

Chapter 8: USE OF FORCE

PURPOSE

801. 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 department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

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

Officers must have an understanding of, and true appreciation for, their authority and limitations of such authority. This is especially true with respect to dealing with non-compliant and/or resistive subjects while engaged in the performance of law enforcement duties.

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased.

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

This policy also provides requirements for the approval, training and carrying of firearms and control devices/techniques.

The provisions contained in this Chapter are for the internal use of the University of California Police Departments and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the University, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline.

Additional policies apply to the use of force in crowd management, intervention, and control situations. Refer to Crowd Management, Intervention and Control, Chapter 15.

DEFINITIONS

802. For purposes of this chapter, the following definitions shall apply:

Active Resistance: The subject is intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner; Examples may include bracing, tensed muscles, interlocked arms/legs, pushing, kicking, breaching police lines, pushing over police barricades, running away or other actions to evade or escape etc.

Assaultive Resistance: A form of Active Resistance where the subject uses aggressive or combative behavior to attempt, threaten, or commit a violent injury on an officer or other person.

Chemical Agents: Devices utilized by law enforcement agencies, which may include CS, CN, oleoresin capsicum (OC), and HC.

Compliant: A person contacted by an officer who acknowledges direction or lawful orders given and offers no non-verbal/verbal, passive/active, or assaultive resistance.

Conducted Energy Device (CED): A CED is a device designed to use electrical energy to induce pain in drive stun mode or to immobilize or incapacitate a person in probe mode thus enabling officers to gain control of a subject.

Control Devices: The application of devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority. This may include batons, Conducted Energy Device (CED), oleoresin capsicum (OC) spray, chemical agents, restraints, projectile devices, and kinetic energy devices (KE).

Control Strikes: Impact-oriented strikes with personal body weapons such as knees, elbows, hands or fists, and feet.

Deadly force: Any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm. (Penal Code §835a(e)(1).

De-escalation: De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation.

Extreme Agitation: Agitation so severe that the person can be dangerous to themselves or others.

Force: The application of physical force, chemical agents or weapons to another person. It is not a use of force when a subject allows themselves to be searched, escorted, handcuffed or restrained. The mere application of a control hold while handcuffing a compliant subject without application of pain is not considered use of force and does not need to be reported.

Kinetic Energy Projectile: See Projectile Devices.

Non-Verbal and Verbal Non-Compliance: The subject expresses intentions not to comply through verbal and/or non-verbal means. Statements by a subject ranging from pleading to physical threats may be encountered. This also includes physical gestures, stances, and observable mannerisms.

Pain Compliance: Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject causing that subject to comply with lawful directives.

Non-Compliant: The subject refuses to comply with officer's lawful commands or cooperate with an officer's directions. Includes passive resistance where subject uses dead weight to prevent being taken into custody. Examples include subjects who remain in a sitting, standing, or limp or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest.

Professional Presence: The displays of visual images of authority as well as a professional demeanor and manner are typically present at every encounter between officers and subjects. This includes symbols of police authority including the badge, uniform, and/or marked police vehicle.

Projectile Devices: Devices designed to expel or propel impact projectiles or chemical agents by any action, mechanism, or process (e.g., FN 303, 12 gauge specialty impact device, Pepperball, and 40 mm).

Restraints: Restraints include handcuffs, belly chains, shackles, hobbles, flex cuffs, WRAP, or other devices designed to restrain the movement of a person.

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

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

Verbal and Non-Verbal Communications: Verbal and non-verbal communications are often a critical component of any potential use of force situation. This type of control includes any verbal and non-verbal requests, directions, or commands from an officer to a subject. Verbal and non-verbal interaction is typically present at every level of resistance, but it is not necessary for an officer to exhaust verbal and non-verbal dialogue or commands before using physical force when necessary.

USE OF FORCE

803. Officers shall use only that amount of force that is objectively reasonable under the totality of the circumstances known to the officer at the time the force is used. Force may appear necessary at the time the force is used given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of an objectively reasonable officer in the same situation, based on the totality of circumstances known to or perceived by the officer at the time. Any evaluation of reasonableness must allow for the fact that officers are often

forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

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

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

803.1 USE OF FORCE TO SEIZE EVIDENCE Officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers should not use force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

804. Duty to Intercede. Any officer present and observing another officer 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. An officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor as soon as feasible.

805. De-escalation. When reasonable and practicable, officers should consider attempts to de-escalate situations in their interactions with subjects, through the use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(1)). Such alternatives may include but are not limited to: (a) Attempts to de-escalate a situation. (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

806. Verbal and Visual Warnings. A verbal or visual warning of the intended use of force should precede its application, unless it would otherwise endanger the safety of officers 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 with an officer's direction.
- (b) Provide other officers and individuals with a warning that a control device or weapon may be deployed.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the control device, method or weapon in the related report.

807. Use of Force to Effect an Arrest. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested nor shall an officer be deemed the aggressor or lose the right to self-defense by the use of objectively reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a(d)).

For purposes of this Section 807, "retreat" does not mean tactical repositioning or other de-escalation techniques. (Penal Code §835a(d)).

808. Factors Used to Determine the Reasonableness of Force. When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others;
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time including whether the individual was actively resisting;
- (c) The time available to the officer to make a decision;
- (d) The conduct of the involved officer leading up to the use of force (Penal Code §835a);
- (e) Seriousness of the suspected offense or reason for contact with the individual;

- (f) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer;
- (g) Proximity to weapons or dangerous improvised devices;
- (h) Officer/subject factors including:
 - (1) Age, size, relative strength;
 - (2) Skill level;
 - (3) Injuries sustained or level of exhaustion or fatigue;
 - (4) The number of officers available vs. subjects;
 - (5) Prior contacts with the subject or awareness of any propensity for violence;
 - (6) Effects of drugs or alcohol;
 - (7) Environmental factors such as footing, lighting, sound and crowd conditions.
- (i) The degree to which the subject has been effectively restrained and the subject's ability to resist despite being restrained;
- (j) Whether the conduct of the subject no longer reasonably appears to pose an imminent threat to the officer or others;
- (k) The availability of other options and their possible effectiveness;
- (l) Training and experience of the officer;
- (m) Potential for injury to officers, suspects and others;
- (n) The risk and reasonably foreseeable consequences of escape;
- (o) The apparent need for immediate control of the subject or a prompt resolution of the situation;
- (p) Individuals who are known to be pregnant;
- (q) Elderly individuals or obvious juveniles;

- (r) 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 oleoresin capsicum (OC) spray;
- (s) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles);
- (t) Individuals with physical, mental health, developmental, or intellectual disabilities who may be limited in their abilities to understand and comply with officer commands;
- (u) Other exigent circumstances.

809. Pain Compliance Techniques. Pain compliance techniques may be very effective in controlling a non-compliant or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the use of such a technique appears objectively reasonable to further a legitimate law enforcement purpose.

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

810. Intermediate Force Application. Intermediate force options are neither likely nor intended to cause death, but have a significant risk of bodily injury or harm. In situations where a subject is actively resisting and poses a threat to the safety of officers or the public, officer may use intermediate force where such force would be objectively reasonable under the totality of the circumstances. Intermediate force is typically appropriate to compel compliance by a subject displaying assaultive resistance. This force option includes devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority. This may include for example: batons, conducted energy devices (CED), oleoresin capsicum (OC) spray, chemical agents, restraints, and kinetic energy projectiles (KE).

811. Deadly Force Applications. A peace officer may use deadly force only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person. (Penal Code §835a(c)(1)(a)). Officers must consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm (Govt. Code 7286).

An officer may only use the level of force that they reasonably believe is proportional to the seriousness of the suspected offense or a reasonably perceived level of actual or threatened resistance (SB 230; Govt. Code 7286).

A peace officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will

cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force against such fleeing suspect, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. (Penal Code §835a(c)(1)(B)).

A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person. (Penal Code §835a(c)(2)).

As used in this Section 811, the following terms have the following meanings:

- (a) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force (Penal Code §835a(e)(3));
- (b) 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. (Penal Code §835a(e)(2)).

PROCEDURES FOLLOWING THE USE OF FORCE

812. Medical Attention. Prior to booking or release, medical attention shall be obtained for any person to whom force has been applied who:

- (a) Exhibits signs of physical distress;
- (b) Has sustained visible injury;
- (c) Expresses a complaint of injury or continuing pain;
- (d) Was rendered unconscious; or
- (e) Exhibits extreme agitation.

In such situations, officers shall ensure that the person is monitored until medical attention is obtained.

813. Medical Emergencies. 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 experience a protracted physical encounter with multiple officers to be brought under control, may necessitate special medical consideration.

- (a) Calls involving these persons may be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

814. Providers of Medical Attention. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical attention may consist of examination by fire personnel, EMT's, paramedics, hospital staff or medical staff at the jail.

815. Refusal of Medical Attention. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

816. Notification. When an officer reasonably believes that there is a medical risk to a person following any use of force, the on-scene supervisor, or if unavailable, the primary handling officer shall ensure that any person providing medical care or receiving custody of such person is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

REPORTING THE USE OF FORCE OR DISPLAY OF WEAPON OR CONTROL DEVICES

817. Documentation. Any use of force or display of a weapon or control device to gain compliance by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

818. Supervisory Notification. Supervisory notification shall be made as soon as practicable following any of the following circumstances:

- (a) Any use of force as defined in Section 802 of this Chapter;
- (b) Any display of weapons or control devices in order to gain compliance;
- (c) Any person alleges any use of force;
- (d) The individual indicates intent to pursue litigation with allegations of use of force;
- (e) Any application of a restraint device to a non-compliant subject;
- (f) A non-Injury or Property Damage Intentional Discharge of a Firearm Incident (which includes an intentional discharge at anything other than a person, such as a dog);
- (g) Unintentional discharge of a firearm or control device;

818.1 Supervisor's Administrative Reporting. Once notified, the supervisor shall respond to the scene in a timely manner in every instance described in Section 818 of this Chapter. The supervisor will investigate the incident and complete a Supervisor's Use of Force Review form. 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 much of the Supervisor's Use of Force Review form as circumstances permit.

818.2 Supervisor's Responsibilities. The supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties;
- (b) Ensure that any injured parties are examined and treated;
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. A determination must be made if *Miranda* rights are applicable. If *Miranda* rights are not applicable, the following shall apply:
 - (1) The content of the interview shall be summarized or included in any related criminal charges;
 - (2) The fact that a recorded interview was conducted shall be documented in the appropriate report(s);
 - (3) The recording of the interview shall be distinctly marked for retention until all potential for civil litigation has expired.

- (d) If *Miranda* rights are applicable, then no interview with the subject upon whom the force was applied shall be conducted unless the subject waives his/her rights;
- (e) 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;
- (f) Identify any witnesses not already included in related reports;
- (g) Review and approve all related reports;
- (h) Should the supervisor determine that any application of force was not within policy, the Chief of Police or designee will determine the appropriate next steps.

COMMAND LEVEL REVIEW

819. The Chief of Police or designee shall assign a member of his or her command staff to review each use of force by any personnel within his or her command to ensure compliance with this policy and to address any training issues. The assigned command staff member is responsible to review the Use of Force Report package (e.g. Supervisor's Use of Force Review, crime and arrest reports, photographs, and/or other pertinent information). After final review, the Office of the Chief of Police will ensure that custody and storage of the Use of Force Report package complies with legal statutes and policies.

REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

820. The Chief of Police or designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code §12525.2.

FIREARMS

821. Firearm safety shall be a primary concern of all sworn personnel whether on or off duty.

822. All firearms deployed and in use by UCPD officers shall be in compliance with the UCPD Systemwide Weapons Inventory List. Weapons not approved for use by the University of California shall not be deployed. The list of approved weapons shall be reviewed and updated annually by the Council of Police Chiefs. Each campus Chief of Police shall personally approve the specific weapons available to the department's officers from the UCPD Systemwide Weapons Inventory List.

822.1 Approval. Each campus Chief of Police shall approve the specific weapons available to the department's officers from the UCPD Systemwide Weapons Inventory List.

822.2 Authorization. Firearms shall be used only by department personnel who have been authorized by the Chief of Police, trained, and who are qualified in their proficient operation. While on duty, authorized personnel shall carry only firearms and ammunition issued or approved by the department and in accordance with the Systemwide Weapons Inventory List.

822.3 Inter-campus Use. Officers who are authorized to carry a weapon at their home campus shall not be precluded from carrying that weapon when working at another campus.

823. Carrying by Plainclothes Officers. Plainclothes officers carrying firearms shall also carry their badges, except as authorized by the Chief of Police. If carrying their firearms displayed, plainclothes officers shall also prominently display their badges.

824. Registration. Authorized personnel shall register with the department all personally owned firearms carried or used in the performance of their duties.

825. Off-Duty Firearms. Officers shall not be required to carry firearms while off duty.

826. Firearms, Personal Use. It is not intended that these Universitywide Police Policies and Administrative Procedures, specifically those in this chapter, preclude police officers from using personally owned firearms in hunting or in recognized sports activities in which firearms are customarily used.

827. Off Duty Firearms--Non-Sworn. Nothing in this Chapter is intended to authorize non-sworn personnel to carry firearms while on or off duty.

828. Authorized Firearms--Off Duty. If an officer chooses to carry a weapon other than that approved for on-duty use while off duty, the officer shall obtain written approval from the Chief of Police.

829. Off Duty Firearms Proficiency. The Chief of Police shall establish a policy relating to proficiency requirements for off-duty firearms.

830. Display of Firearms. Officers shall not unnecessarily draw, display or carelessly handle a firearm at any time, while on or off duty.

Officers should use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

If the officer does not perceive an imminent threat but reasonably believes that the potential for such threat exists (e.g., building search), firearms should generally be kept in the low-ready or other position not directed toward an individual. If the officer reasonably believes that an imminent threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such imminent threat until the officer no longer perceives such threat. Once it is reasonably safe to do so, officers should carefully secure all firearms.

830.1 Drawing or Exhibiting Firearms. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of the public, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding an incident creates a reasonable belief that it may be necessary to use the firearm in conformance with the policies on the use of firearms. When a firearm is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented.

830.2 Shooting at or from Moving Vehicles. Shots fired at or from a moving vehicle are rarely effective. Where feasible, officers should attempt to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

831. Reporting the Discharge of Firearms. Except as provided in the policy or during training or lawful recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make an oral report to a ranking officer as soon as circumstances permit, and shall file a written report in addition to any police report, as soon as possible, describing the incident fully. Officers participating in training or lawful recreational use shall report a discharge resulting in injury or death.

832. Inappropriate Use of Firearms – Disciplinary Action. An officer shall be subject to corrective action or dismissal should the discharge or public display of a firearm by the officer involve the following:

- (a) A violation of the law;
- (b) A violation of a University Police order relating to the discharge or display of firearms;
- (c) A wanton disregard for public safety;
- (d) Warning shots are prohibited. Shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they are necessary, likely to be effective, and reasonably safe.
- (e) Misconduct, including but not limited to:
 - (1) Being under the influence of alcohol or drugs;

- (2) Unjustified display of authority;
- (3) Use of official position for personal advantage;
- (4) Dereliction of duty;
- (5) The accidental discharge of a firearm through carelessness or misbehavior;
- (6) Any other misuse of a firearm.

833. Firearms Proficiency. Every peace officer shall achieve and maintain firearms proficiency in accordance with the requirements of this section.

833.1 Proficiency Requirement. All officers shall demonstrate firearms proficiency at least annually on a departmental approved police shooting course. This includes the primary duty firearm, any secondary firearm, any off duty firearm, as well as approved rifles and shotguns used on-duty.

833.2 Failure to Report. Officers who fail to report for scheduled firearms training without a valid excuse may be subject to corrective action.

833.3 Course Rules. Proficiency scores shall be attained in conformance with all course rules.

833.4 Record Retention. Records of qualifications shall be held for a minimum of-2 years.

833.5 Firearms-Accessories Requirement. Proficiency scores shall be attained using the departmentally approved firearm, holster and loading devices usually carried by the officer.

833.6 Special Weapons--Requirement. Proficiency must be attained at least once a year as a condition of approval to carry non-regulation or special weapons on or off duty. Officers requesting permission to carry non-regulation firearms off duty must purchase all ammunition at their own expense.

833.7 Failure to Demonstrate Proficiency. Failure to meet the required standard is considered unsatisfactory performance and may be subject to corrective action or dismissal in accordance with applicable personnel policies.

833.8 Exceptions. Exceptions to this Section 833 may be made only by the Chief of Police.

CONTROL DEVICES - GENERAL

834. In order to control subjects who are violent or who demonstrate the intent to be violent, the University of California authorizes officers to use selected control devices in accordance with the guidelines in this policy. Control devices include batons, Conducted Energy Devices

(CED), oleoresin capsicum (OC) spray, chemical agents, restraints, projectile devices, and kinetic energy projectiles.

834.1. Approval and Issuance. Control devices described in this policy may be carried and used only if the device has been issued by the Department or approved by the Chief of Police or the designee.

834.2. Training. Sworn members of the Department deploying control devices must have satisfactorily completed a training course conducted by the Department in the appropriate use of the specific firearm and control device. Recertification of proficiency in the use of the specific firearms and control devices will be conducted at regular intervals or as specified by the firearms and control device manufacturer, if applicable. Appropriate training records will be maintained by each department and will comply with POST guidelines for roster retention and submission.

The Chief of Police or designee shall ensure that all personnel who are authorized to carry a firearm and control device have been properly trained and certified to carry the specific firearm and control device and are retrained or recertified as necessary. Additionally, the Chief of Police or designee will ensure:

- (a) Proficiency training shall be monitored and documented by a certified instructor;
- (b) All training and proficiency will be documented in the officer's training file;
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of the Department's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a specific control device or knowledge of the Use of Force Policy after remedial training, the officer will be restricted from carrying the delivery system and may be subject to discipline.

834.3. Inspection. Officers will inspect the authorized control devices assigned to them to ensure that the device is in proper working order before use.

834.4. Use of Control Devices. Control devices may be used when a decision has been made to restrain, arrest or gain control of an individual or group of individuals who are engaging in, or have demonstrated the intent to engage in violent behavior and reasonably appear to have the potential to harm officers, themselves or others, and the use of the device appears objectively reasonable under the circumstances.

834.5 Use of Control Devices in Crowd Control Situations. Unless exigent circumstances exist, the use of force in crowd control situations should be authorized by the Chief of Police or the designee after consultation with the Chancellor or their designee.

834.6 Impact Areas. When using control devices, officers should carefully consider potential impact areas and foreseeable injuries and avoid unintentional targets.

834.7 Warnings. When reasonable and practicable, a warning and opportunity to comply should precede the use of these devices.

834.8 Drawing or exhibiting control devices. When a control device is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented. A baton held in port arms position does not need to be documented.

CONTROL DEVICES - CHEMICAL AGENTS

835. Chemical agents may include CS, CN, oleoresin capsicum (OC), and HC.

835.1 Authorization. Only the Chief of Police, Watch Commander, or Incident Commander may authorize the delivery and use of chemical agents other than OC, and only after evaluating all conditions known at the time and determining that such force appears to be objectively reasonable under the totality of the circumstances.

835.2 Use for Dispersal. Chemical agents should not be used against individuals or groups who merely fail to disperse and do not reasonably appear to present a risk to the safety of officers or the public.

835.3 Notification of Fire Personnel. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to control any fires and/or to assist in providing medical aid or gas evacuation if needed.

835.4 Post-Exposure Assistance. Persons who have been sprayed with or otherwise affected by the use of chemical agents should be promptly provided with sufficient clean water to thoroughly flush the affected area(s) when practicable.

835.5 Post-Exposure Notice. Whenever chemical agents have been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

CONTROL DEVICES - POLICE BATONS

836. When carrying a baton, uniformed personnel shall carry the baton in its authorized holder. 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.

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

836.2 Baton Use in Crowd Control Situations. During crowd control situations, subjects may be encountered who refuse to disperse or respond to verbal directions. When this type of behavior confronts officers, the baton may be used as a pushing instrument to gain compliance. It may also be used as an impact weapon depending on the degree of active resistance or assaultive resistance demonstrated by the subject. In both circumstances, officers shall use only that amount of force that is objectively reasonable, and verbalization of commands should continue throughout this situation.

CONTROL DEVICES - CONDUCTED ENERGY DEVICES (CED's)

837. Use of CED: The appropriate use of such a device is intended to result in fewer serious injuries to officers and suspects.

837.1 Authorization and Training. Only members who have successfully completed department-approved training may be issued and carry the CED. Officers shall only use the CED and cartridges that have been issued by the Department.

837.2 Carrying of CED. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. When in uniform, officers shall carry the CED device in a weak-side holster on the side opposite the duty weapon.

837.3 Additional CED Policies. For those UC Police Departments who authorize their officers to carry CED's, there may be additional policies and procedures that apply. Refer to the respective UC Police Department's policies regarding the ~~carrying and use of~~ a CED, if applicable.

CONTROL DEVICES - PROJECTILE DEVICES

838. Projectile devices may de-escalate a dangerous or potentially deadly situation, and may compel an individual to cease their actions when such projectile devices present a reasonable option, as described below.

838.1 Approval. Only approved impact projectile devices shall be carried and deployed.

838.2 Use of Projectile Devices. Officers are not required or compelled to use projectile devices in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for proper application of approved munitions;
- (b) The suspect has made credible threats to harm themselves or others;

- (c) The suspect is engaged in aggressive or violent behavior, or is throwing rocks, bottles or other dangerous projectiles at people and/or officers;
- (d) In crowd control situations when the Chief of Police, Incident Commander or designee authorizes the delivery and use of the device.

838.3 Pre-Deployment Inspection. Officers will inspect the delivery system and impact projectiles assigned to them before use to ensure that the device is in proper working order, and that the impact projectiles are of the approved type and appear to be free from defects.

838.4 Storage. When it is not deployed, the delivery system and impact projectiles will be unloaded and securely stored.

CAROTID CONTROL HOLD

839. The carotid control hold is not authorized.

839.1 Post-Application Assistance. Although the carotid hold is not authorized by this policy, there may be situations where another agency or person has applied a carotid hold, or other similar technique, to an individual. When any UCPD officer is involved in such an incident, that officer shall ensure that the person promptly receives medical attention, and ensure that the person is monitored until that takes place. The use of the carotid control hold, or similar technique, by another agency or person shall be thoroughly documented by the officer in any related reports.

840. Training

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)). Subject to available resources, the Training Officer should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force. Training should also include: (a) guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities. (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

841. Regular ReviewThe Council of Chiefs or designee shall [regularly review and update this policy to reflect developing practices and procedures.](#)

At least annually, the Chief of Police shall designate a member to prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, 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.

842. Posting of Policy

Each UC police department shall make this policy accessible to the public.

843. Public Records

Public records shall be released in accordance with Penal Code §832.7.

844. Complaints Regarding Use of Force

Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents are contained in Chapter [Personnel Complaints – pending Chapter No.] of these Policies.

DRAFT

Chapter 15: Body Worn Audio/Video Systems

DEFINITIONS

1500. The following definitions apply to this Chapter:

Activate – Any process that causes the body worn camera system to transmit or store video or audio data.

Body worn camera system, body worn camera, body worn video (BWV) – synonymous terms which refer to the camera system that captures audio and video signals, that is capable of wearing as part of the officer's uniform.

PURPOSE

1501. Body Worn Audio/Video Systems

The University of California is committed to officer safety and public safety. The University has equipped its police departments with body worn audio-visual cameras ("BWV's", "devices" or "cameras") for use as part of the officer's uniform for the recording of field activity in the course of official police duties. The cameras are intended to provide a visual and audio record of police duties, including public contacts, arrests, and critical incidents. BWV's provide documentation to be used in criminal investigations and prosecutions, internal or administrative investigations, training, and other circumstances. They also serve to enhance the accuracy of police reports, testimony in court, and enhance the Department's community relationship-based policing efforts.

Body worn cameras provide a limited perspective of any encounter and must be considered with all available facts and evidence, such as officer perception, witness statements, officer interviews, other available video documentation, forensic and/or expert analysis, and documentary evidence. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. The cameras cannot always show the full narrative nor do they capture an entire scene. The use of cameras does not reduce or alter the requirement to provide thorough written documentation as required by this or other policies.

Persons reviewing recordings must be cautious before conclusions are reached about what the video shows, or when evaluating the appropriateness of an officer's actions in a particular situation. Evaluating an officer's actions must take into account a variety of factors and other circumstances.

The University is committed to officer safety and public safety. Officers must follow existing officer safety policies when contacting citizens or conducting vehicle stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall always be the primary consideration, not the ability to record an event.

This policy is intended to balance the respect for privacy and other University values with legal, policy, and administrative obligations. Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion at all times.

For purposes of this Chapter, BWV (body worn video) and BWC (body worn camera) may be used interchangeably.

POLICY

1502. Required Users.

The following sworn personnel, from Lieutenant through Officer, are required to wear the BWV system while on duty, unless otherwise exempted by this Chapter, or by the Chief of Police or designee:

- (a) Uniformed personnel while on regular assignment or on overtime status;
- (b) Detectives working in the field in an enforcement or specialized investigative (e.g., gang task force, violent crime task force) capacity, unless the use of BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize tactics;
- (c) Personnel serving a search warrant, unless the use of the BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize officer safety or tactics. Any exception to recording pursuant to this subsection (c) must receive prior approval from the Chief of Police or designee;
- (d) Other sworn personnel deemed appropriate by the Chief of Police or designee.

1503. Department Issued Equipment Only.

Officers assigned a BWV camera must not use any other non-Department issued video or audio equipment, such as personally owned video or audio equipment, mobile devices or cell phones, to record enforcement or investigative activities involving members of the public unless authorized by the Chief of Police or designee.

Nothing in this policy precludes officers or other Department personnel from using authorized still photography equipment.

1504. Location of Body Worn Camera.

The BWV camera generally consists of a body-mounted camera with a built-in microphone. The BWV shall be worn on the outside of the outermost garment (e.g., load-bearing vest, raincoat) or other departmental approved mounting option, on the upper torso, and facing forward in such a way to facilitate optimum recording field of view.

1505. Required Activation of Body Worn Camera.

Subject to the exceptions contained in this Chapter, or pursuant to the direction of a supervisor, officers shall activate their BWV device prior to initiating any criminal investigative or enforcement activity involving a member of the public as soon as practicable, including all:

- (a) Vehicle or bicycle enforcement stops;
- (b) Pedestrian stops;
- (c) Calls for service;
- (d) Foot pursuits;
- (e) Searches (except strip searches);
- (f) Arrests;
- (g) Uses of force;
- (h) In-custody transports, except when the in-car video system is recording the transport;
- (i) Witness or victim interviews;
- (j) Forced entry search warrants/tactical deployments;
- (k) When weapons other than those in the possession of law enforcement are present or alleged to be present;
- (l) Any encounter that becomes adversarial after the initial contact;
- (m) Initial inventory of seized money or high value property;
- (n) Crowd management events if there is reason to believe that an event has the potential for unlawful activity or in the judgment of the Incident Commander that recording is appropriate;
- (o) Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime, or assist in documenting the incident for later investigation or review.

1506. Exceptions to Required Activation or Continued Recording.

Exceptions to required activation or continuation of the BWV recording are:

- (a) When, in the officer's judgment, activation, continuing to record, or changing the BWV functions would jeopardize their safety or the safety of the public. However, the officer shall activate or re-activate their BWV as soon as it is safe and practicable to do so unless other exceptional circumstances exist;
- (b) When, in the officer's judgment, a recording would interfere with their ability to conduct an investigation;
- (c) When recording could risk the safety of a confidential informant, citizen informant, victim, or undercover officer;
- (d) In patient care areas of a hospital, clinic, rape treatment center, or other healthcare facility (including mental health) unless enforcement action or evaluation by the officer under W&I §5150 et seq. is being taken in these areas. If recording is necessary, officers shall make reasonable efforts to avoid recording individuals other than the subject;

- (e) Once a crime scene is secured and the officer no longer has an investigative role, and where the chance of encountering a suspect is unlikely;
- (f) Prior to or while discussing a case on scene with other officers or during on-scene tactical planning;
- (g) When, in the officer's judgment, privacy concerns outweigh any legitimate law enforcement interest in recording;
- (h) When a call for service is a phone call or phone report only;
- (i) When ordered to stop recording by a supervisor;
- (j) When the recording of a person is in violation of the law.

1507. Discretionary Activation.

There are many enforcement or criminal investigation situations where the use of the BWV is appropriate, and this policy is not intended to describe every circumstance in which recording would be appropriate or otherwise further the purpose of body cameras. In addition to the circumstance in which activation is required, officers should activate the camera any time they feel its use would be appropriate and valuable to document an on-duty incident, unless otherwise prohibited by this policy or law.

1508. Assignments Temporarily Preventing BWV Use.

It is recognized that officers subject to call out, motorcycle officers, or K9 unit officers may not have access to their BWV equipment prior to responding to a scene, or participating in an enforcement or criminal investigation. In these cases, officers should pick up their camera as soon as practicable.

1509. Recording of Entire Event.

Once activated, the BWV shall remain on until the conclusion of the contact or event, unless authorized by a supervisor or otherwise permitted under this Chapter.

1510. Documentation of Recordings, Failure to Activate, or Discontinuation of BWV Recordings

Officers shall document, in the appropriate report (e.g., police report, traffic citation, CAD entry), if they have captured an incident, did not capture an incident, and/or if they interrupted the recording for any reason.

If an officer does not activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall notify their supervisor of the reason(s) and document the reason in the appropriate report.

1511. Notice to Members of the Public of BWV Recording.

Officers are not required by law or this Chapter to obtain consent from members of the public when the officer is lawfully in an area where the recording takes place. However, officers may

inform individuals they are recording, when feasible to do so, particularly when the advisement may gain compliance or cooperation, or assist in an investigation.

In addition, officers entering into a private space, (e.g., residences, restrooms, locker rooms), must make a reasonable effort to notify the occupants that the BWV is present before entering the area, unless: the officer enters the area pursuant to a warrant; such notice would, in the officer's judgment, jeopardize their safety or the safety of the public; such notice would compromise an investigation or tactics; or if other exigent circumstances exist.

1512. Playback of BWV Recording.

Officers should not play back BWV recordings to allow members of the public to review the video footage in the field without supervisor approval, and any play back must be documented in the appropriate report.

1513. Prohibited BWV Recording.

The activation or use of the BWV is prohibited, unless otherwise authorized by this Chapter, during:

- (a) Department briefings, meetings, roll calls or while in private Department spaces such as locker rooms, break rooms or restrooms;
- (b) Non-work related activities or other activities not related to enforcement contact nor criminal investigation;
- (c) Private conversations with any other member of the Department without the written consent of all involved parties;
- (d) Department administrative investigations;
- (e) Public safety walk-through/statement, homicide or other major crime briefings;
- (f) Depositions, court proceedings, pre-trial conferences, or any other judicial or quasi-judicial proceedings (e.g., administrative hearings such as Department of Motor Vehicle hearings);
- (g) While in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a call for service involving a subject or taking a subject, victim, or witness statement;
- (h) While inside jail facilities when prohibited by the jail facility;
- (i) Any area where audio or video recording is prohibited by law.

Nothing in this section is intended to preclude an officer activating the BWV when confronting a violent or assaultive suspect or other circumstance where a reasonable use of force may be anticipated or interfere with the ability to otherwise openly audio record an interrogation pursuant to California Govt. Code §3303(g),

1514. Training.

Officers who are assigned the BWV must complete Department approved training in BWV policies, proper use, and maintenance of the device before using the system in the field.

Supervisors must complete Department approved training in the supervision and management of the BWV system.

Supplemental training will be conducted when deficiencies are identified in policy compliance, use, maintenance, or supervision and management of the BWV system. Additional appropriate training will also be conducted should there be changes in policy, hardware, or software that affects the use, maintenance, supervision or management of the system.

1515. Inspection and Testing of Equipment.

Officers shall be responsible for inspecting and testing their BWV equipment at the start of their shift and shall ensure that the equipment is properly functioning. Officers shall notify their supervisor, in writing, if the BWV equipment is not properly functioning. For purposes of this Chapter “in writing” shall include e-mail.

1516. Assigned BWV Equipment.

No officer shall use BWV equipment not assigned to them, unless authorized by a supervisor.

1517. Damaged, Malfunctioning or Inoperable Equipment

The BWV equipment is the responsibility of the assigned officer and must be used with reasonable care to ensure proper functioning and reliability. If an officer’s BWV malfunctions or is damaged or inoperable, the officer shall notify the on-duty supervisor. Campuses shall develop and implement local policies on notification and documentation of such notification.

If feasible, the supervisor shall provide the officer with a functional BWV prior to the officer deploying to the field. However, the lack of a BWV unit shall not prevent an officer from working their shift or assignment.

An officer shall not be held financially responsible for damaged, malfunctioning or inoperable equipment unless abuse of the equipment by the officer is found to be the cause.

1518. Labeling, Categorizing and Uploading Recordings.

Officers shall label, categorize and upload their BWV recordings into the BWV data storage system in accordance with UCPD procedure(s).

1519. Viewing Recordings by Recording Officer.

Subject to the exceptions in this Chapter, officers should review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to assist with reports, statements, and documentation that are accurate and complete. Officers must not use the fact that a recording was made to avoid preparing an accurate, detailed, and complete report.

1520. Modification, Alteration, or Deletion.

No employee shall modify, alter, or delete video or audio once recorded by the BWV camera, except as authorized by Department policy.

1521. Request for Deletion of Accidental Recording.

In the event of an accidental activation of the BWV where the resulting recording is of no potential investigative or evidentiary value, the recording officer may request that the BWV file be deleted by submitting a request in writing to the Chief of Police or designee who shall review the recording, and if approved, send the request to the system administrator for deletion.

1522. Restriction of Personal or Sensitive Information.

In the event of a BWV recording that captures sensitive or personal information for which access should be restricted (“restricted recording”), an officer may submit a request in writing to the Chief of Police or designee to restrict access to that portion of the recording. The Chief of Police or designee will determine what, if any, portion of the recording shall be restricted. The system manager will then restrict access to only that portion of the recording that is approved. The remainder of the recording will be maintained consistent with existing policy.

1522.1 Access to Restricted Recording by Auditor or Investigator.

The Chief of Police or designee may allow an investigator or auditor to view a recording that has been restricted pursuant to Section 1522 if the request is necessary in order to conduct an authorized criminal investigation, administrative investigation, or a Department inspection or audit.

- (a) **Notification Prior to Access of Restricted Recording.** Prior to granting access, the Chief of Police or designee must notify the officer who originally requested that the recording be restricted. If the original officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection in writing within seven calendar days of receiving notification. Absent exigent circumstances, the restricted portion of the recording shall not be disclosed or reviewed by others until the Chief of Police or designee has made a determination regarding the objection and disclosure.

Once a final determination has been made, the original requesting officer will be notified in writing within fourteen days prior to release of the restricted information.

- (b) **Exception to Notification Requirement for Restricted Recording.** When notification of a request to review a restricted recording would compromise an ongoing administrative or criminal investigation, the notification requirement in Section 1522.1(a) shall not apply if approved by the Chief of Police or designee.

1522.2 Access to Restricted Recording by Law Enforcement or by Legal Obligation.

If a restricted recording is requested by another law enforcement agency, or the Department is required to produce it by law, the officer who originally requested the information be restricted will be notified, absent exigent circumstances, of the request or legal requirement, within 48 hours, in writing.

1523. Unauthorized Access to Recordings Prohibited.

Although the data captured by the BWV is not considered Criminal Offender Record Information (“CORI”), it shall be treated as such and in accordance with Department policy regarding access to CORI. All access to the system must be logged and is subject to audit at any time. Accessing, viewing, copying, or releasing BWV data, including recordings, for non-law enforcement purposes not otherwise authorized by this Chapter is strictly prohibited and will result in disciplinary action.

Access to BWV data shall only be from Department authorized computers, Department work stations or the BWV cameras. However, administrative users of the BWV data or evidence management system may access the data from a Department authorized device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users.

1524. Copying of BWV Recording or Data

Personnel shall not make copies of any BWV recording for personal use or to share with unauthorized individuals or entities (including, but not limited to, the public, the media, and social media). Only department authorized devices shall be used to copy, view, share, or otherwise distribute BWV recordings. Digital evidence captured by BWC are investigative records and shall be handled pursuant to existing Department policies and procedures.

1525. Review of BWV Recordings by Departmental Employees.

Access to BWV data shall be limited as follows, unless otherwise provided for in this Chapter:

- (a) Officers may view their own BWV data for official Department business;
- (b) Any employee may review BWV data as it relates to:
 - (1) Their involvement in an incident for purposes of completing a criminal investigation and/or preparing official reports;
 - (2) Prior to courtroom testimony, courtroom presentation, or testimony at a quasi-judicial administrative hearing;
 - (3) Providing a statement in an administrative investigation.
 - (4) Providing a statement in a criminal investigation, including officer-involved shooting investigations and other uses of force;
 - (5) This section does not apply to sworn personnel providing a public safety statement following a critical incident.

- (c) When exigent circumstances exist, such as identifying a suspect or other pertinent information in the event of an injured officer;
- (d) Supervisors and/or investigators who are investigating an allegation of misconduct, may view the recording in order to assist in the investigation. For citizen complaints, a supervisor may independently review applicable video. For internally generated allegations of misconduct, a supervisor shall receive authorization from the Chief of Police or designee to review any applicable video;
- (e) Command staff may randomly review BWV recordings for the purposes of validity testing, including the review of one recording per officer per month. Any BWV system deficiencies identified will be documented and remedied. The method of random selection will be agreed upon between the Federated University Police Officers Association (FUPOA) and the UC Council of Chiefs. Any criminal activity will be investigated;
- (f) To allow for necessary administrative functions such as BWV data management, system maintenance and repair, and evidence management;
- (g) Command staff, supervisors, and authorized Department personnel may conduct random periodic inspections and reviews to determine whether Department personnel are accessing BWV recordings and data for legitimate and authorized purposes;
- (h) Supervisors may review BWV recordings, but not in violation of 1527, as follows:
 - (1) When necessary as part of their administrative duties (e.g., use of force reporting, etc.) and the report approval process.
 - (2) To ensure that the video and audio was properly captured, uploaded/downloaded;
 - (3) To ensure that the video and audio was categorized appropriately for evidentiary or retention purposes;
 - (4) To conduct roll call training on expectations, use and maintenance of BWV equipment. Any use of BWV recordings for training must comply with Section 1527 of this Chapter;
 - (5) To debrief BWV-captured incidents of value after obtaining authorization from the Chief of Police or designee
 - (6) In order to resolve citizen complaints pursuant to 1525(d).

1526. Use of Recordings for Training.

A BWV recording may be used for training, as long as the recording will not be used for disciplinary purposes. Any person recommending a particular recording shall submit the recommendation through the chain of command.

The Chief of Police or designee must notify the recording officer and any depicted officer of the intent to use the recording for training. If any such officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection orally or in writing. The Chief of Police or designee shall determine whether an officer's objection outweighs the training value.

1527. Restriction on Use for Monitoring for Violations of Policy/Law.

It shall be a violation of this policy for supervisors to review recordings for the sole purpose of looking for violations of Department policy or law not related to a specific complaint or incident. This section is not intended to restrict Command staff from performing monthly viewings of an officer's recordings pursuant to Section 1525(e) of this Chapter.

1528. Use of Deadly Force – Handling of Recording.

For any use of force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury, the following shall apply:

- (a) The supervisor of the involved officer(s) must take possession of their BWV equipment as soon as possible, ensuring that recording has stopped and that the power is off, and maintain custody until the BWV is transferred to the assigned investigator;
- (b) The Chief of Police or designee will assign an investigator, and the assigned investigator shall take possession of the BWV camera, and perform the upload process, if necessary;
- (c) In order to protect the integrity of the video and to ensure that the video is properly uploaded, the officer(s) involved shall not be allowed to review the BWV recording prior to turning over the BWV equipment to the supervisor.
- (d) The involved officer shall be permitted to view the BWV video of the incident once the video has been uploaded to the server. If the officer chooses not to view the video prior to giving an initial statement, the officer will have an opportunity to review the recording(s) after the initial statement has been taken and provide a supplemental statement if desired.
- (e) Prior to viewing the BWV, the officer must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);
- (f) The fact that the officer was given the opportunity to review the BWV should be documented, as well as the time, date and location of any such viewing;
- (g) Supervisors shall not view the BWV recording without express permission from the Chief of Police or designee;
- (h) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;
- (i) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

1529. Other Use of Force– Handling of Recording.

For any use of force not covered by Section 1528, the following shall apply:

- (a) Supervisors shall allow involved officer(s) to review their own BWV recordings;

- (b) Supervisors shall allow involved officer(s) to review other BWV recordings, if deemed necessary to assist with complete and accurate reports and documentation of the incident;
- (c) Prior to viewing the BWV, the involved officer(s) must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);
- (d) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence or uploaded into the proper server;
- (e) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

1530. Retention.

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department retention policies and procedures.

1531. Technical Specifications and System Security.

The University of California Systemwide Coordinator of Police Services shall, in consultation with the Council of Police Chiefs, develop minimum technical standards and specifications and system functionalities for BWV systems. In addition, the security of the BWV data must be in compliance with University policy, regulations, and law..

1532. Production of BWV Recording as Required by Law

Production of BWV recordings to the public shall be in accordance with the law, and with the approval of the Chief of Police or designee.

Chapter 15: Body Worn Audio/Video Systems

ATTACHMENT A

Video/Audio Evidence Review Acknowledgment

In this case, there is video evidence that you will have an opportunity to view after you have given a public safety statement (if applicable). Video evidence has limitations and may depict the events differently than you recall, and may not depict any or all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. If listening to audio recordings or viewing video recordings provides additional clarity to what you remember that is fine; if it does not, that is fine also.

Read and Acknowledged:

Signature

Date and Time

Printed Name

Badge No.

Witnessed:

Signature

Date and Time

Printed Name

Title/Position

Chapter 16: SYSTEMWIDE RESPONSE TEAM POLICY

PURPOSE

1601. The Systemwide Response Team (SRT) will prepare for, and professionally respond to unique situations and incidents that demand trained, equipped, experienced, and organized teams of sworn UC Police personnel beyond those resources available at one campus, as determined by the campus Chief of Police.

This document establishes the policies by which operations and services of the SRT will be conducted. Issues specifically not addressed in these policies will be handled in accordance with Universitywide Police Policies and Procedures and by the policies of the campus where the sworn officer is employed.

The SRT Activation Chart appended as Appendix A to this Chapter is to provide a visual reference for SRT activation. However, the policy itself in this Chapter shall prevail should there be any discrepancy.

MISSION STATEMENT

1602. The mission of the University of California SRT is to maintain a trained team of sworn personnel with the skills and equipment readily available to assist local campuses to:

- (a) Facilitate and protect the Constitutional Rights of all persons;
- (b) Keep the peace and protect life and property;
- (c) Protect lawful activity while identifying and isolating unlawful behavior;
- (d) Provide dignitary protection; and
- (e) Provide training and other assistance when requested and appropriate.

COMPOSITION AND CHAIN OF COMMAND OF THE SRT

1602. The composition and chain of command of the SRT shall be as follows:

1602.1 The UC Council of Chiefs. The UC Council of Chiefs is a duly constituted body consisting of the Chiefs of Police of the ten UC campuses. The Council meets on a regular basis for the purpose of establishing liaisons, reviewing University Police issues and promulgating policy and procedures through the office of Employee/Labor Relations. When requirements under law, including HEERA apply, the UC Council of Chiefs will comply with the provisions to meet and confer with the bargaining unit.

1602.2 The Chiefs' Liaison. The Chiefs' Liaison will be appointed with consensus of the UC Council of Chiefs to provide general oversight and accountability to the SRT and will coordinate SRT deployment, regular reporting, program assessment, and liaison to the UC Council of Chiefs on behalf of the SRT. The UC Council of Chiefs will identify an alternate Liaison to act in the absence of the Chief's Liaison.

1602.3 SRT Regional Coordinators. The SRT Regional Coordinators will be sworn police officers, generally of the rank of Captain or higher who report to the Chiefs' Liaison. The SRT Regional Coordinators are responsible for working with the Chief of Police or designee from the host UC campus to determine the appropriate deployment of SRT personnel. The SRT Coordinators may deploy as needed with SRT personnel to serve as a liaison with the Police Incident Management Team of the host campus.

The SRT Coordinators are responsible for ensuring training compliance with this policy. Individual training records will be maintained by the campus training coordinator and be made available for review by the SRT Coordinators. The SRT Coordinators will maintain the training records of all SRT training including the lesson plans, attendance records, certificates of the trainers etc.

The SRT Coordinators are also responsible for maintaining deployment records, performance documents and summaries. They will also assist the host campus with debriefings and developing and submitting after-action reports.

The SRT Coordinators are also responsible for maintaining an itemized inventory of all equipment affiliated with the SRT. This information should be forwarded to the Chiefs' Liaison, so planning and budgetary issues can be addressed.

1602.4 SRT Commanders. The SRT Commanders will be sworn police officers, generally of the rank of Lieutenant or higher who report to the Regional Coordinators.

SRT Commanders may act as liaisons to the host Chief of Police or designee, or may be deployed in the field to coordinate tactical deployments of the SRT members. The SRT Commanders are responsible for providing assignments and direction to the SRT members, consistent with the mission provided by the host campus. In the absence of both SRT Coordinators, a Commander(s) may be assigned as acting SRT Coordinator(s).

The SRT Commanders are responsible for ensuring SRT members are properly equipped, are proficient with all assigned equipment and maintain their equipment in good working order. The SRT Commanders are also responsible for identifying, organizing and planning team training for all SRT members.

SRT Commanders will serve as mobile field force leaders. A mobile field force will be two or more squads.

1602.5 SRT Teams and Squads. The SRT will be deployed in team/squad formations. The squads will generally consist of two sergeants and ten officers; a team will generally consist of a sergeant and five officers. However, based on circumstances, and with consultation of an SRT Commander, personnel may be assigned to other duties to meet operational needs (e.g., grenadiers). A Sergeant will be the squad leader and report directly to the SRT Commander, unless temporarily reassigned to another command element. A squad or team leader may also be an Officer in Charge (OIC).

SRT DEPLOYMENT

1603. SRT deployment will be in accordance with Universitywide Police Policies and Procedures Chapter 13: Universitywide Mutual Aid.

1603.1 Requests for SRT Deployment. Requests for SRT deployment should be made by the host Chief of Police to the Chiefs' Liaison and both SRT Coordinators, using the Universitywide Mutual Aid Request Form. The Chiefs' Liaison will assist and be responsible to the host Chief of Police for coordinating the deployment of the SRT personnel/equipment, and make notifications to additional campus Chiefs as necessary.

1603.2 Supervision and Command. Supervision and command of the SRT is the responsibility of the host campus Chief of Police or designee. Upon arrival to the host campus, the SRT Coordinator or Commander should report directly to the host campus Chief of Police or designee for assignment and instructions.

SRT SELECTION PROCESS

1604. It is the desire of the UC Chiefs of Police to organize and staff the SRT with personnel that demonstrate an interest and aptitude in the SRT concept and who have shown satisfactory work performance. Appointment to the SRT is done through a selection process and the time and duration of the appointment is the discretion of the individual member's Chief of Police. Performance and participation on the SRT shall be reviewed annually. After completing the duration of appointment, the member may reapply. The selection process remains a campus responsibility based on a competitive selection process. The criterion for application and selection is set forth in section 1604.

1604.1 SRT Coordinators. The SRT Coordinators will be sworn police officers, generally of the rank of Captain or higher who are selected by the UC Council of Chiefs. There will be two SRT Coordinators, one from each region (North and South), who serve at the discretion of the UC Council of Chiefs. Interested command officers shall obtain approval from their Chief of Police to be an SRT Coordinator and submit a letter of interest to the Chiefs' Liaison. SRT Coordinators are selected by the UC Council of Chiefs.

1604.2 SRT Commanders. The SRT Commanders will be sworn police officers, generally of the rank of Lieutenant or higher. Interested command officers shall submit a letter of interest to their Chief of Police, which upon approval, shall be forwarded to the Chiefs' Liaison for consideration. SRT Commanders are selected by the Chiefs' Liaison with the recommendation of the SRT Coordinator in their region. Generally, there shall be a minimum of six SRT Commanders.

The SRT Commanders will serve at the discretion of the Chiefs' Liaison and the members' campus Chief of Police.

1604.3 SRT Sergeants and Officers. The Chief of Police for the SRT members' campus will identify how many members of the department should be assigned to the SRT. SRT candidates will be selected by the SRT members' campus Chief of Police and command staff. Each campus will strive to commit at least twenty percent of their sworn personnel work force as SRT members.

Each campus will conduct a selection process for the SRT members from the department. The process should include a command level review of the applicants' qualifications, a supervisory recommendation, and a review of the SRT applicants' performance evaluations.

1604.3.1 Minimum Process for Selection of Sergeants and Officers. Applying members should refer to their campus Police Department's selection process which should minimally include:

- (a) Letter of interest to include relevant experience and training;
- (b) Supervisor feedback as determined by the Chief;
- (c) Completion of probation.

1604.3.2 Minimum Qualifications of Sergeants and Officers. Minimum qualifications include:

- (a) Three years of sworn experience with one of those years at a UC campus police department;
- (b) Experience and training in crowd management and control tactics.
- (c) Completion of probation
- (d) No sustained findings of excessive/unreasonable use of force
- (e) Training in de-escalation, Crisis Intervention Training and Mental Health
- (f) Knowledge of the 1st Amendment
- (g) Current in all required certifications (for example: Mental Health, First Aid/CPR, De-Escalation and Crisis Intervention Training).

1604.3.3 Review and Selection. Review, selection, and final approval of the team members will rest with the Chiefs' Liaison in consultation with the SRT Coordinators. SRT Sergeants and Officers serve at the discretion of their Campus Chief of Police, the Chiefs' Liaison, and the SRT Regional Coordinator.

Failure to be selected as a member of SRT, is not grievable.

1604.3.4 SRT Personnel Compensation. The Council of Chiefs has established SRT as a specialty assignment at all campuses owing to members' ongoing specialized training and commitment to respond to systemwide incidents and events. SRT specialty compensation for officers is established in the PA contract. SRT specialty compensation rate for non-represented sworn personnel (i.e., Sergeants, Lieutenants, Captains, Assistant Chiefs, and Chiefs of Police) shall be established, for application uniformly, by the Council of Chiefs and reviewed at least annually by the Council.

TRAINING

1605. Training is an essential part of SRT operations and a fundamental responsibility of every member of SRT. All training, training instructors and training curriculum shall be approved by the UC Council of Chiefs. All training shall be thoroughly documented.

1605.1 Physical Fitness. SRT members should note the importance of staying physically fit. It is reasonable to assume that SRT training or deployments may involve actions such as:

- (a) Running;
- (b) Properly executing squad movements or formations;
- (c) Standing for long periods of time;
- (d) Properly perform various arrest or rescue techniques;
- (e) The ability to use or retain duty weapons in a manner consistent with policy;
- (f) Maintaining discipline and professionalism in a stressful environment.

1605.2 Areas of Training. SRT training shall be based on a thorough assessment of the knowledge, skills, and abilities that SRT members need to possess in order to accomplish the missions of SRT. SRT Commanders are responsible for developing training guidelines in the following areas:

- (a) Tactical Communication;
- (b) Use of Force;
- (c) Crowd Management;
- (d) Intervention Strategies;
- (e) Dignitary Protection;
- (f) Incident Command System;
- (g) Arrest Techniques;
- (h) Authorized Equipment and Tools;

- (i) Relevant Case Law;
- (j) Command Level and Situational Awareness Training;
- (k) Other Contemporary Best Practices.

1605.3 Approved Lesson Plans. SRT training shall contain a curriculum based on approved lesson plans taught by approved, certified or expert instructors, hourly schedules, learning objectives, and performance-based testing.

1605.4 Annual Training Plan. SRT Coordinators shall set forth an annual training plan and schedule. The plan and schedule shall be distributed to the Chiefs' Liaison for review.

1605.5 Removal for Lack of Attendance. SRT members are required to attend mandatory training and participate in SRT call-outs unless excused by their Chief of Police. A recommendation to remove a SRT member who has a pattern of absences will be made by the Chiefs' Liaison to the member's campus Chief of Police who will address the issue.

1605.6 Consistent Systemwide Training. SRT Training shall be consistent systemwide, conforming to best practices and following POST guidelines on crowd management. Mandatory SRT training for all members should occur twice a year as scheduled. If an SRT member misses both mandatory training days within a calendar year, the SRT member may be removed from SRT. Each campus is encouraged to schedule two additional SRT training days at their campus, for their officers, each calendar year.

EQUIPMENT

1606. The SRT will be supplied with equipment approved by the UC Council of Chiefs. The Chiefs' Liaison with the assistance of the SRT Coordinators and SRT Commanders, will recommend the equipment to be utilized by the members of the SRT. The SRT Commanders and Sergeants will ensure that all equipment is periodically inspected and ready for field use prior to deployment of the SRT. SRT equipment, tools and their use shall be evaluated at least annually. SRT members are required to train with issued equipment at every scheduled training event.

1606.1 Issuance of Equipment. SRT Sergeants and Officers will use their department issued equipment and its deployment will be authorized based on their particular assignment. Replacement equipment or newly issued equipment is purchased by the individual member's department. Each SRT member will be issued:

- (1) Helmet with face shield and 36" baton;
- (2) Gas mask with extra filter and mask carrier;
- (3) Soft riot armor;
- (4) Flex cuffs with officer's badge number on the cuffs;
- (5) Peltor headset

- (6) Additional equipment as deemed necessary by the Council of Chiefs.

1606.2 Deployment of Equipment. Deployment of SRT equipment includes, but is not limited to:

- (a) Weapons:
 - (1) Kinetic energy projectiles;
 - (2) Chemical agents.

- (b) Non-Weapons:
 - (1) Backpack with first aid equipment;
 - (2) Arrest kits;
 - (3) Specialized equipment for defeating protestor devices;
 - (4) Bullhorns/LRAD;
 - (5) Gloves.

1606.3 Discretion of Host Campus Chief. The use of SRT weapons will remain at the discretion of the host campus Chief or designee and deployment conditions, use, or restrictions shall be clearly noted in the Operations Plan. Whenever practicable, the host campus Chief or designee should discuss the use of SRT weapons with SRT Commander(s) before deployment. SRT personnel will not be prevented from carrying and/or using non-SRT weapons that have been issued or approved by their home campus.

1606.4 Approval of Equipment. No equipment will be used by any member of the SRT unless the equipment has been approved by the UC Council of Chiefs and the officer has received the proper training to utilize the equipment and the training is documented.

INCIDENT COMMAND SYSTEM

1607. During a SRT call out and prior to the team's arrival, the host agency is expected to manage the response to critical incidents using the principles of the Incident Command System. To the extent possible written operations plans shall be supplied in advance to SRT Commanders by the host campus and written on ICS compliant forms.

The host campus is responsible for debriefing, developing and submitting the after- action reports, including a summary of SRT resources used for the event, to the Chiefs' Liaison within thirty days, where practical.

Standardized operations plans and after action reports will be used by all campuses and should minimally include summary of the events, significant actions taken, training needs identified, and equipment needs identified with associated costs.

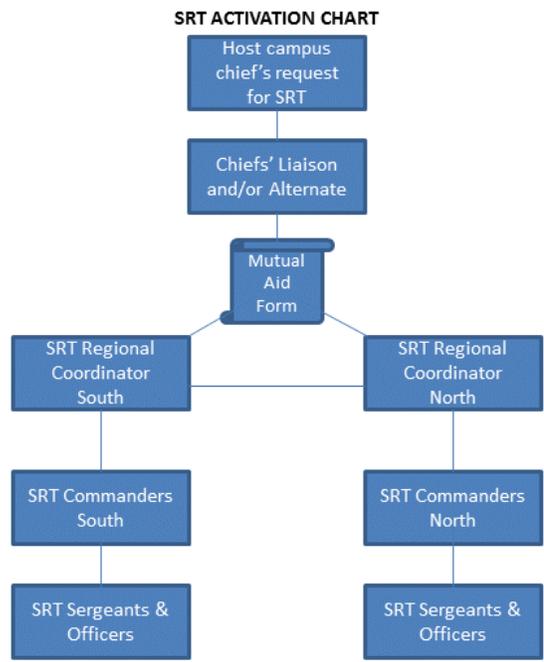
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Chapter 16: SYSTEMWIDE RESPONSE TEAM POLICY

APPENDIX A

- SRT Deployment Procedure Policy 1604**
- Requests for SRT deployment are made by the host campus to Chiefs' Liaison and SRT Coordinators.
 - Requests for SRT deployment are made using the mutual aid request form by the host Chief.
 - The Chiefs' liaison will assist with and be responsible to the host Chief for coordinating the deployment of SRT personnel/equipment.

- SRT Roles & Responsibilities**
- Policy 1603.1-Chief's Liaison
 - Policy 1603.2-SRT Regional Coordinators
 - Policy 1603.3-SRT Commanders
 - Policy 1603.4-SRT Sergeants & Officers



- Key Components Checklist**
- SRT Regional Coordinator and host campus working together to determine the appropriate deployment of SRT personnel and equipment.
 - (refer to policy 1603.2-[SRT Regional Coordinators](#))
 - SRT Commander or Coordinators report directly to the host campus and participate in pre-event planning.
 - (refer to policy 1504.1-[Incident/Event Planning](#))
 - Utilization of ICS.
 - (refer to policy 1504-[Incident Command System](#)) and ICS forms 202-208
 - Determine leadership, objectives, strategies, tactics, communication and documentation.
 - (refer to policy 1503.1-[Principles of Crowd Management](#))



RETIRED OFFICERS – CARRY CONCEALED WEAPONS

1700. Each campus Chief of Police shall issue identification cards and Carry Concealed Weapons (CCW) endorsements or certifications for its Qualified Retired Peace Officers in accordance with the California Penal Code, including Sections 16690, 25450, 25455, 25460, 25465, 25470, and 26305.

1700.1 Qualified Retired Peace Officer – Definition

A “Qualified Retired Peace Officer” for purposes of issuance of a CCW endorsement or certification is defined as an officer who meets all of the following:

- (a) At the time of retirement, the officer was a full time sworn employee of a University of California Police Department who was authorized to, and did, carry a firearm during the course and scope of that employment; and
- (b) The officer honorably retired from the University directly from active service as a peace officer and receiving or is immediately eligible to receive benefits under the provisions of the University of California Retirement System.
 - (1) An officer receiving duty disability income has not retired or separated from the University of California and is therefore not eligible for a retiree identification card or retiree CCW privileges and is not considered a “qualified retired and separated peace officer; and
- (c) The officer did not retire due to a psychological disability (Penal Code §26305(a)), and had no mental health incapacity limiting their ability to work as a sworn police officer preceding retirement in good standing; and
- (d) The officer is not otherwise subject to a lawful restriction on the possession of firearms that conflicts with a carry concealed weapons endorsement; and
- (e) The officer meets their individual campus Police Department’s firearm proficiency qualification standard.

1700.2.2 Carry Concealed Weapons - General Rules and Responsibilities Retired badges, University of California Retired Officer Identification Cards (with or without carry concealed weapons endorsement), and other documentation or certification of carry concealed weapons privileges issued by any University of California campus shall remain the property of the University of California and may be revoked, recalled, or denied by that campus’ Chief of Police at any time.

- (a) Qualified Retired Peace Officers who elect not to exercise carry concealed weapons privileges may be issued ID cards that distinctly bear the text “Not CCW Approved.” Additional text shall further specify that the bearer is not authorized to carry a concealed firearm. Cards of this type have no expiration date and otherwise resemble those described in Section 1700.4 of this Chapter.
- (b) The Chief of Police or designee will inquire whether a Qualified Retired Peace Officer wishes not to have an endorsement for carry concealed weapons privileges (Penal Code §26300(b)).
- (c) Qualified Retired Peace Officers who elect to and are approved to carry concealed weapons shall remain in the California Department of Justice Summary Criminal History Information Database pursuant to Penal Code §11105(k) (1).
- (d) Qualified Retired Peace Officers who exercise carry concealed weapon privileges must:
 - (1) Comply with all applicable provisions of law and Departmental policy: Qualified Retired Peace Officers exercising carry concealed weapon privileges remain subject to their former campus’ rules and policies (Penal Code §26305(b)). Violation of law and/or Department policy, including failure to meet the appropriate firearm proficiency qualification standards, may be cause for revocation or denial of carry concealed weapon privileges and/or the recall of any issued badge, identification card or documentation of carry concealed weapons privileges and any other Department property.
 - (2) Notify their campus of any change in permanent resident address information within 30 days of change in permanent residence;
 - (3) Only carry a concealed firearm of the type for which they are qualified, and which is in good condition and proper working order;
 - (4) Refrain from being under the influence of alcohol (or any other intoxicating or hallucinatory drug or substance) when exercising carry concealed weapons privileges;
 - (5) Contact their campus to apply for renewal of identification cards;
 - (6) In the event that their retiree badge and/or University of California Retired Officer Identification Card is lost or stolen, as soon as practical, contact their former Department and make a police report, in addition to any police report filed with another jurisdiction;
 - (7) Immediately surrender any and all ID cards or carry concealed weapons certification documents, and any non-decorative badge or other property issued by their former campus, upon the demand of the campus Chief of Police.

Each campus may charge a fee as necessary to cover any reasonable expenses incurred during the process of issuing identification or certification to Qualified Retired Peace Officers (Penal Code §25455(b)).

1700.3 Firearms Qualifications Standards

A retiring officer shall successfully pass, within 180 days prior to retiring, a department-approved firearm proficiency qualification or off-duty qualification course.

1700.4 Identification and Qualification Documentation Identification cards issued to Qualified Retired Peace Officers qualifying for carry concealed weapons privileges in the State of California shall be in the following format and contain the information described below:

- (a) The ID card shall be on a 2x3 inch card, bear the photograph of the retiree, include the retiree's name, date of birth, the date that the retiree retired, and the name and address of the agency from which the retiree retired, and stamped on it the endorsement "CCW Approved" and the date the endorsement is to be renewed (Penal Code §25460(c)).
- (b) The ID card shall display the date of expiration of the ID card and CCW privilege, which is initially required five years after the date of retirement, and every five years thereafter;
- (c) A statement on the reverse of the ID card shall describe the authority of the Department to issue the carry concealed weapons endorsement and to confiscate the card.

1700.5 Denial of Privilege Issuance of a University of California Retired Officer Identification Card may be denied by the campus Chief of Police prior to a hearing pursuant to Penal Code §26310.

- (a) If a hearing is not conducted prior to the denial of an endorsement, an officer may request an appeal hearing pursuant to this section only if they are Qualified Retired Peace Officer as defined in Section 1700.1 of this Chapter.
- (b) Officers requesting an appeal hearing shall do so within 15 days of the denial. A retired peace officer who fails to request a hearing pursuant to this section shall forfeit the right to a hearing (Penal Code §26310).
- (c) Appeal hearings shall be held by a three-member hearing board. One member of the board shall be selected by the agency's Chief of Police and one member shall be selected by the retired peace officer or their employee organization. The third member shall be selected jointly by the agency and the retired peace officer or their employee organization (Penal Code §26320).
- (d) Appeal hearings may include an assessment of the facts outlined in the retiree's appeal, complete review of the retiree's personnel records including performance evaluations, internal affairs records, disciplinary documents, fitness for duty documentation, records of criminal convictions, separations documentation or any

other documentation necessary to make an objective and appropriate recommendation.

1700.6 **Revocation** A retired officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency (Penal Code §26305(b)).

An identification certificate authorizing the retired officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the campus Police Department when the conduct of a retired officer compromises public safety (Penal Code §2305(c)).

Temporary or permanent revocation must be based on a showing of good cause, which shall be determined at a hearing, as specified in Section 1700.7 (Penal Code §26305(d)).

Notice of a temporary revocation shall be effective upon personal service or upon receipt of a notice that was sent by first-class mail, postage prepaid, return receipt requested, to the retiree's last known place of residence.

The retiree shall have 15 days to respond to the notification and request a hearing to determine if the temporary revocation should become permanent.

A retired officer who fails to respond to the notice of hearing within the 15 day period shall forfeit the right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing campus Police Department.

If a hearing is requested, good cause for permanent revocation shall be determined at a hearing as specified in Section 1700.7. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received.

A retiree may waive the right to a hearing and immediately return the identification certificate to the issuing campus Police Department.

1700.7 **Review Board** Any hearing conducted under this Chapter shall be held before a three-member hearing board. One member of the board shall be selected by the Chief of Police of the issuing campus police department or their designee, and one member shall be selected by the retired officer or his or her employee organization. The third member shall be selected jointly by the Chief of Police or their designee and the retired officer or his or her employee organization (Penal Code §26320(a)).

Any decision by the board shall be binding on the department and the retired officer (Penal Code §26320(b)).

A retired officer, when notified of the revocation of the privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting the right to a hearing, shall immediately surrender to the issuing agency the officer's identification certificate (Penal Code §26325(a)).

The issuing agency shall reissue a new identification certificate without an endorsement (Penal Code §26325(b)).

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