

Hesperia Recreation and Park District

# PARK RANGER OPERATIONS AND PROCEDURES MANUAL



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## CONTENTS

<b>SECTION 1: INTRODUCTION .....</b>	<b>5</b>
A.    LAW ENFORCEMENT – DISTRICT SCOPE AND AUTHORITY.....	5
B.    PURPOSE .....	6
<b>SECTION 2: PARK RANGER OPERATIONAL POLICY AND PROCEDURES .....</b>	<b>6</b>
A.    PURPOSE .....	6
B.    POLICY AND PROCEDURE.....	6
<b>SECTION 3: PROGRAM RANK STRUCTURE AND DUTIES.....</b>	<b>7</b>
A.    GENERAL MANAGER .....	7
B.    SENIOR PARK RANGER .....	7
C.    PARK RANGER.....	7
D.    PARK RANGER DUTIES .....	8
E.    VOLUNTEER PARK RANGERS .....	9
<b>SECTION 4: SELECTION AND EMPLOYMENT .....</b>	<b>9</b>
A.    PARK RANGER EMPLOYMENT QUALIFICATIONS.....	9
B.    EMPLOYEE CONDUCT .....	9
<i>Rules of Conduct .....</i>	<i>9</i>
<i>Conduct Toward Others .....</i>	<i>10</i>
<i>Political Activity.....</i>	<i>10</i>
<b>SECTION 5: PERSONNEL POLICIES AND PROCEDURES.....</b>	<b>11</b>
A.    PATROL PROCEDURES.....	11
<i>Shifts .....</i>	<i>11</i>
B.    DISTRICT POLICY AND PROCEDURES .....	11
<i>General Employment Policies.....</i>	<i>11</i>
<i>Benefits, Salary and Wages .....</i>	<i>11</i>
<i>Holiday and Vacation Policies.....</i>	<i>12</i>
<i>Sick Leave Policy, Family and Medical Leave Laws and Pregnancy Disability Leave Policies.....</i>	<i>12</i>
<i>Other Leave of Absence Policies.....</i>	<i>12</i>
<i>Negative Employment Actions.....</i>	<i>12</i>
<i>Separation From Employment .....</i>	<i>12</i>
<i>Employee Safety and Security.....</i>	<i>12</i>
<i>Expenses, Travel, Mileage and Reimbursements .....</i>	<i>12</i>
<i>Administrative Policies .....</i>	<i>12</i>
C.    DISTRICT AND PERSONAL PROPERTY .....	12
D.    MEDIA INQUIRES .....	12
E.    COMPUTERS, EMAIL, THE INTERNET AND ELECTRONIC DEVICES .....	12
F.    CELL PHONES / COMMUNICATIONS SYSTEMS .....	12
<b>SECTION 6: PERSONAL APPEARANCE, DRESS CODE AND UNIFORMS .....</b>	<b>13</b>
A.    STANDARDS OF DRESS CODE.....	13
B.    UNIFORM .....	14
C.    APPEARANCE .....	14
D.    BULLETPROOF VEST AND SAFETY EQUIPMENT .....	14
E.    BADGES AND IDENTIFICATION CARDS.....	15
<b>SECTION 7: VEHICLES .....</b>	<b>15</b>
A.    VEHICLE OPERATION .....	15

<b>SECTION 8: USE OF FORCE</b>	<b>15</b>
A. PURPOSE AND SCOPE	15
B. DEFINITIONS	15
C. POLICY	16
<i>Duty to Intercede</i>	17
D. USE OF FORCE	17
<i>Use of Force to Effect an Arrest</i>	17
<i>Factors Used to Determine the Reasonableness of Force</i>	18
<i>Pain Compliance Techniques</i>	19
<i>Carotid Control Hold</i>	19
<i>Use of Force to Seize Evidence</i>	19
E. DEADLY FORCE APPLICATIONS	19
<i>Shooting at or From a Moving Vehicle</i>	20
F. REPORTING THE USE OF FORCE	20
<i>Notification to Supervisors</i>	20
<i>Reporting to California Department Program of Justice</i>	21
G. SHOW OF FORCE	21
H. MEDICAL CONSIDERATION	22
<i>Supervisor's Responsibilities</i>	22
<i>Duty to Continue Care</i>	22
<i>Implied Consent</i>	23
<i>Express Consent</i>	23
<i>Refusal</i>	23
<i>Documentation</i>	24
I. SUPERVISOR RESPONSIBILITY	24
<i>Senior Park Ranger Responsibility</i>	25
J. TRAINING	25
K. USE OF FORCE ANALYSIS	25
<b>SECTION 9: CONTROL DEVICES AND TECHNIQUES</b>	<b>25</b>
A. PURPOSE AND SCOPE	25
B. POLICY	25
C. USE OF RESTRAINTS	25
<i>Restraint of Detainees</i>	26
<i>Restraint of Someone Who is Knowingly Pregnant</i>	26
<i>Restraint of Juveniles</i>	26
<i>Notifications</i>	26
D. APPLICATION OF HANDCUFFS OR PLASTIC CUFFS	26
E. APPLICATION OF SPIT HOODS/MASKS/SOCKS	27
F. REQUIRED DOCUMENTATION	27
G. ISSUING, CARRYING AND USING CONTROL DEVICES	28
H. RESPONSIBILITIES	28
<i>Senior Park Ranger Responsibilities</i>	28
<i>User Responsibilities</i>	28
I. BATON GUIDELINES	29
J. OLEORESIN CAPSICUM (OC) GUIDELINES	29
<i>OC Spray</i>	29
<i>Treatment for OC Spray Exposure</i>	29
K. CONDUCTED ELECTRICAL WEAPON (CEW) TASER X2	29
<i>Issuance and Carrying of a TASER CEW</i>	29
<i>Verbal and Visual Warnings</i>	30
<i>Deployment Use and Considerations</i>	30

<i>Special Deployment Considerations</i> .....	31
<i>Actions Following Deployment</i> .....	32
<i>Dangerous Animals</i> .....	32
<i>Training in the Conducted Electrical Weapon</i> .....	32
<i>Documentation</i> .....	33
<i>Reports</i> .....	33
<i>Medical Treatment</i> .....	33
<i>Supervisor Responsibilities</i> .....	34
<i>Training</i> .....	34
<b>SECTION 10: FIREARMS</b> .....	<b>35</b>
A. PURPOSE AND SCOPE .....	35
B. POLICY .....	35
<i>Duty Weapon</i> .....	35
<i>Secondary/"Back-up" Weapons</i> .....	36
<i>Ammunition</i> .....	36
<i>Alcohol and Drugs</i> .....	36
<i>Laser Sights</i> .....	36
C. SAFE HANDLING OF FIREARMS .....	36
<i>Safety Considerations</i> .....	36
<i>Carrying a Firearm Off-duty</i> .....	37
<i>Storage of Firearms at Home</i> .....	37
<i>Personally Owned Duty Firearms</i> .....	37
D. FIREARMS QUALIFICATIONS .....	38
<i>Repairs or Modifications</i> .....	38
<i>Holster</i> .....	38
<i>Tactical Lights</i> .....	38
<i>Warning and Other Shots</i> .....	38
<i>Inspection and Storage</i> .....	39
<i>Storage in Vehicles</i> .....	39
E. DESTRUCTION OF ANIMALS .....	39
<i>Injured Animals</i> .....	39
F. FIREARM DISCHARGE .....	40
<i>Repair or Modifications of Duty Weapon</i> .....	41
<b>SECTION 11: PARK RANGER-INVOLVED SHOOTINGS AND DEATHS</b> .....	<b>41</b>
A. PURPOSE AND SCOPE .....	41
B. POLICY .....	41
C. TYPES OF INVESTIGATIONS .....	41
D. CONTROL OF INVESTIGATIONS .....	42
<i>Hesperia Recreation and Park District Park Ranger within His/Her Jurisdiction</i> .....	42
<i>Allied Agency Park Ranger/Deputy Within Districts Jurisdiction</i> .....	42
<i>Hesperia Recreation and Park District Park Ranger in Another Jurisdiction</i> .....	42
<i>Investigation Responsibility Matrix</i> .....	42
<i>Involved Park Rangers</i> .....	43
<i>Supervisor Responsibility</i> .....	44
<i>Involved Park Ranger(s) After-Action Considerations</i> .....	45
E. CRIMINAL INVESTIGATION .....	45
<i>Reports by Involved Park Ranger(s)</i> .....	46
<i>Criminal Investigation</i> .....	47
<i>Reports by Involved Park Ranger(s)</i> .....	47
<i>Witness Identification and Interview</i> .....	48
<i>Investigative Personnel</i> .....	48

F. ADMINISTRATIVE INVESTIGATION .....	49
<i>Civil Liability Response</i> .....	50
G. DEBRIEFING .....	50
<i>Critical Incident/Stress Debriefing</i> .....	50
<i>Tactical Debriefing</i> .....	51
H. MEDIA RELATIONS.....	51
<b>SECTION 12: CIVILIAN COMPLAINTS OF PARK RANGER MISCONDUCT .....</b>	<b>51</b>
A. PURPOSE .....	51
B. POLICY .....	52
<i>Misconduct</i> .....	52
C. PROCEDURE .....	52
D. FORMAL INVESTIGATION .....	53
<i>Investigation Procedures</i> .....	53
<i>Completed Formal Investigations Submitted to General Manager</i> .....	55
<i>Allegations of a Crime</i> .....	56
<i>Arrested Sworn Employee</i> .....	56
<i>Completed Investigation Received by the General Manager</i> .....	57
<i>Disposition</i> .....	57
<i>Notification to Complainant</i> .....	57
<b>SECTION 13: SEVERABILITY .....</b>	<b>57</b>
<b>SECTION 14: CODE SECTION .....</b>	<b>58</b>
CALIFORNIA PUBLIC RESOURCES CODE .....	58
5786. ....	58
5786.1. ....	58
5786.17. ....	59
CALIFORNIA GOVERNMENT CODE.....	59
1031. ....	59
CALIFORNIA PENAL CODE.....	60
830. ....	61
830.1. ....	61
830.31. ....	62
832. ....	63
832.5. ....	64
832.7. ....	65
835. ....	66
835a. ....	67
837. ....	67
853.5. ....	67
853.6. ....	68
147. ....	69
148. ....	69
WELFARE AND INSTITUTIONS CODE .....	70
625. ....	70
<b>SECTION 15: PARK RANGER OPERATIONS AND POLICY MANUAL REVISIONS .....</b>	<b>71</b>

## **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 Senior Park Ranger and the designated supervisor of the Park Ranger program. All authority vested to the Senior Park Ranger by this document is also held by the General Manager.

#### **B. SENIOR PARK RANGER**

The Senior Park Ranger is appointed by the General Manager to advise and assist with program administration and training. The Senior Park Ranger serves at will, receives direction from and is subordinate to the General Manager.

The Senior Park Ranger 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 Senior Park Ranger. 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 Senior Park Ranger.

#### **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 Senior Park Ranger.

### **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 Senior Park Ranger 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 Senior Park Ranger.

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 Senior Park Ranger 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, Senior Park Ranger 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](mailto: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 Senior Park Ranger. 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 Senior Park Ranger 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 Senior Park Ranger 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 Senior Park Ranger 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 Senior Park Ranger 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: USE OF FORCE**

### **A. PURPOSE AND SCOPE**

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this District Ranger Program is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

### **B. DEFINITIONS**

Definitions related to this policy include:

**Deadly Force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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

**Feasible** - Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Imminent** - Pursuant to California Penal Code Section 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death



or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

**Totality of the Circumstances** - All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

**Objectively Reasonable** - The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). Graham states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain and rapidly evolving — about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application."

The force must be reasonable under the circumstances known to or reasonably believed by the ranger at the time the force was used. Therefore, the District Ranger Program examines all uses of force from an objective standard, rather than a subjective standard.

**Serious Bodily Injury** - Pursuant to California Penal Code Section 2430(4), serious bodily injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

### C. POLICY

It is the policy of this District Ranger Program that, whenever practicable, Park Rangers shall use techniques and tools consistent with District Ranger Program de-escalation training to reduce the intensity of any encounter with a suspect and enable a Park Ranger to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Park Rangers could be involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable

force in carrying out their duties.

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

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

### **Duty to Intercede**

Any Park Ranger present and observing another Park Ranger using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A Park Ranger who observes another employee's use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

### **D. USE OF FORCE**

Park Rangers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the Park Ranger at the time of the event to accomplish a legitimate law enforcement purpose.

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

Given that no policy can realistically predict every possible situation a Park Ranger might encounter, Park Rangers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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

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

### **Use of Force to Effect an Arrest**

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall a peace officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a). Park Rangers shall not transport arrested patrons. Park Rangers are to contact local Law Enforcement for transfers.

### **Factors Used to Determine the Reasonableness of Force**

When determining whether to apply force and evaluating whether a peace officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

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

### **Pain Compliance Techniques**

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the Park Ranger.
- (c) Whether the person has been given sufficient opportunity to comply. The application of any pain compliance technique shall be discontinued once the Park Ranger determines that compliance has been achieved.

### **Carotid Control Hold**

Park Rangers are not authorized to use a carotid control hold, or “choke-hold.” A choke hold means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe (Government Code § 7286.5).

### **Use of Force to Seize Evidence**

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

## **E. DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) A Park Ranger may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A Park Ranger may use deadly force to stop a fleeing subject when the Park Ranger has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the Park Ranger reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may

exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a Park Ranger reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the Park Ranger or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

### **Shooting at or From a Moving Vehicle**

Shots fired at or from a moving vehicle are rarely effective. Park Rangers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A Park Ranger should only discharge a firearm at a moving vehicle or its occupants when the Park Ranger reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the Park Ranger or others.

Park Rangers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### **F. REPORTING THE USE OF FORCE**

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

### **Notification to Supervisors**

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

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

- (i) An individual alleges any of the above has occurred.

### **Reporting to California Department Program of Justice**

Statistical data regarding all Park Ranger-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California District Ranger Program of Justice as required by Government Code § 12525.2.

### **G. SHOW OF FORCE**

The term “show of force” is defined as intentionally pointing a firearm, TASER or any other less lethal weapon system directly at a subject and is a reportable use of force, even if the firearm or the less lethal weapons are not fired, or the TASER is not deployed.

Removing a firearm or less lethal weapon from a holster or vehicle and or displaying a firearm or less lethal weapon in a low ready position is not considered a show of force.

A ranger's decision to draw or exhibit a firearm should be based on the tactical situation and the ranger's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When a ranger has determined that the use of deadly force is not necessary, the ranger shall, as soon as practicable, secure or holster the firearm.

If the show of force is related to a criminal report, all rangers involved in the incident shall document the “show of force” in a criminal report or supplemental report prior to the end of his/her shift, unless the delay in the report's completion is approved by the supervisor.

If the incident involves a show of force only, the park ranger shall complete an incident report documenting the reason and outcome for the show of force.

If the show of force escalates and there is any additional force used, as described in this policy section above, then the entire use of force report shall be completed by the park ranger per District Ranger Program policy and will include the show of force.

Unless otherwise directed by a supervisor, the following requirements apply to any show of force, which involves the intentional pointing of a firearm or TASER directly at a subject(s):

- The primary park ranger shall complete an incident report to include a brief summary of the incident documenting the totality of circumstances. The entry shall also include the names of all park rangers present and or other partnering law enforcement representatives and any involved civilians.
- If the incident is not associated with a DR, the call history number shall be used. Include all attachments such as a call history, audio recordings, video, photographs, etc.
- The incident report will be sent to the supervisor for final approval.

## **H. MEDICAL CONSIDERATION**

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

Based upon the Park Ranger's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail.

Park Rangers should only render aid when it is safe and practicable to do so. Examples of an unsafe scene, or when aid would not be practicable, are:

- An ongoing tactical situation that would put rangers in harm's way;
- During a natural disaster which creates an unsafe environment; and,
- During or directly after a traumatic incident in which the ranger's mindset or physiological condition are not conducive to rendering medical aid (e.g., substantially involved in a ranger-involved shooting).

### **Supervisor's Responsibilities**

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

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

### **Duty to Continue Care**

Once rangers initiate medical assistance, they must continue until one of the following occurs:

- Environmental hazards endanger the ranger or the scene becomes unsafe; or
- The ranger is relieved by an equally or higher medically trained person;
- The ranger becomes too exhausted to continue;

- The person receiving assistance expressly withdraws medical consent;
- The ranger reasonably believes the person receiving assistance has died; or,
- The person receiving assistance responds positively to medical assistance and the ranger reasonably believes further medical assistance is not needed.

**Note:** To give or deny medical consent, a ranger must reasonably believe the person receiving assistance has the present ability to knowingly give consent.

### **Implied Consent**

There is an assumption that an unconscious or confused person would consent to receiving emergency medical services if that person were able to do so. Officers should operate under this assumption unless a person is able to communicate and explicitly denies medical aid.

Emergency rescue personnel have a responsibility to administer emergency medical services under implied consent whenever an officer reasonably believes a person is:

- Unconscious;
- In an altered mental state due to injury, alcohol, drugs, etc.;
- Incapable of giving consent due to a developmental, emotional or mental disability; or,
- A juvenile, and the parent or guardian is not present.

### **Express Consent**

Officers should clearly identify themselves and ask for consent to administer emergency medical aid. Consent (i.e., permission) must be obtained from the ill or injured person before providing emergency medical aid. For the recipient to give lawful consent, the officer must reasonably believe the ill or injured person is:

- Conscious and oriented;
- Mentally competent enough to make rational decisions regarding his/her well-being; and,
- Eighteen years or older, or an emancipated minor.

### **Refusal**

A conscious and apparently competent adult has the right to refuse any emergency medical services offered by emergency rescue personnel. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another Park Ranger and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.



## **Documentation**

Normally, the rendering of medical aid by rangers, or a subject's refusal of medical aid, will be documented via fire District Ranger Program personnel or recorded on Body Worn Video or Digital In-Car Video. If no separate documentation or recording exists, rangers should document the circumstances and the basis for their decision to treat the person on the employee's applicable daily report.

### **I. SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved Park Rangers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate. In the event that a supervisor is unable to respond to the scene of an incident involving the reported

application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

### **Senior Park Ranger Responsibility**

The Senior Park Ranger shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

### **J. TRAINING**

Park Rangers will receive periodic training on this policy and demonstrate their knowledge and understanding.

### **K. USE OF FORCE ANALYSIS**

At least annually, the supervisory ranger should prepare an analysis report on use of force incidents. The report should be submitted to the AOM. The report should not contain the names of Park Rangers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

## **SECTION 9: CONTROL DEVICES AND TECHNIQUES**

### **A. PURPOSE AND SCOPE**

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

### **B. POLICY**

The Hesperia Recreation and Park District Ranger authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and District Ranger Program training. Restraint devices shall not be used to punish, to display authority or as a show of force.

### **C. USE OF RESTRAINTS**

Only members who have successfully completed Hesperia Recreation and Park District Rangers-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

- The circumstances or crime leading to the arrest.

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

### **Restraint of 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.

### **Restraint of Someone Who is Knowingly Pregnant**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for Park Ranger safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, Park Rangers or others (Penal Code § 3407; Penal Code § 6030).

### **Restraint of Juveniles**

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

### **Notifications**

Parks Rangers shall not transport patrons. Park Rangers are to contact local Law Enforcement for transfers.

### **D. APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the District Ranger Program. 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. When feasible, handcuffs should 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 or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

#### **E. APPLICATION OF SPIT HOODS/MASKS/SOCKS**

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the Park Ranger reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Park Rangers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Park Rangers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Park Rangers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

#### **F. REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, the Park Ranger shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The Park Ranger should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

#### **G. ISSUING, CARRYING AND USING CONTROL DEVICES**

Control devices described in this policy may be carried and used by members of this District Ranger Program only if the device has been issued by the District Ranger Program or approved by the AOM or the authorized designee.

Only Park Rangers who have successfully completed District Ranger Program-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. RESPONSIBILITIES**

##### **Senior Park Ranger Responsibilities**

The Senior Park Ranger may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training. The Senior Park Ranger shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Senior Park Ranger or the designated instructor for a particular control device. The inspection shall be documented.

##### **User Responsibilities**

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

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

## **I. BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the 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, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

## **J. OLEORESIN CAPSICUM (OC) GUIDELINES**

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

### **OC Spray**

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

### **Treatment for OC Spray Exposure**

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

## **K. CONDUCTED ELECTRICAL WEAPON (CEW) TASER X2**

This District Ranger Program is committed to reducing the potential for violent confrontations. Conducted electrical weapons (CEWs), when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

### **Issuance and Carrying of a TASER CEW**

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.

### **Deployment Use and Considerations**

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. use of CEW appears appropriate.

A verbal warning of the intended use of the device should precede its application,

TASER-TASER-TASER should be clearly and loudly announced, unless it would otherwise endanger the safety of Park Rangers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other Park Rangers and individuals that the device is being deployed.

Park Rangers should keep in mind the manufacturer's recommendations and their training regarding deployment distances and target areas. However, Park Rangers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck 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.

### **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 Senior Park Ranger 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.

### **Training in the Conducted Electrical Weapon**

The Senior Park Ranger or his designee shall ensure that all personnel who are authorized to carry a CEW have been properly trained and certified to carry the specific control device and are retrained or recertified annually or as necessary.

- (a) Proficiency briefing shall be monitored and documented by a certified, CEW or tactics instructor.

- (b) All proficiency training for CEWs will be documented in the Park Ranger's file.
- (c) Park Rangers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a Park Ranger cannot demonstrate proficiency with a CEW or knowledge of this agency's Use of Force Policy after remedial training, the Park Ranger will be restricted from carrying the control device and may be subject to discipline.

### **Documentation**

Park Rangers must document all TASER device discharges in the related arrest/crime and Incident Reports. Notification must also be made to the Senior Park Ranger 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 CEWs;
- (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 Senior Park Ranger should respond to calls when they reasonably believe there is likelihood the TASER device may be used. The Senior Park Ranger should respond to all incidents where the TASER device was activated.

The Senior Park Ranger 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 Senior Park Ranger 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 Senior Park Ranger. 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 Senior Park Ranger 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 Senior Park Ranger 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.

## **SECTION 10: FIREARMS**

### **A. PURPOSE AND SCOPE**

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Senior Park Ranger or his or her designee shall approve all District Ranger Program firearms before they are acquired and utilized by any member of this District Ranger Program.

### **B. POLICY**

The Hesperia Recreation and Park District Ranger Unit will equip its members with firearms to address the risks posed to the public and District Ranger Program members by violent and sometimes well-armed persons. The District Ranger Program will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

### **Duty Weapon**

The following additional handguns are approved for on-duty use. Any other shall be approved by the Senior Park Ranger:

<u>MAKE</u>	<u>MODEL</u>	<u>CALIBER</u>
Glock	17 Gen 5; Safe-action	9mm

- (a) All semi-automatic handguns must be double action on the first round fired.

- (b) All weapons carried must have a trigger pull of no less than three pounds, single action. All safety devices must be intact and operational. No shortened, "bobbed", or removed hammer spurs are permitted on duty weapons. All weapons shall be maintained in good working condition.
- (c) All weapons carried must be inspected for safety annually by the sworn employee's supervisor or other person so designated by the Senior Park Ranger.

### **Secondary/"Back-up" Weapons**

The use of a secondary or back-up handgun is prohibited.

### **Ammunition**

Ammunition carried by a uniformed Park Ranger in approved service handguns shall be issued by the District Ranger Program. New ammunition shall be issued annually as part of the Park Ranger's equipment inventory verification.

### **Alcohol and Drugs**

Weapons shall not be carried by any Park Ranger who has consumed any amount of alcoholic beverage or taken any drug that would tend to adversely affect the Park Ranger's senses or judgment.

### **Laser Sights**

Laser sights may not be installed on issued duty firearms.

## **C. SAFE HANDLING OF FIREARMS**

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Park Rangers cleaning weapons which require the firearm to be in a cocked position for proper cleaning and/or maintenance shall not pull the trigger to clear this position without having fully cleared the firearm of any cartridge.
- (b) Personnel shall not clean, repair, load, or unload firearms any place on the District Ranger Program premises unless a clearing barrel is used to properly load or unload the weapon, or within the confines of a firing range facility. This restriction shall not apply to firearms when loading or unloading is ordered by a supervising Park Ranger or involved in actual use of a firearm as authorized by District Ranger Program regulations.

### **Safety Considerations**

- (a) Park Rangers shall not unnecessarily display or handle any firearm.
- (b) Park Rangers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Park Rangers shall not dry fire or practice quick draws except under Rangemaster supervision.

- (c) Park Rangers shall not clean, repair, load or unload a firearm anywhere in the District Ranger Program, except where clearing barrels are present.
- (d) Park Rangers shall not place or store any firearm or other weapon on District Ranger Program premises except where the place of storage is locked
- (e) Park Rangers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon from the armory, except with approval of a supervisor.
- (f) Any weapon authorized by the District Ranger Program to be carried on- or off-duty, that is found by the Park Ranger to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the District Ranger Program or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the District Ranger Program Rangemaster, will be immediately removed from service. If the weapon is the Park Ranger's primary duty weapon, a replacement weapon will be issued to the Park Ranger until the duty weapon is serviceable.

### **Carrying a Firearm Off-duty**

At no time is a Park Ranger permitted to carry the issued District firearm in an off-duty capacity without express prior permission from the District General Manager. Otherwise, Park Rangers are only authorized to carry or have immediate access to a District-approved and issued firearm when operating in an on-duty capacity, traveling to and from an assigned Park Ranger shift, and while properly stored at a Park Rangers residence.

### **Storage of Firearms at Home**

Park Rangers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Park Rangers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

### **Personally Owned Duty Firearms**

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the General Manager or authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the District Ranger Program list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the District Ranger Program

qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

#### **D. FIREARMS QUALIFICATIONS**

All sworn personnel of the District Ranger Program are required to qualify quarterly with his/her on duty firearms. Only those Park Rangers who meet the District Ranger Program's minimum requirements for demonstrated proficiency in the use of firearms shall be allowed to carry firearms in the course of their employment.

Demonstrated proficiency shall mean achieving minimum scores semi-annually on a prescribed course supervised by the District Ranger Program's Rangemaster and training coordinator, attaining and demonstrating a knowledge of the laws concerning the use of firearms and the principles of accepted procedures for the use of firearms. Minimum score shall be set by the Rangemaster, according to standards of proficiency. Park Rangers fulfilling their qualification shall secure appropriate documentation from the Rangemaster and deliver it to their supervisor or the person designated by their supervisor. The District Ranger Program shall keep a record of firearms, authorized for on-duty carry with which each Park Ranger is currently qualified.

#### **Repairs or Modifications**

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the District Ranger Program or personally owned firearms that are approved for District Ranger Program use may be repaired or modified only by a person who is District Ranger Program-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

#### **Holster**

Only District Ranger Program-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### **Tactical Lights**

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

#### **Warning and Other Shots**

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

### **Inspection and Storage**

Handguns shall be inspected annually and upon access or possession by another person. The member shall ensure that the firearm is carried in the proper condition and

loaded with approved ammunition. Firearms shall be pointed in a safe direction. Personally, owned firearms may be safely stored in lockers at the end of the shift.

District Ranger Program owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster.

### **Storage in Vehicles**

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

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

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

## **E. DESTRUCTION OF ANIMALS**

Park Rangers should make every effort to request the City or County's Animal Control service prior to dispatching an animal. As a secondary resource, the San Bernardino County Sheriff's Department shall also respond to assess the dangerous animal. A Park Ranger is authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which Park Rangers have sufficient advance notice that a potentially dangerous animal may be encountered, Park Rangers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control Park Ranger). Nothing in this policy shall prohibit any Park Ranger from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

### **Injured Animals**

Park Rangers should make every effort to request the City's Animal Control service prior to dispatching an animal. As a secondary resource, the San Bernardino County Sheriff's Department shall also respond to assess the injured animal. With the approval of a



supervisor, a Park Ranger may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

#### **F. FIREARM DISCHARGE**

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

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

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

#### **G. RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Park Ranger after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to District Ranger Program members during hours established by the District Ranger Program.

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

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

carry.

The Rangemaster shall complete and submit to the Senior Park Ranger documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the District Ranger Program, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Senior Park Ranger.

### **Repair or Modifications of Duty Weapon**

The HRPD Ranger Unit Armorer/Rangemaster shall be the only personnel authorized to repair or modify any District Ranger Program-owned weapon. All repairs and/or modifications of District Ranger Program issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a District Ranger Program approved gunsmith.

Any repairs or modifications to the Park Ranger's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

## **SECTION 11: PARK RANGER-INVOLVED SHOOTINGS AND DEATHS**

### **A. PURPOSE AND SCOPE**

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

In other incidents not covered by this policy, the Senior Park Ranger may decide that the investigation will follow the process provided in this policy.

### **B. POLICY**

The policy of the Hesperia Recreation and Park District Ranger Unit is to ensure that Park Ranger involved shootings and deaths are investigated in a thorough, fair and impartial manner.

### **C. TYPES OF INVESTIGATIONS**

Park Ranger-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident and a criminal investigation of the involved Park Ranger(s), conducted by the San Bernardino Sheriff's Department Homicide Detail, pursuant to an existing Memorandum of Understanding with the San Bernardino Sheriff's Department, and to their having primary law enforcement jurisdiction over the locations of all of the District facilities within the

Hesperia Recreation and Park District.

- (b) A civil investigation to determine potential liability, conducted by a designee of the General Manager. This investigation will include an administrative investigation, to determine if there were any violations of District Ranger Program policy.

#### **D. CONTROL OF INVESTIGATIONS**

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

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

#### **Hesperia Recreation and Park District Park Ranger within His/Her Jurisdiction**

The San Bernardino Sheriff's Department Homicide Detail is responsible for the criminal investigation of the suspect's actions and the criminal investigation of the Park Ranger-involved shooting. The civil investigation and the administrative investigation will be conducted by a designee of the General Manager.

#### **Allied Agency Park Ranger/Deputy Within Districts Jurisdiction**

All park facilities within the Hesperia Recreation and Park District are within the City of Hesperia or the unincorporated communities of San Bernardino County, and the San Bernardino Sheriff's Department has concurrent jurisdiction with the Hesperia Recreation and Park District. Any investigation of a Deadly Force incident at a District facility within the Hesperia Recreation and Park District by an allied agency's deputy/officer shall be conducted by the San Bernardino Sheriff's Department, and the Hesperia Recreation and Park District Park Rangers shall provide any and all such assistance as may be necessary to maintain the crime scene, locate and identify witnesses, and providing facilities for interviewing and other investigative functions.

#### **Hesperia Recreation and Park District Park Ranger in Another Jurisdiction**

The San Bernardino Sheriff's Department has criminal jurisdiction and is responsible for the criminal investigation of the incident. The Hesperia Recreation and Park District Park Ranger Unit will conduct timely civil and/or administrative investigations.

#### **Investigation Responsibility Matrix**

The following table identifies the possible scenarios and responsibilities for the investigation of Park Ranger-involved shootings:

Criminal Investigation	Criminal Investigation	Civil Investigation	Administrative Investigation
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	of Suspect(s)	of Park Ranger(s)		
<b>HRPD Park Ranger in This Jurisdiction</b> Park Ranger	San Bernardino Sheriff's	San Bernardino Sheriff's	Designee of Senior Park Ranger	Designee of Senior
	Homicide Detail	Homicide Detail		
<b>HRPD Park Ranger in Another Jurisdiction</b> Ranger	San Bernardino Sheriff's	San Bernardino Sheriff's	Designee of Senior Park Ranger	Designee of Senior Park
	Homicide Detail	Homicide Detail	Manager	Manager

### **Involved Park Rangers**

Once involved the Park Ranger(s) have arrived at the station, the Senior Park Ranger or his/her designee should admonish each Park Ranger that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved Park Ranger:

- (a) Any request for District Ranger Program or legal representation will be accommodated, however, no involved Park Ranger shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with District Ranger Program representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information, however.
- (d) A psychotherapist shall be provided by the District Ranger Program to each involved Park Ranger, or any other Park Ranger, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the Park Ranger is or is not fit for return to duty.
  2. An interview or session with a licensed psychotherapist may take place prior to the involved Park Ranger providing a formal interview or report, but the involved Park Rangers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the District Ranger Program will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness Park Ranger.

Care should be taken to preserve the integrity of any physical evidence present on the

Park Ranger's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Supervisors shall make reasonable accommodations to the Park Ranger's physical and emotional needs (Government Code § 3303(d)).

Each involved Park Ranger shall be given reasonable paid administrative leave following a Park Ranger involved shooting. It shall be the responsibility of the Senior Park Ranger or his/her designee to make schedule adjustments to accommodate such leave.

### **Supervisor Responsibility**

Upon arrival at the scene, the first uninvolved HRPD supervisor should ensure completion of the duties as outlined above, plus:

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

is provided with a comparable replacement weapon or transported by other Park Rangers.

### **Involved Park Ranger(s) After-Action Considerations**

The following shall be considered for the involved Park Ranger:

- (a) Any request for legal or union representation will be accommodated.
  - 1. Involved HRPD Park Rangers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  - 2. Requests from involved non-HRPD Park Rangers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the District Ranger Program to each involved HRPD Park Ranger. A licensed psychotherapist may also be provided to any other affected HRPD members, upon request.
  - 1. Interviews with a licensed psychotherapist will be considered privileged.
  - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  - 3. A separate fitness-for-duty exam may also be required.
- (e) Although the District Ranger Program will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness Park Ranger.

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

Each involved HRPD Park Ranger shall be given reasonable paid administrative leave following a Park Ranger-involved shooting or death. It shall be the responsibility of the Senior Park Ranger to make schedule adjustments to accommodate such leave.

### **E. CRIMINAL INVESTIGATION**

The District Attorney's Office is responsible for the criminal investigation into the

circumstances of any Park Ranger-involved shooting or death.

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

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved Park Rangers and to complete their interviews. The following shall be considered for the involved Park Ranger:

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

### **Reports by Involved Park Ranger(s)**

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

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

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

### **Criminal Investigation**

It shall be the policy of this District Ranger Program to utilize the San Bernardino Sheriff's Homicide Detail to conduct an independent criminal investigation into the circumstances of any Park Ranger-involved shooting involving injury or death.

If available, personnel from this District Ranger Program may be assigned to partner with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations. Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved Park Rangers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved Park Ranger:

- (a) Supervisors should not participate directly in any voluntary interview of Park Rangers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved Park Ranger will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual Park Ranger's statement, involved Park Rangers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Any voluntary statement provided by the Park Ranger(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved Park Ranger or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

### **Reports by Involved Park Ranger(s)**

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

While the involved Park Ranger may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved Park Rangers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved Park Rangers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken



not to duplicate information provided by involved Park Rangers in other reports.

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

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

### **Witness Identification and Interview**

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

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

### **Investigative Personnel**

Once notified of a Park Ranger-involved shooting or death, it shall be the responsibility of the designated Senior Park Ranger or his/her designee to assign appropriate investigative personnel to handle the investigation of related crimes. District Ranger Program investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related District Ranger Program reports, except administrative and/or privileged reports, will be forwarded to the designated Patrol Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate manager.

#### **F. ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with a Park Ranger-involved shooting or death, this District Ranger Program will conduct an internal administrative investigation of HRPD Park Rangers to determine conformance with District Ranger Program policy. The investigation will be conducted under the supervision of the Professional Standards Bureau and will be considered a confidential Park Ranger personnel file.

Interviews of members shall be subject to District Ranger Program policies and applicable laws.

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

Ranger may also record the interview (Government Code § 3303(g)).

4. The Park Ranger shall be informed of the nature of the investigation. If a Park Ranger refuses to answer questions, he/she should be given his/her Lybarger or Garrity rights and ordered to provide full and truthful answers to all questions. The Park Ranger shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Bureau shall compile all relevant information and reports necessary for the District Ranger Program to determine compliance with applicable policies.
6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

### **Civil Liability Response**

A member of this District may be assigned to work exclusively under the direction of the legal counsel for the District Ranger Program to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

### **G. DEBRIEFING**

Following a Park Ranger-involved shooting or death, the Hesperia Recreation and Park District School should conduct both a critical incident/stress debriefing and a tactical debriefing.

### **Critical Incident/Stress Debriefing**

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

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

Attendance at the debriefing shall only include those members of the District Ranger Program directly involved in the incident, which can include support personnel (e.g., dispatchers, other nonsworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the District Ranger Program,

including supervisory and Professional Standards Bureau personnel.

### **Tactical Debriefing**

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

### **H. MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and District Ranger Program representative responsible for each phase of the investigation. Releases will be available to the General Manager in the event of inquiries from the media.

The District Ranger Program shall not subject any involved HRPD Park Ranger to visits by the media (Government Code § 3303(e)). No involved HRPD Park Ranger shall make any comment to the media unless he/she is authorized by the General Manager or his/her designee. District Ranger Program members receiving inquiries regarding Park Ranger-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation. The Senior Park Ranger should consult with the HRPD General Manager or designee prior of speaking to the media.

## **SECTION 12: 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 Senior Park Ranger must be notified immediately. If the Senior Park Ranger is unavailable, the General Manager must be notified.
- (b) The Senior Park Ranger 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 Senior Park Ranger 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 Senior Park Ranger.

### **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 Senior Park Ranger. 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 13: 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 14: 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.

## **SECTION 15: PARK RANGER OPERATIONS AND POLICY MANUAL REVISIONS**

<b>SECTION 1: INTRODUCTION</b>	<b>Implement/Revision Date</b>

<b>SECTION 2: PARK RANGER OPERATIONAL POLICY AND PROCEDURES</b>	<b>Implement/Revision Date</b>

<b>SECTION 3: PROGRAM RANK STRUCTURE AND DUTIES</b>	<b>Implement/Revision Date</b>
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A. General Manager	August 28, 2021
B. Senior Park Ranger	August 28, 2021
C. Park Ranger	August 28, 2021

<b>SECTION 4: SELECTION AND EMPLOYMENT</b>	<b>Implement/Revision Date</b>
B. Employee Conduct	August 28, 2021

<b>SECTION 5: PERSONNEL POLICIES AND PROCEDURES</b>	<b>Implement/Revision Date</b>
A. Patrol Procedures	August 28, 2021
C. District and Personal Property	August 28, 2021
F. Cell Phones/Communications Systems	August 28, 2021

<b>SECTION 6: PERSONAL APPEARANCE, DRESS CODE AND UNIFORMS</b>	<b>Implement/Revision Date</b>
A. Standards of Dress Code	August 28, 2021
E. Badges and Identification Cards	August 28, 2021

<b>SECTION 7: VEHICLES</b>	<b>Implement/Revision Date</b>

<b>SECTION 8: USE OF FORCE</b>	<b>Implement/Revision Date</b>
I. Supervisor Responsibility	August 28, 2021

<b>SECTION 9: CONTROL DEVICES AND TECHNIQUES</b>	<b>Implement/Revision Date</b>
CONTROL DEVICES AND TECHNIQUES, D. Responsibilities	August 28, 2021
CONTROL DEVICES AND TECHNIQUES, G. Conducted Electrical Weapon (CEW) Taser X2	August 28, 2021

<b>SECTION 10: FIREARMS</b>	<b>Implement/Revision Date</b>
A. Purpose and Scope	August 28, 2021
B. Policy	August 28, 2021
C. Safe Handling of Firearms	August 28, 2021
F. Firearm Discharge	August 28, 2021
G. Rangemaster Duties	August 28, 2021

<b>SECTION 11: PARK RANGER-INVOLVED SHOOTINGS AND DEATHS</b>	<b>Implement/Revision Date</b>
A. Purpose and Scope	August 28, 2021
D. Control of Investigations	August 28, 2021

E. Criminal Investigation	August 28, 2021
G. Debriefing	August 28, 2021

<b>SECTION 12: CIVILIAN COMPLAINTS OF PARK RANGER MISCONDUCT</b>	<b>Implement/Revision Date</b>
D. Formal Investigation	August 28, 2021

<b>SECTION 13: SEVERABILITY</b>	<b>Implement/Revision Date</b>

<b>SECTION 14: CODE SECTION</b>	<b>Implement/Revision Date</b>