



Predictable is Preventable®

Policy Manual Updates March 2015

KMS 4.2 Beta: <https://beta.lexipol.com/agency>

Lexipol quality assurance experts, along with legal and law enforcement experts have researched and developed these updates to bring you the best and most current policies available. Having up-to-date policies and an informed staff is the best way to minimize risk exposure to your agency. You should promptly complete the updates and adopt these changes. While most of the changes should blend well with your current manual, you should always carefully evaluate the content against your agency's specific needs and operational practices.

New Daily Training Bulletins (DTBs) now being released specifically target these new policies and changes to your manual and can help your staff become well versed in your policies. If you are not yet subscribing to the DTBs please contact Customer Service for information on how to get this invaluable tool.

The following pages identify the chapters and titles of policies affected by these updates and any additional new policies. The remainder of the document summarizes the individual policy Release Notes, allowing the user to scroll through or print a single document with the reasons and specifics of each policy change. The Release Notes are also available in each changed policy in KMS for guidance while working on the updates. Some changes may not apply if your manual has been customized and no longer contains the particular policy or section being updated.

You can export a "strike out" version of each policy within KMS. Before processing each policy update, select PDF and export the "Compare Current to New Lexipol Update" document. You should save this document to use as a reference for the suggested updates to your policies.

There may be some sections/subsections that show an update flag but have no Release Notes or do not appear to be changed. This is due to internal system corrections on punctuation, special characters, text entities and/or index terms **that do not affect policy content**. You should accept these updates. If you choose to reject the update, the section or subsection will turn blue in color to represent that it is now agency-authored content.

Some updates may add new sections or subsections to policies. KMS adds new sections or subsections to the bottom of the policy or bottom of the section, respectively, so as not to alter any agency-specific customization. In some of these situations, the sections or subsections will need to be relocated after all updates have been accepted. The instructions on how to move a section or subsection have been included in this document where appropriate and are also in the Release Notes of each policy where movement is needed.

Please do not hesitate to contact Customer Service at 949.309.3894 or customersupport@lexipol.com for assistance with updating your manual.

Legal Disclaimer

Lexipol strives to provide the most current and legally sound policies possible. These policies and updates, however, do not constitute legal advice. As always, you are urged to carefully review all content and updates for applicability to your agency, and check with your agency's legal advisor for appropriate legal review before changing or adopting any policy.

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Chapter 1 – Law Enforcement Role and Authority

Law Enforcement Authority

- JURISDICTION has been added to address jurisdictional issues surrounding on-duty arrests.
- OTHER AUTHORITY has been renumbered by the addition of the new subsection and the title has been changed to OREGON AUTHORITY, as the content only pertains to activities in Oregon. There was no change to the content.
- OTHER AUTHORITY has been modified to add the Oregon Revised Statutes citation that grants limited peace officer powers to officers from foreign jurisdictions under certain circumstances. Other modifications as shown have been made for clarity.

Chief Executive Officer

- CHIEF EXECUTIVE OFFICER REQUIREMENTS: a citation has been added.

Chapter 2 – Organization and Administration

License to Carry a Firearm

- PURPOSE AND SCOPE: a citation has been amended
- QUALIFIED APPLICANTS: a minor content change has been made

Retiree Concealed Firearms

- MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT: A minor spelling error has been corrected.

Chapter 3 - General Operations

Firearms

- This policy has been amended to provide clarification on the issue of the number of handguns allowed to be carried.
- In AUTHORIZED SECONDARY HANDGUN, agencies should identify the number of handguns allowed to be carried.
- Clarification has also been made regarding carrying handguns off-duty in AUTHORIZED OFF-DUTY FIREARMS and regarding the storage of firearms in INSPECTION AND STORAGE.
- A grammatical error was corrected in ALCOHOL AND DRUGS
- Spacing issues were corrected in PERSONALLY OWNED DUTY FIREARMS, SHOTGUNS, STORAGE AT HOME

Vehicle Pursuits

- Text entities were corrected in the titles of [OFFICER/DEPUTY] RESPONSIBILITIES and [WATCH COMMANDER] RESPONSIBILITIES
- Policy references were clarified in WHEN TO TERMINATE A PURSUIT.

Canines

- This policy has had a full legal and best practice review and has been reorganized. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or

confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended) you should reject this policy in its entirety.

- PURPOSE AND SCOPE - a minor typographical error has been corrected
- A POLICY statement has been added.
- APPREHENSION GUIDELINES allow the [Watch Commander] to approve a limited use of a canine in certain exceptional situations for lesser criminal offenses.
- REQUESTS FOR CANINE TEAMS removed the Coordinator from the decision because of the operational nature of such requests - ensure this meets with agency protocol.
- WARNINGS AND ANNOUNCEMENTS includes a provision for ensuring the suspect has opportunity to comply with warnings.
- REPORTING CANINE USE, BITES AND INJURIES includes provisions for getting medical attention and additional reporting and investigation responsibilities.
- TRAINING has been modified so that the team meets nationally recognized standards or other standards recognized by the department.
- TRAINING AIDS content has been updated to reflect federal requirements.

Search and Seizure

- Content was removed from POLICY because the corresponding content was removed from the Training Policy.

Temporary Custody of Juveniles

- For clarity, MANDATORY RECORDINGS OF JUVENILES has been added, containing content that was previously in the Investigation and Prosecution Policy.
- A spelling error was corrected and a citation reference removed in LOCKED ENCLOSURES.

Adult Abuse

- This policy has had a full legal review and has been significantly rewritten and reorganized to provide better guidance for effectively investigating crimes against certain adults and recommending that proper notification to the correct social services agency occurs.

Discriminatory Harassment

- Recent legislation changes to the California Fair Employment and Housing Act provides that protection against discriminatory harassment applies to all persons, including unpaid interns and volunteers. As a result, all "employee" references were changed to "member" throughout the policy.
- Content has been added to PURPOSE AND SCOPE for risk mitigation.

- POLICY has a "member" change and a punctuation correction.
- DISCRIMINATION PROHIBITED has been changed to DEFINITIONS and content added.
- DISCRIMINATION has had "member" changes, punctuation corrections and the retaliation content has been moved to its own subsection.
- RETALIATION has been added to denote the difference between discrimination and retaliation.
- SEXUAL HARASSMENT has had a "member" change.
- ADDITIONAL CONSIDERATIONS has had "member" changes.
- QUESTIONS OR CLARIFICATION has been moved up in the policy. The content is unchanged.
- SUPERVISOR RESPONSIBILITY has been changed to SUPERVISOR RESPONSIBILITIES, slightly revised, and an additional responsibility added.
- SUPERVISOR'S ROLE has been revised to move some content to SUPERVISOR RESPONSIBILITIES and has a "member" fix.
- INVESTIGATION OF COMPLAINTS has had retaliation added to the list of issues to document and investigate, and eliminates a sentence that is no longer necessary.
- FORMAL INVESTIGATION has a one-word change to acknowledge that some issues may be investigated by someone other than an employee (i.e., complaint against Chief/Sheriff).
- EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS has been changed to ALTERNATIVE COMPLAINT PROCESS and has had several "member" changes.
- NOTIFICATION OF DISPOSITION was moved down in the policy. There are no content changes.
- DOCUMENTATION of COMPLAINTS has had clarifying language added.
- TRAINING has had several "member" changes.
- This policy has been flagged as "essential".

Missing Persons

- New content has been added to the INITIAL INVESTIGATION section regarding the use of telecommunications information to locate a missing person.
- SUPERVISOR RESPONSIBILITIES has been restructured and expanded to ensure a more assertive handling of these cases.
- DEFINITIONS, POLICY, ACCEPTANCE OF REPORTS, RECORDS BUREAU RESPONSIBILITIES, DETECTIVE BUREAU FOLLOW-UP and WHEN A MISSING PERSON IS FOUND all contain Penal Code citations that have been renumbered due to recent legislation. In addition, an age change was made in legislation that now provides that "Be on the Look-Out" bulletins should be broadcast for persons under 21 and there is evidence the missing person is at risk. Legislation amended the Penal Code to reflect that when any missing person is found that notification is to be provided to the Attorney General's Office immediately.
- Text entities in some titles have been corrected.

Public Alerts

- Recent legislation revised the Silver Alert to include a missing person who is developmentally disabled or cognitively impaired. Changes have been made to add the citation in SILVER ALERTS and the necessary language changes have been added to CRITERIA FOR SILVER ALERTS.
- CRITERIA FOR AMBER ALERT content was modified to include a legislative amendment to the Amber Alert criteria adding a child taken from a custodial parent or guardian

Hate Crimes

- DEFINITIONS - Citation corrected.
- [DETECTIVE BUREAU] RESPONSIBILITY - Text entity corrected.

Standards of Conduct

- This policy has undergone a complete review to ensure it reflects the most current content based on federal law and best practice. The policy has been better organized by type of conduct. The investigation and discipline provisions have been moved to the Personnel Complaints Policy. For this reason you should update both policies at the same time. Due to the nature of this policy you should work with your agency's counsel and employee unions (where applicable) to ensure applicability. This is a completely revised policy. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended) you should reject this policy in its entirety.

Information Technology Use

- This policy has undergone a complete review to ensure it reflects the most current content based on best practices and to emphasize specific elements. You should be cautious about incorporating discrepancies if you do not accept all of the changes. Changes include:
 - The title was changed to narrow the scope of this policy to information technology.
 - POLICY statement was added.
 - PRIVACY EXPECTATION was developed to establish the expectations of department members around information technology.
 - HARDWARE was added to restrict use of department hardware to business use.
 - OFF-DUTY USE was added to address issues created by remote access to department resources and at times where overtime liability could be created.

Report Preparation

- CRIMINAL ACTIVITY was reworded for clarity. It also allows for alternative reporting mechanisms for misdemeanor crimes where a victim does not desire a crime report. Situations where a report is required have been added as well as reference to other policies covering specific reporting requirements.
- DEATH CASES includes a policy title change for consistency and clarity throughout the manual.
- MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES has been updated to reflect the name change for the Department of Public Health. Contact information on where to obtain state reporting forms has also been updated.
- ALTERNATE REPORTING FOR VICTIMS was added to accommodate self-reporting by victims. You should review this section to ensure that it is consistent with your agency's protocols.
- A text entity in the title of INJURY OR DAMAGE BY [CITY/COUNTY] PERSONNEL has been corrected.

Reserve [Officers/Deputies]

- Level I certification in FIELD TRAINING has been corrected to Level II and the subsection reference has been corrected.
- The policy title has been updated for clarity.
- In CONCEALED FIREARMS PROHIBITED, the section reference has been corrected and the last sentence reworded for clarity.
- An index term was removed from DUTIES OF RESERVE [OFFICERS/DEPUTIES]
- An index term was corrected in RESERVE COORDINATOR
- Text entities in section/subsection titles have been corrected in:
 - SELECTION AND APPOINTMENT OF [POLICE/SHERIFFS] RESERVE [OFFICERS/DEPUTIES]
 - COMPENSATION FOR [POLICE/SHERIFFS] RESERVE [OFFICERS/DEPUTIES]
 - DUTIES OF RESERVE [OFFICERS/DEPUTIES]
 - RESERVE [OFFICER/DEPUTY] ASSIGNMENTS
 - SUPERVISION OF RESERVE [OFFICERS/DEPUTIES]
 - RESERVE [OFFICER/DEPUTY] MEETINGS
 - IDENTIFICATION OF RESERVE [OFFICERS/DEPUTIES]
 - RESERVE [OFFICER/DEPUTY] EVALUATIONS
 - RESERVE [OFFICER/DEPUTY] FIREARM TRAINING

Major Incident Notification

- Title reference change in MINIMUM CRITERIA FOR NOTIFICATION
- TE inserted in title of WATCH COMMANDER RESPONSIBILITIES and PIO.
- Policy reference amended in STAFF NOTIFICATION.

Death Investigation

- CORONER REQUEST a citation reference has been corrected.
- EMPLOYMENT RELATED DEATHS OR INJURIES clarification is made that when reporting a serious injury or death to Cal-OSHA, notification should be made immediately by telephone.
- INVESTIGATION CONSIDERATIONS a minor formatting change has been made.
- A re-lettering of the statute required a change to the citation in (b) of CORONER REQUEST
- Other minor formatting issues were also corrected

Mandatory School Employee Reporting

- This policy was amended to include a POLICY statement.
- The specific mandating reporting statutes were added to each category of school employees for clarification.
- The statutes that identify the offenses for which reporting is required were removed from MANDATORY SCHOOL EMPLOYEE ARREST REPORTING and placed accordingly in the sections that describe the employee position.
- Note that there is a citation discrepancy in ARREST OF COMMUNITY COLLEGE TEACHER OR INSTRUCTOR between our content and Penal Code § 291.5, which was enacted in 1983. That statute describes the offenses enumerated in " subdivision (1) of Penal Code § 261." Since 1983, Penal Code § 261 was amended to include an addition of subdivision (a) followed by the numerical subdivisions. Penal Code § 291.5 was never amended to reflect the addition of subdivision (a) to Penal Code 261. We have added subdivision (a) to our citation in the content for clarification.

Chaplains

- This policy content has been updated to reduce the risk of a First Amendment challenge to a chaplain program by, among other things, removing religious qualifications and overtones, and prohibiting law enforcement chaplains from engaging in any religious activity or advocacy. This is a completely revised policy. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended) you should reject this policy in its entirety.
- PURPOSE AND SCOPE has been modified to focus on counseling and emotional support.
- In ELIGIBILITY, requirements have been modified. Ecclesiastically certified or endorsed, ordained, licensed or commissioned by a recognized religious body has been removed. Five years of ministry experience within a recognized faith community has been changed to five years of successful counseling experience, and membership in ICPC has been removed.

- SELECTION AND APPOINTMENT now includes a description of discipline and the liberty interest review process, for consistency with other volunteers
 - IDENTIFICATION AND UNIFORMS was expanded to include a provision for no religious affiliation on the uniform
 - CHAPLAIN COORDINATOR assignment and duties were expanded
 - DUTIES AND RESPONSIBILITIES was expanded and reorganize
 - ASSISTING DEPARTMENT MEMBERS, ASSISTING THE DEPARTMENT TE in titles were removed
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Public Safety Video Surveillance System

- This policy has been rewritten to clarify certain legal considerations. The title of this policy has been changed to more accurately reflect the subject matter. Be cautious about conflicting policy sections if you do not accept all of the changes. Changes include:
 - POLICY section includes legal and ethical standards of operation coupled with protection of rights and privacy.
 - OPERATIONAL GUIDELINES upgrades the approval of locations to the Chief or Sheriff, or designee, and adds the stipulation that surveillance should be limited to public areas.
 - INTEGRATION WITH OTHER TECHNOLOGY allows for the coupling of the system to other technologies to enhance the utility of the system.
 - VIDEO LOG is designed to limit and document who has access to monitor the system.
 - In STORAGE AND RETENTION OF MEDIA, the specific retention time was eliminated and replaced with a reference to the adopted retention schedule.
 - TRAINING was added.
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Off-Duty Law Enforcement Actions

- FIREARMS policy reference title and the content have been updated for consistency with the Firearms Policy. Also, added "medication or any combination thereof" to cover broader conditions
 - [CIVILIAN/NONSWORN] RESPONSIBILITIES - TE in title has been amended
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Department Use of Social Media

- This policy establishes guidelines for the use of social media to connect and communicate with the community. Social media can be an extremely effective tool, but can introduce risk if not managed properly.
- The PURPOSE AND SCOPE outlines what this policy covers as well as which policies cover personnel process usage and internal usage as expression of speech.
- The POLICY section provides an affirmative statement that the agency will use social media to better link with the community.

- The AUTHORIZED USERS section emphasizes that only those who have been authorized may use social media for the agency.
- AUTHORIZED CONTENT includes those areas where social media may be used. This may be expanded or limited as desired for your agency.
- The INCIDENT-SPECIFIC USE sub-section limits authorization for situations where information accuracy and speed are paramount.
- The PUBLIC POSTING PROHIBITED sub-section is intended to limit exposure of liability to the department as well as limit the amount of attention needed when the public is allowed to post on an agency site.
- PROHIBITED CONTENT lists the types of content that are prohibited, but also directs all members to report suspected violations.
- MONITORING is a very important process to ensure that the usage stays within policy.
- The RETENTION OF RECORDS section provides for establishing a standard for retention, which may or may not have been addressed by your state, but none-the-less warrants attention.
- TRAINING is essential so that technical issues are covered as well as the risk associated with open forums of speech.

Chapter 4 – Patrol Operations

[Briefing] Training

- RETENTION OF [BRIEFING] TRAINING RECORDS has been added to ensure the proper tracking and retention of briefing training records.
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Crime and Disaster Scene Integrity

- This is a completely revised policy. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended), customization will be necessary.
 - EXECUTION OF HEALTH ORDERS makes it clear that officers are authorized to enforce the orders of the local health authority.
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Ride-Along Policy

- The policy reference was corrected in PROGRAM REQUIREMENTS
- Text entities were fixed in [OFFICER/DEPUTY]'s RESPONSIBILITY

Hostage and Barricade Incidents

- SUPERVISOR RESPONSIBILITIES has been modified to add guidance for complying with the requirement that a court order be obtained when interrupting communication services during a crisis event. A reference to the Public Utilities Code governing the interruption of communication services has also been added.

Response to Bomb Calls

- This policy has been updated to assist officers in the initial response to incidents involving explosives, explosive devices or explosion/bombing incidents. This update is extensive, so not accepting all of the updates may cause inconsistencies in the policy.
- A POLICY statement has been added.
- RECEIPT OF BOMB THREAT has been simplified and procedural components removed.
- GOVERNMENT FACILITY OR PROPERTY includes specific guidelines in subsections for different types of government facilities.
- PRIVATE FACILITY OR PROPERTY includes guidelines for initial information gathering to evaluate the agency response options.
- ASSISTANCE provides for the Watch Commander to determine what level of response is appropriate.
- FOUND DEVICE has been changed to incorporate national level training standards with regard to evacuation areas and the need to maintain good communications. Therefore, transmitted communications are limited "within the evacuation area" rather than a specific single distance.
- TE in title fixed for BOMB THREATS RECEIVED AT [POLICE/SHERIFF]'S FACILITY

Mental Illness Commitments

- DOCUMENTATION has been modified to remove the reference to a specific form, as the form title is subject to change by the California Department of Health Care Services (DHCS).
- ADVISEMENT - the required advisement wording has been added
- FIREARMS AND OTHER WEAPONS - The wording in the second paragraph regarding the possible need for warrants for searching or seizing weapons was split into two sentences for clarity.
- This policy has been flagged as "essential".

Cite and Release Policy

- This is a completely revised policy. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended), customization will be necessary.

- PURPOSE AND SCOPE has been clarified.
 - POLICY statement has been added.
 - DISCRETION TO ARREST has been removed.
 - RELEASE BY CITATION, FIELD CITATIONS and RELEASE AFTER BOOKING have been updated for clarity.
 - DISQUALIFYING OFFENSES has been added to specifically address those issues.
 - REASONS FOR NON-RELEASE has been updated to clarify the acceptable reasons for not releasing a person on a citation.
 - Minor changes were made in MISDEMEANOR WARRANTS for clarity.
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Foreign Diplomatic and Consular Representatives

- This policy has been reviewed based on the federal standards, and has been updated to provide better direction for field personnel on this complicated topic.
 - POLICY statement has been added
 - CLAIMS OF IMMUNITY was made more specific and specific actions are outlined
 - ENFORCEMENT ACTION section has combined the different levels of enforcement, reduced procedural elements and expanded with a diplomatic immunity table to simplify the immunity evaluation process.
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Detentions and Photographing Detainees

- DISPOSITION OF PHOTOGRAPHS Policy references have been clarified.
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Criminal Organizations

- GANG DATABASES has been updated to reflect legislation that added provisions to the Penal Code regarding an agency's responsibility if a minor or the minor's parent/guardian should contest a minor's designation in a shared gang database. An agency must provide a written response if contested within 60 days and must provide a response to an inquiry if a minor has been designated as a gang member, associate or affiliate.
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[Mobile Digital Terminal] Use

- PURPOSE AND SCOPE was reworded for clarity.
- POLICY statement was added.
- PRIVACY EXPECTATION was added for consistency with content in other policies regarding members forfeiting any expectation of privacy.
- A policy reference in RESTRICTED ACCESS AND USE was corrected.
- EMERGENCY ACTIVATION was reworded to be less procedural.

- MALFUNCTIONING MDC title was reworded for clarity.
 - BOMB CALLS was updated to be consistent with other policies dealing with that subject by not using the device within the evacuation area.
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Homeless Persons

- OTHER CONSIDERATIONS, MENTAL ILLNESS AND MENTAL IMPAIRMENT Policy references have been clarified.
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First Amendment Assemblies

- This new policy addresses law enforcement actions during First Amendment assemblies. Law enforcement agencies often struggle with the challenge of policing demonstrations and other forms of public gatherings. Failure to adequately prepare for responding to mass demonstrations or other crowd control venues can result in injuries, property damage and impaired law enforcement-community relations. Mismanagement can also lead to civil awards and settlements paid to plaintiffs who allege unconstitutional policing, policies or tactics. It is essential to have strong policy to address and govern the myriad aspects of crowd management.
 - We have included training requirements in this policy. While we recognize the impact that training can have on department resources, courts have held that agencies engaging in crowd control activities are required to train their officers on such policies. Practical experience across the country has demonstrated the necessity for such training. We have left training as an open matter to be developed and scheduled according to the resources available and the type of public gatherings your department will likely experience.
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Civil Disputes

- This new policy has been developed to provide members of your agency with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters) with the goal of minimizing any potential for violence or criminal acts. It includes guidance on standby requests and handling disputes over court orders.
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Suspicious Activity Reporting

- This new policy establishes guidelines and general coordination of the reporting of suspicious activity related to crime and terrorism. Highlights include:
 - A standard definition of suspicious activity has been provided in DEFINITIONS, along with specific examples.
 - In DEFINITIONS, Suspicious Activity Report is the title of an incident report using standard reporting forms, rather than a special report form.

- The RESPONSIBILITIES section establishes the investigations commander and those members who manage intelligence systems as recipients of all suspicious activity reports, establishing a broad review.

Medical Aid and Response

- This policy was developed to provide guidance to law enforcement personnel who encounter people who need emergency medical aid in the field. It outlines the responsibilities of those who respond and the considerations while on-scene.
- FIRST RESPONDING MEMBER RESPONSIBILITIES gives generalized guidelines for initial response and communications, such as instances of excited delirium. This section also emphasizes that the decision for transport belongs to EMS personnel.
- TRANSPORTING ILL OR INJURED PERSONS only allows for transport in department vehicles in extraordinary circumstances, and provides guidance regarding escorts.
- PERSONS REFUSING EMS CARE addresses refusal situations and guidance for non-consensual care or transport.
- AUTOMATED EXTERNAL DEFIBRILLATOR USE covers the care and use of an AED. If your agency does not provide access to AEDs you may reject this section during the review process. An agency that is an AED service provider must be approved by the local EMS agency prior to beginning service.
- AIR AMBULANCE provides guidelines for managing the response of an air ambulance. If your agency does not have access to air ambulances, you may reject this section during the review process.
- ADMINISTRATION OF OPIOID OVERDOSE MEDICATION covers responsibilities, reporting and training requirements. Trade names are avoided to allow for the introduction of new medications or new brands. If your agency does not allow members to administer these medications, you may reject this section during the review process. Agencies need to ensure members are obtaining, possessing and administering an opioid overdose medication pursuant to a prescription or standing medical order.

Chapter 5 – Traffic

Vehicle Impound Hearings

- HEARING PROCEDURES - A citation has been amended.

72-Hour Parking Violations

- PURPOSE AND SCOPE, VEHICLE STORAGE - References have been amended.

Chapter 6 – Investigation Operations

Investigation and Prosecution

- NOTE: IF YOU ACCEPT THIS POLICY, ACCEPT THE DELETION OF THE COMPUTERS AND DIGITAL EVIDENCE POLICY. IF YOU REJECT THIS POLICY, DO NOT DELETE THE COMPUTERS AND DIGITAL EVIDENCE POLICY.
- This policy deals with investigative due diligence. You may also find that this policy is the perfect starting point to address other specific needs regarding investigation operations by your agency.
- DISCONTINUATION OF INVESTIGATION has been added and provides guidelines for suspending an investigation. Having published guidelines is best practice. You may want to add labels to distinguish between your best practices and those that are required for electronic tracking.
- The new COMPUTERS AND DIGITAL EVIDENCE section replaces a related policy and procedures were removed since they change frequently.
- INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES narrowly focuses on investigative use of social media.
- MODIFICATION OF CHARGES FILED addresses the sensitive issue of submitting requests to the prosecutor's office to reduce or dismiss charges.
- This policy will help to ensure that there is no public perception of impropriety should the need to modify charges arise. Content regarding Mandatory Recording of Juveniles has been moved to the Temporary Custody of Juveniles Policy.

Sexual Assault Investigations

- This is a new investigative policy and replaces and expands the old Sexual Assault Victims' DNA Rights Policy, adding investigative best practices. Sexual Assault Response Teams or other cooperative interdisciplinary approaches are emphasized.
- In QUALIFIED INVESTIGATORS, we highly recommend the agency adhere to certain standards due to the complex nature of these investigations.
- INVESTIGATING AND REPORTING provides that all reports of sexual assault be assigned for follow-up.
- In VICTIM INTERVIEWS, the structure is such that an initial interview is required, then a detailed follow-up interview. The initial report does not contain disposition opinions.
- DISPOSITION OF CASES has been formalized and requires deliberate action requiring corroborative evidence.
- AUDITING CASE DISPOSITIONS has been added. This is a critical component for the agency to ensure it is handling cases appropriately and inter-disciplinary participation is recommended.
- In TRAINING, specific training components have been added.
- The POLICY TITLE has been changed to reflect the new content.

Asset Forfeiture

- PROPERTY NOT SUBJECT TO SEIZURE - A citation has been amended.
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Informants

- This policy is being amended to add safeguards for access to confidential informant records. It also addresses the use of juvenile informants and assigns responsibility for ensuring compliance with any grant or other audit requirements.
- This is a completely revised policy. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended), customization will be necessary.
- The DEFINITION for Informant now differentiates between informants and cooperative citizens or tipsters.
- USE OF INFORMANTS removed the narcotics supervisor as the manager and establishes the officer and supervisor as responsible.
- The JUVENILE INFORMANTS section differentiates between informants for criminal investigations and informants for regulatory investigations.
- The INFORMANT INTEGRITY section outlines steps necessary to protect the integrity of the informant process, including limitations on relationships, meetings and making payments.
- The UNSUITABLE INFORMANTS section allows for a more complex evaluation of informants than the prior concept of "unreliable." Informants may be unsuitable, yet usable, so the documentation of issues is critical.
- The INFORMANT FILES section retains the narcotics supervisor as the manager of the information. This section also provides for the critical component of auditing the files.
- INFORMANT PAYMENTS removed the schedule of payments and opted for more discretion for the agency while maintaining a strict process for the issuance and tracking of payments.
- The REPORTING OF PAYMENTS section covers federal rules on the informant reporting income, and the department issuing tax forms if payments reach the federal reporting level.
- The AUDIT OF PAYMENTS section provides for a bi-annual audit of informant funds.

Chapter 7 – Equipment

Vehicle Use

- ASSIGNED VEHICLE AGREEMENT was modified to fix the title of the Firearms Policy
- [INVESTIGATION] [DIVISION] VEHICLES TE in title corrected.

Chapter 8 – Support Services

Property and Evidence

- RETENTION OF BIOLOGICAL EVIDENCE has been updated for clarity regarding the retention time frames.
 - 2013 SB 0980 changed the period in which to notify a victim of pending destruction of evidence from 90 days to 180 days, effective January 1, 2015.
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Animal Control

- The policy title has been changed for consistency throughout the manual.
- INJURED ANIMALS has had a reference policy title updated due to the policy title change in the Firearms policy.
- [OFFICER/DEPUTY] RESPONSIBILITY has had the TE in the title corrected.
- INJURED ANIMALS has had a citation amended.

Chapter 9 – Custody

Temporary Custody of Adults

- This policy has undergone a thorough review and restructuring to ensure it remains current with federal laws and national best practices. The policy addresses the short period (we recommend less than six hours) before a person is transferred to a jail or other longer term holding facility. The policy has also been designed to allow for broader control at the agency level with respect to facility-related operations, such as security, facility safety and maintenance, escapes and emergencies. The policy provides that agency-specific procedures should be established. Provisions concerning mental illness commitments, juveniles, pregnant arrestees, restraints and custodial searches are addressed in other policies as indicated. This is a completely revised policy. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended) customization will be necessary.
- The policy title has been changed to better reflect content.
- PURPOSE AND SCOPE contains the specific prohibition of holding juveniles; it also refers to the Temporary Custody of Juveniles Policy.
- A POLICY statement has been added, emphasizing the concept of moving adults as soon as reasonably practical.
- GENERAL CRITERIA AND SUPERVISION emphasizes this policy is for short-duration, six-hour, holds. NOTE: IF AN AGENCY WANTS TO HOLD LONGER, LEXIPOL SUGGESTS THE AGENCY ADOPT THE SMALL JAIL CUSTODY MANUAL. Bedding and food service provisions, as well as specific fire

and emergency procedures, have been removed from this policy, allowing agencies to develop procedures to meet their specific needs.

- INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY has been added, and includes a link to the Crisis Intervention Incidents Policy for people who are in crisis and state-defined conditions.
- SUPERVISION IN TEMPORARY CUSTODY includes a provision for those who cannot verbally summon assistance and reworded staffing considerations, as well as an exception for a member not entering the cell of a person of the opposite sex.
- CONSULAR NOTIFICATION adds guidelines for handling foreign nationals.
- MEDICAL CARE prohibits temporary holding of anyone needing medication.
- RELIGIOUS ACCOMMODATION changes the focus from programs to specifics for short-term holding, such as apparel.
- PREGNANT ADULTS refers to the Handcuffing and Restraints Policy because of the short duration of custody covered by this policy.
- SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY adds specific state-recommended notifications.
- HOLDING CELLS changes include the requirement for safety checks every 15 minutes.
- USE OF SOBERING CELL is current language, but if your agency doesn't use them, this subsection can be deleted
- Corrections Standards Authority (CSA) has been changed to Board of State and Community Corrections (BSCC) in STAFFING PLAN.
- This policy has been flagged as "essential".

Chapter 10 – Personnel

Recruitment and Selection

- This is a completely revised policy. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended), customization will be necessary.
- A POLICY section has been added.
- The expanded and revised section on RECRUITMENT emphasizes strategies for legal and effective recruiting.
- The restructured and revised EMPLOYMENT STANDARDS section reflects state standards.
- The BACKGROUND INVESTIGATION section includes compliance with the procedures of the Fair Credit Reporting Act and Equal Employment Opportunity Commission (EEOC) Enforcement Guidance regarding Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964.
- The REVIEW OF SOCIAL MEDIA SITES subsection provides guidelines to avoid legal problems impacting candidate privacy interests and to reflect a best practice consistent with statutes being enacted across the country

Grievance Procedure

- GRIEVANCE DEFINED Policy references have been clarified.

Sick Leave

- PURPOSE AND SCOPE has had content added as a result of provisions in 2013 AB 1522 (potentially titled: Healthy Workplaces, Healthy Families Act). The law takes effect July 1, 2015.

Communicable Diseases

- This policy was significantly simplified. The policy is shorter and more concise, while still providing the guidance an agency needs to implement their exposure control plan. This policy better recognizes that the bulk of an agency's efforts to mitigate their risks in this area will be in the form of their procedures and training. Changes include:
 - POLICY statement is added.
 - While communicable disease regulations can get hyper-technical and heavy on medical terms, in DEFINITIONS we chose to provide only two definitions in this revised policy, both written in simple terms. It is crucial that a lay person be able to identify and report a suspected exposure. In this way we can best ensure that a medical professional can become involved, review the facts and provide the appropriate treatment (if any). It is also important to train your members on what constitutes an exposure.
 - EXPOSURE CONTROL OFFICER is simplified and more concise, especially around the exposure control plan elements.
 - GENERAL PRECAUTIONS outlines what each member can do to minimize exposures and mitigate their impact.
 - IMMUNIZATIONS provides for standard HBV immunizations and boosters.

Personnel Complaints

- This policy has undergone a complete review to ensure it reflects the most current content based on federal law and best practice. All updates should be accepted to avoid mixing old and new content, which could result in conflicting or confusing policies. If any customization is needed, you may do so during the update process. If you choose to reject any portion of this policy (which is not recommended), customization will be necessary.
- POLICY section added to establish rationale.
- Investigation and discipline provisions that were formerly included in the Standards of Conduct Policy are now incorporated into this policy. You should update this policy and the Standards of Conduct Policy (320) at the same time.

- The ACCEPTANCE section was modified to remove processes that discourage individuals from reporting alleged misconduct.
 - The DOCUMENTATION section directs that all complaints are documented and there is no emphasis on the complainant writing their complaint
 - The SUPERVISOR RESPONSIBILITIES section encourages supervisors to resolve complaints early, when that is possible. Also added was a provision for contacting the complainant within 24 hours.
 - The ADMINISTRATIVE INVESTIGATION PROCEDURES section covers best practice actions for any accused member, as well as incorporating legislated procedures, if they apply.
 - The POST-ADMINISTRATIVE INVESTIGATION PROCEDURES section ensures consistent review and documentation of the review process.
 - PRE-DISCIPLINE EMPLOYEE RESPONSE, RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE, and POST-DISCIPLINE APPEAL RIGHTS sections are added to bring disciplinary processes into this policy.
 - Due to the nature of this policy you should work with your agency's counsel and employee unions (where applicable) to insure applicability.
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Outside Employment

- REVIEW OF FINANCIAL RECORDS Policy reference has been clarified.
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On Duty Injuries

- SUPERVISOR'S RESPONSIBILITY, [AGENCY HEAD] RESPONSIBILITY - Policy references and a form reference have been clarified.
 - [DIVISION COMMANDER] RESPONSIBILITY, [AGENCY HEAD] RESPONSIBILITY - TE in titles have been corrected.
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Uniform Regulations

- OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT - A policy reference has been clarified.
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Nepotism and Conflicting Relationships

- RESTRICTED DUTIES AND ASSIGNMENTS A citation has been amended.
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Department Badges

- FLAT BADGE - A policy reference has been clarified.

- [CIVILIAN/NONSWORN] PERSONNEL - TE in title has been corrected.
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Performance History Audits

- CONFIDENTIALITY OF DATA - A policy reference has been clarified.