the City of Upland that are required to register as sex offenders comply with State law, pursuant to Penal Code Section 290.

## **II. PURPOSE**

To verify the accuracy of information provided to the Upland Police Department Records Division by registered sex offenders and to maintain accurate records of registered sex offenders residing in the City of Upland.

## **III. PROCEDURES**

### **A. Records Division Responsibility**

1. Upland residents who are required to register with the City of Upland pursuant to Penal Code Section 290 will complete the registration process with the Records Division of the Upland Police Department.
2. The Support Services Division Commander will designate a Records Clerk to maintain accurate and up-to-date records of all individuals that register as sex offenders with the City of Upland. This includes:
  - a. Maintaining a “hard copy” record of the registration in the Records Division.
  - b. An “alert” comment entry in RMS that contains the registrant’s name, address, date of birth, place of employment, vehicle type and license number, date registered and date registration expires.
  - c. Photographing/fingerprinting the registrant.

- d. Provide the registrant with the Upland Police Department "P.C. 290 Registrant Responsibilities" form. Records personnel will explain each condition on the form to the registrant, witness the registrant reading and signing the form, and then provide a "witness" signature below the registrant's signature.
3. As soon as practical, the Records Division will provide the Detective currently assigned to investigate sexual assaults with a copy of the registrant's registration face page, P.C. 290 Registrant Responsibilities form and one photograph.
4. Within three days of an individual's registration, Records personnel will forward the registrant's completed registration form, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice. P.C. 290.015.

#### **B. Detective Bureau Responsibility**

1. The investigator currently assigned to investigate sexual assaults will maintain an up-to-date file containing the sex offender's registration face page, P.C. 290 Registrant Responsibilities form and current photograph from information provided by the Records Division.
2. The sexual assault investigator will, as soon as practical, confirm that the information provided to Records Division by the registrant is accurate. This will include responding to the registrant's home to make personal contact.
  - a. If the registrant has intentionally provided false information, the sexual assault investigator will take the appropriate enforcement action and cause a complaint to be filed with the District Attorney's office for P.C. 290.
3. The sexual assault investigator will maintain a list that indicates the date by which each registrant is required to re-register.
4. If the registrant fails to re-register within 5 days of their due date (birthday), the sexual assault investigator will immediately confirm if the registrant still resides in the City of Upland.
  - a. If the registrant still resides in the City of Upland, the sexual assault investigator will take the appropriate enforcement action and cause a complaint to be filed with the District Attorney's office for a violation of P.C. 290.
  - b. If the registrant has moved from the City of Upland, the sexual assault investigator will determine what city the registrant relocated to and immediately inform that city's law enforcement agency of the registrant's new address.

5. The sexual assault investigator shall be responsible for obtaining an updated list of individuals required to register as sex offenders in the City of Upland. This will be accomplished by contacting the Department of Justice biannually to compare their list of individuals who should be registered in Upland with our list of individuals who have actually registered.
  - a. The sexual assault investigator will take immediate enforcement action against any individual who resides in the City of Upland who has failed to register as required by P.C. 290.
6. In the event an enforcement action is taken by a member of this Department for a violation of P.C. 290, it will be the sexual assault investigator's responsibility to obtain the necessary accompanying court documents required for successful prosecution. This would include:
  - a. The registrant's "prison packet" if the registrant was sentenced to State Prison for the sexual offense that caused his/her registration per P.C. 290.
  - b. Contacting the court that has jurisdiction concerning the registrant's conviction for the sexual offense that caused the registration per P.C. 290 to obtain the appropriate court documents (Tahl waiver form) showing the registrant's conviction and order to register with local law enforcement.
7. The sexual assault investigator will be responsible for coordinating sweeps for violations of P.C. 290 as circumstances arise.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.17
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Victims of Crimes Program
<b>Effective Date</b>	03/01/1998
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

It shall be the policy of the Upland Police Department to notify victims of crimes that assistance is available to them through the Victims of Crime Program (VOCP).

## **II. PURPOSE**

To provide assistance to victims who suffer physical and/or emotional injury as a result of a crime. Those may include survivors of victims who sustained death, or persons who are legally dependent upon an injured or deceased victim for financial support through reimbursement of qualifying losses incurred as a result of a crime.

## **III. PROCEDURE**

- A. When investigating a crime, the officer shall provide the victim with an information card, informing them of assistance available through VOCP and the procedure for obtaining the assistance.
- B. The Captain of the Administrative Services Division shall serve as the Department's Victims of Crimes Liaison Officer.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.18
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Marsy’s Law
<b>Effective Date</b>	07/14/2009
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

It shall be the policy of the Upland Police Department to notify victims of crimes of their rights as required in Penal Code Section 679.026(c)(1) also known as Marsy’s Law at the time of initial contact.

## **II. PURPOSE**

To notify victims as well as family and associates of victims who are impacted by a crime of their rights to justice and due process. The rights of victims of crime are established in Section 28 of Article I of the California Constitution and provide for those affected by a crime to be informed of their rights as enumerated in the Constitution and in the statutes of the State of California.

## **III. PROCEDURE**

A. When investigating a crime, the officer shall provide the victim with a Marsy’s Law information card, informing them of their statutory rights listed in Penal Code section 679.02(a). The Marsy’s Law cards will be supplied to crime victims and their associates even if other pamphlets or cards are being provided, such as domestic violence information or information related to any other crime.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.19
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Transportation of Authorized Persons
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

It shall be the policy of this Department that employees shall transport only authorized persons in police vehicles.

## **II. PURPOSE**

The purpose of this policy is to limit the liability to the Department which could occur when persons are transported in police vehicles.

## **III. PROCEDURE**

Transport only authorized persons in police vehicles.

- A. Authorized persons who can be transported without a supervisor's permission.
  - 1. Prisoners.
  - 2. Department approved ride-alongs.
  - 3. Victims/witnesses when necessary to further investigations.
    - a. Drive-by identifications.
    - b. Transport victims home when no other means available.
- B. There are additional circumstances when a supervisor may authorize a person to be transported.
  - 1. Whenever a supervisor deems it necessary and it is in the best interest of the Department.
    - a. Person in distress.
    - b. Locate lost child's home.

- C. In all instances when a person of opposite sex is transported, vehicle mileage will be provided to the dispatcher when the person is picked up and again upon arrival at a destination. Dispatchers will be required to note the mileage and time in the computer (CAD).

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.21
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Checks and Credit Cards
<b>Effective Date</b>	04/01/2001
<b>Revision Date</b>	12/18/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

The Department, in most instances, will not accept for investigation, crimes involving forged or counterfeit checks or credit cards unless the acceptor has complied with the procedures set forth below. This policy does not, however, relieve an officer from his responsibility to investigate and follow up on any of these crimes where there exists other evidence that may lead to the identification of a suspect and result in an arrest.

## **II. PURPOSE**

The intent of this policy is to decrease the number of unsuccessful investigations of forged or counterfeit checks and credit cards caused by businesses or individuals failing to require proper identification from persons presenting checks and credit cards as payment for goods or services.

### III. PROCEDURE

#### A. Forged or Counterfeit Checks and Credit Cards.

1. No forged or counterfeit check or credit card will be accepted for investigation **from an Upland Business** unless:
  - a. Two legitimate forms of primary identification were obtained from the presenter and the identifying information was written on the check or merchant's copy of the credit card invoice.
    - 1) Legitimate identifications are:
      - a) Valid California Driver's License (no temporary licenses, permits, or out of state licenses).
      - b) Valid California Identification Card.
      - c) Valid U. S. Passport.
      - d) A valid Government I.D. card (i.e. Military I.D.
      - e) . A valid "Green Card
      - f) U.S. Naturalized Certification
  - b. A Primary I. D. was obtained and a LEGIBLE right thumbprint of the presenter is recorded on the front of the check or on the merchants' copy of the credit card invoice. The presenter's identifying information must be written on the check or merchant's copy of the credit card invoice.
  - c. The acceptor of the check should personally obtain the right fingerprint and identification. The manner in which this information was obtained by the acceptor shall be documented in the Officer's report.

### IV. PROCEDURE

#### A. N. S. F. Checks.

1. Non-Sufficient Fund and Account Closed checks will not be accepted for investigation. The acceptor of the check will be given a Bad Check Complaint form and referred to the San Bernardino County District Attorney's Bad Check Restitution Program.
2. We will still accept checks written for more than \$2,500.00 and forged or counterfeit checks, which meet the requirements in Section III.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.23
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Speech and Hearing Impaired Procedures
<b>Effective Date</b>	03/11/1996
<b>Revision Date</b>	12/20/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

The Upland Police Department will furnish appropriate auxiliary aids and services, whenever necessary, to ensure effective communication with individuals who are hearing or speech impaired.

## **II. PURPOSE**

To provide procedures during contacts with individuals who are hearing or speech impaired, whether that individual is a suspect, victim, witness, complainant, or citizen inquiry.

## **III. PROCEDURE**

A. When personnel from the Upland Police Department have contact with individuals who are hearing or speech impaired, they must determine what auxiliary aid is required to ensure effective communication.

B. Auxiliary Aids and Services

1. When an auxiliary aid or service is required to ensure effective communication, the Upland Police Department must provide an opportunity for individuals with hearing impairments to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individuals. "Primary consideration" means that the Upland Police Department must honor the choice, unless it can show that another equally effective means of

communication is available, or that the use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity, or in undue financial and administrative burdens.

- a. Qualified interpreters in the use of sign language.
- b. Written Materials.
- c. Note Pad, Writing Tool.

#### C. Suspect Interview

1. If an officer cannot effectively inform the suspect of the Miranda warning without the use of an interpreter, the officer must secure the services of a qualified interpreter in order to communicate accurately the Miranda warning, prior to any interrogation.
2. An officer seeking to interrogate an arrestee with a hearing impairment must obtain the services of a qualified interpreter prior to any interrogation whenever an interpreter is needed for effective communication.
3. If exigent circumstances do not permit a delay in the interrogation of the arrestee, if an interpreter cannot be located within a reasonable period of time (which should occur very infrequently), if written communication between the officer and the arrestee was ineffective in conveying an understanding of the Miranda warnings, or if the arrestee specifically declines the opportunity to communicate through an interpreter, the officer may proceed with the interrogation by using a note pad.
4. However, if written communication becomes ineffective, for example, because the fact pattern is complex, because the arrestee is having difficulty communicating without an interpreter, or because the arrestee chooses to discontinue the interrogation, the officer must discontinue the interrogation and wait until a qualified interpreter is present before continuing the interrogation.
5. In most instances, a qualified interpreter will be available and the interrogation will not be delayed.

#### D. Arrest of Suspect

1. If an officer cannot inform a suspect of the reason for the arrest with a note pad or other means of communication, the officer shall take the suspect into custody and transport them to the Upland Police Department.
2. The officer must secure the services of a qualified interpreter in order to communicate the reason for the arrest.

#### E. Issuance of Traffic Citations

1. In circumstances in which an individual without a hearing impairment would be issued an appearance citation without being questioned by the

investigating officer, then an individual with a hearing impairment in the same situation does not need to be provided with a qualified interpreter.

2. If an officer has stopped an individual for committing an infraction and the officer is unable to convey to the violator the nature of the infraction on a note pad, the officer should use his/her discretion as to whether or not a qualified interpreter should respond to the scene.

F. Interview with Witness, Victim, or Complainant

1. If an officer is able to communicate effectively by writing questions on a note pad and having the victim, witness, or complainant write his or her responses, then the officer may proceed with the interview using a note pad.
2. However, if an officer is unable to communicate effectively, then the officer must provide a qualified interpreter.

G. Qualified Interpreters

1. Officers will arrange for a qualified interpreter through the field supervisor.
2. A list of on-call interpreters will be stored in dispatch.
3. When an interpreter responds to assist Department personnel, the interpreter's name shall be entered in the police report or the CAD call.

H. Criminal Case

1. All written questions and responses between the police officers and individuals who are hearing or speech impaired must be treated as evidence and handled accordingly.

I. List of Certified Interpreters

1. During regular office hours, Monday through Friday, 0830 to 1700 hours, arrangements for an interpreter can be made by calling (xxx) xxx-xxx.
2. During after regular office hours, 1700 to 0830 hours, weekends, or holidays, call (xxx) xxx-xxx.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.24
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Police Activities Outside Upland
<b>Effective Date</b>	03/01/1988
<b>Revision Date</b>	12/16/2019
<b>Revised By</b>	Captain Clifford Mathews
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

The Upland Police Department and its employees have a primary responsibility to perform police duties within the City of Upland. Members of this Department may, however, under certain circumstances, become involved in matters outside Upland's city limits, and be compelled to initiate or perform police action. It is the policy of this Department that police personnel shall not be assigned beyond City limits, except under conditions specified below.

## **II. REQUESTS FOR ASSISTANCE FROM OTHER AGENCIES**

Any assistance requested by an agency in another jurisdiction shall be approved by the concerned Watch or Division Commander.

- A. A supervisor may accompany officers when responding to requests for assistance in other jurisdictions.
  - 1. Upland personnel shall work in cooperative effort with the concerned agency. Actions by Upland personnel may be coordinated by the Upland Police supervisor.
- B. Action shall not be initiated by Upland personnel unless further delay would jeopardize the safety of responding officers or citizens.
- C. General
  - 1. If a call is received and the jurisdiction cannot be definitely established, the agency receiving the call shall dispatch their unit to the scene. Upon arrival, the officer should determine proper jurisdiction, immediately notify the agency involved, and proceed according to plan or procedure.

2. Upon receiving a request for aid and assistance, the dispatcher shall open a CAD entry with the following information: the name of the requesting officer and his/her department, date and time the request is received, location where responding officers are dispatched, and name of dispatched officers.

D. Type 1

1. This usually involves a call to a crime scene where a no personal hazard exists, as the perpetrators have left the scene. It requires immediate investigation, with preservation of the crime scene being of paramount importance.
2. The first officer at the scene, regardless of area jurisdiction, will proceed as follows:
  - a. Immediately rope off or preserve the crime scene.
  - b. Make a preliminary appraisal to determine what special equipment and personnel are needed.
  - c. As soon as possible, notify the jurisdictional agency of these appraisals.
  - d. Obtain names, addresses, and phone numbers of witnesses, and all other persons at the scene.
  - e. When an officer from the department having jurisdiction arrives, he/she shall be apprised of all facts and status of the investigation.
    - 1) At this point, the officer having jurisdiction will be responsible for continuing the investigation and bringing the case to a logical conclusion.
  - f. The officer who conducted the preliminary investigation shall assist the jurisdiction officer, if so requested.
  - g. The first officer at the scene shall make a written report of all facts and investigative information in the same manner as he/she would if the crime had been committed in his/her jurisdiction.
  - h. Upon completion of the reports, they will be sent to the department having jurisdiction.
  - i. Upon arriving at the crime scene, the officer should bear in mind that regardless of jurisdiction, he/she will be an important witness for the prosecution and required to testify.
  - j. Officers should ensure that their original notes are permanently preserved and available in the event they are called to testify at a subsequent trial.

E. Type II

1. This generally involves incidents where personal hazards exist to officers and citizens, or where widespread damage, injuries, public alarm, excessively complicated traffic or crowd control problems prevail. Incidents that may be involved include:
  - a. Airplane crash;
  - b. Train wreck;
  - c. Earthquake;
  - d. Fire or flood;
  - e. Crime in progress and perpetrators are armed, dangerous, and have barricaded or concealed themselves.
2. Upon existence of a condition identified above, and receipt of a request for assistance, the first officer arriving at the scene, regardless of his/her area of jurisdiction, will assume temporary command. He/she shall remain in command until a supervisory officer from the department having jurisdiction arrives and assumes command. The first supervisory officer on the scene should proceed as follows:
  - a. Establish a temporary command post;
  - b. Make a preliminary appraisal of the situation to determine what special equipment and personnel are needed;
  - c. Assign and direct other responding officers;
  - d. Issue passes to non-police personnel and plain clothes officers authorized to be in the area;
  - e. Maintain a written log of assignments and passes issued;
  - f. Temporary command will be relinquished upon arrival of a supervisory officer having jurisdiction. However, the temporary command officer shall advise the jurisdiction supervisory command officer of all preliminary assignments and details and stand by to assist;
  - g. Officers responding to the scene shall report to the command post for assignment. If an officer assumes an assignment of his/her own volition, he/she shall notify the command post as soon as possible.

### **III. FOLLOW-UP ACTION OUTSIDE UPLAND**

Planned investigations or arrests outside the City shall be conducted only after notifying the appropriate agency. The concerned Section Commander, or in his/her absence, the Watch Commander, shall be notified prior to leaving the City.

### **IV. INCIDENTS OBSERVED BY ON-DUTY PERSONNEL OUTSIDE UPLAND**

Incidents outside Upland observed by on-duty Upland personnel shall be reported to the dispatcher without delay, and the proper agency notified. Only that action immediately necessary to protect life and property shall be initiated until the arrival of the concerned agency.

**V. INCIDENTS OBSERVED BY OFF-DUTY PERSONNEL OUTSIDE UPLAND**

- A. Although members of this Department are not encouraged to do so, they may, at some time during their employment, find themselves involved in a police incident while off-duty and not in this City that requires immediate action. Members, whenever possible, shall notify the appropriate police agency rather than initiate the action.
- B. Government Code 50921 states, "Any peace officer...(who is) injured, dies, or is disabled...by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators...or the preservation of life or property...or the preservation of peace anywhere in this State...but is not acting under the immediate direction of his employer...shall be accorded...all of the same benefits, including the benefits of the Workmen's Compensation Law...had he been acting under the direction of his employer."
- C. Any member of this Department involved in a police matter outside Upland will immediately notify the appropriate agency and then notify the on-duty Upland Watch Commander.
- D. Members of this Department, in taking action outside Upland, shall be governed by the same policies, procedures, training, and legal requirements consistent with their Upland employment.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.26
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Mail Theft Investigations
<b>Effective Date</b>	07/13/2006
<b>Revision Date</b>	12/18/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. BACKGROUND**

Historically, the Upland Police Department has accepted and investigated calls for service related to theft of U.S. mail, found, or or recovered U.S. mail and vandalism of mail receptacles. Recently, the U.S. Postal Service provided information to the police department which will alter how we investigate U.S. mail incidents and in the process relieve our officer's workload significantly.

## **II. POLICY**

Effective immediately, the following procedures will be implemented regarding U.S. mail incidents:

- A. Theft of U.S. Mail – Department personnel receiving a call of theft of U.S. mail will direct the citizen to report the incident directly to U.S. Postal Service Investigators by one of two means:
  1. Call (877) 876-2455 and report the incident telephonically by following the voice prompts, or via the Internet at [www.usps.gov/report/](http://www.usps.gov/report/) and fill out/submit the postal service online theft report form by following the listed instructions for the type of report they are filing.
- B. Vandalism of Mail Receptacle – Follow the procedure listed above for any vandalism to a mail receptacle, including personal mail boxes located at private residences.
- C. If a caller reports a theft of mail or vandalism of mail receptacle and the suspect is known or the crime just occurred, an officer will be dispatched to the location and an AOJ investigation initiated.

- D. If the victim is reporting a forged check after the original was deposited into a USPS certified receptacle (i.e. their mail box or at the post office). The Officer shall direct them to the USPS number listed above.
  
- E. Found or recovered stolen mail.
  - 1. Without a suspect in-custody – Complete an AOJ report and bring the mail to the station, tagging it into property according to department procedure. Call U.S. Postal Inspectors at (909) 387-8742 and leave a message regarding the found/recovered mail. The Inspector will respond during the normal work week and take possession of the mail, ensuring it is returned to its intended recipients. If there is a small quantity of mail which can be returned to local residents, this is also acceptable by the U.S. Postal Inspection Service.
  - 2. With a suspect in custody – Bring the suspect and mail to the station. Call the U.S. Postal Inspection Service 24-hour hotline at (877) 876-2455, follow the voice prompts to reach an operator, and report you have a suspect in-custody. The circumstances of the case will determine if an investigator responds immediately and takes over the investigation (including suspect and evidence processing) or allows the investigating officer to complete the case without postal service involvement.
  - 3. If the Postal Inspector agrees to handle the case. The Officer shall stop any further investigation and turn over the investigation to the US. Postal Inspector. The Postal Inspector cannot prosecute a case that has been sent to our court system. Example: The Officer Stops a stolen car and finds numerous amounts of mail and identity theft. We cannot handle the GTA part and the Postal Inspector handle the mail and ID. The Postal Inspector will handle the entire case from the GTA and beyond.
  - 4.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.27
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	TRACE Protocol
<b>Effective Date</b>	07/01/2004
<b>Revision Date</b>	02/23/2011
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

## **I. POLICY**

It shall be the responsibility of the Watch Commander to ensure ABC is notified whenever there is an incident falling under the TRACE Protocol guidelines. Officers will pursue an appropriate line of questioning to determine if TRACE protocol should be implemented.

## **II. PURPOSE**

- A. Annually across the State there are a large number of alcohol related deaths and injuries. Many of these deaths/injuries involve young people or those who were illegally served, furnished or in possession of alcoholic beverages. In an effort to reduce and prevent these tragedies it is important that law enforcement agencies work together to identify and prosecute the alcoholic beverage licensees or social hosts that illegally serve alcohol.
- B. In April 2004 the California Attorney General's office announced the implementation of "TRACE". The acronym stands for Target Responsibility for Alcohol Connected Emergencies. The program is a joint effort between State and local law enforcement agencies to help minimize alcohol related deaths and injuries by targeting those persons and entities that illegally sell or serve alcohol to minors. After notification by local law enforcement of a TRACE eligible incident, the Department of Alcoholic Beverage Control (ABC) will conduct its own investigation and potentially take action against the vendor.
- C. The Department of Alcoholic Beverage Control is responsible for licensing and regulating establishments that sell alcoholic beverages in addition to enforcing laws related to alcoholic beverages. ABC routinely conducts investigations of

establishments that illegally sell or furnish alcohol to individuals and takes action against offenders accordingly.

- D. With the introduction of this protocol it is hoped the likelihood that individuals and business establishments that furnish, serve or sell alcoholic beverages to minors will face serious consequences in the criminal justice systems and the administrative level.

### **III. PROCEDURE**

- A. During an investigation into accidents or incidents involving alcoholic beverages and underage persons, information may be obtained establishing that the alcohol was illegally provided.
- B. Under TRACE, investigating officers will pursue a line of questioning to identify where the alcoholic beverages were purchased or served.
- C. Investigating officers will be alert to the collection of evidence that may indicate where the alcoholic beverage was obtained. Such evidence may include false identification, receipts, bags, labels and witness statements.
- D. When an investigating officer identifies an incident where someone may have illegally bought or been served alcohol by an establishment licensed by ABC, the ABC will be notified as soon as possible by the Watch Commander, or their designee, so they can conduct a simultaneous investigation.
- E. When an investigating officer determines that the alcohol was served by a "Social Host" (private party), this information will be included in the officer's report which will be routed to ABC.
- F. The ABC will be immediately notified of any death or injury involving under-aged drinking.
- G. If the ABC determines that a liquor outlet illegally provided alcohol to an individual under 21, the ABC will suspend or revoke the vendor's license.
- H. The telephone number for TRACE notifications to ABC is (562) 239-5949.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.29
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Cite Release Procedure – Warrant Arrests
<b>Effective Date</b>	07/18/2013
<b>Revision Date</b>	07/18/2013
<b>Revised By</b>	Captain Ken Bonson
<b>Authorized By</b>	Chief Jeff Mendenhall

**I. POLICY**

It shall be the policy of this Department to Cite and Release Misdemeanor Arrest Warrants in the field, with Supervisor approval. Officers can now release arrestees on a citation for the misdemeanor warrant, in cases where the arrestee becomes ineligible for booking at the jail or booking is impractical.

**II. PURPOSE**

To save time, as officers will not be required to transport to the West Valley Detention Center for booking.

**III. PROCEDURE**

- A. Penal Code Section 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:
1. The misdemeanor cited in the warrant involves violence
  2. The misdemeanor cited in the warrant involved a firearm
  3. The misdemeanor cited in the warrant involved resisting arrest
  4. The misdemeanor cited in the warrant involves giving false information to a peace officer
  5. The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics
  6. The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
  7. The person has other ineligible charges pending against him/her

8. There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
  9. The person refuses to sign the notice to appear
  10. The person cannot provide satisfactory evidence of personal identification
  11. The warrant of arrest indicates that the person is not eligible to be released on a notice to appear
- B. Release under this section shall be done in accordance with the provisions of this section
- C. Arresting Officer's Responsibilities
1. Determine the court in which the warrant was issued.
    - a. Only San Bernardino County warrants can be cited and released.
    - b. All out of county warrants must be booked at the jail.
  2. Determine if the arrestee has any additional warrants/charges.
  3. Contact the filing agency to see if they want to take custody of the arrestee.
  4. Confirm the arrestee's identity prior to release.
  5. Issue a citation with the following information included:
    - a. "Misdemeanor Warrant Release" or "Misd. Warr. Rel."
    - b. Warrant number
    - c. Charge
    - d. New court date, and name and address of the court if different from the West Valley Superior Court
    - e. Immediately fax a copy of the citation to Sheriff's Records at XXX XXX-XXXX, so the warrant can be taken out of the system
    - f. Obtain a case number from Dispatch and complete a misdemeanor arrest warrant report

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.30
<b>Title</b>	Patrol and Investigative Procedures- Non Emergency
<b>Subject</b>	Suspicious Activity Reporting
<b>Effective Date</b>	02/08/2016
<b>Revision Date</b>	05/19/2016
<b>Revised By</b>	Captain Anthony Yoakum
<b>Authorized By</b>	Chief Brian P. Johnson

### **Policy:**

The Upland Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain, and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

### **Purpose and Scope:**

This policy provides guidelines for reporting and investigating suspicious and criminal activity in conformity with the Nationwide Suspicious Activity Reporting (SAR) Initiative.

The Nationwide SAR Initiative (NSI) is a joint collaborative effort by the U.S. Department of Homeland Security, The Federal Bureau of Investigation, and state, local, tribal, and territorial law enforcement partners. This initiative provides law enforcement with another tool to help prevent terrorism and other related criminal activity by establishing a national capacity for gathering, documenting, processing, analyzing and sharing SAR information.

### **Definitions:**

Definitions related to this policy include:

**Involved person-** An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Joint Regional Intelligence Center (JRIC)-** A fusion center collaboration between federal, state, and local law enforcement and public safety agencies to integrate criminal and terrorism threat intelligence and provide intake, analysis, fusion, synthesis, and dissemination of that information. The JRIC converts the information into operational intelligence to detect, deter, and defend against terrorist attacks and major criminal threats.

**Suspicious activity-** Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin, or religious affiliation should not be considered as factors that create suspicion. Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., “dry run,” creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities or otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.
- Demonstrating unusual or prolonged interest in facilities, buildings, or infrastructure beyond mere casual (e.g., tourists) or professional (e.g., engineers) interest and in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person. Examples include observation through binoculars, taking notes, attempting to mark off or measure distances, etc.
- Collection or discovery of unusual amounts or types of weapons, including explosives, chemicals, and other destructive materials, or evidence, detonations or other residue, wounds, or chemical burns, that would arouse suspicion or terrorism or other criminality in a reasonable person.
- Information gathering from a reporting party that the involved party has engaged or is engaging in suspicious activity as defined in this policy, or has made statements that would lead a reasonable person to believe the involved party may engage in a criminal act or terrorism

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

**Terrorism Liaison Officer (TLO)**- Member that functions as the principle point of contact at the Upland Police Department in matters related to terrorism information. A TLO attends meetings and receives terrorism training, information, and intelligence from the local fusion center, online resources, and the other entities engage in homeland security initiatives. The TLO then educates others within his or her agency, thereby enhancing situational awareness, early warning, and operational readiness.

### **Responsibilities:**

The Terrorism Liaison Officer (TLO) will manage SAR activates and criminal intelligence monitoring.

The responsibilities of the TLO include, but not limited to:

- a) Remaining familiar with those databases available to law enforcement agencies that would facilitate the purpose of this policy.
- b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- c) Developing partnerships with allied agencies within the region from the purpose of sharing information.
- d) Ensuring SAR information is appropriately disseminated to members and that members are made aware of the purpose and value of documenting suspicious activity to law enforcement agencies.

- e) Attending community meetings and other events for the purpose of raising terrorism awareness and encouraging the reporting of suspicious activity to law enforcement agencies.
- f) Coordinating investigative follow-up when necessary.
- g) Coordinating with allied agencies and/or fusion centers.

### **Reporting and Investigation:**

Any member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of the TLO, when applicable.

The Watch Commander shall monitor the progress of investigations and provide direction when necessary. When on-duty and available, the TLO should respond to provide guidance and necessary follow-up investigation.

If the suspicious activity is not directly related to a reportable crime but meets the definition of suspicious activity, the employee shall prepare a SAR (available in the UPD Forms drive) and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of the suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original report. Each report should be cross-referenced.

The TLO will review and evaluate all SAR reports and take the appropriate steps to report the circumstances to the appropriate fusion centers and agencies.

### **Handling Information:**

The shift supervisor will forward copies of the SARs, in a timely manner, to the TLO via the Detective Bureau Supervisor.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.31
<b>Title</b>	Patrol and Investigative Procedures- Non Emergency
<b>Subject</b>	Immigrant Victims Policy
<b>Effective Date</b>	11/21/16
<b>Revision Date</b>	11/21/16
<b>Revised By</b>	Officer Marci Beauchamp
<b>Authorized By</b>	Chief Brian P. Johnson

**PURPOSE:**

The purpose of this policy is to encourage crime reporting and cooperation in the investigation of criminal activity. All individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individual equally and without regard to race, color or national origin.

The purpose of this policy is to provide guidelines to members of the Upland Police Department for assisting immigrant victims of **specified qualifying crimes** to obtain U-Visa/T-Visas.

**POLICY:**

U-VISA/T-VISA NONIMMIGRATION STATUS - Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes. A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Eligibility for U Visas is governed by the Victims of Trafficking and Violence Prevention Act (VTVPA) and determined by U.S. Citizenship and Immigration Services (USCIS). Under those Federal provisions, individuals without authorized immigrant status are eligible to apply for a U visa if they;

- Are victims of a **specified qualifying crimes**
- Have suffered substantial physical or mental abuse as a result of having been a victim of criminal activity
- Have specific knowledge and details of a qualifying crime committed within the United States, and
- Are currently assisting, have previously assisted, or are likely to be helpful in the detection, investigation, or prosecution of the qualifying crime.

**DEFINITION:**

**Qualifying crimes** include but are not limited to rape, torture, human trafficking, incest, domestic violence, sexual assault, abusive sexual conduct, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, perjury, involuntary servitude, slavery, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, fraud in foreign labor contracting, stalking and other related crimes which include any similar activity where the elements of the crime are substantially similar to the above specified offenses.

**PROCEDURE:**

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Detective Bureau Supervisor and then assigned to the Detective handling any related case.

The Detective should do the following:

- (a) Determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration in the case file.

By signing a certification, the law enforcement official states;

Under penalty or perjury, that the individual is or has been a victim of one of the qualifying crimes, and

The remaining information provided in the certification is true and correct to the best of the certifying official's knowledge. Without a completed U visa certification, victims will not be eligible for a U visa.

The Act also requires certifying entities to complete the certification within **90 days** of the request, except in cases where the applicant is in immigration removal proceedings, in which case the certification must be completed within **14 days of the request**.

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within **15 business**

**days** of the first encounter with the victim, whether or not it is requested by the victim (Penal Code 236.5).

Local Law Enforcement agencies cannot legally grant or guarantee an immigrant crime victim a U Visa or any other type of immigration status by signing a U visa certification (form I-918 Supplement B). Instead, USCIS conducts a full review of the victim's petition and a thorough background check of the petitioner before approving or denying the petition. USCIS will also make the determination as to whether the victim has met the "substantial physical or mental abuse" standard on a case-by-case basis during its adjudication of the petition.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.32
<b>Title</b>	California Values Act
<b>Subject</b>	Immigration Enforcement
<b>Effective Date</b>	01/01/2018
<b>Revision Date</b>	5/6/2019
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. PURPOSE**

U.S. Immigration and Customs Enforcement (ICE) is a federal agency whose primary responsibility is to enforce federal laws governing border control, customs, trade and immigration to promote homeland security and public safety. It is their responsibility to enforce the nation's immigration laws by identifying and apprehending removable aliens, detaining individuals when necessary, and removing undocumented persons from the United States. The purpose of this policy is to identify the role of the Upland Police Department in immigration enforcement as prescribed by SB 54, the California Values Act.

## **II. POLICY**

It is the Upland Police Department's policy that all personnel make professional commitments to equal enforcement of the law and service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## **III. DEPARTMENT RESPONSIBILITY**

Pursuant to the California Values Act, the following policies regarding immigration enforcement apply:

- The primary jurisdiction for enforcing federal immigration laws concerning unlawful entry into the United States remains with ICE and not with the Upland Police Department or other local or municipal law enforcement agencies.

- The Upland Police Department is prohibited from enforcing federal immigration laws and participating in immigration enforcement programs, except as described in California Government Code 7282.
- Officers shall not contact, detain, question, or arrest any persons based solely on the basis of being or suspected of being an undocumented immigrant, except as required by state law.
- Every member of this Department Shall comply with the following California DMV and CLETS guidelines ***“Federal, State or local law enforcement agencies shall not use any non-criminal history information contained within this database for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person’s immigration or citizenship status pursuant to 8 U.S.C. Section 1373 and 1644.”***
- Officers shall not ask any person their immigration status for the purpose of immigration enforcement.
- Officers shall not book a person on an ICE immigration hold, unless there is a signed immigration warrant in accordance with California Government Code 7282.5.
- The Upland Police Department will not provide ICE with confidential information, unless the information is available to the public.
- Department personnel shall not use ICE personnel as interpreters for department-related duties.
- The department is prohibited from providing ICE personnel with a dedicated workspace and unlimited access to the jail facilities.

#### **IV. ARRESTS, IDENTIFICATION, AND NOTIFICATIONS**

Whenever a person is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take the necessary steps to identify the person. If an officer believes that an individual taken into custody for a felony is an undocumented person, the arrestee should be booked into County Jail without consideration for immigration status.

If an officer believes that an individual taken into custody for a misdemeanor is an undocumented person, and that person would have otherwise been released on a written promise to appear, the person should be given a reasonable opportunity to verify his or her true identity. Once the person’s identity is reasonably established, the original citation release should be completed without consideration of immigration status.

If an officer discovers an Immigration and Customs Enforcement detainer during any contact, the officer will assess the individual based on the criteria stated in the CA Government Code 7282.5(a). If the criteria set forth in the CA Government Code 7282.5(a) is NOT met, the officer will release the individual from custody unless the continued detention or arrest is based on a separate violation of law. If the criteria set forth in the CA Government Code is met, the Officer has discretion to honor the ICE hold only if the detained subject meets the criteria stated in Government Code 7282.5(a).

If an officer arrests an individual who is unable to reasonably establish his or her true identity, the individual may be booked in accordance with Vehicle Code 40302a and Penal Code 853.6. If a person is detained pursuant to the authority of Vehicle Code 40302a, for an infraction, that person may be detained for a reasonable period for the purpose of establishing his or her true identity. Once that person's identity has been established, he or she shall be released on his or her signature with a written promise to appear in court for the Vehicle Code infraction involved, regardless of his or her immigration status.

## **V. VICTIMS AND WITNESSES**

In an effort to encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitutions.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.33
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Sexual Assault Investigation
<b>Effective Date</b>	1/4/2018
<b>Revision Date</b>	2/15/2018
<b>Revised By</b>	Sergeant Andrew McCullough
<b>Authorized By</b>	Chief Douglas P. Millmore

## I. POLICY

It shall be the policy of the Upland Police Department to comply with the procedures set forth below in regards to the enforcement of laws relating to sexual assaults. In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated. The investigators of the sexual assault shall strive to minimize the trauma experienced by the victims and pursue apprehension and conviction of suspects, and protect the safety of the victims and the community.

## II. PURPOSE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims. This policy shall further establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality, and other rights afforded by law.

## III. DEFINITIONS

- A. **Sexual Assault:** Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Penal Code 220, 261, 261.5, 262, 264, 264.1, 265, 266, 267, 269, 285, 286, 288, 288a, 288.2, 288.3, 288.5, 288.7, 289, and 647.6.
- B. **Sexual Assault Response Team (SART):** A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault forensic examiners or sexual assault nurse examiners if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

- C. **Penal Code 680(a):** This section shall be known as and may be cited as the “Sexual Assault Victims’ DNA Bill of Rights”.

#### **IV. PROCEDURE**

- A. The primary considerations in a sexual assault investigation should be the health and safety of the victim(s), the preservation of evidence, and preliminary interview to determine if a crime has been committed and attempt to identify the suspect(s).
- B. When an officer has determined a sexual assault has been committed, the officer shall inform the victim or the victim’s parent or guardian if the victim is a juvenile, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and have that person sign the Upland Police Department Confidentiality Form (Pursuant to Penal code 293 (a) and (b)).
- C. The following sexual assault crimes apply under Penal Code Section 293(a): PC 220, PC 261, PC 261.5, PC 262, PC 264, PC 264.1, PC 265, PC 266, PC 267, PC 269, PC 285, PC 286, PC 288, PC 288a, PC 288.2, PC 288.3, PC 288.5, PC 288.7, PC 289, and 647.6.
- D. Except as authorized by law, members of the Upland Police Department shall not publicly disclose the name or address of any victim of a sexual assault who has exercised his/her right to remain confidential (Penal Code 293 (c) and (d)).
- E. If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified pursuant to Penal Code 264.2(b)(1).
- F. No victim shall be asked or required to take a polygraph examination (42 USC 3796gg-8; Penal Code 637.4)
- G. There shall not be any opinions in the report in regards to whether the case is unfounded.
- H. Pursuant to Penal Code 680, upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, the investigators of sexual assault cases may inform the victim of the status of the DNA testing of any evidence from the victim’s case.

**V. ASSEMBLY BILL 1312**

- A. In accordance with Assembly Bill No. 1312, the investigating officer will notify the victim that he/she has the right to request to have a person of the same gender or opposite gender as the victim present in the room during any interview with a law enforcement official or district attorney, unless no such person is reasonably available.
- B. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination.
- C. The victim will be provided with a card, developed by law enforcement, that explains the rights of sexual assault victims, including, among other information, a clear statement that the victim is not required to participate in the criminal justice system or to receive a medical evidentiary or physical examination in order to retain his or her rights under law.
- D. The medical provider is to give the victim the card developed by local law enforcement, before the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault if the law enforcement agency has provided the card to the medical provider in a language understood by the victim.
- E. The health care provider is to give the victim the post-coital contraception at no cost to the victim.
- F. The medical provider is to give the victim the opportunity to shower or bathe at no cost to the victim after the examination is conducted, unless a showering or bathing facility is not available.
- G. Law Enforcement agencies are prohibited from destroying or disposing of rape kit evidence or other crime scene evidence from an unsolved sexual assault case before at least 20 years, or if the victim was under 18 years of age at the time of the alleged offense, before the victim's 40<sup>th</sup> birthday.

**VI. COLLECTION OF EVIDENCE**

- A. The investigating officer shall collect all pertinent evidence relating to the case. If there is evidence that could possibly contain DNA (bedding, clothing, condoms, etc.) the officer shall tag the evidence separately in a brown paper bag and follow standard procedure for tagging the evidence.

- B. All Sexual Assault Response Team (SART) kits shall be tagged into evidence and placed in the evidence refrigerator. The officer tagging the SART kit should contact the on-duty Watch Commander for the key to the refrigerator. The paperwork from the SART kit should be placed in an evidence locker.
- C. All evidence items which contains potential DNA evidence from a sexual assault shall be forwarded to the San Bernardino County Sheriff's Crime Laboratory for analysis.
- D. When DNA evidence in a sexual assault case is not going to be analyzed within two years of the crime and the identity of the suspect is unknown, the assigned detective shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period pursuant to Penal Code 680(d).
- E. The investigator(s) of a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code 803(g).
- F. If a drug related sexual assault is suspected, blood and urine samples should be collected from the victim as soon as possible.
- G. If a victim chooses not to assist with the investigation, wishes to remain anonymous, or does not desire that the case be investigated, the victim may still consent to the collection of evidence under their control. If this circumstance presents itself, the evidence should be collected and properly tagged into evidence.

## **VII. RESPONSIBILITY FOR TREATMENT COSTS**

- A. Whenever a victim is taken to a hospital facility for examination or treatment, the City will pay only for the service performed by the hospital staff which is necessary for evidence and prosecution.
- B. Officers are instructed not to advise or imply to anyone that the City will pay the hospital costs. Rather, make it clear that we do not pay hospital costs related to therapy, treatment of injuries, illness, infections, etc. The City will pay only for that part of the examination which is necessary for evidence and prosecution.
- C. Refer to Policy and Procedure Section 10.14 in regards to the hospital examination and care of victims of Sexual Assault.

## **VIII. CASE DISPOSITION**

- A. If the investigator of the case has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau Supervisor. If a sexual assault case is determined to be unfounded, there must be significant irregularities with reported information and that the incident could not have happened as it was reported to law enforcement. If a victim recants his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred).

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.34
<b>Title</b>	Patrol and Investigative Procedures – Non-Emergency
<b>Subject</b>	Field testing of Suspected Narcotics
<b>Effective Date</b>	7/30/2018
<b>Revision Date</b>	7/30/2018
<b>Revised By</b>	Captain Marcelo A. Blanco
<b>Authorized By</b>	Chief Darren Goodman

## **I. POLICY**

Throughout the country, law enforcement has seen the introduction and wide spread usage of fentanyl. Exposure incidents have been documented as law enforcement agencies are encountering fentanyl or other narcotics laced with fentanyl more frequently. Fentanyl is a synthetic opioid, which is 50 to 100 times more potent than heroin and morphine. Fentanyl can be absorbed through the skin or inhaled increasing the danger of exposure.

## **II. PURPOSE**

The purpose of this policy is to provide members of this department with a procedure for testing any suspected narcotics.

## **III. PROCEDURE**

Effective immediately, to avoid a potential exposure to fentanyl, department personnel SHALL DISCONTINUE the use of presumptive field tests to confirm the identification of any suspected narcotic. The suspected narcotic shall be packaged according to current department policy and sent to the San Bernardino County Laboratory for safe testing under standard protocol for analysis. Additionally, if pills are seized, regardless of quantity, they shall no longer be counted. The pills should be weighed in their original packaging and recorded prior to being transported to the lab.

The following is a breakdown in regards to narcotics field testing:

On a Misdemeanor possession case:

- No field testing required. Officers should describe seized narcotic and rely on their training and experience to identify seized narcotic(s).

On a Felony narcotics case:

- No Field testing is required. Officers should describe seized narcotics and rely on their training and experience to identify the seized narcotic(s). This should be detailed in the Probable Cause Declaration.

<b>Chapter</b>	<b>10</b>
<b>Section</b>	10.35
<b>Title</b>	Patrol and Investigative Procedures—Non-Emergency
<b>Subject</b>	Seized Cannabis—H&S section 11469 et seq.
<b>Effective Date</b>	04/17/2019
<b>Approved Date</b>	04/17/2019
<b>Created By</b>	Detective Bryce Milakovich, City Prosecutor Curtis R. Wright
<b>Authorized By</b>	Chief Darren L. Goodman

## **I. POLICY**

This shall be a Policy of the Upland Police Department (“PD”) regarding seizure, processing, sampling, return, abandonment, destruction, sale, and forfeiture of seized cannabis, cannabis products, cannabis paraphernalia, and any equipment related to illegal cannabis activities (collectively “Seized Cannabis Property”).

## **II. PURPOSE**

The purpose and intent of this Policy is to provide a streamlined and efficient process for PD to handle and dispose of Seized Cannabis Property, while at the same time ensuring that the possessory interests of parties are respected pursuant to law. PD has limited storage capacity for property that has been seized during law enforcement operations. However, cannabis and items used in the commission of cannabis-related crimes often require an excessive amount of storage space. This Policy is intended to ensure PD can properly dispose of Seized Cannabis Property in accordance with applicable laws, so that PD can dedicate its limited storage capacity to actual evidence used in criminal, civil, and administrative cases.

## **III. PROCEDURES**

### **A. Seizure Receipt**

1. A written Seizure Receipt for Seized Cannabis Property shall be delivered to any person out of whose possession such Seized Cannabis Property was seized.
2. In the event Seized Cannabis Property was not seized out of anyone’s possession, a Seizure Receipt for the Seized Cannabis Property shall be delivered to the individuals in possession of the premises at which the

Seized Cannabis Property was found by certified mail, first-class mail, or posting in a conspicuous place on the premises.

3. The Seizure Receipt shall advise interested parties that they must submit a written request to PD to reclaim the Seized Cannabis Property within 15 days of the date of the Seizure Receipt. A sample Seizure Receipt is attached to this Policy.

#### **B. Sampling**

1. PD shall take and keep samples of Seized Cannabis Property as follows (“Samples”):
  - a. PD shall take and keep at least 10 pounds of cannabis edibles or extracts as samples.
  - b. PD shall take and keep at least 2 pounds of cannabis plant material as samples.
2. PD shall handle the remainder of Seized Cannabis Property pursuant to the Claim Process provided herein.
3. PD shall take and maintain photographs, videos, and records of the weight and location of all Seized Cannabis Property.
4. If a case regarding the Seized Property is initiated, the Samples shall be retained for 45 days after termination of the case. Thereafter, PD shall initiate the Claim Process provided herein for the retained Samples.
5. If no case regarding the Seized Property is initiated, the Samples shall be retained for 45 days after seizure. Thereafter, PD shall initiate the Claim Process provided herein for the retained Samples.

#### **C. Claim Process**

1. Any party with a legal interest in Seized Cannabis Property may file a written request for the release of the Seized Cannabis Property to their custody with 15 days (“Claim”).
2. PD should process Claims for Seized Cannabis Property and determine whether Seized Cannabis Property will be released to the claimant within 30 days of submittal of the Claim—taking into account that PD may still need to determine whether charges will be filed, whether the Seized Cannabis Property will have to be held for evidence, and whether PD wants to deny return of the Seized Cannabis Property and pursue forfeiture proceedings.
3. If PD determines that Seized Cannabis Property will be released pursuant to a timely Claim, the claimant shall have 15 days to pick up the Seized Cannabis Property from PD. If the claimant fails to pick up the Seized Cannabis Property within the required 15 days, then PD may initiate the Abandonment Process described in the Abandonment section of this Policy below.

4. If PD denies return of the Seized Cannabis Property despite a timely Claim, PD shall refer the matter to the Attorney General or District Attorney to pursue forfeiture proceedings.
5. **Return Declaration**
  - a. When Seized Cannabis Property is returned to a claimant, the Evidence Custodian's Designee shall execute a Return Declaration describing the property returned and PD's compliance with the Claim Process provided herein. A sample Return Declaration is attached to this Policy.

#### **D. Abandonment**

1. If no person attempts to recover Seized Cannabis Property within the time required by the Seizure Receipt, or if a claimant fails to pick up Seized Cannabis Property within 15 days of being notified that the Seized Cannabis Property will be released to that claimant, PD may initiate the Abandonment Process provided herein and issue an Abandonment Notice.
2. If no person attempts to recover the Seized Cannabis Property within the time required by the Abandonment Notice, the Seized Cannabis Property may be determined abandoned. In this case, PD shall not need to refer the matter to the Attorney General or District Attorney to pursue forfeiture proceedings.
3. **Abandonment Notice**
  - a. Prior to declaring Seized Cannabis Property abandoned, proper Abandonment Notice shall be given pursuant to the following requirements:
    1. Abandonment Notice shall be served on everyone named in the Seizure Receipt for the Seized Cannabis Property pursuant to Code of Civil Procedure section 415.10 et sequentes.
    2. Abandonment Notice shall be given to everyone with an ownership interest in the Seized Cannabis Property by personal delivery, certified mail, or first-class mail.
    3. Abandonment Notice shall be published once a week for three successive weeks in a newspaper of general circulation in San Bernardino County.
    4. Each Abandonment Notice shall:
      - a. Include a description of the Seized Cannabis Property, the appraised value of the Seized Cannabis Property, the date and place where the Seized Cannabis Property was seized, the alleged violation of law with respect to the Seized Cannabis Property, and instructions and time limits for submitting a written Claim to recover the Seized Cannabis Property to PD.

- b. Explain in plain language what an interested party must do, and the time in which the interested party must act, to contest the abandonment determination.
- c. State what rights the interested party has in contesting the abandonment determination.
- d. State the legal consequences for failing to respond to the Abandonment Notice.

b. A sample Abandonment Notice is attached to this Policy.

#### 4. **Abandonment Process**

- a. Any person claiming an interest in the Seized Cannabis Property must submit a claim regarding the Seized Cannabis Property within 30 days after delivery of the Abandonment Notice or within 30 days of the day the Abandonment Notice was first published in the newspaper.
- b. If no claim is timely filed, the Seized Cannabis Property may be determined abandoned, and PD shall have the option of destroying or selling the Seized Cannabis Property as provided in this Policy.
- c. If PD determines that Seized Cannabis Property will be released pursuant to a timely Claim, the claimant shall have 15 days to pick up the Seized Cannabis Property from PD. If the claimant fails to pick up the Seized Cannabis Property within the required 15 days, then the Seized Cannabis Property may be determined abandoned, and PD shall have the option of destroying or selling the Seized Cannabis Property as provided in this Policy.
- d. If PD denies return of the Seized Cannabis Property despite a timely filed claim, PD shall refer the matter to the Attorney General or District Attorney to pursue forfeiture proceedings.

#### 5. **Abandonment Declaration**

- a. Once the Abandonment Process provided herein is completed, the Evidence Custodian's Designee shall execute an Abandonment Declaration establishing PD's compliance with the Abandonment Process and justification for sale or destruction of the Seized Cannabis Property. A sample Abandonment Declaration is attached to this Policy.

### **E. Destruction**

- 1. PD shall have the option to destroy Seized Cannabis Property once it is determined abandoned or forfeited.
- 2. **Destruction Process**
  - a. PD shall take and keep samples of Seized Cannabis Property in accordance with the Sampling section of this Policy.

- b. PD shall take photographs and video of the Seized Cannabis Property that reasonably and accurately demonstrate the total amount of the Seized Cannabis Property to be destroyed.
- c. PD shall determine the gross weight of the Seized Cannabis Property, either by actually weighing the Seized Cannabis Property or by estimating that weight after dimensional measurement of the total Seized Cannabis Property.
- d. The Chief of Police shall execute a Declaration of Necessity (“Declaration of Necessity”) regarding destruction of the Seized Cannabis Property, which shall state that the Chief of Police has determined that it is not reasonably possible to preserve the Seized Cannabis Property in place, or to remove the Seized Cannabis Property to another location. The Declaration of Necessity shall also establish PD’s compliance with the Destruction Process described herein, establish the location of the Seized Cannabis Property, and specify the date and time of destruction. A sample Declaration of Necessity is attached to this Policy.
- e. The Declaration of Necessity shall be filed with the San Bernardino County Superior Court within 30 days of the destruction of the Seized Cannabis Property pursuant to Health and Safety Code section 11479(d).

**F. Sale**

- 1. PD shall have the option to sell Seized Cannabis Property once it is determined abandoned or forfeited.
- 2. **Sale Process**
  - a. PD shall avoid any appearance of impropriety in the sale of the Seized Cannabis Property.
  - b. PD shall not put any of the Seized Cannabis Property into service.
  - c. The proceeds of the sale of Seized Cannabis Property shall be maintained in a separate fund or account subject to appropriate accounting controls and annual financial audits of all deposits and expenditures.
  - d. The proceeds of the sale of Seized Cannabis Property shall be distributed pursuant to Health and Safety Code section 11489 as follows:
    - 1. To a person possessing an interest in the Seized Cannabis Property when a court orders distribution to that person.
    - 2. The balance to be distributed in the following manner:
      - a. To the City of Upland (“City”) for all expenditures made or incurred in connection with the storage, transportation, and sale of the Seized Cannabis Property.

- b. Any remaining funds shall be distributed as follows:
    - i. 65% to PD.
      - 1. 15% of these funds shall be deposited in a special fund maintained by the City for the sole purpose of funding programs designed to combat drug abuse and divert gang activity.
    - ii. 10% to the prosecutorial agency that processed any abandonment or forfeiture action.
    - iii. 24% to the State General Fund.
    - iv. 1% to a private nonprofit organization composed of local prosecutors.
  - e. The funds distributed to the City shall not supplant any funds that would otherwise be made available to support the law enforcement and prosecutorial efforts of the City.
3. **Sale Disposition Declaration**
- a. The Evidence Custodian's Designee shall execute a Sale Disposition Declaration establishing the facts and justifications for selling the Seized Cannabis Property, the process and amount for which it was sold, and where the proceeds were deposited. A sample Sale Disposition Declaration is attached to this Policy.

## **G. Forfeiture**

- 1. If PD denies return of Seized Cannabis Property despite a timely Claim, PD shall refer the matter to the Attorney General or District Attorney to pursue forfeiture proceedings.
- 2. **Administrative Forfeiture**
  - a. If the value of the Seized Cannabis Property does not exceed \$25,000, the Attorney General or the District Attorney may order forfeiture of the Seized Cannabis Property pursuant to Health and Safety Code section 11488.4(j).
  - b. If no claims are filed by the required 30-day deadline, the Attorney General or the District Attorney shall prepare a Forfeiture Declaration, which shall be provided to any person listed in the Seizure Receipt and to any person personally served notice of the forfeiture proceedings ("Forfeiture Notice").
  - c. If a claim is timely filed, the Attorney General or District Attorney shall file a forfeiture petition with San Bernardino County Superior Court within 30 days of receipt of the claim.
- 3. **Judicial Forfeiture**
  - a. If the value of the Seized Cannabis Property exceeds \$25,000, the Attorney General or District Attorney may file a forfeiture petition

with the San Bernardino County Superior Court within one year of the seizure pursuant to Health and Safety Code section 11488.4.

- b. If no claim is timely filed in a judicial asset forfeiture, the court, upon motion, shall order forfeiture.
- c. If a claim is timely filed in a judicial asset forfeiture, there will be a trial to determine whether the Seized Cannabis Property will be forfeited.

#### **4. Forfeiture Notice**

a. The Attorney General or District Attorney shall direct and oversee the issuance of any Forfeiture Notice. However, the following are common requirements for Forfeiture Notices:

- 1. Forfeiture Notice shall be served on everyone named in the Seizure Receipt for the Seized Cannabis Property pursuant to Code of Civil Procedure section 415.10 et sequentes.
- 2. Forfeiture Notice shall be given to everyone with an ownership interest in the Seized Cannabis Property by personal delivery, certified mail, or first-class mail.
- 3. Forfeiture Notice shall be published once a week for three successive weeks in a newspaper of general circulation in San Bernardino County.
- 4. Each Forfeiture Notice shall:
  - a. Include a description of the Seized Cannabis Property, the appraised value of the Seized Cannabis Property, the date and place where the Seized Cannabis Property was seized, the alleged violation of law with respect to the Seized Cannabis Property, and instructions and time limits for filing and serving a claim regarding the Seized Cannabis Property.
  - b. Set forth the time within which a claim of interest in the Seized Cannabis Property is required to be filed.
  - c. Explain in plain language what an interested party must do and the time in which the interested party must act to contest the forfeiture in a hearing.
  - d. State what rights the interested party has at a hearing.
  - e. State the legal consequences for failing to respond to the Forfeiture Notice.

#### **5. Forfeiture Declaration**

a. The Evidence Custodian's Designee shall prepare a Forfeiture Declaration establishing PD's compliance with the required facts and procedures for forfeiture. The Forfeiture Declaration shall be saved in PD's files for future reference. A sample Forfeiture Declaration is attached to this Policy.