

Port San Luis Harbor District

Harbor Patrol Policy Manual

[HPPM]



Adopted by the Board of Harbor Commissioners:
10-27-2020

Harbor Patrol Policy Manual

Policy Manual

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POLICY TITLE: Law Enforcement Authority
POLICY NUMBER: 100
Originally Adopted: October 27, 2020

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the officers of the Port San Luis Harbor Patrol to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Port San Luis Harbor Patrol to limit its officers to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate the abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Sworn officers of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.33 and 830.33(b). Additional authority comes from Harbors and Navigation Code § 663.5.

Section 22.220 and 22.225 of the Port San Luis Code of Ordinances defines the employees who are empowered to act as peace officers as below.

22.220 - Harbor Police - The Harbor Police of the District shall be those employees designated by the Board by resolution pursuant to Penal Code Section 830.33(b), and shall automatically include the Chief Harbor Patrol Officer, Supervising Harbor Patrol Officer and all Harbor Patrol Officers. All peace officers shall have current certificates showing successful completion of no less than a P.O.S.T. approved 40-hour Penal Code Section 832 training course.

22.225 - Authority of Harbor Police - Harbor Police shall have the authority to enforce the provisions of this Code and all District, state and local laws providing for the protection and safety of persons or the property of persons, including but not limited to, persons and property in and upon the waters subject to the jurisdiction of the District, and adjacent property owned or controlled by the District.

100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE PORT SAN LUIS HARBOR DISTRICT

The arrest authority within the jurisdiction of the Port San Luis Harbor District includes (Penal Code § 830.33; Penal Code § 836):

- (a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.
- (c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE PORT SAN LUIS HARBOR DISTRICT

The arrest authority outside the jurisdiction of the Port San Luis Harbor District includes (Penal Code § 830.33; Penal Code § 836):

- (a) When the officer has probable cause to believe the person committed a felony.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed within the District, or while assisting another agency.

On-duty officers who discover criminal activity outside the jurisdiction of the District should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

100.3.3 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.3.4 TIME OF MISDEMEANOR ARRESTS

Officers shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - (a) A misdemeanor committed in the presence of the officer.
 - (b) Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.4 CONSTITUTIONAL REQUIREMENTS

All officers shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

POLICY TITLE: Oath of Office
POLICY NUMBER: 101
Originally Adopted: October 27, 2020

101.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

101.2 POLICY

It is the policy of the Port San Luis Harbor Patrol that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

101.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

"I, (employee name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

101.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

POLICY TITLE: Policy Manual
POLICY NUMBER: 102
Originally Adopted: October 27, 2020

102.1 PURPOSE AND SCOPE

The manual of the Port San Luis Harbor Patrol is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules, and guidelines of this department. All officers are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

102.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable, and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to officers of this department under the circumstances reasonably available at the time of any incident.

102.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Port San Luis Harbor Patrol and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the District, its officials or officers. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training, or discipline. The Port San Luis Harbor District reserves the right to revise any policy content, in whole or in part.

102.3 AUTHORITY

The Port San Luis Board of Commissioners shall be considered the ultimate authority for the content and adoption of the provisions of this manual. The Chief Harbor Patrol Officer shall ensure compliance with all applicable federal, state, and local laws.

102.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

Arm Bar - A physical arm, joint manipulation and pain compliance hold designed for physically controlling a subject and for self-defense. The arm bar immobilizes the subject's arm by locking the joints of the arm and induces pain by compressing the bones of the wrist and shoulder against the nerves of the arm. This hold can be used from the horizontal and vertical arm positions.

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Board - Port San Luis Board of Commissioners.

CCR - California Code of Regulations (Example: 15 CCR 1151).

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

Credible Sighting - A sighting of a white shark in or near District waters which is reported to the District, by a person whose ability (location, glare, weather, light conditions, speed of vessel or speed of vehicle), training, experience, education or equipment make it highly probable that a white shark is present.

Deadly Force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a)

District - The Port San Luis Harbor District.

District Property - All lands and water under the ownership or control of the District.

Department/PSLHD - The Port San Luis Harbor District.

DSME - District Subject Matter Expert.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Port San Luis Harbor District.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agent, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Juvenile - Any person under the age of 18 years.

Line of Demarcation (LOD) - A line that runs from the end of the Port San Luis breakwater to Fossil Point.

Manual - The Port San Luis Harbor District Policy Manual.

Marine Injury Incident - A life threatening injury (resulting in great bodily injury or death) to a person, that was likely caused by a shark or marine animal in the waters owned or controlled by the District.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Port San Luis Harbor District, including:

- Full- and part-time employees
- Sworn peace officers

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- Reserve officers
- Non-sworn employees
- Volunteers.

Non-sworn - Employees and volunteers who are not sworn peace officers.

OC Pepper Spray/ Chemical Agents - Hand-held aerosol chemical agent restraint for use against subjects or animals that pose a threat to Harbor Patrol Officers, members of the public, or themselves. The chemical restraint, oleoresin capsicum (OC) pepper spray, is a natural product made from the wax, oil, extract and dust particles of the cayenne and habanero pepper plants. When sprayed in a water and glycol alcohol (harmless, non-flammable) solution upon a person or animal, the agent causes temporary pain and other physiological/ psychological effects but does not physically injure.

Officer - Those employees, regardless of rank, who are sworn peace officers of the Port San Luis Harbor District.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Physical Control Techniques - Physical control and personal defense techniques to include pain-compliance holds, joint manipulations, diffusers, distractions, pressure point and nerve stimulation applications and takedown type techniques.

Primary Jurisdiction - The primary jurisdiction of the Harbor Patrol Officers are those areas which constitute District property.

POST - The California Commission on Peace Officer Standards and Training.

Rank - The title of the classification held by an officer.

Rear Wristlock - A physical arm, joint manipulation and pain compliance hold designed for physically controlling a resisting subject and for self-defense. The rear wristlock immobilizes a subject's arm by locking the joints of the arm behind the subject's back and induces pain by compressing bones in the wrist against nerves in the arm.

The rear wristlock may be employed to control a resisting subject, for self-defense, to move a subject about, or in preparation for handcuffing.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f(4))).

Shall or will - Indicates a mandatory action.

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Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Sheriff's Department - The San Luis Obispo County Sheriff's Department.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department officers, directing the work of other officers or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

Supervisor may also include assisting officers of the Sheriff's Department, CHP or other allied agency.

Takedowns - A physical self-defense technique whereby an actively resisting or combative subject is rapidly directed to the ground through manipulation of the subject's arm and driving them off balance. The technique forces the subject to the "felony-prone" position where the resisting subject can be handcuffed. This technique is generally applied from the twistlock position and can be deployed from the front and rear positions.

Totality of the circumstances - All facts known or apparent to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

Twistlock - A physical, joint manipulation and pain compliance hold designed for physically controlling a resisting subject and for self-defense. The twistlock immobilizes a subject's arm by locking joints of the arm (shoulder, elbow, and wrist) and induces pain by compressing bones in the wrist against nerves in the arm.

USC - United States Code.

USCG - United States Coast Guard.

Zones of Impact - Harbor Patrol Officers may perform law enforcement duties within designated "Zones of Impact". A "Zone of Impact" is defined as an area outside of the contiguous boundary of District property that displays an operational history of impact upon District property. The Harbor Manager, in consultation with the court(s) and law enforcement agencies with concurrent jurisdiction, designates "Zones of Impact". The establishment of these zones is in no way intended to limit the authority of the Harbor Patrol Officers outside the District when District policy and good judgment, indicate that law enforcement action should be taken.

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102.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all officers on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Port San Luis Harbor District Board of Commissioners.

Each officer shall acknowledge that he/she has been provided access to and has had the opportunity to review the Policy Manual and Memorandums. Officers shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

102.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief Harbor Patrol Officer will ensure that the Policy Manual is periodically reviewed and updated as necessary.

102.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Officers are responsible for keeping abreast of all Policy Manual revisions.

The Chief Harbor Patrol Officer will ensure that officers under his/her command are aware of any Policy Manual revision.

All department officers suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the Chief Harbor Patrol Officer, who will consider the recommendations and forward them to the Harbor Manager and Port San Luis Harbor District Board of Commissioners as appropriate.

POLICY TITLE: Organizational Structure and Responsibility
POLICY NUMBER: 200
Originally Adopted: October 27, 2020

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.2 ROLES AND RESPONSIBILITIES

200.2.1 HARBOR MANAGER

The Harbor Manager shall have the oversight responsibilities for the Public Safety and Law Enforcement Program, including but not limited to appointing a DSME and providing written delegations to the Chief Harbor Patrol Officer.

When the Board approves a public safety policy, unless otherwise specified, the Harbor Manager shall have the responsibility to follow through with guidelines, procedures, responsibilities (delegations), reports, and handbooks to implement Board policy.

200.2.2 CHIEF HARBOR PATROL OFFICER

When the Board approves a policy for the Public Safety and Law Enforcement Program, unless otherwise specified, the Chief Harbor Patrol Officer shall have the responsibility of promulgating operating procedures, forms, and handbooks to implement such policy, for the review and approval of the Harbor Manager.

The Chief Harbor Patrol Officer shall be the day-to-day liaison with public safety agencies regarding operations and training.

200.2.3 SUPERVISING HARBOR PATROL OFFICER

The primary roles and responsibilities of the Supervising Harbor Patrol Officer are marine search and rescue for the Port San Luis Harbor District and the surrounding waters and to review and supervise the work of staff responsible for the Harbor Patrol services, which include acting as the District's enforcement agent focusing on California Boating Laws (defined as: laws and regulations concerning the operation of vessels, equipment requirements, registration and the development and operation of small craft harbors and boat launching facilities) and Harbor District Ordinances.

200.2.4 HARBOR PATROL OFFICER

The primary roles and responsibilities of a Harbor Patrol Officer are marine search and rescue for the Port San Luis Harbor District and the surrounding waters and acting as the District's enforcement agent focusing on California Boating Laws (defined as: laws and regulations concerning the operation of vessels, equipment requirements, registration and the development and operation of small craft harbors and boat launching facilities) and Harbor District Ordinances.

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Organizational Structure and Responsibility

200.2.5 RESERVE HARBOR PATROL OFFICER

Under supervision of the Chief Harbor Patrol or their designee, assists the Harbor Patrol Department in a variety of duties both on the water and landside.

200.2.6 SEASONAL LIFEGUARDS (SENIOR LIFEGUARD, LEAD LIFEGUARD AND LIFEGUARD)

Under supervision of the Chief Harbor Patrol Officer or their designee, provides with the lifeguard function at Port San Luis Harbor District beach facilities; vigilantly observes aquatic activity, physically rescues, or assists those in danger and advises of unsafe conditions; administers first aid, maintains headquarters, and makes reports.

200.3 AUTHORITY OF HARBOR MANAGER

When a federal, state, or local law, ordinance, or regulation refers to a “Chief of Police” or “Chief Law Enforcement Officer” or “Person in Authority” or “Highest Ranking Official” or “Authorized Official in Charge” and the purpose of the communication is:

- Protocol, formality, or mere point of contact terms shall refer to the Harbor Manager. This authority may be delegated to the Chief Harbor Patrol Officer.
- Law enforcement sensitive, public safety and regulated by law terms shall refer to the Chief Harbor Patrol Officer.

200.4 SECTIONS

The Chief Harbor Patrol Officer is responsible for administering and managing the Harbor Patrol Department. All functions are organized under the department as follows:

- Harbor Patrol Section
- Lifeguard Section

200.4.1 PATROL SECTION

The Patrol Section is commanded by a Chief Harbor Patrol Officer, whose primary responsibility is to provide general management direction and control for the Patrol Section. The Patrol Section consists of Uniformed Patrol Operations. The Patrol Section also provides supervision for the Lifeguard Section, Campground Hosts and Water Taxi Operators.

200.4.2 LIFEGUARD SECTION

The Lifeguard Section is commanded by a Chief Harbor Patrol Officer, whose primary responsibility is to provide general management direction and control for the Lifeguard Section. The Lifeguard Section consists of Uniformed Lifeguards.

200.5 COMMAND PROTOCOL

It is the policy of the District to have a Chain of Command for public safety and law enforcement personnel. The goal is to avoid situations where supervisors, unfamiliar with the ramifications of

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Organizational Structure and Responsibility

public safety or law enforcement actions, make timely, tactical, or technical decisions that impact our employees or the public.

200.5.1 SUCCESSION OF COMMAND

The Harbor Manager shall have the oversight responsibilities for the Public Safety and Law Enforcement Program. The Chief Harbor Patrol Officer exercises command over all personnel in the department. During planned absences, the Supervising Harbor Patrol Officer will serve as the acting Chief Harbor Patrol Officer. For long-term absences, an interim Chief may be appointed.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief Harbor Patrol Officer is as follows:

- (a) Supervising Harbor Patrol Officer
- (b) Senior on-duty Harbor Patrol Officer

200.5.2 ORDERS

Officers shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

POLICY TITLE: Emergency Management Plan
POLICY NUMBER: 201
Originally Adopted: October 27, 2020

201.1 PURPOSE AND SCOPE

The District has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

201.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

201.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Port San Luis Harbor District are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Harbor Manager, Chief Harbor Patrol Officer or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

201.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Harbor District Main Office and the Chief Harbor Patrol Officer's office. All officers should familiarize themselves with the Emergency Management Plan. The Chief Harbor Patrol Officer should ensure that department personnel are familiar with the roles they will play when the plan is implemented.

201.4 UPDATING OF MANUALS

The Harbor Manager, Chief Harbor Patrol Officer or designee should review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

POLICY TITLE: Training Policy
POLICY NUMBER: 202
Originally Adopted: October 27, 2020

202.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

202.2 PHILOSOPHY

The department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates.

202.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public
- (b) Increase the technical expertise and overall effectiveness of our personnel
- (c) Provide for continued professional development of department personnel

202.4 TRAINING PLAN

A training plan will be developed and maintained by the Chief Harbor Patrol Officer or his/her designee. It is the responsibility of the Chief Harbor Patrol Officer to maintain, review, and update the training plan on an annual basis. The plan may include, but is not limited to:

A. Officer Safety Training

1. Unarmed Defensive Tactics (UDT): All Harbor Patrol Officers will attend a 16.0-hour initial course. All Officers are required to attend an 8.0 hour review each subsequent year.
2. Firearms: All Harbor Patrol Officers are required to attend a 40-hour firearms course. All Officers are required to complete quarterly firearms qualifications each subsequent year.
3. Tactical Negotiations/ De-escalation: All Harbor Patrol Officers will attend 8.0 hours of training in Tactical Negotiations and De-escalation. Each Officer is required to complete additional verbal communication skills training incorporated into other use of force, liability and Officer safety training each subsequent year.
4. Arrest and Control Techniques (ACT): All Harbor Patrol Officers are required to complete 8.0 hours of initial ACT training. All Officers are required to complete 5.0 hours of training each subsequent year.
5. Chemical Agents (OC Pepper Spray): All Harbor Patrol Officers are required to attend an 8.0-hour course in chemical agents (OC Spray). All Officers are required to complete 3.0 hours of training each subsequent year.

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Training Policy

6. Impact & Special Use Weapons: All Harbor Patrol Officers will attend 8 hours of initial training for impact and special use weapons. All Officers are required to complete 4.0 hours of training each subsequent year.
7. Report Writing: All Harbor Patrol Officers will complete 8 hours of initial training on Critical incident Report Writing. All officers are required to complete 2.0 hours of training each subsequent year.
- B. First Responder Medical Training (Title 22): All Harbor Patrol Officers will complete, at a minimum, 23 hours of training on first aid for public safety personnel to include CPR/AED for the professional rescuer.
- C. Emergency Vehicle/ Vessel Operations: All Harbor Patrol Officer will complete, at a minimum, 8 hours of training on Emergency Vehicle/ Vessel Operations.
- D. Hazmat Spill Response/ Hazardous Waste - Operations: All Harbor Patrol Officers will complete 12 hours of initial training in hazardous waste response for first responders. All Officers will be required to attend 4 hours of review each subsequent year.

202.5 TRAINING NEEDS ASSESSMENT

The Chief Harbor Patrol Officer and Supervising Harbor Patrol Officer will conduct an annual training-needs assessment of the department.

202.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 1. Court appearances
 2. Previously scheduled and approved vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training
 2. Document his/her absence in an email to his/her supervisor
 3. Make arrangements through his/her supervisor and the Chief Harbor Patrol Officer to attend the required training on an alternate date as approved by the department

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Training Policy

202.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Port San Luis Harbor District Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Chief Harbor Patrol Officer.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Chief Harbor Patrol Officer. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

POLICY TITLE: Electronic Mail
POLICY NUMBER: 203
Originally Adopted: October 27, 2020

203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the department's electronic mail (email) system by officers of this department. Email is a communication tool available to officers to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to officers for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the department.

203.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the department. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Officers using the department's email system shall have no expectation of privacy concerning communications utilizing the system.

Officers should not use personal accounts to exchange email or other information that is related to the official business of the department.

203.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

203.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Retention Policy.

POLICY TITLE: Retiree Concealed Firearms
POLICY NUMBER: 204
Originally Adopted: October 27, 2020

204.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of Port San Luis Harbor District identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

204.2 POLICY

It is the policy of the Port San Luis Harbor District to provide identification cards to qualified former or retired officers as provided in this policy.

204.3 LEOSA

The Chief Harbor Patrol Officer may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

204.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Port San Luis Harbor District qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the department to meet the active-duty standards for qualification to carry a firearm.

204.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

204.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

204.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired officer shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name and address of this department.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

204.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Port San Luis Harbor District shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

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- (a) The retiree's previous agency is no longer providing law enforcement services, or the relevant government body is dissolved.
- (b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

204.4.3 QUALIFIED RETIRED RESERVES

Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

204.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Chief Harbor Patrol Officer of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

204.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

204.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 26305):

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by a department approved Rangemaster or Armorer.

204.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or

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revoked, the former officer may request a review by the Chief Harbor Patrol Officer. The decision of the Chief Harbor Patrol Officer is final.

204.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Chief Harbor Patrol Officer when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 - 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 - 1. The decision of such hearing board shall be binding on the Department and the retiree.
 - 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief Harbor Patrol Officer as soon as practicable. The Chief Harbor Patrol Officer should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 - (a) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

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- (b) The Chief Harbor Patrol Officer should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief Harbor Patrol Officer.
- (c) The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
 - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
- (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the
- (e) The Chief Harbor Patrol Officer should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Chief Harbor Patrol Officer may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

204.8 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

For those qualified former or retired Harbor Patrol Officers/ Chiefs that reside outside San Luis Obispo County, the Chief Harbor Patrol Officer or his/her designee will verify the Rangemaster/ Rangemaster program for their required firearms qualifications.

For those qualified former or retired Harbor Patrol Officers/Chiefs that reside inside San Luis Obispo County, firearms qualifications will be required to be done with/through the Port San Luis designated Rangemaster/ Rangemaster program.

POLICY TITLE:	Use of Force
POLICY NUMBER:	300
Originally Adopted:	October 27, 2020
Revised:	January 26, 2021

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every officer of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Arm Bar - A physical arm, joint manipulation and pain compliance hold designed for physically controlling a subject and for self-defense. The arm bar immobilizes the subject's arm by locking the joints of the arm and induces pain by compressing the bones of the wrist and shoulder against the nerves of the arm. This hold can be used from the horizontal and vertical arm positions.

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Rear Wristlock - A physical arm, joint manipulation and pain compliance hold designed for physically controlling a resisting subject and for self-defense. The rear wristlock immobilizes a subject's arm by locking the joints of the arm behind the subject's back and induces pain by compressing bones in the wrist against nerves in the arm.

The rear wristlock may be employed to control a resisting subject, for self-defense, to move a subject about, or in preparation for handcuffing.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

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Takedowns - A physical self-defense technique whereby an actively resisting or combative subject is rapidly directed to the ground through manipulation of the subject's arm and driving them off balance. The technique forces the subject to the "felony-prone" position where the resisting subject can be handcuffed. This technique is generally applied from the twistlock position and can be deployed from the front and rear positions.

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

Twistlock - A physical, joint manipulation and pain compliance hold designed for physically controlling a resisting subject and for self-defense. The twistlock immobilizes a subject's arm by locking joints of the arm (shoulder, elbow and wrist) and induces pain by compressing bones in the wrist against nerves in the arm.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

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300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).

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- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

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The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

Pain compliance techniques include but are not limited to:

- Twistlock
- Rear Wristlock
- Arm Bar
- Takedowns

300.3.4 CAROTID CONTROL HOLD

Officers of this department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code 7286.5).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Port San Luis Harbor District DSME for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

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300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES OR VESSELS

Shots fired at or from a moving vehicles or vessels are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle or vessel instead of discharging their firearm at the vehicle, vessel or any of its occupants. An officer should only discharge a firearm at a moving vehicle, vessel or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle or vessel, or if deadly force other than the vehicle or vessel is directed at the officer or others (Government Code § 7286(b)).

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Officers should not shoot at any part of a vehicle or vessel in an attempt to disable the vehicle or vessel.

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (f) The individual subjected to the force was rendered unconscious.
- (g) An individual was struck or kicked.
- (h) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the records policy.

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300.6 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "Psycho-medical emergencies" or "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
 - (e) Identify any witnesses not already included in related reports.
 - (f) Review and approve all related reports.
 - (g) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
 - (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 CHIEF HARBOR PATROL OFFICER RESPONSIBILITY

The Chief Harbor Patrol or Supervising Harbor Patrol Officer shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

300.8 TRAINING

Officers, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Chief Harbor Patrol Officer should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.9 POLICY REVIEW

The Chief Harbor Patrol Officer or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

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300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.11 POLICY AVAILABILITY

The Chief Harbor Patrol Officer or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.12 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and any applicable policies (Government Code § 7286(b)).

POLICY TITLE: Handcuffing and Restraints
POLICY NUMBER: 301
Originally Adopted: October 27, 2020

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Port San Luis Harbor District authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

301.3 USE OF RESTRAINTS

Only officers who have successfully completed Port San Luis Harbor District-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer, or damage property.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety. Handcuffs may also be used in conjunction with a transportation belly band.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be adjusted to fit and double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

301.5 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, and there is a known or suspected injury as a result of the use of handcuffs or other restraints, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained while in the care of Harbor Patrol.
- (e) Observations of the person's behavior and any signs of physiological problems.
- (f) Any known or suspected drug use or other medical problems.

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301.6 TRAINING

Subject to available resources, the Chief Harbor Patrol Officer should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

POLICY TITLE: Control Devices and Techniques
POLICY NUMBER: 302
Originally Adopted: October 27, 2020

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

These Control Devices and Techniques include, but are not limited to:

- Physical Control Techniques
- Baton
- Unarmed Defensive Tactics (UDT)
- Special Use Weapons
- Oleoresin Capsicum (OC) Spray

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Port San Luis Harbor District authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by officers of this department only if the device has been issued by the Department or approved by the Chief Harbor Patrol Officer or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.4 RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Incident Reports shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

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302.5 PHYSICAL CONTROL TECHNIQUES

Physical control and personal defense techniques include pain-compliance holds, joint manipulations, diffusers, distractions, pressure point and nerve stimulation applications and takedown type techniques.

Physical control techniques include, but are not limited to; twistlock, rear wristlock, arm bar and takedowns.

Physical control techniques may also include manually escorting a subject by use of one of the above techniques or laying hands on a subject with the intention of physically directing them to a location, or in gaining control.

302.6 IMPACT WEAPONS

Impact weapons are used to temporarily immobilize or control an aggressive or violent subject or may be displayed (produced and extended) to discourage them from assaulting or violently resisting arrest. In certain circumstances, it may also be reasonable and practical for an officer to use their baton to protect him/ herself from an aggressive animal.

302.6.1 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or external carrier. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

302.6.2 UNARMED DEFENSIVE TACTICS

Unarmed Defensive Tactics (UDT), is a physical defensive force system utilizing personal body weapons to deploy defensive striking, blocking and counter-striking techniques against violent, attacking subjects who are armed and unarmed. Examples of personal body weapons used in UDT include, but are not limited to: heel-palm, elbow, knee and foot/leg strikes.

The purpose of UDT is to immediately incapacitate and stop the threat posed by a violent assailant by knockout or knockdown.

UDT techniques may be used in all standing and ground-based attacks when an officer reasonably believes that themselves or others are placed in serious and immediate risk and all other force options are either unavailable or inappropriate to use.

302.6.3 SPECIAL USE WEAPONS/ EXIGENT CIRCUMSTANCES

In rare instances, the dynamics of a sudden and violent encounter with an assailant may create exigent circumstances where an officer may be forced to use an instrument or object not intended to normally be used as an impact weapon, against his/her attacker for officer safety and self-

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defense. In said circumstances, the instrument or object may be considered as a "Special Use Weapon".

Officers would be authorized to use "Special Use Weapons" only when all other force options were either unavailable or inappropriate to use given the unique circumstances and to not use the "Special Use Weapon" would significantly increase the likelihood that the officer or other would be seriously injured.

302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

302.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or external carrier. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

302.7.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.8 TRAINING FOR CONTROL DEVICES AND TECHNIQUES

The Chief Harbor Patrol Officer shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices and techniques will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device and technique, or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or technique, or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying or using the control device or technique and may be subject to discipline.

302.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

POLICY TITLE:	Investigations of Officer-Involved Shootings and Deaths
POLICY NUMBER:	303
Originally Adopted:	October 27, 2020
Revised:	October 26, 2021

303.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

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

For the purpose of this policy, "Department" shall refer to the Port San Luis Harbor Patrol or Port San Luis Harbor District.

303.2 POLICY

The policy of the Port San Luis Harbor District is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

303.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

303.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies shall be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

303.4.1 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol.

303.5 INVESTIGATION PROCESS

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

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303.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, if safe and practical to do so, the first uninvolved PSLHP officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

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

303.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, if safe and practical to do so, the first uninvolved PSLHP supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any PSLHP officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Chief Harbor Patrol or Supervising Harbor Patrol Officer and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional PSLHP officers until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - (a) Each involved PSLHP officer should be given an administrative order not to discuss the incident with other involved officers or PSLHP officers pending further direction from a supervisor.

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- (b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

303.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

- Chief Harbor Patrol Officer/ Supervising Harbor Patrol Officer
- San Luis Obispo County Sheriff's Department
- Harbor Manager/ District Legal Counsel
- Chaplain/ Peer Support

303.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved PSLHP officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-PSLHP officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved PSLHP officer. A licensed psychotherapist may also be provided to any other affected PSLHP officers, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the officer providing a formal interview or report. However, involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) A separate fitness-for-duty exam may also be required.
- (f) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).
- (g) Officers should be given at least 72 hours before being forensically interviewed.
- (h) If safe and practical to do so, the involved officer(s) shall participate in a brief walk-through of the scene with a supervisor, identifying positions and items of evidence found at the scene for context without providing a complete statement.

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Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved PSLHP officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Chief Harbor Patrol or Supervising Harbor Patrol Officer to make schedule adjustments to accommodate such leave.

303.5.5 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Chief Harbor Patrol or Supervising Harbor Patrol should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

303.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this Department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews.

The following shall be considered for the involved officer:

- (a) PSLHP supervisors should not participate directly in any voluntary interview of PSLHP officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

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303.6.1 REPORTS BY INVOLVED PSLHP OFFICERS

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

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

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Nothing in this section shall be construed to deprive an involved PSLHP officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

303.6.2 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated San Luis Obispo Sheriff's Department representative to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related Department reports, except administrative and/or privileged reports, will be forwarded to the designated San Luis Obispo Sheriff's Department representative for approval. Privileged reports shall be maintained exclusively by officers who are authorized such access. Administrative reports will be forwarded to the Supervising Harbor Patrol Officer.

303.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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

303.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this Department will conduct an internal administrative investigation of PSLHP officers to determine conformance with Department policy. The investigation will be conducted under the supervision of the Chief Harbor Patrol Officer and will be considered a confidential officer personnel file.

Interviews of members shall be subject to Department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples, and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

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5. The Chief Harbor Patrol Officer shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

303.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Legal Counsel's Office, as appropriate.

303.9 DEBRIEFING

Following an officer-involved shooting or death, the Port San Luis Harbor District should conduct both a critical incident/stress debriefing and a tactical debriefing.

303.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Chief Harbor Patrol Officer is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing shall only include those officers of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public.

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303.9.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief Harbor Patrol Officer should identify the appropriate participants. This debriefing should not be conducted until all involved officers have provided recorded or formal statements to criminal and/or administrative investigators.

303.10 MEDIA RELATIONS

The Department shall not subject any involved PSLHP officer to visits by the media (Government Code § 3303(e)). No involved PSLHP officer shall make any comment to the media unless he/she is authorized by the Chief Harbor Patrol Officer or a Supervising Harbor Patrol Officer. Department officers receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

303.11 REPORTING

If the death of an individual occurs in the Port San Luis Harbor District jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Chief Harbor Patrol Officer will ensure that the Harbor Manager/ or designee is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

POLICY TITLE: Firearms
POLICY NUMBER: 304
Originally Adopted: October 27, 2020

304.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those officers who are authorized to carry firearms.

304.2 POLICY

The Port San Luis Harbor District will equip its officers with firearms to address the risks posed to the public and department officers by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

304.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Officers shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by an officer who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by officers in the performance of their official duties without the express written authorization of the Chief Harbor Patrol officer. This exclusion does not apply to the carrying of folding pocketknives or fixed-blade knives that are not otherwise prohibited by law.

304.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 22, .40. The following additional issued handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Glock	45	9 mm
Glock	22	40 cal

304.3.2 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by officers while off-duty is permitted by the District but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

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- (a) The officer may use his/her duty firearm or may use a personally owned firearm that is carried and inspected. An officer carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 - (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the officer to submit the firearm to the Chief Harbor Patrol Officer and Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster, or by request of the Chief Harbor Patrol Officer.
- (d) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Chief Harbor Patrol Officer and Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The officer will successfully qualify with the firearm prior to it being carried.
- (f) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Chief Harbor Patrol Officer, who will maintain a list of the information.
- (g) If a officer desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Officers shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Port San Luis Harbor District identification cards under circumstances requiring possession of such identification.

304.3.3 AMMUNITION

Officers shall carry only department-issued ammunition while on duty. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Chief Harbor Patrol Officer when needed.

304.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual officer.

304.4.1 REPAIRS OR MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Chief Harbor Patrol Officer.

Firearms that are the property of the Department may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Chief Harbor Patrol Officer and inspected by the Rangemaster prior to being placed back in service.

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304.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by officers. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

304.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

304.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, an officer may only sight in on a target when the officer would otherwise be justified in pointing a firearm at the target.

304.5 SAFE HANDLING, INSPECTION AND STORAGE

Officers shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee but shall place all firearms in a secured location. Officers providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (e) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

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304.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction or into clearing barrels.

Department-owned firearms shall be stored in the appropriate gun safe. Handguns may remain loaded if they are secured in an appropriate holster.

304.5.2 STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

304.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, officers shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

304.5.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the officer's senses or judgment.

304.6 FIREARMS TRAINING AND QUALIFICATIONS

Unless authorized by the Harbor Manager, all officers will qualify four times annually with their duty firearms. Unless authorized by the Harbor Manager, officers will qualify with off-duty firearms annually. Qualifications must be on an approved range course.

At least annually, all officers carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

304.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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Those who fail to qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the officer in demonstrating consistent firearm proficiency.
- (b) Officers shall be given credit for a range training or qualification when obtaining a qualifying score.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to qualify after remedial training

Officers who repeatedly fail to qualify will be removed from field assignment and may be subject to disciplinary action.

304.7 FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the officer shall file a written report with his/her supervisor prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the officer shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

304.7.1 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, paintball marker, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

304.7.2 INJURED ANIMALS

With the approval of a supervisor, a officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

304.7.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

304.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All officers attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all officers attending the range and will submit the roster to the Chief Harbor Patrol Officer after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to officers during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The officer will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each officer meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the officer is authorized to carry.

The Rangemaster shall complete and submit to the Chief Harbor Patrol Officer documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each officer who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Chief Harbor Patrol Officer.

304.9 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Port San Luis Harbor District identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.

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- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

POLICY TITLE: Vehicle Pursuits
POLICY NUMBER: 305
Originally Adopted: October 27, 2020

305.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

305.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized department emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

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

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

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

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

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

Tire deflation device - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit

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

305.2 PORT SAN LUIS HARBOR DISTRICT POLICY

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers. In recognizing the potential risk to

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public safety, the Harbor District discourages its officers from initiating or engaging in vehicle pursuits.

305.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized Harbor Patrol emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

305.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

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305.3.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known, and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

305.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors should also consider these factors when determining the reasonableness of the speed of the pursuit:

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

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305.4 PURSUIT UNITS

When involved in a pursuit, unmarked department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

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

305.4.1 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The suspected number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

305.4.2 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary unit and is responsible for:

- (a) Immediately notifying the dispatcher of entry into the pursuit.

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- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

305.4.3 UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

305.5 CHIEF HARBOR PATROL OR SUPERVISING HARBOR PATROL OFFICER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, and a Harbor Patrol Officer is the primary unit involved in the pursuit, the Chief Harbor Patrol Officer should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Chief Harbor Patrol or Supervising Harbor Patrol Officer has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

305.6 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

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305.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

305.7.2 USE OF FIREARMS

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

305.8 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Chief Harbor Patrol or Supervising Harbor Patrol Officer shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Chief Harbor Patrol or Supervising Harbor Patrol Officer for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief Harbor Patrol Officer or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved units and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a officer should be documented in the appropriate report (See the Use of Force Policy).
 - 8. Any injuries and/or medical treatment.

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9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief Harbor Patrol Officer or the authorized designee should conduct or assign the completion of a post-pursuit review.

Annually, the Chief Harbor Patrol Officer should direct a documented review and analysis of department vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

305.8.1 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the officer's training file.

305.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

305.10 POLICY

It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

POLICY TITLE: Officer Response to Calls
POLICY NUMBER: 306
Originally Adopted: October 27, 2020

306.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

306.2 RESPONSE TO CALLS

Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 in a vehicle shall continuously operate emergency lighting equipment, including at minimum a steady forward-facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Officers responding Code-3 in a vessel shall continuously operate emergency lighting equipment, including at a minimum an all-around flashing blue light, and shall sound the siren as reasonably necessary pursuant to HNC § 652.5(a).

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

306.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Dispatch.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

306.4 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

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The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lighting and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

306.5 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Chief Harbor Patrol or Supervising Harbor Patrol Officer or the field supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Chief Harbor Patrol or Supervising Harbor Patrol Officer or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

POLICY TITLE: Domestic Violence
POLICY NUMBER: 307
Originally Adopted: October 27, 2020

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate.

307.2 POLICY

The Port San Luis Harbor District's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior.

Proper investigation of domestic violence incidents requires advanced training and reporting methods. Recognizing the Harbor Patrol's limited exposure to these types of cases and limited interdepartmental resources, it is policy that this department turn-over investigation of domestic violence cases to a qualified agency.

Harbor Patrol officers are, however, required to respond to domestic violence situations that are occurring and provide aid as outlined below.

307.3 OFFICER SAFETY

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

307.4 INVESTIGATIONS

When available, officers should provide initial response and scene stabilization. If officers suspect that domestic violence has occurred, they shall remain on-scene until a representative from the Sheriff's Department arrives. All investigations shall be initiated and completed by the Sheriff's Department.

POLICY TITLE: Search and Seizure
POLICY NUMBER: 308
Originally Adopted: October 27, 2020

308.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Port San Luis Harbor District personnel to consider when dealing with search and seizure issues.

308.2 POLICY

It is the policy of the Port San Luis Harbor District to respect the fundamental privacy rights of individuals. Officers of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

308.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Search and Seizure

308.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Officers of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

308.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and department policy have been met.

POLICY TITLE: Temporary Custody of Juveniles
POLICY NUMBER: 309
Originally Adopted: October 27, 2020
Revised: January 26, 2021; April 27, 2021

309.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by officers of the Port San Luis Harbor Patrol (34 USC §11133).

309.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code §602). It also includes an offense under Penal Code §29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code §207.1; 15 CCR 1150).

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

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

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

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

309.2 POLICY

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

Some topics in this policy have been included for educational purposes and as examples, and typically will not be performed by Harbor Patrol Officers.

If a juvenile is the suspect of a serious or felony crime, the case should be turned over to the appropriate allied agency as soon as practical.

309.3 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Port San Luis Harbor District when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

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

309.4 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code §625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

309.5 RELEASE OF INFORMATION CONCERNING JUVENILES

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

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

Welfare and Institutions Code §828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Chief Harbor Patrol Officer and the appropriate San Luis Obispo County Sheriff's Department supervisors to ensure that personnel of those bureaus act within legal guidelines.

POLICY TITLE: Senior and Disability Victimization
POLICY NUMBER: 310
Originally Adopted: October 27, 2020
Revised: May 28, 2021

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Port San Luis Harbor District Harbor Patrol officers as required by law (Penal Code § 368.6).

The Harbor Patrol is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy 311 for child abuse investigations and reporting).

Some topics in this policy have been included for educational purposes and as examples and will typically not be performed by Harbor Patrol Officers.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code §15610.05 et seq.; Penal Code §368.5).

Department protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/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. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code §368; Welfare and Institutions Code §15610.23).

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Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code §368).

Senior and disability victimization - Means any of the following (Penal Code §368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability
- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

310.2 POLICY

The Harbor Patrol will ensure that the San Luis Obispo County Sheriff's Department is notified of any report of adult abuse as soon as practical.

310.2.1 ADHERENCE TO POLICY

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code §368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief Harbor Patrol Officer that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to department protocols (Penal Code §368.6(c)(27)).

The Chief Harbor Patrol Officer shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code §368.6(c)(27)).

310.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code §368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should be turned over to the appropriate agency as soon as practical.

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310.4 MANDATORY NOTIFICATION

Officers shall ensure the San Luis Obispo Sheriff's Office is notified when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code §15630(b)).

Notification shall be made as soon as practicable.

The San Luis Obispo County Sheriff's Office is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code §443.18).

Failure to report or impeding or inhibiting a report of abuse of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

310.5 INTERVIEWS

310.5.1 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

310.6 RELEVANT STATUTES

Penal Code §288 (a) and Penal Code §288 (b)(2)

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

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Penal Code §368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code §368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code §15610.05

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code §15610.06

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code §15610.30

- (a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of

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an elder or dependent adult.

- (d) For purposes of this section, “representative” means a person or entity that is either of the following:
 - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code §15610.43

- (a) “Isolation” means any of the following:
 - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 - 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 - 3. False imprisonment, as defined in Section 236 of the Penal Code.
 - 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code §15610.57

- (a) “Neglect” means either of the following:
 - 1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 - 2. The negligent failure of an elder or dependent adult to exercise that degree of self-care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
 - 1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 - 2. Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of

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medical treatment.

3. Failure to protect from health and safety hazards.
4. Failure to prevent malnutrition or dehydration.
5. Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code §15610.63

“Physical abuse” means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 2. Rape, as defined in Section 261 of the Penal Code.
 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 4. Spousal rape, as defined in Section 262 of the Penal Code.
 5. Incest, as defined in Section 285 of the Penal Code.
 6. Sodomy, as defined in Section 286 of the Penal Code.
 7. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 8. Sexual penetration, as defined in Section 289 of the Penal Code.
 9. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 1. For punishment.
 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 3. For any purpose not authorized by the physician and surgeon.

POLICY TITLE: Child Abuse
POLICY NUMBER: 311
Originally Adopted: October 27, 2020

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for officers who are responding to cases of suspected child abuse. When available, officers should provide initial response and scene stabilization. If officers suspects that child abuse has occurred, they shall remain on-scene until a representative from the Sheriff's Department arrives. All investigations shall be initiated by the Sheriff's Department.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

311.2 POLICY

The Harbor Patrol will ensure the San Luis Obispo Sheriff's Department is notified of any allegations of child abuse that are reported including any serious or felony crime involving child abuse.

311.3 REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated. Reports shall conform with the Report Writing Policy.

POLICY TITLE: Missing Persons
POLICY NUMBER: 312
Originally Adopted: October 27, 2020

312.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

312.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

312.2 POLICY

The Port San Luis Harbor District does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Port San Luis Harbor District gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

312.3 HARBOR PATROL OFFICER'S ROLE IN MISSING PERSONS CASES

Officers are required to accept any report of a missing person and begin gathering pertinent information (Penal Code § 14211).

Concurrently, an allied agency with jurisdiction should immediately be notified and a copy of the report shared.

Harbor Patrol Officers can assist any allied agency with supplementary reports and gathering of information to the best of their training and ability.

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312.4 ACCEPTANCE OF REPORTS

Any officer encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation by relaying information to the San Luis Obispo Sheriff's Department and assisting as needed. Those officers who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an officer who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

312.5 INITIAL INVESTIGATION

Officers who receive a report of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify the Sheriff's Department immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

312.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

POLICY TITLE: Department Use of Social Media
POLICY NUMBER: 313
Originally Adopted: October 27, 2020

313.1 PURPOSE AND SCOPE

This Social Media Policy establishes guidelines for the establishment and use of social media platforms by Port San Luis Harbor District. The purpose of District social media platforms is to further the District's mission, enhance communication and disseminate information and District programs, services, activities and current issues to members of the public and employees. This policy establishes internal procedures for the use of social media.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Social Media Platforms - any online platform that can be used for collaboration, communication, interaction and active participation such as, but not limited to Facebook, Twitter, blogs, YouTube, LinkedIn and Flickr.

Online District Social Media Platforms - refers to social media platforms which the District establishes, maintains, approves and over which it has control of all postings, except for advertisements or hyperlinks by the social media site's owners, vendors or partners.

Posts - information, articles, pictures, videos or any other form of communication posted on a District social media site.

District Website - www.portsanluis.com.

313.2 BRANDING SOCIAL MEDIA

Official District social media pages developed by the District will be branded as "official" and must include the official District logo and a text statement such as: "This is an official Port San Luis Harbor District page." The Harbor Manager or designee will ensure the limited purpose of the social media platform is clearly communicated to employees.

313.3 GENERAL POLICY

A. District social media platforms are for official purposes only. Designated employees acting in a professional capacity shall post District related information. Employee postings of a personal nature are not permitted.

B. The District's website - www.portsanluis.com - will remain the District's primary and predominant means of internet communications.

C. District social media platforms shall supplement, and not replace, the District's required notices and standards of communication.

D. District social media platforms will link to the District's official website for forms, documents, online services and other information necessary to conduct business with the District.

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E. The establishment of District social media platforms is subject to approval by the Harbor Manager. upon approval, District social media platforms will bear the name and/or official logo of the District with its stated purpose.

F. District social media platforms shall clearly state that such platforms are maintained by the District and that the platforms comply with the District's Social Media Policy. The platforms will contain a link to the Social Media policy.

G. The Harbor Manager or designee shall monitor content on District social media platforms to ensure adherence to both the District's Social Media policy and the mission and goals of the District.

H. All District social media platforms will adhere to applicable federal, state and local laws, regulations and practices.

I. The District reserves the right to terminate any District social media site at any time without notice.

J. Employees representing the District social media platforms will conduct themselves at all times as a professional representative of the District and in accordance with District policies, including section 313.4 - Content Guidelines.

K. All District social media platforms will utilize authorized contact information for account set-up, monitoring and access. The use of personal email accounts or phone numbers by any District employee is not allowed for the purpose of setting-up, monitoring or accessing a District social media site.

L. District social media platforms may contain content, including but not limited to, advertisements or hyperlinks over which the District has no control. The District does not endorse any hyperlink or advertisement placed on District social media platforms by the site's owners, vendors or partners.

M. The District reserves the right to change, modify or amend all or part of this policy at any time.

N. Social media platforms shall not be used as campaign tools. However, they may provide objective information about election procedures, ballot instructions, polling locations, candidate forums, and debates. Campaign laws and District policies governing elected-official activities shall be followed. Current-term elected officials may be subject of District social media posts only to the extent that such posts are coincident with the performance of their official duties as elected officials. Both current term officials and outside candidates who have announced and/or qualified for election to any elective office shall not have a presumed right to use District-sponsored social media posts to make individual campaign statements.

O. District social media platforms will be managed in a manner which is consistent with the Brown Act. Members of the Commission will not respond to, "like", "share", re-tweet, or otherwise participate in any published postings, or use the site or any form of electronic communication to respond, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body, as dictated by the Brown Act.

Department Use of Social Media

P. District social media platforms will comply with usage rules and regulations required by the site provider, including privacy policies.

Q. District social media platforms are subject to the California Public Records Act. Any content maintained on a District social media site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure. All postings on District social media platforms will be maintained consistent with the Districts retention policies.

313.4 CONTENT GUIDELINES

A. The Harbor Manager or designee will be responsible for the content and upkeep (including maintenance and monitoring) of the primary District social medial platforms.

B. Each Department Manager or designee will be responsible for the content and upkeep (including maintenance and monitoring) of any social media site a Department creates after initial approval from the Harbor Manager.

C. The content of District social media platforms will only pertain to District-sponsored, District-related or District-endorsed programs, services and events. Content includes, but is not limited to, information, photographs, videos and hyperlinks.

D. Wherever appropriate, content posted to District social medial platforms may also be posted on the District's website.

E. When appropriate, content posted to the District social media platforms may contain hyperlinks directing users back to the District's official website for in-depth information.

F. Articles, posts and comments containing any of the following forms of content will not be allowed and will be removed as soon as possible:

1. Profane language or content.
2. Comments in support of, or opposition to, political campaigns, candidates or ballot measures.
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, sexual orientation, national origin, physical or mental disabilities or status with regard to public assistance.
4. Sexual content or links to sexual content.
5. Solicitations of commerce.
6. Conduct or encouragement of illegal activity.
7. Information that may compromise the safety or security of the public or public systems, including District infrastructure.
8. Content that is confidential in nature.

Department Use of Social Media

313.5 PROCEDURES

- A. The Harbor Manager or designee will maintain a list of social media tools which are approved for use by the District departments and employees.
- B. The Harbor Manager or designee will maintain a list of the District's social media platforms, including login and password information.
- C. Department Managers will request approval from the Harbor Manager or designee for any new social media platforms and inform the Harbor Manager or designee of administrative changes to existing platforms.
- D. All employees authorized to post items on any of the District social media platforms will review, be familiar with and comply with this policy and social media site's use policies and terms of conditions.
- E. Employees authorized to post items on any of the District's social media platforms will not express his or her own personal views or concerns through such posts. Postings on District social media platforms will only reflect the views of the District.

313.6 GUIDELINES FOR PRIVATE USE OF SOCIAL MEDIA

- A. Confidential, proprietary and non-released District information should not be included in employee's private social media activity. Private and personal information, pictures, and video about or depicting District employees, contractors, customers and constituents gathered through the employees' professional activities may only appear online or be distributed by email or through text messaging with permission of the subject.
- B. An employee's public image in social media, which can be associated with the District, should meet the standards of the workplace rules of conduct. Offensiveness, disparaging comments, untruthful statements, demeaning behavior, nude or obscene pictures and/or video, and illegal substance use are all examples of behavior that is considered inappropriate by representatives of the District and may result in disciplinary action.
- C. Employees shall not work on their personal social media platforms during their scheduled work time, excluding breaks.
- D. Employees are encouraged to administer their personal social media platforms in keeping with the District's Social Media Policy.

POLICY TITLE: Report Preparation
POLICY NUMBER: 314
Originally Adopted: October 27, 2020

314.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

314.1.1 REPORT PREPARATION

Officers should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Officers shall not suppress, conceal, or distort the facts of any reported incident, nor shall any officer make a false report orally or in writing. Generally, the reporting officer's opinions should not be included in reports unless specifically identified as such.

314.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

314.2.1 DAILY ACTIVITY REPORTS (DAR)

Officers will keep track of their daily activities in the Daily Activity Report. Significant incidents and daily tasks will be logged. Entries must include information of sufficient detail. Include the Who, Where, What, When, Why and How when that information is available. Officers will use the entry codes provided in the DAR to ensure accurate statistical tracking of Harbor Patrol activity.

The DAR is an official record of events that occur and as such, all information shall be entered in an organized manner. Officers shall complete their log(s) prior to the end of their watch. An exception may be made for routine matters if the officer completes the log on the next morning, if on duty. All cases or situations that could possibly subject the District to potential liability (i.e. Law Enforcement, Visitor Injuries, Medical Responses, any Agency Assist (AOA), etc.) shall be logged prior to the involved officer going off duty.

314.2.2 INCIDENT REPORTS

Incident Reports should be completed within 48 hours of the incident unless a time extension is granted by a supervisor. If in doubt, an officer should complete and submit a report.

Significant incidents include, but are not limited to:

- (a) Injury to Harbor District Employees, Officers or Visitors.

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- (b) Damage to Harbor District Property or damage to any property located on District property that appears to be intentionally caused and is more than \$500 in value.
- (c) Any incident that is likely to subject the District to potential liability.
- (d) Any incident that requires the Harbor Patrol to call for assistance from an outside agency.
- (e) Vessel Accidents/ Marine Incidents.
- (f) Any incidents requiring Management approval.
- (g) Any incidents involving injury, loss or damage to businesses in Port San Luis. An incident reports shall be completed that includes any assisting agencies documentation reference number (i.e. SLOSO: Crime Report Number (CR), California Highway Patrol: Mary Number, CalFire: Incident Number) for future reference. Officers shall explain to reporting parties that our reports are for crime prevention planning only.
- (h) Any arrest made on District property involving Harbor Patrol Officers.
- (i) Significant user conflicts or complaints.
- (j) Any condition that potentially jeopardizes the health, safety and welfare of persons, or that might result in significant and preventable property damage.

Note: Officers shall use the prescribed format for all incident reports. Reports shall be typed on the proper template. Officers should ensure that reports are turned in complete, have adequate details, and are free of spelling and punctuation errors. Officers should not expect a supervisor to correct their errors.

314.2.3 CALIFORNIA BOATING ACCIDENT REPORTS & MARINE CASUALTIES

A California Boating Accident Report (Department of Boating and Waterways Form BAR-1) shall be filled out when an officer is involved in any boating incident involving death, injury that requires medical treatment beyond first aid, total property damage in excess of \$500, and/or disappearance or complete loss of a vessel.

314.2.4 THEFT OR DAMAGE OF PERSONAL PROPERTY

Incidents involving theft or damage to personal property shall be referred to the San Luis Obispo Sheriff's Department to improve the chances of recovering the stolen property and apprehending those responsible. An incident report should be made that includes the Sheriff's Crime Report Number for future reference. Officers should explain our policy to reporting parties, including why we do not investigate crimes, and that our reports are for crime prevention planning only.

314.2.5 PUBLIC REVIEW OF LOGS & REPORTS

Public review of all logs and reports require the requestor of that information to submit a written request with the District Office in accordance with the California Public Records Act (Government Code § 6250 et seq.) and Article I, § 3(b) of the California Constitution.

Report Preparation

314.2.6 NIGHT SECURITY LOGS

Night Security Logs shall be completed each night and turned into the opening Harbor Patrol officer each morning prior to the Night Security officer going off-duty.

314.2.7 ORAL REPORTS

Oral reports shall be made to management and supervisors regarding daily incidents, problems, changes in staff availability and equipment status.

314.2.8 USE OF FORCE REPORTING

Any use of force by an officer of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.

314.3 INQUIRIES ABOUT CRIMES IN THE DISTRICT

It is the policy of the District to follow state law regarding the dissemination of information about crimes, witnesses, and victims on district property.

All District employees/officers who witness or report a crime in the District shall provide information to law enforcement and other officials charged with the investigation of that crime.

POLICY TITLE: Reserve Officers
POLICY NUMBER: 315
Originally Adopted: October 27, 2020

315.1 PURPOSE AND SCOPE

The Harbor Patrol Reserve Unit was established to supplement and assist regular sworn department officers in their duties. The specific duties a Reserve Officer would be expected to assist with fall under three categories:

- Reserve Harbor Patrol Deckhand
- Reserve Harbor Patrol Boat Operator
- Reserve Harbor Patrol Officer

The Harbor Patrol Reserve Program is designed to enhance the capabilities and strengths of the Harbor Patrol department in Port San Luis as well as provide a potential training ground for future permanent employees. Harbor Patrol Reserves may be used for special events, holidays, and weekends, and also to assist the Harbor Patrol department with staffing levels during training, sick/vacation coverage. Harbor Patrol Reserves will have the unique opportunity to train and work with career Harbor Patrol Officers in many of the aspects of the job. Some of these aspects include routine patrol, boater education and public relations, deck handling, emergency response, and a multitude of other assignments.

315.2 SELECTION AND APPOINTMENT OF DEPARTMENT RESERVE OFFICERS

The Harbor Patrol shall endeavor to recruit and appoint to the Harbor Patrol Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass pre-employment procedures as regular department officers. Additionally, Reserve Officers that wish to advance into the Reserve Harbor Patrol Officer position will also be required to pass a polygraph (lie detector) test and a CA Law Enforcement Psychological Evaluation.

315.2.1 RESERVE HARBOR PATROL DECKHAND

Reserve Harbor Patrol Deckhands will be responsible for the following:

- Conducting haul-outs and general maintenance/ upkeep of Harbor Patrol vessels and equipment
- Serve as crewmember aboard District vessels under the direct supervision of a Boat Operator or Harbor Patrol Officer
- Other duties as assigned by Boat Operators or Harbor Patrol Officers

315.2.2 RESERVE HARBOR PATROL BOAT OPERATOR

Reserve Harbor Patrol Boat Operators, in addition to the above duties, will be responsible for the following:

- Operating the Harbor Patrol vessels

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- Conducting vessel patrols
- Assisting disabled vessels as vessel Captain
- Responding to marine emergencies
- Other Boat Operator related duties

315.2.3 RESERVE HARBOR PATROL OFFICER

Applicants or Reserve Deckhand/ Operators who are selected for appointment to Reserve Harbor Patrol Officer shall, on the recommendation of the Chief Harbor Patrol Officer, be sworn in by the Chief Harbor Patrol Officer and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

In addition to the above duties, Reserve Harbor Patrol Officers will also be responsible for the following:

- Issuing Citations
- Vehicle, Bicycle, Vessel and Foot Patrols
- Enforcing District Ordinances
- Enforcing CA State Vehicle and Penal Code
- Assisting allied agencies on enforcement contacts
- Other Law Enforcement related duties

315.2.4 EQUIPMENT & UNIFORM FOR HARBOR PATROL DEPARTMENT RESERVE PERSONNEL

All reserve officer appointees are issued two uniforms. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

315.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community, providing medical response to incidents, and responding to marine search and rescue. Assignments of reserve officers will usually be to augment the Patrol Section. Reserve officers may be assigned to other areas within the Department as needed.

315.3.1 POLICY & TRAINING COMPLIANCE

Department reserve officers shall be required to adhere to all department policies and procedures. Copies of the policies and procedures and applicable training manuals will be made available to each reserve officer upon appointment, and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

315.4 FIREARMS REQUIREMENTS

Reserve Harbor Patrol Officers who qualify to carry a firearm must comply with Policy No. 304 - FIREARMS.

POLICY TITLE: Outside Agency Assistance
POLICY NUMBER: 316
Originally Adopted: October 27, 2020

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers when requesting or responding to a request for mutual aid or when assisting another law enforcement and other fire/ emergency type agencies.

316.2 POLICY

It is the policy of the Port San Luis Harbor Patrol to promptly respond to requests for assistance by other law enforcement and other fire/ emergency type agencies, subject to available resources and consistent with the applicable laws and policies of this department.

316.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be weighed with several factors including staffing levels and calls for service within the District and severity of the incident in which they are requested for. Officers should use sound judgment when responding to an outside agency request and shall operate within the parameters of their policy.

316.3.1 INITIATED ACTIVITY

Away from the District and designated Zones of Impact, Harbor Patrol Officers are enjoined to use good judgment.

A Harbor Patrol Officer's primary responsibility takes precedence over minor violations occurring outside the District. At the same time, it would be morally reprehensible to ignore a clear and present danger to the public when a Harbor Patrol Officer is in the course of his/her employment.

316.4 WATER RESPONSE AREA

Water incidents involving the possibility of injury or death due to conditions or the unrealistic response time of another agency may require Harbor Patrol Officers to respond outside of the District's boundaries.

The following guidelines shall be standard procedure for such incidents:

1. Each Harbor Patrol Officer shall use discretion for incidents on the water up to ten miles out of the Line of Demarcation as indicated on the local Navigation Chart.
2. Any response outside ten miles must first be cleared through the chain of command.
3. Any response outside of the District's Demarcation Line requires a two-person crew. If another Harbor Patrol Officer is not available, then a Harbor District employee, or another on duty public safety employee from an outside agency, may be asked to act as deck hand if that person is qualified to perform in that capacity.
4. The United States Coast Guard must be notified prior to, or as soon as practical, when initiating any emergency response on the water, outside the District's Real Properties. Ideally,

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the Coast Guard will be able to respond. When the Coast Guard is unable to respond in a timely manner, they may request that the Harbor District respond. Harbor Patrol Officers shall receive a Coast Guard request for assistance before proceeding off District property. Harbor Patrol Officers shall record the time of request and the Coast Guard contact's name. At this point, follow the previously mentioned steps 1 through 3.

316.5 CONCURRENT JURISDICTION

It is the policy of the District to identify and resolve any concurrent jurisdiction issues.

316.5.1 RESPONSIBILITY

The Harbor Manager is responsible to identify the concurrent jurisdictional relationships within the District, meet regularly with the respective managers or executive staff, and resolve any concurrent jurisdictional issues.

POLICY TITLE: Major Incident Notification
POLICY NUMBER: 317
Originally Adopted: October 27, 2020

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers of this department in determining when, how and to whom notification of major incidents should be made.

317.2 POLICY

The Port San Luis Harbor Patrol recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

317.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Harbor Manager, Chief Harbor Patrol Officer, and the Supervising Harbor Patrol Officer. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Any incident that a Harbor Patrol Officer is involved in which results in a use of force.
- A vessel sunk or detached from its mooring
- When a credible shark sighting is reported which results in advisory signage being posted.
- Significant injury involving Harbor Patrol Officers or District employees.
- Any arrest of a department employee or prominent Port San Luis official.
- Any incident resulting in the death of anyone on District property

POLICY TITLE: Chaplains
POLICY NUMBER: 318
Originally Adopted: January 26, 2021

318.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Port San Luis Harbor Patrol chaplains to provide counseling or emotional support to members of the Department, their families, and members of the public.

318.2 POLICY

The Port San Luis Harbor District shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

318.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families, and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Chief Harbor Patrol Officer may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

318.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Port San Luis Harbor Patrol shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as District Camp Host and Water Host personnel before appointment.

318.4.1 SELECTION AND APPOINTMENT

The Port San Luis Harbor Patrol shall endeavor to recruit and appoint only those applicants that meet the high ethical, moral and professional standards set forth by this department. Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief Harbor Patrol Officer.
- (d) Successfully complete an appropriate-level background investigation.

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- (e) Complete an appropriate probationary period as designated by the Chief Harbor Patrol Officer.

Chaplains are volunteers and serve at the discretion of the Chief Harbor Patrol Officer. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief Harbor Patrol Officer or the authorized designee.

318.5 APPEARANCE

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties.

318.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the Department.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Harbor Patrol Policy Manual.

318.6.1 OPERATIONAL GUIDELINES

- (a) A Chaplain will be on-call at all times.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Harbor Patrol operations, provided the Chief Harbor Patrol or Supervising Harbor Patrol Officer has been notified and has approved the activity.
- (c) Chaplains shall not be evaluators of members of the Department.
- (d) In responding to incidents, a chaplain shall never function as an officer.
- (e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (f) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential, and each chaplain will exercise appropriate security measures to prevent distribution of the data.

318.6.2 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

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- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

318.6.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Chief Harbor Patrol or Supervising Harbor Patrol Officer or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

318.6.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

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318.7 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Port San Luis Harbor District in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Harbor Patrol Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

318.8 TRAINING

Port San Luis Harbor District chaplains may partake in a variety of training topics applicable to their roles and responsibilities as a chaplain. The training may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

POLICY TITLE: Service Animals
POLICY NUMBER: 319
Originally Adopted: October 27, 2020

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

319.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

319.2 POLICY

It is the policy of the Port San Luis Harbor Patrol to provide services and access to persons with service animals in the same manner as those without service animals. Officers shall protect the rights of persons assisted by service animals in accordance with state and federal law.

319.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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schizophrenia to distinguish between hallucinations and reality and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

319.4 OFFICER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Officers are expected to treat individuals with service animals with the same courtesy and respect that the Port San Luis Harbor Patrol affords to all members of the public (28 CFR 35.136).

319.4.1 INQUIRY

If it is apparent or if an officer is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability, nor should the person be asked to provide any license, certification, or identification card for the service animal.

319.4.2 CONTACT

Service animals are not pets. Officers should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

319.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Officers of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

319.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, officers of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

POLICY TITLE: Off-Duty Law Enforcement Actions
POLICY NUMBER: 320
Originally Adopted: October 27, 2020

320.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Port San Luis Harbor Patrol with respect to taking law enforcement action while off-duty.

320.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving, or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

320.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

320.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.

Off-Duty Law Enforcement Actions

- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

320.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a peace officer until acknowledged. Official identification should also be displayed.

320.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

320.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

320.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

320.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Chief Harbor Patrol or Supervising Harbor Patrol Officer as soon as practicable. The Chief Harbor Patrol or Supervising Harbor Patrol Officer shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

POLICY TITLE: Community Relations
POLICY NUMBER: 321
Originally Adopted: October 27, 2020

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

321.2 POLICY

It is the policy of the Port San Luis Harbor Patrol to promote positive relationships between officers of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

321.3 GENERAL PHILOSOPHY

In the minds of most citizens, the words "Harbor Patrol Officer" or "Harbor Patrol Department" often evokes a positive image of a professional who is dedicated to the service of the public, a friend, guardian, and an ally who is genuinely committed to helping District visitors achieve a wholesome, safe and rewarding experience through positive interactions, educational activities, and proactive public services.

This image is the reason many choose to spend their life as a Harbor Patrol Officer and are a great deal of value to the District. Public safety and law enforcement powers are not in conflict with our traditional image. Law enforcement is, after all, a positive and necessary public service and thus is a natural complement to our role as generalists, educators, guardians, and protectors. As a Harbor Patrol Officer, you are charged with the responsibility for protecting and preserving an image that has been zealously guarded and entrusted to your care.

Every person who visits the District has the right to be treated with dignity and respect, and to be dealt with in a courteous and cordial manner to ensure a rewarding harbor experience.

POLICY TITLE: Information Technology Use
POLICY NUMBER: 322
Originally Adopted: October 27, 2020

322.1 PURPOSE AND SCOPE

To develop policies surrounding Port San Luis Harbor District (District) employee/officer use of the District's Internet resources.

This policy applies to all employees/officers of the District.

322.2 SUMMARY

The intent of this document is to give specific guidelines on the responsibilities of employees/officers and managers in the use of District Internet resources. This policy is subject to change at any time, as is District support of any Internet resources. Questions regarding this policy should be directed to Department Heads or the Harbor Manager.

322.3 OVERVIEW

While the resources and information available on the Internet are vast and, in most cases, very helpful, it is important to realize that the usage of many of the services available on the Internet can easily be abused. This usage policy is designed with some guiding principles in mind:

- Provide the technical capability to access the resources on the Internet,
- Provide manageable and enforceable guidelines for managers and employees/officers to follow in using the available Internet resources,
- Provide the understanding that access to the Internet is a privilege and is subject to acceptable use in support of the business goals and objectives of the District.

Internet Usage Guidelines:

The guidelines presented here will provide District employees/officers with a definition of the corporate policy regarding Internet access and usage. The guidelines are designed around the need to be flexible depending upon an individual department's needs. These guidelines are organized to reflect the responsibilities of the key groups involved in any Internet access. These sections will both describe established Internet policies as well as provide general guidelines toward Internet usage.

322.4 DISTRICT RESPONSIBILITIES

- (a) Maintain Internet connection
 - 1. The District will provide access to Internet resources.
- (b) General audits of Internet activity, abuses, security
 - 1. The District will use network management tools to analyze both inbound and outbound Internet usage. Any unusual activity or behavior will be reported immediately to management and, in turn, department management where appropriate. The District will reserve the right at all times to eliminate Internet

Information Technology Use

access on a per individual basis when required or if security is at risk, disconnect Internet service completely without warning.

(c) Disallow access to questionable material

1. The District will provide only business-pertinent information on District based Internet servers. In addition, District will attempt to limit any outside accesses to any Internet material that could be considered questionable or illegal.

322.5 DEPARTMENT MANAGEMENT RESPONSIBILITIES

(a) Approve employee/officer use of Internet tools and services

1. While the District will make certain Internet desktop systems available to employees/officers, it is up to department managers to determine whether employees/officers have a business need in accessing Internet resources. Department management will also need to approve employee/officer requests for Internet access. No computer software tools installation is allowed without the Harbor Manager approval.

(b) Establish department rules regarding Internet usage

1. It is up to individual department management to determine the rules, either at a group or individual level, of what Internet access is allowed within their own departments. If the District has any question about an employee's/officer's use of Internet services, it will confer with that employee's/officer's manager/supervisor to determine if Internet access is acceptable. Some examples of issues that must be addressed at a department level include:

- (a) After hours policies (for personal use)
- (b) Copyright policies
- (c) Message posting policies
- (d) District representation policies

2. The Harbor Manager will reserve the right to override department Internet access guidelines if employees/officers abuse or security risks deem it necessary.

(c) Management of employee/officer use of Internet services

1. Just as a manager is currently responsible for monitoring their employee's/officer's general work activity, including their use of District systems and equipment, the same rules apply with employee/officer Internet access. Any abuses of Internet activity will need to come from this type of monitoring. Any unusual patterns or abuses that the District can detect through standard monitoring will be reported immediately.

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322.6 EMPLOYEE/OFFICER RESPONSIBILITY

- (a) Only use Internet services as a business tool
 1. The District Internet connection is provided as a means of improving business communication and accessing relevant information that may assist in the business operations of the District. It is the employee's/officer's obligation to use the Internet services only for that purpose. Where department policies allow other types of use, employees/officers may follow those policies.
- (b) Use acceptable etiquette
 1. District employees/officers utilizing Internet resources should project acceptable courtesies when posting or sending any information to widely read Internet services. In no case should any District employee/officer use profanity, sexist, or racist language, or actions that disrupt the work of other Internet users. Employees/Officers should also disclaim any personal opinions made on the Internet as their own, and that any such opinions do not necessarily reflect the opinion of the District and its officers or management.
- (c) Adhere to District software licensing and distribution policies
 1. Employees/officers will have the ability to access large amounts of software via the Internet. While most of this software is freeware or shareware, it is in most cases still copyrighted and employees/officers must first gain approval from District management before this software can be used on any District computer system.
 2. In no case should any commercial software be downloaded or distributed over the Internet. In addition, no employee has the right to distribute any District copyrighted software or documentation via the Internet.
- (d) Pay attention to Internet information copyrights and credibility. Just as you would be legally responsible for quoting references of printed information, such are the rules with Internet-derived information. Unlike printed material, much of the information on the Internet is completely free of copyright, but it is still the employee's/officer's responsibility to determine the copyright or ownership status of any information retrieved. In addition, employees/officers are encouraged to validate any information they derive from Internet resources. Most of the information available is posted without any formal validation checking and therefore can be completely valid or untrue. Information should be questioned with regard to bias and validity as rigorously as any printed material.
- (e) Follow District Internet electronic mail policies
- (f) Every employee/officer who is authorized computer access may use their District electronic mail address when communicating with parties outside of the District. This address is to be used for business-related communication only.

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322.7 INTERNET / E-MAIL PRIVACY POLICY

The District employees/officers need to understand that virtually all aspects of Internet/E-Mail usage are not private, and management reserves the right to monitor all Internet/E-Mail network traffic for any reason. As with the District electronic mail policy, employees are encouraged for their own protection not to reveal any personal information and are directed NEVER to disclose confidential business information through any Internet/E-Mail based communication.

322.8 INTERNET AND ELECTRONIC MAIL POLICY

- (a) Only use Internet services as a business tool.
 - 1. The District Internet connection is provided as a means of improving business communication and accessing relevant information that may assist in the business operations of the company. It is the employee's/officer's obligation to use the Internet services only for that purpose. Where department policies allow other types of use, employees/officers may follow those policies.
- (b) Use acceptable network etiquette ("Netiquette").
 - 1. District employees/officers utilizing Internet resources should project acceptable network courtesies when posting or sending any information to widely read Internet services. In no case should any District employee/officer use profanity, sexist, or racist language, or actions that disrupt the work of other Internet users. Employees/officers should also disclaim any personal opinions made on the Internet as their own, and that any such opinions do not necessarily reflect the opinion of the District and its officers or management.
- (c) Adhere to District software licensing and distribution policies.
 - 1. Employees/officers will have the ability to access large amounts of software via the Internet. While most of this software is freeware or shareware, it is in most cases still copyrighted and employees/officers must first gain approval from Harbor Manager before this software can be used on any District computer system. In no case should any commercial software be downloaded over the Internet. In addition, no employee/officer has the right to distribute any District copyrighted software or documentation via the Internet without prior approval of the Harbor Manager.
- (d) Pay attention to Internet information copyrights and credibility.
 - 1. Just as you would be legally responsible for quoting references of printed information, such are the rules with Internet-derived information. Unlike printed material, much of the information on the Internet is completely free of copyright, but it is still the employee's/officer's responsibility to determine the copyright or ownership status of any information retrieved. In addition, employees/officers are encouraged to validate any information they derive from Internet resources. Most of the information available is posted without any formal validation checking and therefore can be completely invalid or untrue. Information should be questioned with regard to bias and validity as rigorously as any printed material.

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- (e) Follow District Internet electronic mail policies.
 - 1. Every employee/officer authorized computer access may use their office electronic mail address when communicating with parties outside the District. This address is to be used for business-related communication only.
- (f) Follow Internet/E-mail privacy policies.
 - 1. The District employees/officers need to understand that virtually all aspects of Internet/Email usage are not private, and District management reserves the right to monitor all Internet/E-mail network traffic for any reason. As with the District electronic mail policy, employees/officers are encouraged for their own protection not to reveal any personal information and are directed NEVER to disclose confidential business information through any Internet/E-mail based communication.

POLICY TITLE: Patrol Function
POLICY NUMBER: 400
Originally Adopted: October 27, 2020

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intra-organizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all on a timely basis. Officers should be provided with opportunities on a regular basis to share information during the daily briefings. Officers are encouraged to review Daily Activity Reports (DAR) and their individual work email accounts on a daily basis.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social, and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present.

Carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and educational warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 POLICY

The Port San Luis Harbor Patrol will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department officers.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of the Port San Luis Harbor District. Priorities, in general, are to protect the people from the people, protect the people from the harbor and protect the harbor from the people.

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Patrol Function

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Conducting search and rescue
- (c) Informing and educating the public of existing laws and regulations and their importance to the protection of the facilities and features of the Harbor District.
- (d) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (e) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (f) Responding to reports of criminal and non-criminal acts.
- (g) Responding to routine calls for service, such as public assistance or public safety.
- (h) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (i) Carrying out community-oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (j) Directing and controlling traffic.

POLICY TITLE: Bias-Based Policing
POLICY NUMBER: 401
Originally Adopted: October 27, 2020

401.1 PURPOSE AND SCOPE

This policy provides guidance to department officers that affirms the Port San Luis Harbor Patrol's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

The Port San Luis Harbor Patrol is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Officers shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Officers shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

Bias-Based Policing

401.4 OFFICER RESPONSIBILITIES

Every officer of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Officers should, when reasonable to do so, intervene to prevent any biased-based actions by another officer.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 CHIEF HARBOR PATROL OFFICER RESPONSIBILITIES

The Chief Harbor Patrol Officer should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) The Chief should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) The Chief should periodically review portable audio/video recordings, Mobile Data Center (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. The Chief should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) The Chief shall initiate investigations of any actual or alleged violations of this policy.
- (d) The Chief should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Chief Harbor Patrol Officer.

- (a) All sworn officers of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

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Bias-Based Policing

- (b) Pending participation in such POST-approved training, and at all times, all officers of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn officer of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

POLICY TITLE: Crime and Disaster Scene Integrity
POLICY NUMBER: 402
Originally Adopted: October 27, 2020

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Port San Luis Harbor Patrol to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

Crime and Disaster Scene Integrity

402.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

402.6 EXECUTION OF HEALTH ORDERS

Any sworn officer of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

POLICY TITLE: Ride-Along Policy
POLICY NUMBER: 403
Originally Adopted: October 27, 2020

403.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the Harbor Patrol function firsthand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

403.1.1 ELIGIBILITY

The Port San Luis Harbor Patrol Ride-Along Program is offered to residents, students and those employed within the District. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

403.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 8:00 a.m. to 7:00 p.m. Exceptions to this schedule may be made as approved by the Chief Harbor Patrol Officer or Supervising Harbor Patrol Officer.

403.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Chief Harbor Patrol or Supervising Harbor Patrol Officer. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Chief Harbor Patrol or Supervising Harbor Patrol Officer will schedule a date, based on availability. If approved, a copy will be forwarded to the respective Chief Harbor Patrol or Supervising Harbor Patrol Officer as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

403.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, department applicants, and all others with approval of the Chief Harbor Patrol or Supervising Harbor Patrol Officer.

Ride-Along Policy

403.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Chief Harbor Patrol or Supervising Harbor Patrol Officer or field supervisor may refuse a ride along to anyone not properly dressed.

403.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty officers of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Chief Harbor Patrol or Supervising Harbor Patrol Officer. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

403.3 OFFICER'S RESPONSIBILITY

Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety.

403.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any department equipment
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

POLICY TITLE: Hazardous Material Response
POLICY NUMBER: 404
Originally Adopted: October 27, 2020

404.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with 8 CCR § 5194, the following is to be the policy of this department.

404.1.1 HAZARDOUS MATERIAL DEFINED

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

404.2 HAZARDOUS MATERIAL RESPONSE

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

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

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 25354.5).
- (g) Notify the District Planner/Analyst, Facilities Manager and Facilities Supervisor as soon as practicable.

404.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Chief

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Hazardous Material Response

Harbor Patrol Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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

404.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained, and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department may be obtained through the Fire Department.

POLICY TITLE: Contacts and Temporary Detentions
POLICY NUMBER: 405
Originally Adopted: October 27, 2020

405.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot, and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

405.2 POLICY

The Port San Luis Harbor Patrol respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Contacts and Temporary Detentions

405.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Port San Luis Harbor Patrol to strengthen community involvement, community awareness, and problem identification.

405.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

405.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

POLICY TITLE: Mobile Data Center Use
POLICY NUMBER: 406
Originally Adopted: October 27, 2020

406.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Center (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department officers and Dispatch.

406.2 POLICY

Port San Luis Harbor Patrol officers using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

406.3 PRIVACY EXPECTATION

Officers forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system.

406.4 RESTRICTED ACCESS AND USE

Officers shall not access the MDC system if they have not received prior authorization and the required training. Officers shall immediately report unauthorized access or use of the MDC by another officer to their supervisors or Chief Harbor Patrol or Supervising Harbor Patrol Officers.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that an officer has questions about sending a particular message or accessing a particular database, the officer should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another officer's name or to use the password of another officer to log in to the MDC system unless directed to do so by a supervisor or without the other officer's knowledge.

406.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

Mobile Data Center Use

406.5 DOCUMENTATION OF ACTIVITY

406.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the department radio or through the MDC system.

Officers responding to in-progress calls should advise changes in status over the radio to assist other officers responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

406.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the officer does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the officer. If the location is known, the nearest available officer should respond.

Officers not responding to the emergency shall refrain from transmitting on the department radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

406.6 EQUIPMENT CONSIDERATIONS

406.6.1 MALFUNCTIONING MDC

Whenever possible, officers will not use vehicles with malfunctioning MDCs. Whenever officers must drive a vehicle in which the MDC is not working, they shall notify Dispatch.

406.6.2 BOMB CALLS

When investigating reports of possible bombs, officers should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

POLICY TITLE: Public Recording of Law Enforcement Activity
POLICY NUMBER: 407
Originally Adopted: October 27, 2020

407.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve officers of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

407.2 POLICY

The Port San Luis Harbor Patrol recognizes the right of persons to lawfully record officers of this department who are performing their official duties. Officers of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record officers performing their official duties.

407.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

POLICY TITLE: Bicycle Patrol Unit
POLICY NUMBER: 408
Originally Adopted: October 27, 2020

408.1 PURPOSE AND SCOPE

The Port San Luis Harbor Patrol has established the Bicycle Patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

408.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area according to Department needs and as staffing levels allow.

408.3 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve or long-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

408.4 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle with attached gear bag.

Bicycles utilized for uniformed bicycle patrol shall be primarily black, blue or white in color with a "HARBOR PATROL" decal affixed to each side of the crossbar or the bike's gear bag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or gear bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

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Each bicycle gear bag shall include a first aid kit and citation writing materials. These items are to remain with/on the bicycle at all times when not in use.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the Chief Harbor Patrol Officer, or in the event of an emergency.

Bicycles shall be properly secured when not in the officer's immediate presence.

408.5 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

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

POLICY TITLE: Foot Pursuits
POLICY NUMBER: 409
Originally Adopted: October 27, 2020

409.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

409.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to officers, the public or the suspect.

Harbor Patrol Officers are generally discouraged from pursuing or using force in the capture of a non-violent offender unless that offender's actions present an immediate jeopardy to the safety and security of the public.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of the officers and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued.

409.3 DECISION TO PURSUE

The safety of officers and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department officers.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place officers and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.

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- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

409.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.

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- (n) The identity of the suspect is established, or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to officers or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

409.5 RESPONSIBILITIES IN FOOT PURSUITS

409.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

409.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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409.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate incident reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

POLICY TITLE: Medical Aid and Response
POLICY NUMBER: 410
Originally Adopted: October 27, 2020

410.1 PURPOSE AND SCOPE

This policy recognizes that officers often encounter persons in need of medical aid and establishes an appropriate response to such situations.

410.2 POLICY

It is the policy of the Port San Luis Harbor Patrol that all officers and other designated staff members be trained to provide emergency medical aid and to facilitate an emergency medical response.

410.3 FIRST RESPONDING OFFICER RESPONSIBILITIES

Whenever practicable, officers should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the officer should contact Dispatch and request response by Emergency Medical Services (EMS) as the officer deems appropriate.

Officers should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids. Officers should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the officer should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the officer.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Officers should stabilize the scene whenever practicable while awaiting the arrival of EMS.

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410.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, officers should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Officers should not provide emergency escort for medical transport or civilian vehicles.

410.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, officers may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

410.6 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An officer may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

410.6.1 AED USER RESPONSIBILITY

Officers who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Chief Harbor Patrol Officer who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any officer who uses an AED should contact Dispatch as soon as possible and request response by EMS.

410.6.2 AED REPORTING

Any officer using an AED will complete an incident report detailing its use.

410.6.3 AED TRAINING AND MAINTENANCE

The Chief Harbor Patrol Officer should ensure appropriate training and refresher training is provided to officers authorized to use an AED. A list of authorized officers and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

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Medical Aid and Response

The Chief Harbor Patrol Officer is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

410.7 FIRST AID TRAINING

The Chief Harbor Patrol Officer should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

POLICY TITLE: Traffic Function and Responsibility
POLICY NUMBER: 500
Originally Adopted: October 27, 2020

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions.

500.2 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.2.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.2.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.2.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

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Traffic Function and Responsibility

A physical arrest for a criminal traffic offense will typically be done by the San Luis Obispo Sheriff's Department or the California Highway Patrol.

500.3 SUSPENDED OR REVOKED DRIVERS' LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department officers who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601;8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the officer.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained each patrol unit.

A supply of high-visibility vests will be maintained for replacement of damaged or unserviceable vests. The Chief Harbor Patrol Officer should be promptly notified whenever the supply of vests needs replenishing.

POLICY TITLE: Traffic Collision Reporting
POLICY NUMBER: 501
Originally Adopted: October 27, 2020

501.1 PURPOSE AND SCOPE

The Port San Luis Harbor Patrol prepares incident reports for traffic collisions when requested to do so; However, typically accident reporting will be completed by the California Highway Patrol.

501.2 REPORTING SITUATIONS

Traffic collision investigation reports shall be taken when a District-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a District vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Supervising Harbor Patrol Officer.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

POLICY TITLE: Traffic Citations
POLICY NUMBER: 502
Originally Adopted: October 27, 2020

502.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

502.2 RESPONSIBILITIES

The Chief Harbor Patrol Officer shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council as well as the supply and accounting of all traffic citations issued to employees of this department.

The Supervising and Chief Harbor Patrol Officer shall be responsible for reviewing all citations issued.

502.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Supervising or Chief Harbor Patrol Officer. Upon a review of the circumstances involving the issuance of the traffic citation, the Supervising or Chief Harbor Patrol Officer may request dismissal of the traffic citation from the appropriate court. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Supervising or Chief Harbor Patrol Officer for review.

502.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Chief Harbor Patrol Officer.

502.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and the appropriate form requesting a specific correction to his/her immediate supervisor. The citation will then be amended per the court's amendment procedures.

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Traffic Citations

502.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by officers of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations.

502.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

502.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

POLICY TITLE: Disabled Vehicles
POLICY NUMBER: 503
Originally Adopted: October 27, 2020

503.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

503.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

503.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources, call volume, and the vulnerability of the disabled motorist.

503.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

503.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by officers of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

503.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The officer may stay with the disabled motorist or transport him/her to a safe area to await pickup.

503.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

POLICY TITLE: Brady Material Disclosures
POLICY NUMBER: 600
Originally Adopted: October 27, 2020

600.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

600.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Port San Luis Harbor Patrol that is both favorable and material to the current prosecution or defense of a criminal defendant.

600.2 POLICY

The Port San Luis Harbor District will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Port San Luis Harbor Patrol will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

600.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo or email to an appropriate prosecutor. A copy of the correspondence should be retained in the Department case file.

Brady Material Disclosures

600.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of an officer of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- (c) Any officer who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

600.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that an officer may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Port San Luis Harbor District Policy.

600.6 TRAINING

Department officers should receive periodic training on the requirements of this policy.

POLICY TITLE: Department Owned and Personal Property
POLICY NUMBER: 700
Originally Adopted: October 27, 2020

700.1 PURPOSE AND SCOPE

Department officers are expected to properly care for department property assigned or entrusted to them. Officers may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 DEPARTMENT PROPERTY-PEACE OFFICER PROTECTIVE EQUIPMENT

Under the authority of the California Penal Code, Harbor District Code of Ordinances and District policies, all employees, including Harbor Patrol Officers, are prohibited from the carrying and use of firearms and other protective equipment except as authorized in these policies. Appointments to off duty or non-District positions, such as special deputies, reserve wardens, park police, special police, or similar appointments, or permits to carry firearms, shall not be used by any employee as a justification to carry "law enforcement equipment," including firearms, while on duty. Only Harbor Patrol Officers appointed as peace officers by these policies are authorized to carry peace officer protective equipment. When peace officer protective equipment is carried or worn, it shall only be the equipment issued and/or authorized by the District. The purpose of peace officer protective equipment is to protect the Harbor Patrol Officers and the public. The Chief Harbor Patrol Officer may authorize, in writing, alternate peace officer protective equipment for use under special circumstances. For example, a high-waisted Harbor Patrol Officer may need a low ride holster in order to properly draw and holster a firearm. The Chief Harbor Patrol Officer is responsible for all inspections, repair, or replacement of peace officer protective equipment.

700.2.1 PROTECTIVE EQUIPMENT

Except as otherwise provided herein, the District shall provide, and Harbor Patrol Officers shall wear, the following protective equipment.

1. District issued holster
2. Three (3) - Factory-approved-Law Enforcement Only magazines
3. District issued ammunition
4. Oleoresin Capsicum (OC) spray
5. Two pair of stainless steel or nickel pairs of standard handcuffs & two keys
6. A black collapsible baton
7. District issued firearm

The police officer protective equipment mentioned herein, may be changed, from time to time, with the Harbor Manager making a written recommendation to the Board of Commissioners for approval. In deciding whether to submit a written recommendation to the Board, the Harbor Manager shall consult with the Chief Harbor Patrol Officer and a DSME.

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Department Owned and Personal Property

700.2.2 WEARING OF POLICE OFFICER PROTECTIVE EQUIPMENT

Except as authorized below, peace officer protective equipment shall be worn at all times when the Harbor Patrol Officer is in uniform and on duty. The baton shall either be carried by the Harbor Patrol Officer or be immediately available for use (i.e., mounted in a vehicle).

District policy intends that, as a general rule, the complete peace officer protective equipment shall be worn when on duty and in uniform. However, the Chief Harbor Patrol Officer may authorize a Harbor Patrol Officer in uniform to wear less than the complete peace officer protective equipment under special circumstances for a specific period. Permission to wear less than full peace officer protective equipment shall not be granted for normal duty assignments, particularly where the Harbor Patrol Officer is the primary response or back-up officer.

When wearing peace officer protective equipment and not in a duty uniform, the Harbor Patrol Officer shall attach a badge holder with badge to the equipment belt.

700.2.3 EXCEPTIONS TO WEARING PEACE OFFICER PROTECTIVE EQUIPMENT

Harbor Patrol Officers may choose not to wear complete peace officer protective equipment under one of the following exceptions:

1. Conducting formal interpretive or educational programs.
2. Assigned to office duty and is not a primary response or back-up officer.
3. Participating in training and peace officer protective equipment is not required.
4. Performing special assignments whereby wearing of peace officer protective equipment could prove hazardous (i.e., search and rescue, etc.).
5. When attending formal public presentations, award ceremonies, or memorial services and not assigned a Harbor Patrol Officer function.
6. Working outside their primary response area and not assigned to a Harbor Patrol Officer function.
7. Harbor Patrol Officers assigned to Storm Watch duty may choose to not wear their peace officer protective equipment; however, it must be readily available in the event their duty assignment changes. Harbor Patrol Officers who do not have peace officer protective equipment should not respond for public safety calls for service until they have retrieved their peace officer protective equipment. Under normal circumstances at least one Harbor Patrol Officer shall have their peace officer protective equipment gear and be readily available to respond to emergencies.
8. Harbor Patrol Officers assigned to short term maintenance or administrative tasks. While assigned to these functions Harbor Patrol Officers shall not wear a uniform shirt or jacket. Department issue jump suits may be worn during these special assignments.
9. When authorized in writing by the Harbor Manager for a specific purpose and short term time duration.

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Department Owned and Personal Property

NOTE: The above procedures and guidelines are not a substitute for good judgment and common sense. At all times, the highest objective is service to the public, protection of District visitors, and preservation of District resources.

700.2.4 PEACE OFFICER PROTECTIVE EQUIPMENT STORAGE AND TRANSPORT

Peace officer protective equipment and firearm shall normally be stored on District property in a district issued locked container. Exceptions to this may be authorized by the Harbor Manager for good cause, such as officers attending District approved training or when on call for a public safety response to district property. When at work and peace officer protective equipment is not worn, or under the direct control of the Harbor Patrol Officer, it shall be secured in a gun safe, or in a secured container that is locked to a vehicle or vessel Harbor Patrol Officers may elect to store peace officer protective equipment in secure District storage when the Harbor Patrol Officer will not be wearing peace officer protective equipment for an extended period of time (i.e., vacation, temporary assignment other than law enforcement, etc.).

Harbor Patrol Officers shall store firearms at home in an appropriate gun safe, consistent with the intent of Penal Code Section 12035.

700.2.5 DUTY GEAR

The Chief Harbor Patrol Officer shall approve the following duty gear to ensure the Harbor Patrol Officers are generally similar in appearance:

1. Belt and buckle
2. Magazine holder
3. Chemical agent holder
4. Handcuff holder
5. Baton holder
6. Flashlight ring
7. Key ring holder
8. Keeper straps
9. Portable radio holder
10. Clip-on badge holder

700.3 BADGES

Each Harbor Patrol Officer shall be issued a metal badge with words "Port San Luis" and "Peace Officer" and a badge number.

Each Harbor Patrol Officer may wear an embroidered badge with the words "Port San Luis" and "Peace Officer" provided however, that if the embroidered badge does not have a badge number the Harbor Patrol Officer shall also display his or her last name with a name tag or embroidered name tag.

Department Owned and Personal Property

700.4 CARE OF DEPARTMENT PROPERTY

Officers shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Officers shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

700.5 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any job-related duties, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report should be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.5.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the District, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the Chief or Supervising Harbor Patrol Officer.

POLICY TITLE: Vehicle Maintenance
POLICY NUMBER: 701
Originally Adopted: October 27, 2020

701.1 PURPOSE AND SCOPE

Officers are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled, and present a clean appearance.

701.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee/officer who first becomes aware of the defective condition, describing the correction needed. The work order shall be promptly forwarded to vehicle maintenance for repair.

701.2.1 REMOVAL OF EQUIPMENT

All firearms, weapons, and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service, or repair off Harbor District property.

701.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

701.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 1 medical kit, Oxygen tank above 1000psi
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 2 Personal Floatation Devices (PFD)
- 1 Automated External Defibrillator (AED)

701.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at the authorized location.

701.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

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Vehicle Maintenance

Officers using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

701.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor, or in exigent circumstances.

POLICY TITLE: Vehicle Use
POLICY NUMBER: 702
Originally Adopted: October 27, 2020

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the District of Port San Luis Harbor to provide assigned take-home vehicles.

702.2 POLICY

The Port San Luis Harbor Patrol provides vehicles for department-related business.

702.3 USE OF VEHICLES

702.3.1 INSPECTIONS

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No officer assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

702.3.2 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Officers shall ensure all weapons are secured while the vehicle is unattended.

702.3.3 MDC

Officers assigned to vehicles equipped with a Mobile Data Center (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the officer shall notify Dispatch. Use of the MDC is governed by the Mobile Data Center Use Policy.

702.3.4 AUTHORIZED PASSENGERS

Officers operating department vehicles shall not permit persons other than District personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

702.3.5 ALCOHOL

Officers who have consumed alcohol are prohibited from operating any department vehicle. Officers may not violate state law regarding vehicle operation while intoxicated.

702.3.6 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, officers driving department vehicles should obey all parking regulations at all times.

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Vehicle Use

702.3.7 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without permission from the Supervising or Chief Harbor Patrol Officer.

702.3.8 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

702.4 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved officer shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Chief Harbor Patrol or Supervising Harbor Patrol Officer. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

702.5 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, officers may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire, and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

POLICY TITLE: Cash Handling, Security and Management
POLICY NUMBER: 703
Originally Adopted: October 27, 2020

703.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department officers handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

703.2 POLICY

It is the policy of the Port San Luis Harbor Patrol to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

703.3 ROUTINE CASH HANDLING

Officers of the Department who, within the course of their duties, are in possession of cash that is not their property shall as soon as practical, transport the cash to either accounting or its intended destination.

703.3.1 STORAGE IN PATROL VEHICLES

Cash should not be stored in patrol vehicles.

POLICY TITLE: Personal Protective Equipment
POLICY NUMBER: 704
Originally Adopted: October 27, 2020

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal Protective Equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

704.2 POLICY

The Port San Luis Harbor Patrol endeavors to protect officers by supplying certain PPE to officers as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Officers are required to use PPE as provided in this policy and pursuant to their training.

Officers are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any officer who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by officers during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by officers during firearms training. Eye protection for officers who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Officers shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

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Personal Protective Equipment

704.6 RECORDS

The Chief Harbor Patrol Officer is responsible for maintaining records of all:

(a) PPE training.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

704.7 TRAINING

Officers should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All officers shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

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Attachments

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <small>(e.g., non-profit, private, public school)</small> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>		<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>	
	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____ S</p>		<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>	
BIAS	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage Symbol used <input type="checkbox"/></p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>			
	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i> _____</p>			
HISTORY	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i> _____</p> <p>Type of order: _____ Order/Case# _____</p>			
	<p>WEAPONS</p> <p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			

HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo <input type="checkbox"/> Known to victim	
OBSERVATIONS	<u>VICTIM</u>		<u>SUSPECT</u>	
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____		<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	
<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>				
Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Resources offered at scene: <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____				
MEDICAL	<u>Victim</u> <u>Suspect</u>		Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____	
	<input type="checkbox"/> Declined medical treatment <input type="checkbox"/> Will seek own medical treatment <input type="checkbox"/> Received medical treatment Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____	
Officer (Name/Rank)			Date	
Officer (Name/Rank)			Date	
Supervisor Approving (Name/Rank)			Date	

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