

Hesperia Recreation and Park District

PARK RANGER OPERATIONS AND PROCEDURES MANUAL



Adopted December 12, 2018
BOARD OF DIRECTORS

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SECTION 1: INTRODUCTION

The Hesperia Recreation and Park District is an independent special district created in 1957 by a vote of the community to provide recreational facilities and programs and conservation of recreational and open space resources of the area.

The Hesperia Recreation and Park District encompasses approximately 100 square miles, primarily within the City of Hesperia but includes some unincorporated areas of the County of San Bernardino.

Our mission is to provide a diverse array of recreational programs that meet the needs of all social, economic and cultural groups within the community and for all ages of the population.

This Hesperia Recreation and Park District Park Ranger Operations and Procedure Manual is intended to provide direction and accountability only to sworn peace officers, hereafter referred to as Park Rangers, employed by the District.

A. LAW ENFORCEMENT - DISTRICT SCOPE AND AUTHORITY

The Hesperia Recreation and Park District has exercised its rights and powers to establish a program to protect District property and preserve the peace at District owned or managed recreation facilities, parks and open space, hereafter referred to as facilities, using uniformed Park Rangers.

The Hesperia Recreation and Park District is granted authority under the California Public Resources Code §5786, to “organize, promote, conduct, and advertise programs of community recreation, including, but not limited to, parks and open space, parking, transportation, and other related services that improve the community’s quality of life. Establish systems of recreation and recreation facilities, including, but not limited to, parks and open space. Acquire, construct, improve, maintain and operate recreation facilities including, but not limited to, parks and open space, both inside and beyond the District’s boundaries.”

Pursuant to §5786.17(c), the District is granted authority to establish a program “to protect property and to preserve the peace at recreation facilities and other property owned or managed by a District. The Board of Directors may confer on designated uniformed District employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or District rules, regulations, or ordinances when the violation is committed within a recreation facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with §853.5) of Title 3 of Part 2 of the Penal Code.”

B. PURPOSE

The purpose of the Park Ranger Program is to protect District staff, visitors and property and to preserve the peace at recreation facilities owned or managed by the District.

SECTION 2: PARK RANGER OPERATIONAL POLICY AND PROCEDURES

A. PURPOSE

The Park Ranger Operations and Procedure Manual contains the guidelines and procedures needed for each Park Ranger to effectively fulfill the requirements of the Park Ranger position.

Every Park Ranger is expected to know and understand the information contained in this manual. Sections of the California Penal Code (CPC) are referred to, and Park Rangers are to familiarize themselves with these codes.

A Park Ranger, using the Operations and Procedure Manual as a guide, is expected to do the assigned job in such a manner as to inspire the confidence and respect of the public.

All Operations and Procedure Manuals issued to the Park Rangers are District property and must be returned upon termination of employment with the District.

B. POLICY AND PROCEDURE

It is the policy of the Hesperia Recreation and Park District for Park Rangers to patrol and police the areas and facilities under the jurisdiction of the District. In order for the Park Rangers to effectively perform these duties, each Park Ranger must have a thorough knowledge of the District, the City of Hesperia, the County of San Bernardino and the State of California regulations to be enforced and a thorough understanding of the intent and purpose for these regulations. In addition, the Park Ranger must know the general duties of a peace officer, plus the District's policies and objectives.

Because it is not possible to anticipate every situation that may arise in the workplace and because laws and programs change, the District reserves the right to modify, supplement, rescind, or revise any provisions of this Operations and Procedure Manual at any time as it deems necessary or appropriate in its sole discretion. Park Rangers will be given written notification of changes or additions in electronic form and the changes or additions will be inserted to the Operations and Procedure Manual. Upon receipt of the change, the Park Ranger must consider it as a basic part of the Operations and Procedure Manual and held responsible for the information. It is the responsibility of each employee to ensure he or she has read the current copy of the Park Ranger Operations and Procedure Manual.

Each employee will be given access to the current Park Ranger Operations and Procedure Manual and is expected to become familiar with the contents in order to be informed of the District's policies and procedures and to understand and abide by them. All employees are required to read, understand, be aware of and follow the provisions of this Operations and Procedure Manual.

The General Manager or his or her designee is responsible for the interpretation, application, and administration of these policies and procedures. The General Manager or his or her designee has the authority to modify policies to comply with current District practice or any applicable federal, state, or local law without Board approval. From time to time, the General Manager may include additional administrative policies located at the end of the Operations and Procedure Manual. The General Manager has the full authority to insert, revise, delete, etc. any and all of these administrative policies and procedures.

District policies are intended to comply with all applicable federal, state and local laws and regulations and should be interpreted as such. To the extent any policy is interpreted as inconsistent with applicable law, the legal requirements will prevail.

SECTION 3: PROGRAM RANK STRUCTURE AND DUTIES

A. GENERAL MANAGER

The General Manager of the Hesperia Recreation and Park District is appointed by the Board of Directors. The General Manager is responsible for the direction and oversight of the Park Ranger Program. The Board of Directors grants authority to the General Manager to employ a law enforcement professional, hereafter referred to as the Administrative Operations Manager – Special Services and the designated supervisor of the Park Ranger program. All authority vested to the Administrative Operations Manager – Special Services by this document is also held by the General Manager.

B. ADMINISTRATIVE OPERATIONS MANAGER - SPECIAL SERVICES

The Administrative Operations Manager – Special Services, hereafter referred to as Operations Manager, is appointed by the General Manager to advise and assist with program administration and training. The Operations Manager serves at will, receives direction from and is subordinate to the General Manager.

The Operations Manager has peace officer powers pursuant to CPC §830.31, must meet all of the requirements of California Government Code (CGC) §1031 and must successfully complete the Commission of Peace Officer Standards and Training (POST) 832 course prior to appointment. Training in the carrying and use of firearms is required pursuant to CPC §832(a) as long as the District authorizes the use of firearms.

C. PARK RANGER

Sworn Park Rangers are considered peace officers pursuant to CPC §830.31, as follows:

CPC §830.31(b) “A person designated by a local agency as a Park Ranger and regularly employed and paid in that capacity, if the primary duty of the officer is the protection of park and other property of the agency and the preservation of the peace therein.”

Park Rangers, pursuant to CPC §830.31, may carry firearms only if authorized and under the terms and conditions specified by their employing agency.

Park Rangers serve at will, receive direction from and are subordinate to the Operations Manager. Park Rangers must meet all of the requirements as set forth in CGC §1031 and have successfully completed the POST 832 course prior to appointment. Training in the carrying and use of firearms is required pursuant to CPC §832(a) as long as the District authorizes the use of firearms.

Park Rangers report directly to the Operations Manager.

D. PARK RANGER DUTIES

A Park Ranger, given an assignment for patrol and security of the District’s facilities, is required to:

- a. Explain and interpret park rules and other applicable regulations to patrons of the District’s facilities and ensure compliance with those rules and regulations;
- b. Provide crowd control and enforce safety at special events;
- c. Protect the District’s patrons and District employees against unruly elements;
- d. Provide assistance in emergencies and enforce safety precautions;
- e. Endure adherence to park rules within the parks;
- f. Check the security of District owned and managed facilities against fire, vandalism, damage and theft;
- g. Investigate and take necessary action on disturbances, violations of park rules, violations of the District’s Code of Conduct and other applicable regulations;
- h. Issue warnings and/or citations, when necessary, to patrons who violate park rules or the District’s Code of Conduct;
- i. Make arrests and prepare necessary reports for offenders where there are willful and deliberate violations of park rules or the law. This is a last resort and used only after all other avenues of enforcement have proved unsuccessful;
- j. Work with other law enforcement agencies where a situation is beyond Park Ranger’s control and expertise (i.e. felonies and drug violations), and work with law enforcement agencies in other areas of law enforcement that occur at District facilities where assistance is required;
- k. Patrol assigned areas on foot or in a patrol vehicle;
- l. Keep a record of patrol time and activities and prepare reports;

- m. Obey and properly execute orders issued by Park Ranger's supervisors; and
- n. Perform other duties as assigned.

E. VOLUNTEER PARK RANGERS

Volunteer Park Rangers must adhere to the same standards as a Park Ranger employed with the District. Volunteer Park Rangers must complete a minimum of ninety-six service hours annually to maintain their status as a volunteer Park Ranger with the District. Volunteer Park Rangers are expected to be available and present at District special events as scheduled by the Park District.

SECTION 4: SELECTION AND EMPLOYMENT

A. PARK RANGER EMPLOYMENT QUALIFICATIONS

In addition to the District's hiring and employment policies, Park Rangers, regardless of paid or volunteer status, must be a minimum of 21 years old and must meet the minimum requirements for peace officers as set forth in the CGC §1031. Their authority as peace officers is limited in scope and only extends for the duration and boundaries of the person's specific assignment.

Every Park Ranger must have successfully completed the POST 832 course prior to appointment; training in the carrying and use of firearms is required pursuant to CPC §832(a) as long as the District authorizes the use of firearms. They must have and maintain a current First Aid and CPR certification and be in possession of and maintain a valid California driver's license.

A thorough background investigation must be conducted on all prospective Park Rangers.

Upon employment, all sworn employees must affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer. A Park Ranger must know the general duties of a peace officer, plus the District's policies and procedures. All District employees are at will and may be dismissed without cause.

B. EMPLOYEE CONDUCT

In addition to the District's policy and procedures regarding employee conduct, the following rules of conduct apply:

Rules of Conduct

- a. Park Rangers must at all times conduct themselves in such a manner that does not bring discredit to themselves or the District;
- b. A Park Ranger must not knowingly violate District rules, city or county ordinances state and federal law;
- c. A Park Ranger must promote and practice effective public relations at all times

- while on duty;
- d. A Park Ranger is expected to maintain good relations with other District employees and volunteers;
 - e. A Park Ranger must not use language which is threatening, discriminatory or threatening in contacts with the public while on duty;
 - f. Refrain from accepting or soliciting bribes;
 - g. District property must only be used in the performance of his or her duties;
 - h. A Park Ranger must know the means and procedures for seeking the services of other agencies such as fire, police, sheriff, medical and other services which may be needed in emergencies.
 - i. A Park Ranger while on duty, or in uniform, must not enter any premise or establishment where his or her presence may bring discredit to the District.

The District's policy on Tobacco Use/Smoking must be followed.

Unauthorized personnel and equipment must be kept out of the Park Ranger Office and official vehicles. Ride-alongs by authorized District officials will be coordinated by the General Manager and will require a signed waiver.

Park Rangers must remain within District boundaries and their assigned patrol areas at all times unless otherwise directed or approved by the Operations Manager.

Conduct Toward Others

Park Rangers must conduct themselves in a manner that will foster the greatest harmony and cooperation between themselves, District employees, volunteers, programs and members of the community.

Park Rangers may not intentionally antagonize any person with whom they come in contact, and must treat all persons in a respectful, courteous and civil manner.

Park Rangers may not at any time, for any reason, willfully subject any person or animal to cruel treatment or willfully neglect necessary humane action. The penalty for any Park Ranger found guilty of willful inhumanity or oppression toward any person in the Park Ranger's custody is punishable by a fine not exceeding \$4,000 and by removal from office (pursuant to CPC §147). In addition, the victim may also bring civil action against the Park Ranger.

Political Activity

A Park Ranger is not prohibited from engaging in political activity, except when on duty or when acting in an official capacity.

SECTION 5: PERSONNEL POLICIES AND PROCEDURES

A. PATROL PROCEDURES

Park Rangers must report for duty with enough time to start their assignment on time. If for any reason a Park Ranger is not able to report for duty, they must notify their supervisor at least four hours in advance of their assigned starting time, when possible, to allow for necessary adjustments in assignments to be made.

If a Park Ranger knows they are going to be late, the Park Ranger must notify their supervisor via telephone as soon as possible. If this happens while in-route to work, the Park Ranger must contact their supervisor even if it is past starting time.

Shifts

Different shifts will be determined by the needs of the District and assigned by the Operations Manager or their designee.

At the start of each shift, the Park Ranger must contact dispatch to log-on. The on-duty Park Ranger must provide dispatch with his or her assigned call sign, employee number, HT radio number, vehicle radio number and cell phone number.

The Park Ranger must document name, date, shift start time and weather conditions on a patrol log; perform a vehicle inspection and take out and inspect all safety equipment.

At the end of each shift, the Park Ranger must turn in a complete Park Ranger patrol log reporting area checks, time of checks, incidents that may have happened and names involved, with more in-depth records or reports if warranted.

All equipment used during the shift must be properly secured and no equipment is to be taken home or used without prior authorization from the Operations Manager.

The patrol vehicle should be re-fueled prior to the end of shift and must be secured, making sure to roll-up the windows, lock all doors and turn off all equipment.

The office must be secured and the alarm activated.

The Park Ranger is responsible for notifying the Operations Manager of any special instructions or any unusual incidents that occurred during the shift.

B. DISTRICT POLICY AND PROCEDURES

The District's policies and procedures must be followed for:

General Employment Policies **Benefits, Salary and Wages**

Holiday and Vacation Policies

Sick Leave Policy, Family and Medical Leave Laws and Pregnancy Disability Leave Policies

Other Leave of Absence Policies

Negative Employment Actions

Separation From Employment

Employee Safety and Security

Expenses, Travel, Mileage and Reimbursements

Administrative Policies

C. DISTRICT AND PERSONAL PROPERTY

In addition to the District's policy and procedures on District and Personal Property, the District owned desks, lockers, storage space, rooms, office, equipment, work areas and vehicles are the sole property of the District and subject to inspection for good cause at any time deemed necessary by the General Manager, Operations Manager or other competent authority.

Private property can be stored in areas mentioned above; however, privacy is not to be expected. No one who is not acting in an official capacity will be authorized the search of areas assigned to others.

D. MEDIA INQUIRES

Information is not to be released to the press or other news media without the approval of the General Manager.

At no time is any information to be given to anyone concerning the actions of minors or the actions of anyone in the District's facilities with the exception of the local law enforcement agency, medical personnel or authorized District staff. All members of the press should be referred to the local law enforcement agency or the General Manager.

E. COMPUTERS, EMAIL, THE INTERNET AND ELECTRONIC DEVICES

In addition to the District's policy and procedures regarding computers, email, the internet and electronic devices the following applies:

Park Rangers are responsible for checking the HesperiaRangers@hesperiaparks.com email before each shift to address updates and communications. Each individual Park Ranger will be added as an authorized user of the District's email system. The system is used for transmission of communication with a thirty calendar day retention policy. District email should be checked by each Park Ranger at the start, hourly during their shift, and end of their shift.

F. CELL PHONES / COMMUNICATIONS SYSTEMS

In addition to the District's policy and procedures regarding cell phones /communications systems, the following policy and procedures apply:

The Park Ranger cell phone number is given to District employees as a means to contact the on-duty Park Ranger for non-emergency purposes. The Park Watch number is linked to the phone and is a publicly advertised number for patrons to report suspicious activity or issues at District facilities.

While on duty, a Park Ranger must be in possession of the Park Ranger cell phone. In the event there is more than one Park Ranger on duty the most senior Park Ranger on shift retains possession of the phone.

The Park Ranger in possession of the phone, on duty, is responsible for checking the phone for any emails and messages which may be received between shifts as well as answering all incoming calls, documenting any information reported on the patrol log, acting on information received as appropriate and forwarding any pertinent information to the Operations Manager. At the end of each scheduled shift the phone must be returned to the Ranger Office, plugged in and made available for use during the next shift.

Modifications may not be made to the phone without approval from the Operations Manager and the phone must be utilized for District related business only. The Park Ranger cell phone is not to be used for personal business.

Park Rangers, in the course of their duties, may be required to take photographs. If the phone is utilized to take photographs as documentation of an incident, the photographs must be downloaded to a District computer, with the submission of the related Incident Report, within twenty four hours.

Any issues with the phone or damage or loss of the phone or charging cable must be reported to the Operations Manager immediately and an Incident Report must be completed.

SECTION 6: PERSONAL APPEARANCE, DRESS CODE AND UNIFORMS

A. STANDARDS OF DRESS CODE

Park Rangers must wear the approved District uniform at all times while performing their official duties. The Operations Manager must authorize any deviation from this policy.

The Park Ranger uniform, with the exception of uniform footwear, is issued at no cost to the Park Ranger. All uniforms issued to Park Rangers are District property and must be returned upon termination of employment with the District.

Uniforms must be clean and neatly pressed at all times. The uniform must be worn in

its entirety and in the manner prescribed by the District. Articles of civilian clothing are not to be worn with the uniform with the exception of a clean white t-shirt. A yellow raincoat is the only extra covering permitted. The Park Ranger uniform is only to be worn while on duty.

B. UNIFORM

The District will issue each appointed Park Ranger with the following uniform equipment:

- a. A minimum of two short sleeve uniform shirts.
- b. One long sleeve uniform shirt.
- c. A minimum of two pair of uniform pants.
- d. One name tag.
- e. One uniform badge.
- f. One identification card.

Park Rangers are responsible for supplying their own solid black duty boot. An allowance, not to exceed \$150.00, will be provided to each Park Ranger for the purchase of duty boots; with approval of the General Manager.

Park Rangers are responsible for supplying their own black basket weave Sam Browne belt, keepers, handcuffs and handcuff case, including a handcuff key. Handcuffs must be Peerless brand chained handcuffs. Hinged handcuffs are not to be used.

Only District authorized badges, patches and pins may be worn on the uniform.

C. APPEARANCE

While in uniform, a Park Ranger must be well-groomed and clean shaven in appearance. The wearing of a beard or hair extending beyond the shirt collar line is not considered appropriate. A neatly trimmed mustache is permitted. Visible tattoos are not permitted.

D. BULLETPROOF VEST AND SAFETY EQUIPMENT

The wearing of a bullet proof vest is mandatory when the Park Ranger is engaged in policing activities and optional when performing other park duties. The District issued bullet proof vest will be a minimum threat rating level II.

A Park Ranger may choose to wear a non-District issued bullet proof vest. The General Manager must approve the use and style of the bullet proof vest. The vest must be a minimum threat level rating level II and must not be expired.

While on the shooting range and during qualification the wearing of a bullet proof vest is mandatory, as is the wearing of safety equipment consisting of approved hearing and eye protection. It is the responsibility of each Park Ranger to ensure that all of his or her

required safety equipment is available at each qualification.

E. BADGES AND IDENTIFICATION CARDS

Park Rangers will be issued an identification card and badge; property of the District. Upon termination, the badge and identification card must be returned.

If a badge or identification card is lost or stolen, the Park Ranger must complete an Incident Report form citing the circumstances through which the items were lost or stolen and submit it to the Operations Manager within twenty four hours.

SECTION 7: VEHICLES

A. VEHICLE OPERATION

In addition to the District's policy and procedures regarding vehicles, the following applies:

The Park Ranger vehicle(s) should not be driven over the posted speed limits in any area unless for the purpose of an emergency. Should the patrol vehicle be driven at a speed in excess of the posted speed limit, the emergency lights must be used.

SECTION 8: FIREARMS

A. PURPOSE

The purpose of the firearm policy is to provide basic guidelines governing the use of firearms, to include exercising deadly force, in the performance of duties by a Park Ranger of the Hesperia Recreation and Park District. This policy is to serve as a guide for decision making before the fact and act as a standard for administrative judgment regarding the propriety of actions taken.

It is the policy of the District for the Park Ranger to use common sense to protect himself or herself and the general public and to use only the minimum and reasonable force necessary to make an arrest, to prevent an escape or to overcome resistance as outlined in CPC §835(a).

As official representatives of a public entity, Park Rangers are rarely out of the public eye or community contact. This, in combination with society's propensity for violence, has resulted in the need for Park Rangers to be armed, in accordance with this policy, for the purpose of creating public confidence.

B. USE OF DEADLY FORCE

Park Rangers should use deadly force only as a last resort in life-threatening situations. The District and the law recognize the reverence of a human life. Deadly force is to be used only when it appears necessary for the preservation of lives and all reasonable alternatives have been exhausted or appear impractical.

Justification of Deadly Force

Justification depends on what the Park Ranger reasonably believes to be the facts at the time the Park Ranger decides to exercise such force. Facts unknown to the Park Ranger, no matter how compelling, must not be considered at a later date to justify a shooting or other exercise of deadly force. The applied standard is: What would a reasonable peace officer, under the same circumstances, have perceived the facts to be, and what would be a reasonable response to those facts?

Warning Shots

Firing warning shots are prohibited.

Shooting at Moving Vehicles

Park Rangers should not fire their weapons at moving vehicles unless it is reasonably safe to do so, giving utmost consideration to the safety of others.

Drawing or Displaying Firearms

A firearm should be drawn or displayed when circumstances create the reasonable belief that it may be necessary to use the firearm in accordance with the law and this policy governing the use of deadly force.

Unnecessary or premature drawing or displaying of a firearm limits a Park Ranger's alternatives in controlling a situation, creates undue anxiety on the part of the citizens and may result in an unwarranted or accidental discharge.

Surrendering Firearms

A Park Ranger should use any means at the Park Ranger's disposal to avoid surrendering any firearm, which may mean the only chance for survival.

Carrying an Authorized Firearm on Duty

Park Rangers must possess and carry a District-approved firearm while on duty in an approved holster and duty belt.

Carrying a Firearm Off Duty

Park Rangers are authorized to carry or have immediate access to a District-approved firearm while off duty only when in the course of traveling to and from work.

Authorized Firearms

Only double action pistols are approved for use by the District. Park Ranger personnel are allowed to purchase and carry certain approved firearms while on duty which provides Park Rangers with personal choice among approved firearms and, as such, they are expected to maintain required qualification standards.

The following firearms are approved for on-duty use:

- Smith and Wesson 1st, 2nd and 3rd generation (i.e. 59, 645, 4506) and Smith and Wesson M and P models 9mm through .40-cal. series;
- Beretta 92F series and 9mm through .40-cal. series;
- SIG Sauer models P220, P226, P228, P229 and 9mm through .40-cal. series;
- Ruger P85 and P90;
- Heckler and Koch P9 series, and 9mm through .40-cal. series;
- Glock 9mm through .40-cal. series; and
- Others as approved by the General Manager.

Each Park Ranger has the obligation to ensure his or her duty firearm is maintained in a clean and serviceable condition. The Operations Manager or appointed Range Master may inspect a Park Ranger's duty firearm at any time during working hours to ensure that it is maintained in a clean and serviceable condition.

Ammunition

Ammunition for approved firearms, in 9mm and .40 caliber, is supplied by the District. Ammunition for any other approved firearm is to be provided by the individual Park Ranger and approved by the Operations Manager or appointed Range Master.

Replacement Ammunition

Each Park Ranger is responsible for maintaining the proper issue of duty ammunition. Duty ammunition must be exchanged and replaced every two years by the Operations Manager. Duty ammunition that is damaged must be brought to the Operations Manager for inspection and replaced when appropriate. Standard factory range ammunition is provided by the District. The Operations Manager will maintain a record of all ammunition issued to Park Rangers.

C. RANGE QUALIFICATION

Firearm qualification is necessary to ensure all affected Park Rangers are maintaining an acceptable level of proficiency with their duty firearms. All armed Park Rangers are responsible for abiding by the provisions established in this policy.

The District adopts standard combat shooting courses to be shot four times a calendar year. One of the courses must be a night shoot. All courses are subject to change at the discretion of the appointed Range Master with the approval of the Operations Manager.

Firearms Qualification Procedure

It is the Operations Manager's responsibility to arrange for all Park Rangers to shoot once each quarter, with no more than four months between range periods and not more than one shoot per month, for qualification. All Park Rangers must attend a specific day and time for the purpose of qualifying.

At the shooting range, Park Rangers may wear his or her official uniform, battle duty uniform pants, or appropriate clothing if approved by the Operations Manager while on the shooting range. It is mandatory to wear all safety equipment.

Park Ranger attendance at qualification training is mandatory. Any Park Ranger unable to participate on the designated qualification day must submit, in writing, an explanation of why the qualification will be missed. The Operations Manager must document the reason why the Park Ranger missed qualification in the training record. Absence from qualification may be excused with written authorization from the Operations Manager.

If during qualification a Park Ranger fails to qualify on the first attempt, the Park Ranger will be given a second attempt to qualify. If the Park Ranger fails to qualify on the second attempt the Operations Manager is to be notified of the Park Ranger's failure to qualify. Any Park Ranger failing to qualify on the one designated qualification day per quarter is not to be allowed to work in a field assignment and instead may only be scheduled to work special events that do not require an armed Park Ranger, at the discretion of the Operations Manager.

A Park Ranger is not permitted to submit a qualification form or slip from an outside agency, police department or security company, as qualification, without the prior written approval of the Operations Manager.

The Park Ranger, if he or she fails to qualify, is responsible for any additional training, on his or her own time at his or her own expense, required to successfully complete qualification. The District is not responsible to pay for ammunition required to be used for remedial training and qualification after a Park Ranger has failed to qualify.

Qualification records must be maintained by the Operations Manager and kept for a period of at least five years in accordance with the District's retention policy.

It is the responsibility of the Operations Manager to ensure that each Park Ranger is qualified in firearms testing in accordance with the policy of the Hesperia Recreation and Park District.

Qualification Course

A qualified Range Master will establish a course of fire used to demonstrate the proficiency of Park Rangers carrying duty firearms, and to teach pistol manipulation skills. Park Rangers must qualify on no less than one quarterly qualification in dark or near dark circumstances annually. Park Rangers are required to qualify in all dark and low light conditions utilizing flashlight techniques.

Prior to conducting any range activities, range safety rules will be read by the Range Master. Park Rangers must wear a bulletproof vest, eye and ear protection. A duty flashlight and back-up flashlight is required during night shoot qualifications.

D. LOSS OF FIREARM

Loss or theft of firearms or ammunition must be immediately reported in writing to the Operations Manager upon discovery. The report must contain all the facts and circumstances surrounding the loss or theft.

E. DISCHARGING A FIREARM

A Park Ranger, on or off duty, who discharges a firearm for whatever reason must immediately notify the Operations Manager. The Operations Manager will ensure the General Manager and the appropriate local law enforcement agency are notified. The General Manager will ensure the District Board is notified.

The Operations Manager conducts an investigation concerning the incident. The involved Park Ranger must submit an Incident Report regarding the occurrence to the Operations Manager. The Operations Manager, following the receipt of the Incident Report must submit a written memorandum regarding the occurrence to the General Manager.

F. PARK RANGER - INVOLVED SHOOTING

A Park Ranger involved in a shooting must take immediate action to care for the injured, to apprehend suspects and to protect the scene. The involved Park Ranger(s) is required to make every effort to locate and identify witnesses to the incident. The law enforcement agency having jurisdiction in the area, the San Bernardino County Sheriff's Department, must also be notified. Park Rangers must refrain from discussing the incident until the arrival of proper personnel.

District Responsibility - Park Ranger Shot

If a Park Ranger is shot, the Operations Manager will be dispatched to the hospital to act as a liaison between medical and law enforcement personnel and be responsible for assisting the organized flow of information between medical and law enforcement personnel. The General Manager may also be required to assist the appropriate law enforcement agency with arranging security details, maintaining order and communications.

G. BACK UP FIREARM

The use of a back-up handgun is prohibited.

SECTION 9: USE OF FORCE

A. USE OF FORCE

Park Rangers are expected to, as circumstances dictate; make contacts with patrons of the park at various times and under a variety of circumstances. The nature of the

contact and the manner in which it is handled are important to the District and the community as a whole. Park Rangers should endeavor to resolve issues based on the following scale:

- a. Verbal Contact – Provide information and/or educate to gain voluntary compliance with no force necessary.
- b. Verbal Warning – A direct and specific verbal advisement given to a person or group of persons to stop or refrain from certain activity. Compliance is the objective.
- c. Expulsion – Expulsion from a park or District property until an agreement is reached to adhere to rules, regulations or ordinances applicable to a park or District property. This is done by obtaining the name and contact information for the offender(s), ordering violators to leave District property and documenting the event(s) leading up to and witnessed by a Park Ranger resulting in expulsion. This action should be followed up by the Operations Manager for additional action (i.e., suspension from District facilities, the revocation of a paid event security deposit, etc.)
- d. Citation/Physical Arrest – should be used only as a last resort and if the offender has demonstrated continued non-compliance.

A Park Ranger must only use the amount of force that reasonably appears necessary to make an arrest if the circumstances warrant an arrest. The method and amount of force used must be pursuant to CPC §835(a).

B. REPORTING THE USE OF FORCE

Any use of force by a Park Ranger to accomplish an arrest must be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The Park Ranger must articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. The Operations Manager must be notified of the use of force as soon as the situation has been deemed safe enough to do so.

C. DETAINEES

Situations may arise where it may be reasonable to restrain an individual 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 assure the safety of Park Rangers and others. When deciding whether to remove restraints from a detainee, Park Rangers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

Persons who are known to be pregnant should be restrained in the least restrictive

manner that is effective for safety of the Park Ranger and in no event are these persons to be restrained by the legs, waist or handcuffed behind the body.

No person who is in labor, delivery or recovery after delivery is to be handcuffed or restrained.

D. JUVENILES

A juvenile under fourteen years of age should not be restrained unless he or she is suspected of a serious or violent felony or when the Park Ranger has a reasonable suspicion that the juvenile may resist, attempt escape, injure him or herself or injure the Park Ranger.

E. HANDCUFF APPLICATION

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure the safety of the Park Ranger.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the District. Park Rangers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, Park Rangers 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. Handcuffs must be 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 individual or may cause unreasonable discomfort due to the person's size, Park Rangers should consider alternatives, such as using an additional set of handcuffs.

Handcuffs should be removed as soon as it is reasonable.

F. ARRESTS

All suspected felonies must be turned over to the San Bernardino County Sheriff's Department.

Infractions and misdemeanors – Adults: All infraction and misdemeanor arrests must be processed according to the CPC §837 and 853.6.

Infractions and misdemeanors – Juveniles: All infraction and misdemeanor arrests must be processed according to the California Welfare and Institute Code (CW&IC) §625 to 626.5.

G. ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by Park Rangers of the District only if the device has been issued by the District and approved by the General Manager or the authorized designee.

Only Park Rangers who have successfully completed District-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, Park Rangers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

H. BATON GUIDELINES

The need to immediately control an individual 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 Park Ranger reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the Park Ranger or others.

When carrying a baton, it must be carried in an authorized holder on the equipment belt.

I. OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray may be considered for use to bring under control an individual who is engaging in, or about to engage in, violent behavior. The use of OC spray must be limited to the necessary protection of life or property when other means of lawful force are not available or suitable. OC spray should not be used against individuals who merely fail to disperse or do not reasonably appear to present a risk to the safety of Park Rangers or the public.

OC Spray

Park Rangers must carry OC spray at all times while armed. Uniformed personnel carrying OC spray are required to carry the device in its holster on the equipment belt. Holsters need to be consistent in style and appearance with the Sam Browne duty belt.

It is the Park Ranger's responsibility to ensure the OC spray is stored in a safe and secure manner when not in use. Each Park Ranger must read carefully and adhere to all cautions on the back panel of the issued OC spray.

Treatment for OC Spray Exposure

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

Post Application Notice

All use of OC spray must be verbally reported to the Operations Manager as soon as possible after the incident. A written Incident Report must be completed within twenty-four hours. In addition to the basic form requirements, the report must contain an explanation of the circumstances leading to the use of the OC spray, the area exposed to the OC spray, the date and time of any medical treatment and the name of the medical personnel, if any.

Whenever OC spray has been introduced into a building interior, vehicle or other enclosed area, the Park Ranger is required to make every effort to provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Information regarding the method of notice and the individuals notified should be included in related reports.

J. CONDUCTED ENERGY DEVICE

The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to Park Rangers and individuals.

Issuance and Carrying of a Taser

Only Park Rangers who have successfully completed District-approved training may be issued and permitted to carry the TASER device. Park Rangers are only to use the TASER device and cartridges that have been issued by the District. Park Rangers who have been issued the TASER device must wear the device in an approved holster on their person.

Park Rangers carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, Park Rangers must carry the TASER device in a weak-side holster on the side opposite the duty weapon. All TASER devices are required to be clearly and distinctly marked to differentiate them from the duty weapon and any other device. Park Rangers should not hold both a firearm and TASER device in each hand at the same time.

Rangers are responsible for ensuring that their TASER device is properly maintained and in good working order.

Verbal and Visual Warnings

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of Park Rangers or other law enforcement or when it is not practicable due to the circumstances. The purpose of the warning is to:

- a. Provide the individual with a reasonable opportunity to voluntarily comply.
- b. Provide other Park Rangers and individuals with a warning that the TASER device may be deployed.

If after a verbal warning, the subject is still not compliant with the Park Rangers' lawful orders and it is both reasonable and feasible under the circumstances, a Park Ranger may display the electrical arc, or laser in further attempt to gain compliance prior to the application/discharge of the TASER device. The laser should never intentionally be directed into the eyes of another as it may permanently impair vision.

The fact that a verbal or other warning was given or the reasons it was not given must be documented by the Park Ranger deploying the TASER device in the related report.

Use of the Taser

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, Park Rangers should be aware that the device may not achieve the intended results and be prepared with other options.

The TASER device may be used in any of the following circumstances:

- a. When the circumstances perceived by the Park Ranger at the time indicate that such application is reasonably necessary to control a person.
- b. The subject is violent or is physically resisting.
- c. The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present potential to harm Park Rangers, him or herself or others.

Mere flight from a pursuing Park Ranger, without other known circumstances or factors, is **not** good cause for the use of the TASER device to apprehend an individual.

Special Deployment Considerations

The use of the TASER device on certain individuals should generally be avoided unless

the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the Park Ranger, the subject or others, and the Park Ranger reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- a. Individuals who are known to be pregnant.
- b. Elderly individuals or obvious juveniles.
- c. Individuals with obviously low body mass.
- d. Individuals who are handcuffed or otherwise restrained.
- e. Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based OC spray.
- f. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between Park Ranger and the subject, thereby giving the Park Ranger time and distance to consider other force options or actions.

The TASER device must not be used to psychologically torment, elicit statements or to punish any individual.

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or the safety of Park Rangers do not permit the Park Ranger to limit the application of the TASER device probes to a precise target area, Park Rangers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

Park Rangers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the Park Ranger reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the Park Ranger should consider certain factors before additional applications of the TASER device, including:

- a. Whether the probes are making proper contact.

- b. Whether the individual has the ability and has been given a reasonable opportunity to comply.
- c. Whether verbal commands, other options or tactics may be more effective.

Park Rangers should generally not intentionally apply more than one TASER device at a time against a single subject.

Actions Following Deployment

Park Rangers must notify the Operations Manager of all TASER device discharges. A confetti tag, the expended cartridge, along with both probes and wire, should be collected and submitted to the District Office with a complete Incident Report prior to the end of shift. The cartridge serial number should be noted and documented in the report. The probes should be packaged in manner in which they cannot poke or prick the handler. The packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

Dangerous Animals

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

Off-Duty Considerations

Park Rangers are not authorized to carry District TASER devices while off-duty.

Park Rangers must ensure that TASER devices are secured at the office at the end of shift. TASER devices must not be kept in District vehicles or taken home.

Documentation

Park Rangers must document all TASER device discharges in the related arrest/crime and Incident Reports. Notification must also be made to the Operations Manager in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device must also be documented on an Incident Report form.

Reports

The Park Ranger should include the following in the arrest/crime and/or Incident Report:

- a. Identification of all personnel firing TASER devices;
- b. Identification of all witnesses;
- c. Medical care provided to the subject;
- d. Observations of the subject's physical and physiological actions; and

- e. Any known or suspected drug use, intoxication or other medical problems.

Medical Treatment

Absent extenuating circumstances, Park Rangers can remove TASER device probes from a person's body as instructed during TASER training. TASER probes lodged in sensitive areas should be removed only by appropriate medical personnel. Used TASER device probes must be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

Any individual who has been struck by TASER device probes or who has been subjected to the electric discharge of the device and who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- a. The person is suspected of being under the influence of controlled substances and/or alcohol.
- b. The person may be pregnant.
- c. The person reasonably appears to be in need of medical attention.
- d. The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- e. The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) must be transported to a medical facility for examination or medically evaluated prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another Park Ranger and/or medical personnel and must be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting Park Ranger is required to inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

Supervisor Responsibilities

When possible, the Operations Manager should respond to calls when they reasonably believe there is likelihood the TASER device may be used. The Operations Manager should respond to all incidents where the TASER device was activated.

The Operations Manager must review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by the Operations Manager and saved with the

related arrest/crime and/or Incident Report. Photographs of probe sites should be taken and witnesses interviewed.

Training

Park Rangers are not authorized to carry the TASER device without successfully completing the initial District-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more must be recertified by a District-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of a Park Ranger's knowledge and/or practical skill may be required at any time if deemed appropriate by the Operations Manager. All training and proficiency for TASER devices must be documented in the Park Ranger's training file.

Park Rangers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with law enforcement that use the device.

The Operations Manager is responsible for ensuring that all employees who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and is not mandatory for certification.

The Operations Manager should ensure that all training includes:

- a. A review of this policy.
- b. A review of the Use of Force Policy.
- c. Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- d. Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- e. Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- f. De-escalation techniques.
- g. Restraint techniques that do not impair respiration following the application of the TASER device.

K. CONTROL DEVICE RESPONSIBILITIES

All normal maintenance, charging or cleaning of control devices: baton, OC spray and

TASER device is the responsibility of personnel using or assigned the various devices.

Any damaged, inoperative, outdated or expended control devices, along with documentation explaining the cause of the damage or the circumstance of the expended control device, must be returned to the Operations Manager for inspection and disposition.

SECTION 10: CIVILIAN COMPLAINTS OF PARK RANGER MISCONDUCT

A. PURPOSE

A proper relationship between the public and the Hesperia Recreation and Park District fostered by confidence and trust is essential to effect law enforcement within the parks.

A Park Ranger must be able to act independently and make decisions within the boundaries of the authority granted to the Park Ranger. The Park Ranger must be free to exercise good judgment and to initiate action in a reasonable, lawful and impartial manner without fear of reprisal. However, the Park Ranger must meticulously observe the rights of people.

The District has the responsibility of providing a system of disciplinary procedures which not only subjects personnel working for the District to remedial action when the employee is accused of improper conduct, but protects the employee from unwarranted criticism when the employee does the assigned duties properly. It is, therefore, imperative that adequate provisions are made for prompt investigation and disposition of complaints regarding the conduct of Park Rangers.

B. POLICY

It is the policy of the Hesperia Recreation and Park District to accept, register and thoroughly investigate all complaints of alleged misconduct on the part of a Park Ranger and non-sworn personnel which emanate from outside sources per CPC §832.5.

Misconduct

Misconduct is defined as violation of any law.

C. PROCEDURE

The following procedure will prevail in formalizing civilian complaints of Park Ranger misconduct:

- a. A complaint from any person alleging misconduct by a Park Ranger will be directed to the General Manager or designated authority.
- b. Complaints generally will not be accepted from persons less than eighteen years of age unless accompanied by a parent, guardian or responsible adult. Parents should be notified as soon as possible. If the District is unable to contact a responsible adult, the complaint will be received for further administrative evaluation.

- c. In the event of a telephonic complaint of misconduct committed by a Park Ranger, the complainant should be asked to come to the District Office to formally register a complaint during working hours. If the complainant is unable to respond during working hours, the General Manager may direct a designee to contact the complaining party at a location agreeable to the complainant.
- d. Letters of complaint received by the District will be directed to the General Manager or assigned designee.
- e. When a complaint is being received, it is generally beneficial to hear the complaint out completely, without interruptions.
- f. If the complaint is received at the District Office, note the conditions of the complainant (intoxication, under the influence of drugs, mental disorder, etc.).
- g. The complainant should be encouraged to write the complaint out in the complainant's own handwriting. This is desirable, but certainly not mandatory.
- h. If desired, the complainant will be provided with a suitable location in the building where the complainant can complete a formal complaint undisturbed.
- i. If the complainant's handwriting is illegible, the complainant will be afforded the opportunity to dictate a formal complaint to a District employee as designated by the General Manager.
- j. A typewritten copy, if necessary, accompanied by the original, will be forwarded to the General Manager. Both copies should bear the signature of the complainant, the date, and the time.

It is mandatory per CPC §148.6 that the complainant read and signs the following information advisory:

"NOTICE: You have the right to make a complaint against a peace officer for any improper peace officer conduct. California law requires this agency to have a procedure to investigate civilians' complaints. You have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Civilian complaints and any reports or findings related to complaints must be retained by this agency for at least five years. It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge."

When an allegation is received, the General Manager is required to review the complaint and make every possible effort to resolve the allegation. If the complaint cannot be resolved, a formal investigation must take place.

D. FORMAL INVESTIGATION

The employee assigned to investigate alleged act(s) of misconduct on the part of any Park Ranger of the District must conduct a thorough, accurate and objective

investigation. Such investigation is required to include formal statements from all parties concerned, the gathering and preservation of any physical evidence relative to the case and all other information bearing on the matter.

The Park Ranger(s) under investigation must be notified of the allegations as soon as possible.

Investigation Procedures

The interview of a Park Ranger brought on by a civilian's complaint must be conducted at a reasonable hour, preferably when the Park Ranger is on duty and during daylight hours, unless the urgency of the investigation dictates otherwise. If such interview occurs during the off-duty time of the Park Ranger being interviewed, the Park Ranger must be compensated for any off-duty time in accordance with regular District procedures.

The interview will take place at a location designated by the General Manager or an authorized designee, preferably at the District Office.

The Park Ranger being interviewed must be informed of the name and position of all persons present.

The Park Ranger being interviewed must be informed verbally of the nature of the investigation and the name and address of all complaining parties before the interview commences. The Park Ranger should be informed of the Park Ranger's right to take notes.

The interview session will be for a reasonable period of time, depending upon the seriousness of the investigation. Unless the General Manager directs otherwise, a period of two hours will be the maximum time allowed for any one session of interview.

Reasonable rest periods must be allowed in the two hour period. Time must be provided for personal necessities (meals, telephone calls, etc.) as are reasonably necessary.

The Park Ranger being interviewed must not be subject to any offensive or abusive language, nor threatened with dismissal or other disciplinary action. Nothing in this policy is to be construed as to prohibit the interviewer from informing the Park Ranger that the Park Ranger's conduct can be the subject of disciplinary action should the Park Ranger refuse to obey a lawful order from a superior. No promise of reward is to be made as an inducement to answering any questions.

The Park Ranger being interviewed will be asked questions by and through no more

than two investigators. The Park Ranger will not be subject to visits by the news media without the Park Ranger's express consent, nor will the Park Ranger's home address, phone number or photograph be given to the news media without the Park Ranger's express consent.

When the Park Ranger being interviewed is under arrest or is likely to be placed under arrest as a result of the interview, the investigator must inform the Park Ranger of any constitutional rights prior to the commencement of the interview.

At the request of a Park Ranger under arrest, and prior to any interview, the Park Ranger has the right to be represented by legal counsel of the Park Ranger's choice, who may be present at all times during such interview. The attorney may not participate in the interview except to counsel the Park Ranger. The Park Ranger may request a postponement of the initial interview to contact an attorney. The interview may not be postponed more than twenty-four hours, with allowances being made for weekends and holidays.

When a Park Ranger is being interviewed in a non-criminal matter for violation of District rules, regulations or orders, the Park Ranger will not be advised of the Park Ranger's rights, nor will the Park Ranger be allowed the presence of counsel during the interview. The Park Ranger must truthfully answer all questions concerning the investigation posed to the Park Ranger by the interviewer. When a Park Ranger refuses to answer such questions, the Park Ranger is to be informed that refusal to answer can become subject for disciplinary action.

When a Park Ranger is being interviewed in a non-criminal matter, and there is a likelihood that the interview may reveal criminal conduct on the part of the Park Ranger, the Park Ranger must be advised of the employee's constitutional rights prior to the commencement of any interview. The Park Ranger must be advised that if the Park Ranger does not waive any stated rights, the results of the interview cannot and must not be used against the Park Ranger in a criminal court of law. However, the Park Ranger is required to answer all questions to assist in the administrative process. When a Park Ranger is interviewed and does waive the stated rights, the Park Ranger must be informed that the results of the interview can be used by the District in both administrative and criminal actions if the accusations are proven.

No tape recording is to be made of the interview without prior advisement. There are no "off the record" questions during a recorded interview.

The Park Ranger must be allowed to read, sign and date any document having reference to the results and/or disposition of an investigation prior to its being placed in the Park Ranger's personnel file.

Any disciplined Park Ranger has the right of appeal available to employees under the law.

Nothing contained in this policy precludes or prohibits any employee from pursuing litigation for false and/or malicious complaints.

This document must not be construed to supersede in part or in whole any District rules and regulations or any city, state or federal law, but must be construed as complementary.

In the event that any section, subsection or other portion of this investigative procedure should be found to be unconstitutional, illegal or otherwise invalid, the remainder of the procedure continues in full force and effect.

Completed Formal Investigations Submitted to General Manager

Upon the completion of a formal investigation, a written report must be submitted to the General Manager with written recommendation of one of the following:

Unfounded: allegation is false or not factual;

Exonerated: incident occurred, but was lawful and proper;

Sustained: the allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt. Indicate the rule number violated of the rules and regulation manual of the Hesperia Recreation and Park District and/or any violation of city, state or federal law.

Not Sustained: insufficient evidence either to prove or disprove the allegations. It is this type of conclusion that an investigation is encouraged to avoid. Even though it is occasionally impossible to gather enough evidence to preclude this finding, the results amount to an inconclusive resolution of the matter. These situations are extremely undesirable, for if the accused employee is in fact guilty of the alleged misconduct, the employee goes undisciplined. Conversely, if the employee is not guilty, but the victim of a malicious charge, the employee is nevertheless subject to an emotionally traumatic injury, only to see the matter left unresolved. Despite these unpleasant considerations, this disposition is sometimes unavoidable, for a positive finding must be supported by evidence.

Misconduct Not Based on the Complaint: the concerned employee is guilty of misconduct that is not part of the original complaint.

Suspended: the complaining party and/or witnesses failed to cooperate after the investigation has commenced, and this prohibits the District from arriving at the

facts.

Allegations of a Crime

When allegations indicate a crime and the evidence is such that, had the action been committed by a private person, it would result in the Park Ranger's arrest, the investigating employee must immediately inform the General Manager to determine whether:

- a. The accused should be arrested immediately; or
- b. A warrant for the accused's arrest should be first obtained; or
- c. Criminal action should be delayed pending further investigation.

Arrested Sworn Employee

In the event a Park Ranger is arrested:

- a. The Operations Manager must be notified immediately. If the Operations Manager is unavailable, the General Manager must be notified.
- b. The Operations Manager or an authorized designee will proceed to the place of confinement and advise the Park Ranger that the employee is suspended immediately, pending further investigation. The Park Ranger will be relieved of District property in the Park Ranger's immediate possession. Steps will be taken immediately to obtain the District's badge and identification card of the concerned Park Ranger if it is not in the Park Ranger's immediate possession.
- c. An immediate investigation must be conducted by the Operations Manager or an authorized designee and the results communicated to the General Manager as soon as possible.

If an investigation discloses the arrest was unwarranted, the Park Ranger will be reinstated.

If the arrest is warranted, district action must be instigated immediately through the General Manager or Operations Manager.

Completed Investigation Received by the General Manager

Upon receipt of a completed investigation, the General Manager may:

- a. Order further investigation if necessary.
- b. Determine if any violations of law, District policy or rules and regulations have occurred;
- c. Make a decision for disciplinary action or other disposition;
- d. Inform the accused in writing of the results of the investigation and the disposition;
- e. Direct that results and disposition concerning the investigation be preserved in

the Park Ranger's personnel file.

Disposition

Prior to the disposition being placed in the concerned personnel file, the Park Ranger investigated must be shown the written disposition of the General Manager or Operations Manager. The Park Ranger must then add in the employee's own handwriting, "I have read this document and have been informed that it is being placed in my personnel file."

The Park Ranger must sign and date the document.

Due to their extreme confidentiality and personal nature, personnel files must be considered personal and private records of the General Manager. The General Manager must maintain the integrity of these files, and no information is to be released to unauthorized persons without following the Pitchess procedure in CPC §832.7(a).

Notification to Complainant

Notification to the complainant must be made at the final conclusion and disposition of the investigation. The General Manager or an authorized designee must inform the complainant in writing of the official position of the District.

At the conclusion of the investigation, a notation must be made at the lower left-hand corner of the report indicating time in hours and minutes spent on the investigation. This includes time spent by the Park Ranger being interviewed, time for dictation and typing.

SECTION 11: SEVERABILITY

If any provision of this Manual or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provision or applications of the Manual which can be given effect without the invalid provision or application, and to this end the provisions of this Manual are severable.

SECTION 12: CODE SECTION

CALIFORNIA PUBLIC RESOURCES CODE

Division 5. Parks and Monuments

Chapter 4. Recreation and Park Districts

Article 7. Powers and Duties

5786.

A district may:

- a. Organize, promote, conduct, and advertise programs of community recreation, including, but not limited to, parks and open space, parking, transportation, and other related services that improve the community's quality of life.
- b. Establish systems of recreation and recreation facilities, including, but not limited to, parks and open space.
- c. Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, both inside and beyond the district's boundaries.

5786.1.

A district shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including, but not limited to, the following powers:

- a. To sue and be sued.
- b. To acquire any real or personal property within or outside the district, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the district.
- c. To acquire any real or personal property by eminent domain within the boundaries of the district, pursuant to Section 5786.5.
- d. To appoint necessary employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties.
- e. To engage counsel and other professional services.
- f. To enter into and perform all necessary contracts pursuant to Article 53.5 (commencing with Section 20815) of Chapter 1 of Part 3 of the Public Contract Code.
- g. To borrow money, give security therefor, and purchase on contract, as provided in this chapter.
- h. To adopt a seal and alter it at pleasure.
- i. To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.
- j. To adopt and enforce rules and regulations for the administration, operation, use, and maintenance of the recreation facilities, programs, and services listed in Section 5786.
- k. To enter joint powers agreements pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.
- l. To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.
- m. To perform any acts necessary to carry out the provisions of this chapter.

5786.17.

- a. Violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.
- b. Any citation issued by a district for violation of a rule, regulation, or ordinance adopted by a board of directors may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.
- c. To protect property and to preserve the peace at recreation facilities and other property owned or managed by a district, the board of directors may confer on designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a recreation facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

CALIFORNIA GOVERNMENT CODE

Title 1. General

Division 4. Public Officers and Employees

Chapter 1. General

Article 2. Disqualifications for Office or Employment

1031.

Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

- a. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship, except as provided in Section 2267 of the Vehicle Code.
- b. Be at least 18 years of age.
- c. Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.
- d. Be of good moral character, as determined by a thorough background investigation.
- e. Be a high school graduate, pass the General Education Development Test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university. The high school shall be either a United States public school, an accredited United States Department of Defense high school, or an accredited or approved public or nonpublic high school. Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a

regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvancED, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFNSSAA).

- f. Be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.
 1. Physical condition shall be evaluated by a licensed physician and surgeon.
 2. Emotional and mental condition shall be evaluated by either of the following:
 - A. A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.
 - B. A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued post doctorate. The physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of pre-employment psychological screening of peace officers.
- g. This section shall not be construed to preclude the adoption of additional or higher standards, including age.

CALIFORNIA PENAL CODE

Part 2. Of Criminal Procedures

Title 3. Additional Provisions Regarding Criminal Procedure

Chapter 4.5. Peace Officers

830.

Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his or her status for purposes of retirement.

830.1.

- a. Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a

county, any chief of police of a city or chief, director, or chief executive officer of a consolidated municipal public safety agency that performs police functions, any police officer, employed in that capacity and appointed by the chief of police or chief, director, or chief executive of a public safety agency, of a city, any chief of police, or police officer of a district, including police officers of the San Diego Unified Port District Harbor Police, authorized by statute to maintain a police department, any marshal or deputy marshal of a superior court or county, any port warden or port police officer of the Harbor Department of the City of Los Angeles, or any inspector or investigator employed in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

1. As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision that employs the peace officer or in which the peace officer serves.
 2. Where the peace officer has the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by him or her to give consent, if the place is within a city, or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.
 3. As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.
- b. The Attorney General and special agents and investigators of the Department of Justice are peace officers, and those assistant chiefs, deputy chiefs, chiefs, deputy directors, and division directors designated as peace officers by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state where a public offense has been committed or where there is probable cause to believe one has been committed.
- c. Any deputy sheriff of the County of Los Angeles, and any deputy sheriff of the Counties of Butte, Calaveras, Colusa, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa, Mendocino, Plumas, Riverside, San Benito, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when

performing other law enforcement duties directed by his or her employing agency during a local state of emergency.

830.31.

The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized, and under the terms and conditions specified, by their employing agency.

- a. A police officer of the County of Los Angeles, if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by his or her employing agency or when performing necessary duties with respect to patrons, employees, and properties of his or her employing agency.
- b. A person designated by a local agency as a park ranger and regularly employed and paid in that capacity, if the primary duty of the officer is the protection of park and other property of the agency and the preservation of the peace therein.
- c.
 1. A peace officer of the Department of General Services of the City of Los Angeles who was transferred to the Los Angeles Police Department and designated by the Chief of Police of the Los Angeles Police Department, or his or her designee, if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by the City of Los Angeles or when performing necessary duties with respect to patrons, employees, and properties of the City of Los Angeles. For purposes of this section, "properties" means city offices, city buildings, facilities, parks, yards, and warehouses.
 2. A peace officer designated pursuant to this subdivision, and authorized to carry firearms by the Los Angeles Police Department, shall satisfactorily complete the introductory course of firearm training required by Section 832 and shall requalify in the use of firearms every six months.
 3. Notwithstanding any other provision of law, a peace officer designated pursuant to this subdivision who is authorized to carry a firearm by his or her employing agency while on duty shall not be authorized to carry a firearm when he or she is not on duty.
- d. A housing authority patrol officer employed by the housing authority of a city, district, county, or city and county or employed by the police department of a city and county, if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by his or her employing agency or when performing necessary duties with respect to patrons, employees,

and properties of his or her employing agency.

832.

- a. Every person described in this chapter as a peace officer shall satisfactorily complete an introductory training course prescribed by the Commission on Peace Officer Standards and Training. On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of a peace officer whose employing agency prohibits the use of firearms.
- b.
 1. Every peace officer described in this chapter, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the training course described in subdivision (a).
 2. Every peace officer described in Section 13510 or in subdivision (a) of Section 830.2 may satisfactorily complete the training required by this section as part of the training prescribed pursuant to Section 13510.
- c. Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a), as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.
- d. A peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training is exempted from this section.
- e.
 1. A person completing the training described in subdivision (a) who does not become employed as a peace officer within three years from the date of passing the examination described in subdivision (a), or who has a three-year or longer break in service as a peace officer, shall pass the examination described in subdivision (a) prior to the exercise of the powers of a peace officer, except for a person described in paragraph (2).
 2. The requirement in paragraph (1) does not apply to a person who meets any of the following requirements:
 - A. Is returning to a management position that is at the second level of supervision or higher.
 - B. Has successfully re-qualified for a basic course through the Commission on Peace Officer Standards and Training.
 - C. Has maintained proficiency through teaching the course described in subdivision (a).
 - D. During the break in California service, was continuously employed as a peace officer in another state or at the federal level.
 - E. Has previously met the requirements of subdivision (a), has been appointed as a peace officer under subdivision (c) of Section 830.1,

and has been continuously employed as a custodial officer as defined in Section 831 or 831.5 by the agency making the peace officer appointment since completing the training prescribed in subdivision (a).

- f. The commission may charge appropriate fees for the examination required by subdivision (e), not to exceed actual costs.
- g. Notwithstanding any other law, the commission may charge appropriate fees for the examination required by subdivision (a) to each applicant who is not sponsored by a local or other law enforcement agency, or is not a peace officer employed by, or under consideration for employment by, a state or local agency, department, or district, or is not a custodial officer as defined in Sections 831 and 831.5. The fees shall not exceed actual costs.
- h.
 - 1. When evaluating a certification request from a probation department for a training course described in this section, the commission shall deem there to be an identifiable and unmet need for the training course.
 - 2. A probation department that is a certified provider of the training course described in this section shall not be required to offer the course to the general public.

832.5.

- a.
 - 1. Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.
 - 2. Each department or agency that employs custodial officers, as defined in Section 831.5, may establish a procedure to investigate complaints by members of the public against those custodial officers employed by these departments or agencies, provided however, that any procedure so established shall comply with the provisions of this section and with the provisions of Section 832.7.
- b. Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years. All complaints retained pursuant to this subdivision may be maintained either in the peace or custodial officer's general personnel file or in a separate file designated by the department or agency as provided by department or agency policy, in accordance with all applicable requirements of law. However, prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, the complaints described by subdivision (c) shall be removed from the officer's general personnel file and placed in separate file designated by the department or agency, in accordance with all applicable requirements of law.

- c. Complaints by members of the public that are determined by the peace or custodial officer's employing agency to be frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in that officer's general personnel file. However, these complaints shall be retained in other, separate files that shall be deemed personnel records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and Section 1043 of the Evidence Code.
 - 1. Management of the peace or custodial officer's employing agency shall have access to the files described in this subdivision.
 - 2. Management of the peace or custodial officer's employing agency shall not use the complaints contained in these separate files for punitive or promotional purposes except as permitted by subdivision (f) of Section 3304 of the Government Code.
 - 3. Management of the peace or custodial officer's employing agency may identify any officer who is subject to the complaints maintained in these files which require counseling or additional training. However, if a complaint is removed from the officer's personnel file, any reference in the personnel file to the complaint or to a separate file shall be deleted.
- d. As used in this section, the following definitions apply:
 - 1. "General personnel file" means the file maintained by the agency containing the primary records specific to each peace or custodial officer's employment, including evaluations, assignments, status changes, and imposed discipline.
 - 2. "Unfounded" means that the investigation clearly established that the allegation is not true.
 - 3. "Exonerated" means that the investigation clearly established that the actions of the peace or custodial officer that formed the basis for the complaint are not violations of law or department policy.

832.7.

- a. Peace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.
- b. Notwithstanding subdivision (a), a department or agency shall release to the complaining party a copy of his or her own statements at the time the complaint is filed.

- c. Notwithstanding subdivision (a), a department or agency that employs peace or custodial officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.
- d. Notwithstanding subdivision (a), a department or agency that employs peace or custodial officers may release factual information concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation, or the officer's agent or representative, publicly makes a statement he or she knows to be false concerning the investigation or the imposition of disciplinary action. Information may not be disclosed by the peace or custodial officer's employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. Disclosure of factual information by the employing agency pursuant to this subdivision is limited to facts contained in the officer's personnel file concerning the disciplinary investigation or imposition of disciplinary action that specifically refute the false statements made public by the peace or custodial officer or his or her agent or representative.
- e.
 - 1. The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.
 - 2. The notification described in this subdivision shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.
- f. Nothing in this section shall affect the discovery or disclosure of information contained in a peace or custodial officer's personnel file pursuant to Section 1043 of the Evidence Code.

Part 2. Of Criminal Procedures

Title 3. Additional Provisions Regarding Criminal Procedure

Chapter 5. Arrests, by Whom and How Made

835.

An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his arrest and detention.

835a.

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the 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 efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

837.

A private person may arrest another:

1. For a public offense committed or attempted in his presence.
2. When the person arrested has committed a felony, although not in his presence.
3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

Part 2. Of Criminal Procedures

Title 3. Additional Provisions Regarding Criminal Procedure

Chapter 5C. Citations for Misdemeanors

853.5.

- a. Except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to the procedures set forth by this chapter for the release of persons arrested for an offense declared to be a misdemeanor. In all cases, except as specified in Sections 40302, 40303, 40305, and 40305.5 of the Vehicle Code, in which a person is arrested for an infraction, a peace officer shall only require the arrestee to present his or her driver's license or other satisfactory evidence of his or her identity for examination and to sign a written promise to appear contained in a notice to appear. If the arrestee does not have a driver's license or other satisfactory evidence of identity in his or her possession, the officer may require the arrestee to place a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb, on the notice to appear. Except for law enforcement purposes relating to the identity of the arrestee, no person or entity may sell, give away, allow the distribution of, include in a database, or create a database with, this print. Only if the arrestee refuses to sign a written promise, has no satisfactory identification, or refuses to provide a thumbprint or fingerprint may the arrestee be taken into custody.
- b. A person contesting a charge by claiming under penalty of perjury not to be the person issued the notice to appear may choose to submit a right thumbprint, or a left thumbprint if the person has a missing or disfigured right thumb, to the issuing court through his or her local law enforcement agency for comparison with the one placed on the notice to appear. A local law enforcement agency providing this service may charge the requester no more than the actual costs. The issuing court may refer the thumbprint submitted and the notice to appear

to the prosecuting attorney for comparison of the thumbprints. When there is no thumbprint or fingerprint on the notice to appear, or when the comparison of thumbprints is inconclusive, the court shall refer the notice to appear or copy thereof back to the issuing agency for further investigation, unless the court finds that referral is not in the interest of justice.

- c. Upon initiation of the investigation or comparison process by referral of the court, the court shall continue the case and the speedy trial period shall be tolled for 45 days.
- d. Upon receipt of the issuing agency's or prosecuting attorney's response, the court may make a finding of factual innocence pursuant to Section 530.6 if the court determines that there is insufficient evidence that the person cited is the person charged and shall immediately notify the Department of Motor Vehicles of its determination. If the Department of Motor Vehicles determines the citation or citations in question formed the basis of a suspension or revocation of the person's driving privilege, the department shall immediately set aside the action.
- e. If the prosecuting attorney or issuing agency fails to respond to a court referral within 45 days, the court shall make a finding of factual innocence pursuant to Section 530.6, unless the court finds that a finding of factual innocence is not in the interest of justice.

853.6.

- a.
 1. In any case in which a person is arrested for an offense declared to be a misdemeanor, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter, although nothing prevents an officer from first booking an arrestee pursuant to subdivision (g). If the person is released, the officer or his or her superior shall prepare in duplicate a written notice to appear in court, containing the name and address of the person, the offense charged, and the time when, and place where, the person shall appear in court. If, pursuant to subdivision (i), the person is not released prior to being booked and the officer in charge of the booking or his or her superior determines that the person should be released, the officer or his or her superior shall prepare a written notice to appear in a court.

Part 1. Of Crimes and Punishments

Title 7. Of Crimes Against Public Justice

Chapter 7. Other Offenses Against Public Justice

147.

Every officer who is guilty of willful inhumanity or oppression toward any prisoner

under his care or in his custody, is punishable by fine not exceeding four thousand dollars (\$4,000), and by removal from office.

148.

a.

1. Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.
2. Except as provided by subdivision (d) of Section 653t, every person who knowingly and maliciously interrupts, disrupts, impedes, or otherwise interferes with the transmission of a communication over a public safety radio frequency shall be punished by a fine not exceeding one thousand dollars (\$1,000), imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

- b. Every person who, during the commission of any offense described in subdivision (a), removes or takes any weapon, other than a firearm, from the person of, or immediate presence of, a public officer or peace officer shall be punished by imprisonment in a county jail not to exceed one year or pursuant to subdivision (h) of Section 1170.
- c. Every person who, during the commission of any offense described in subdivision (a), removes or takes a firearm from the person of, or immediate presence of, a public officer or peace officer shall be punished by imprisonment pursuant to subdivision (h) of Section 1170.
- d. Except as provided in subdivision (c) and notwithstanding subdivision (a) of Section 489, every person who removes or takes without intent to permanently deprive, or who attempts to remove or take a firearm from the person of, or immediate presence of, a public officer or peace officer, while the officer is engaged in the performance of his or her lawful duties, shall be punished by imprisonment in a county jail not to exceed one year or pursuant to subdivision (h) of Section 1170.

In order to prove a violation of this subdivision, the prosecution shall establish that the defendant had the specific intent to remove or take the firearm by demonstrating that any of the following direct, but ineffectual, acts occurred:

1. The officer's holster strap was unfastened by the defendant.
2. The firearm was partially removed from the officer's holster by the

- defendant.
3. The firearm safety was released by the defendant.
 4. An independent witness corroborates that the defendant stated that he or she intended to remove the firearm and the defendant actually touched the firearm.
 5. An independent witness corroborates that the defendant actually had his or her hand on the firearm and tried to take the firearm away from the officer who was holding it.
 6. The defendant's fingerprint was found on the firearm or holster.
 7. Physical evidence authenticated by a scientifically verifiable procedure established that the defendant touched the firearm.
 8. In the course of any struggle, the officer's firearm fell and the defendant attempted to pick it up.
- e. A person shall not be convicted of a violation of subdivision (a) in addition to a conviction of a violation of subdivision (b), (c), or (d) when the resistance, delay, or obstruction, and the removal or taking of the weapon or firearm or attempt thereof, was committed against the same public officer, peace officer, or emergency medical technician. A person may be convicted of multiple violations of this section if more than one public officer, peace officer, or emergency medical technician are victims.
 - f. This section shall not apply if the public officer, peace officer, or emergency medical technician is disarmed while engaged in a criminal act.
 - g. The fact that a person takes a photograph or makes an audio or video recording of a public officer or peace officer, while the officer is in a public place or the person taking the photograph or making the recording is in a place he or she has the right to be, does not constitute, in and of itself, a violation of subdivision (a), nor does it constitute reasonable suspicion to detain the person or probable cause to arrest the person.

WELFARE AND INSTITUTIONS CODE

Division 2. Children

Part 1. Delinquents and Wards of the Juvenile Court

Chapter 2. Juvenile Court Law

Article 15. Wards - Temporary Custody and Detention

625.

A peace officer may, without a warrant, take into temporary custody a minor:

- a. Who is under the age of 18 years when such officer has reasonable cause for believing that such minor is a person described in Section 601 or 602, or
- b. Who is a ward of the juvenile court or concerning whom an order has been made under Section 636 or 702, when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court, or

- c. Who is under the age of 18 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

In any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in Section 601 or 602, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.