# Table of Contents

**CHIEF'S PREFACE. . . . . 1**

**MISSION STATEMENT. . . . . 2**

**Preface Title. . . . . 3**

**Chapter 1 - Law Enforcement Role and Authority. . . . . 9**

100 - Law Enforcement Authority. . . . . 10
101 - Chief Executive Officer. . . . . 13
102 - Oath of Office. . . . . 14
103 - Policy Manual. . . . . 15
104 - Law Enforcement Code of Ethics. . . . . 18
105 - Law Enforcement Role and Authority. . . . . 19

**Chapter 2 - Organization and Administration. . . . . 20**

200 - Organizational Structure and Responsibility. . . . . 21
201 - Emergency Management Plan. . . . . 23
202 - Special Order. . . . . 24
203 - Training. . . . . 25
204 - Retiree Concealed Firearms. . . . . 28
205 - License to Carry a Firearm. . . . . 33
206 - Staffing Levels. . . . . 34
207 - Administrative Communications. . . . . 37
208 - Electronic Mail. . . . . 38

**Chapter 3 - General Operations. . . . . 40**

300 - Use of Force. . . . . 41
301 - Handcuffing and Restraints. . . . . 53
302 - Control Devices and Techniques. . . . . 57
303 - Conducted Energy Device. . . . . 63
304 - Officer Involved Shooting and Fatal Incidents. . . . . 69
305 - Firearms. . . . . 76
306 - Vehicle Pursuits. . . . . 89
307 - Officer Response to Calls. . . . . 100
308 - Canines. . . . . 103
309 - Search and Seizure. . . . . 112
310 - Domestic Violence. . . . . 115
311 - Temporary Custody of Juveniles. . . . . 123
312 - Senior and Disability Victimization. . . . . 134
313 - Discriminatory Harassment. . . . . 149
314 - Child Abuse. . . . . 150
315 - Missing Persons. . . . . 159
316 - Public Alerts. . . . . 164
317 - Victim and Witness Assistance. . . . . 171

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318 - Standards of Conduct. . . . . 174
319 - Hate Crimes. . . . . 181
320 - Information Technology Use. . . . . 193
321 - Report Preparation. . . . . 198
322 - Media Relations. . . . . 204
323 - Subpoenas and Court Appearances. . . . . 208
324 - Reserve Officers. . . . . 213
325 - Outside Agency Assistance. . . . . 218
326 - Registered Offender Information. . . . . 220
327 - Major Incident Notification. . . . . 223
328 - Death Investigation. . . . . 225
329 - Identity Theft. . . . . 229
330 - Private Persons Arrests. . . . . 230
331 - Anti-Reproductive Rights Crimes Reporting. . . . . 232
332 - Limited English Proficiency Services. . . . . 234
334 - ADA Compliance. . . . . 242
335 - Mandatory Employer Notification. . . . . 251
336 - Child and Dependent Adult Safety. . . . . 253
337 - Service Animals. . . . . 257
338 - Volunteer Program. . . . . 260
339 - Off-Duty Law Enforcement Actions. . . . . 265
340 - Department Use of Social Media. . . . . 267
341 - Native American Graves Protection and Repatriation. . . . . 269
342 - Gun Violence Restraining Orders. . . . . 271
343 - Notice of Trespass. . . . . 277

**Chapter 4 - Patrol Operations. . . . . 280**
400 - Patrol Function. . . . . 281
401 - Bias-Based Policing. . . . . 285
402 - Briefing Training. . . . . 290
403 - Crime And Disaster Scene Integrity. . . . . 291
404 - Special Operations Unit. . . . . 293
405 - Ride-Along Policy. . . . . 300
406 - Hazardous Material Response. . . . . 303
407 - Hostage and Barricade Incidents. . . . . 305
408 - Response to Bomb Calls. . . . . 310
409 - Mental Illness Commitments. . . . . 318
410 - Cite and Release Policy. . . . . 323
411 - Arrest or Detention of Foreign Nationals. . . . . 326
412 - ACTIVE SHOOTER AND INTENTIONAL MASS CASUALTY INCIDENT RESPONSE. . . . . 330
414 - Immigration Violations. . . . . 338
415 - Aircraft Accidents. . . . . 343
416 - Field Training Officer Program. . . . . 346
417 - Obtaining Air Support. . . . . 349
418 - Contacts and Temporary Detentions. . . . . 350
419 - Criminal Organizations. . . . . 354

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420 - Watch Commanders. . . . . 360
421 - Mobile Digital Computer Use. . . . . 361
422 - Portable Audio/Video Recorders. . . . . 364
423 - Medical Marijuana. . . . . 368
424 - Bicycle Patrol Unit. . . . . 373
425 - Automated License Plate Readers (ALPRs). . . . . 376
426 - Foot Pursuits. . . . . 383
427 - Civil Disputes. . . . . 387
428 - Crisis Intervention Incidents. . . . . 389
429 - Public Recording of Law Enforcement Activity. . . . . 391
430 - First Amendment Assemblies. . . . . 393
431 - Suspicious Activity Reporting. . . . . 401
432 - Medical Aid and Response. . . . . 403
433 - FIRST RESPONDER NARCAN PROGRAM. . . . . 407
434 - MOBILE IDENTIFICATION DEVICE USE. . . . . 409
435 - IMPROVED PARKS AND OPEN SPACE ENFORCEMENT. . . . . 412
436 - UAS Operation. . . . . 414
437 - Private Security Contracts. . . . . 417

**Chapter 5 - Traffic Operations. . . . . 422**

500 - Traffic Function and Responsibility. . . . . 423
501 - Traffic Collision Reporting. . . . . 426
502 - Vehicle Towing and Release. . . . . 429
503 - Vehicle Impound Hearings. . . . . 434
504 - Impaired Driving. . . . . 438
505 - Traffic Citations. . . . . 445
506 - Disabled Vehicles. . . . . 449
507 - 72-Hour Parking Violations/Abandoned Vehicles. . . . . 450
508 - TOWING A RECREATIONAL VEHICLE OR MOTORHOME. . . . . 452

**Chapter 6 - Investigation Operations. . . . . 453**

600 - Investigation and Prosecution. . . . . 454
601 - Sexual Assault Investigations. . . . . 456
602 - Asset Forfeiture. . . . . 463
603 - Informants. . . . . 471
604 - Eyewitness Identification. . . . . 477
605 - Brady Material Disclosure. . . . . 481
606 - Operations Planning and Deconfliction. . . . . 483
607 - Warrant Service. . . . . 489
608 - National Integrated Ballistic Information Network (NIBIN) Testing. . . . . 494
609 - Facial Recognition System. . . . . 496

**Chapter 7 - Equipment. . . . . 500**

700 - Department Owned and Personal Property. . . . . 501
701 - Personal Communication Devices. . . . . 504
702 - Vehicle Maintenance. . . . . 507
703 - Vehicle Use. . . . . 509

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707 - Cash Handling, Security and Management. . . . . 515
705 - Personal Protective Equipment. . . . . 516
706 - Military Equipment. . . . . 522

**Chapter 8 - Support Services. . . . . 525**
800 - Crime Analysis. . . . . 526
801 - THE COMMUNICATIONS CENTER. . . . . 527
802 - Property and Evidence Section. . . . . 535
803 - Records Unit. . . . . 549
804 - Restoration of Firearm Serial Numbers. . . . . 553
805 - Records Maintenance and Release. . . . . 555
806 - Protected Information. . . . . 565
807 - Computers and Digital Evidence. . . . . 568
808 - Animal Control. . . . . 571
809 - Crime Scene Investigation (CSI) Unit. . . . . 575
810 - Comfort Crisis Canine. . . . . 578
811 - CJIS Access, Maintenance, and Security. . . . . 580

**Chapter 9 - Custody. . . . . 586**
900 - Custodial Searches. . . . . 587

**Chapter 10 - Personnel. . . . . 593**
1000 - Performance Appraisal Guidelines. . . . . 594
1001 - Assignment Rotation Policy. . . . . 595
1002 - Anti-Retaliation. . . . . 602
1003 - Reporting of Employee Convictions. . . . . 606
1004 - Drug- and Alcohol-Free Workplace. . . . . 608
1005 - Sick Leave. . . . . 611
1006 - Respiratory Protection. . . . . 613
1007 - Communicable Diseases. . . . . 615
1008 - Smoking and Tobacco Use. . . . . 622
1009 - Internal Affairs Investigations. . . . . 623
1010 - Seat Belts. . . . . 636
1011 - Review Boards. . . . . 638
1012 - Body Armor. . . . . 646
1013 - Police Personnel Information. . . . . 648
1014 - Fitness for Duty. . . . . 650
1015 - Peer Support Program. . . . . 653
1016 - Lactation Breaks. . . . . 657
1017 - Overtime Compensation Requests. . . . . 659
1018 - Payroll Records. . . . . 662
1019 - Outside Employment. . . . . 663
1020 - Occupational Disease and Work-Related Injury Reporting. . . . . 664
1021 - Personal Appearance Standards. . . . . 666
1022 - Uniform Regulations. . . . . 672
1023 - Visible Display of Identification. . . . . 685
1024 - Facial Coverings. . . . . 687

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1025 - Honor Guard. . . . . 689
1026 - Police Cadets. . . . . 692
1027 - Department Badges. . . . . 694
1028 - Closed Circuit Television (CCTV) System Policy. . . . . 696
1029 - Temporary Modified-Duty Assignments. . . . . 698
1030 - Employee Speech, Expression and Social Networking. . . . . 701
1031 - Grievance Procedure. . . . . 705
1032 - Nepotism and Conflicting Relationships. . . . . 706
1033 - Line-of-Duty Deaths. . . . . 707
1034 - Personnel Early Warning System. . . . . 719
1036 - Body-Worn Cameras/In-Car Cameras (BWC/ICC). . . . . 722

**Attachments. . . . . 733**
RPOA-RPA FATAL INCIDENT PROTOCOL AGREEMENT.pdf. . . . . 734
Dispatch Staffing Oct 2022.pdf. . . . . 735
PLEA Officer Involved Critical Incident Protocol-signed.pdf. . . . . 736
Staffing Requirements Effective March 11 2023.xlsx. . . . . 737
Military Equipment Jan 2022.pdf. . . . . 738
Message from the Chief- Hate Crimes.pdf. . . . . 739
Court Appearance Guide 2021.pdf. . . . . 740
Authorization BEAR SART.pdf. . . . . 741
Authorization Placer SART.pdf. . . . . 742
Authorization Placer SART 05.2023.pdf. . . . . 743
PLACER COUNTY MAJOR CRIMES INVESTIGATION TEAM MOU 2018.pdf. . . . 744
Incident Response Plan v1-4.pdf. . . . . 745
11 CCR 1205 - Serious Misconduct.pdf. . . . . 746
Supplemental Hate Crime Report-Agency.pdf. . . . . 747
Military Equipment 2025.pdf. . . . . 748
Supplemental Hate Crime Report.pdf. . . . . 749
BEAR Center Map.pdf. . . . . 750
ar2-17 Modified-Alternate Duty Program.pdf. . . . . 751
NORCAL CENTER FOR DEAFNESS.pdf. . . . . 752
Admin Reg Walk Through Metal Detector Use Updated 11-3-19.pdf. . . . . 753
Department Ribbon Awards Updated 10-11-18.pdf. . . . . 754
CSU ASSET SEIZURE MANUAL Updated October 2018.pdf. . . . . 755
Chiefs Assault Rifle Rescindment Updated June 2018.pdf. . . . . 756
Chiefs Authorization Letter for Assault Weapon Updated June 2018.pdf. . . . . 757
Downtown Security Patrol Coverage Map.pdf. . . . . 758
Procedure Walk Through Metal Detector DRAFT V3 9-16-19 (CAO 9.9.19) (002.._.pdf. 759
City Council Magnetometer Set Up instructions Updated 11-3-19.doc.pdf. . . . . 760
Statutes and Legal Requirements.pdf. . . . . 761
Hate Crime Checklist.pdf. . . . . 762
RPD Hate Crime Checklist.pdf. . . . . 763
Uniform Attachment - Final.pdf. . . . . 764
Communications Unit Minimum Staffing Levels Updated 1-14-2020 .pdf. . . . . 765
Peace Officer Consent Letter Roseville Police Department.pdf. . . . . 766

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## CHIEF'S PREFACE

As the most visible symbol of the law and exercising more discretionary decision making in individual cases than any other governmental agency, Roseville police employees must conduct themselves in a manner that inspires respect for the law and law enforcement. The very nature of our profession requires that police employees have the flexibility to make on-the-spot determinations in a limitless variety of situations, which must be fair and appropriate and conform with the requirements of law and the Constitution.

This policy manual is established to provide guidelines, policy, and directions to assist employees in the performance of their duties. It is recognized that no policy manual can be established which will embrace all possible situations, some matters must necessarily be left to the discretion and sound judgment of the individual employee using this policy manual for guidelines of established policy.

Each employee is provided access to an up-to-date copy of this manual as a means of maintaining and further developing our effectiveness through uniformity of our operations. The information contained in this Manual must be followed as closely as circumstances permit as it reflects our official position on the range of issues relevant to our operation.

Each employee is equally important and plays an essential role in our accomplishments as an organization. If a single employee falters, our entire organization suffers. Therefore you must keep yourself informed of the contents of this manual and use it as a reference to guide your actions.

Troy Bergstrom

Chief of Police

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## PREFACE TITLE

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## MISSION STATEMENT

The Roseville Police Department commits itself to safeguarding our community; protecting life and property; reducing crime; and enforcing the law impartially. We are dedicated to providing outstanding service while working in partnership with our community to keep Roseville safe.

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# Chapter 1 - Law Enforcement Role and Authority

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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Roseville Police Department to perform their functions based on established legal authority.

## 100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

### 100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ROSEVILLE POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Roseville Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person committed a felony.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.

(c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

(e) In compliance with an arrest warrant.

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

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

### 100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE ROSEVILLE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Roseville Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.

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(c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

### 100.2.3 TIME OF MISDEMEANOR ARRESTS

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

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:

1. A misdemeanor committed in the presence of the officer.
2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

(b) The arrest is made in a public place.

(c) The arrest is made with the person in custody pursuant to another lawful arrest.

(d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

### 100.2.4 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Roseville Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

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### 100.3 POLICY

It is the policy of the Roseville Police Department to limit its members to only exercise the authority granted to them by law.

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

### 100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

### 100.5 CONSTITUTIONAL REQUIREMENTS

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

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# Chief Executive Officer

## 101.1 PURPOSE AND SCOPE

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

### 101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment (Penal Code § 832.4).

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# Oath of Office

## 102.1 PURPOSE AND SCOPE

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

## 102.2 POLICY

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

## 102.3 OATH OF OFFICE

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

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

## 102.4 MAINTENANCE OF RECORDS

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

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Roseville Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

## 103.2 POLICY

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

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Roseville Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, 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. The Roseville Police Department reserves the right to revise any policy content, in whole or in part.

## 103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

## 103.4 DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

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

**CHP**- The California Highway Patrol.

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**CFR** - Code of Federal Regulations.

**City** - The City of Roseville.

**Professional Staff** - Employees and volunteers who are not sworn peace officers.

**Department/RPD** - The Roseville Police Department.

**DMV** - The Department of Motor Vehicles.

**Employee** - Any person employed by the Department.

**Juvenile**- Any person under the age of 18 years.

**Manual** - The Roseville Police Department Policy Manual.

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

**Member** - Any person employed or appointed by the Roseville Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Professional Staff employees
- Volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Roseville Police Department.

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

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

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

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

**Shall or will** - Indicates a mandatory action.

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

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

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

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

**USC** - United States Code.

### 103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

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

### 103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### 103.7 REVISIONS TO POLICIES

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

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

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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# Law Enforcement Code of Ethics

## 104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

## 104.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

## 104.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

### 104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

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# Law Enforcement Role and Authority

## 105.1 PURPOSE

Agency Content

Pursuant to California Penal Code § 830.1(a)(2), the Roseville Chief of Police hereby grants consent for any California Peace Officer to exercise their legal authority within the City of Roseville. The attached correspondence, executed by the Chief of Police, serves as formal documentation of this authorization.

See attachment: Peace Officer Consent Letter Roseville Police Department

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# Attachments

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# Peace Officer Consent Letter Roseville Police Department.pdf

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**Roseville Police Department**
1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

# NOTICE OF CONSENT BY THE POLICE CHIEF FOR THE CITY OF ROSEVILLE PURSUANT TO CALIFORNIA PENAL CODE SECTION 830.1(A)(2)

WHEREAS, Section 830.1(a)(2) of the California Penal Code provides that the authority of any peace officer, as defined therein, extends to any place in the state where the peace officer has the prior consent of the Chief of Police, or person authorized by the Chief of Police to give such consent, if the place is within a city; or of the Sheriff, or person authorized by the Sheriff to give such consent, if the place is within a county; and

WHEREAS, consenting to extend the authority of any peace officer within the jurisdictional boundaries of the City of Roseville promotes the efficient and effective coordination of law enforcement efforts and encourages maximum cooperation between local law enforcement agencies and those throughout the State of California; and

WHEREAS, it is the intention of the undersigned that peace officers be given the maximum powers consistent with California law; and

WHEREAS, when peace officers of another law enforcement agency are engaging in law enforcement efforts within the City of Roseville in accordance with this consent, such peace officers and/or their employing law enforcement agency will notify, whenever practicable, the City of Roseville Police Department, of such law enforcement efforts within the City;

**NOW, THEREFORE, I, AS CHIEF OF POLICE, HEREBY CONSENT THAT:**

1. Any peace officer, as defined by California Penal Code 830.1, employed by any California municipal law enforcement agency shall have the full authority of a peace officer at all times, including during times of emergency, within the City of Roseville; and

2. This consent shall not be construed as to be an agreement for the benefit of any third party, and no third party or party shall have the right of action hereunder for any cause whatsoever; and

3. This consent shall remain in force and effect, even upon appointment of any successor Chief of Police of the City of Roseville, unless and until fully revoked by the then-current Chief of Police.

T Bergstrom

Troy Bergstrom, Chief of Police
City of Roseville Police Department

DATE: January 26, 2026

# Chapter 2 - Organization and Administration

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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

## 200.2 OFFICE OF THE CHIEF

The Chief of Police is responsible for administering and managing the Roseville Police Department. The Administrative Unit reports directly to the Chief of Police.

A Police Captain or Police Administratoris responsible for managing each of the four divisions in the Police Department. In the absence of the Chief of Police, a Police Captain may be appointed Acting Chief.

### 200.2.1 DIVISIONS

There are four divisions within the Police Department as follows:

- Operations Division
- Investigative Services Division
- Community Services Division
- Professional Services Division

### 200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol, Special Operations and Police Cadets.

### 200.2.3 INVESTIGATIVE SERVICES DIVISION

The Investigative Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control of the Investigative Services Division. The Investigative Services Division consists of the Investigations Unit, Special Investigative Unit (RATTF, SIU, CSU), Real Time Crime Center, and the Crime Analysis Unit.

### 200.2.4 COMMUNITY SERVICES DIVISION

The Community Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control of the Community Services Division. The Community Services Division consists of the Professional Standards Unit, Training and Recruitment, Traffic, Social Services, Animal Control, Public Affairs and Community Outreach.

### 200.2.5 PROFESSIONAL SERVICES DIVISION

The Professional Services Division is commanded by two Administrators. One Administrator's primary responsibility is to provide general management direction and control of the Communications Center. The second Administrator's primary responsibility is to provide general

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management direction and control to the Records Unit, Property and Evidence, Crime Scene Investigations, and oversee technology projects.

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# Emergency Management Plan

## 201.1 PURPOSE AND SCOPE

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

## 201.2 ACTIVATING THE EMERGENCY PLAN

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

### 201.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Roseville Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

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

## 201.3 LOCATION OF MANUALS

The manual for the employees is available in the Emergency Operations Center and the Operations Captain's office. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

## 201.4 UPDATING OF MANUALS

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

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# Special Order

## 202.1 PURPOSE AND SCOPE

Special Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes topolicy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Special Orders will immediately modify or change and supersede sections of this manual to which they pertain.

### 202.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual as required upon approval of Staff. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Special Orders have now been incorporated in the updated Policy Manual as of the below revision date.

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 09-01 signifies the first Special Order for the year 2009.

## 202.2 RESPONSIBILITIES

### 202.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Special Order.

### 202.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

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# Training

## 203.1 PURPOSE AND SCOPE

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

## 203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

## 203.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of our personnel.

(c) Provide for continued professional development of department personnel.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

## 203.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Manager. It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

## 203.5 TRAINING NEEDS ASSESSMENT

The Professional Standards Unit will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

## 203.6 TRAINING APPROVAL

Training Request Forms shall be completed by the employee wishing to attend the training. The Training Announcement/Flier will accompany the Training Request Form. The employee's immediate supervisor will review the training request with the employee prior to routing the Training

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Request Form to their manager. The manager overseeing the employee who is submitting the Training Request Form shall ensure the following:

(a) The training topic is pertinent to the employee's current position.

(b) There are no scheduling conflicts.

The Police Captain or Services Administrator shall ensure there is adequate funding prior to final approval. The Chief of Police will be notified of Training Requests under the following circumstances:

(a) The training is for out of state travel including adjoining states to California.

(b) The training requires funds from Asset Forfeiture.

(c) The training is for a Police Captain or Services Administrator.

## 203.7 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. Approved vacation
3. Sick leave
4. Physical limitations preventing the employee's participation.
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

## 203.8 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

## 203.9 TRAINING MANAGER

The Chief of Police designated the Professional Standards Unit as the Training Manager. The training manager is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

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### 203.9.1 TRAINING RESTRICTION

The Training Manager is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

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# Retiree Concealed Firearms

## 204.1 PURPOSE AND SCOPE

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

## 204.2 POLICY

It is the policy of the Roseville Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

## 204.3 LEOSA

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

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

### 204.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the Roseville Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

### 204.3.2 AUTHORIZATION

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

## 204.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.

(b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

### 204.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

(b) The retiree’s name and date of birth.

(c) The date of retirement.

(d) The name and address of this department.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than five years). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

### 204.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

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(b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

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

## 204.5 FORMER OFFICER RESPONSIBILITIES

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

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Qualify annually with the type of firearm at a course approved by the department at the retired officer's expense.

(e) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

204.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 26305/25465):

(a) Petition for renewal every five years (for officers who retired after January 1, 1981) and submit to fingerprints and photographs if requested.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Not engage in conduct that compromises public safety.

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

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

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

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

(a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

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

## 204.8 FIREARM QUALIFICATIONS

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

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# License to Carry a Firearm

## 205.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

### 205.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

### 205.1.2 APPLICATION OF POLICY

Penal Code Section 26155(c) allows the Chief of Police to enter into an agreement with the Placer County Sheriff for the Sheriff's Office to process all applications for licenses, renewals of licenses, and amendments to licenses. The Roseville Police Department has entered into such an agreement with the Placer County Sheriff's Office for all applications for a license to carry a concealed weapon, renewals of licenses, and amendments to licenses.

## 205.2 APPLICATION PROCESS

Any City of Roseville residents wishing to apply for a license to carry a concealed weapon shall be directed to the Placer County Sheriff's Office for permit application and the permit process. Pursuant to Penal Code Section 21655(c), the Roseville Police Department has entered into an agreement with the Placer County Sheriff's Office to conduct the complete application process and issuance process for all concealed weapons permits, renewal of permits, and amendments to permits.

Residents are directed to contact the Placer County Sheriff's Office at (530) 889-6929 or via email at ccw@placer.ca.gov for further application process information. Additional information is also available for residents on the Placer County Sheriff's Office website at https://www.placer.ca.gov/departments/sheriff/concealed-weapon-permits

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# Staffing Levels

## 206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

## 206.2 MINIMUM STAFFING LEVELS

### 206.2.1 PATROL DIVISION

It is essential to effective and safe operations that a minimum number of Department employees be maintained in certain critical areas. The Watch Commander and other supervisory personnel are authorized to use employees working on overtime to maintain these staffing levels. These are minimum staffing levels to be maintained. The actual number of personnel required to be on duty may be greater because of unusual demands on the Department, as determined by supervisory staff. The minimum number of personnel per shift shall be as follows:

(a) A Watch Commander will be on duty at all times. A Patrol Lieutenant or the senior Patrol Sergeant on duty is designated as the Watch Commander.

(b) A Patrol Sergeant will be assigned to all shifts. Generally, these positions will be filled with Patrol Sergeants but the department maintains the discretion to backfill with acting Sergeants or Lieutenants.

(c) Two Patrol Supervisors will be on duty from 1200-0200 hours every day.

(d) Day shift will have a minimum of seven (7) officers.

(e) Relief shift will have a minimum of seven (7) officers.

(f) Swing shift will have a minimum of seven (7) officers.

(g) Graveyard shift will have a minimum of six (6) officers.

Traffic or other uniformed, non-patrol officers will not usually be counted to meet minimum staffing levels. Officers in the Field Training Program and assigned to an FTO will not be counted for minimum staffing levels.

One Community Service Officer or Cadet will work a minimum of five (5) hours every day.

### 206.2.2 COMMUNICATIONS UNIT

Communications Unit personnel staffing requirements are dependent on time of day and typical workload. Please see the following attachment for the Communications Unit Minimum Staffing Level Updated 02-16-2019:

### 206.2.3 ANIMAL CONTROL

An Animal Control Officer will work a minimum of five (5) hours every day.

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206.2.4 SUPERVISION DEPLOYMENTS
In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Operations Division Commander, an officer may act as the Watch Commander for a limited period of time.

## 206.3 LEAVE REQUEST HANDLING AND APPROVAL
To establish guidelines for Vacation, Holiday, Personal Leave Time (PLT) and Compensatory Time Off (CTO) leave request handling and approval.

206.3.1 PROCEDURE

(a) Seniority Based Time Off Bidding

1. Procedure

(a) Employees working on a patrol team, shall sign up for their seniority based time off bi-annually in conjunction with shift bid. At initial sign up, employees in order of seniority shall be entitled to sign up for (2) weeks of time off in blocks of no less than a full work week. Employees working special assignments and not subject to minimum staffing requirements (ie. SRMC, Motors, Investigations etc…) will not be required to conform to the seniority based time off bid.

(b) For officers assigned to patrol, seniority based time off requests for available weeks will be limited to one employee per shift. For Sergeants assigned to patrol, a maximum of 1 Sergeant is allowed off per side of the week (A or B).

(c) The time bank used during the first available week (which will be automatically approved) shall only be vacation time bank. The employee must have sufficient vacation time bank hours available on the date the leave is taken.

(d) The time bank used for the second available week (which will be approved 30 to 45 days prior based on staffing) will be any other time bank where the hours are available on the date the leave is taken.

(e) Officers may select a week already selected by a previous officer, but that leave granting will be based on both seniority and staffing levels. In this case that leave will usually be approved 30 to 45 days out.

(f) Weeks including a maximum enforcement day will not be included in the seniority request at shift bid.

(g) Once initial sign ups have been completed, employees assigned to patrol will submit any additional seniority based leave requests (not submitted during shift bid) prior to an identified date to ensure seniority preference for requested time off with consideration for staffing.

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(h) For this second round, All WEEK LONG (40 hour, 44 hour or 33 hour) leave requests submitted during the seniority time off window have priority over requests of less than one week.

(i) After initial shift bid sign ups and the seniority based leave request timeframe has passed, all other time off requests will be handled on a first come first serve basis with consideration for staffing. (Ex…a week does not have priority over a day request during first come first serve)

(j) In addition to the bi-annual sign ups, the department will continue its present practice of trying to accommodate employees requesting leave in one or two day increments.

(k) Anyone can waive their bids for either the first or second week of time off.

2. Leave requests on maximum enforcement days will only be granted if the position is back filled with voluntary overtime. If no employee voluntarily fills the position, no employee will be forced to work a full overtime shift to allow another employee to be granted the day off.

3. Seniority Time Off Bid Example

(a) An officer may choose a week already selected by a more senior officer, either the automatically approved week or the pending week, but approval in this case will be subject to both seniority and staffing levels. All pending requests will usually be approved 30 to 45 days prior to the requested date.

(b) The senior officer per shift may choose any available week as their first (automatically approved) week using their vacation time bank. That week will be marked as taken. The senior officer's second week (pending staffing) will also be marked as taken, but usually approved 30 to 45 days prior using any other time bank available at the time the request will be fulfilled.

(c) The second most senior officer per shift may then choose any available week as their first (automatically approved) week using vacation time bank. Their second week (pending staffing) will be marked as taken, but usually approved 30 to 45 days prior to using any other time bank available at the time the request will be fulfilled.

(b) Professional Staff will submit leave requests at the beginning of shift change in accordance with the vacation bidding procedure. Leave requests made outside the vacation bid process will be governed by this policy. In general, leave requests requiring overtime to maintain dispatch minimum staffing levels will be denied. Exceptions may be approved at management's or a designated supervisor's discretion. Leave not requiring overtime may be approved.

(c) Leave requests of more than 120 hours will not generally be approved.

(d) With the exception of seniority based leave, all other leave requests will usually be approved 30 to 45 days prior to the leave request. Leave requests pending approval will be logged on the work schedule as "requested" time off.

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(e) Requests pertaining to Vacation, Compensatory Time Off (CTO), Personal Leave Time (PLT), and Holiday Leave will be handled in accordance with the Roseville Police Officer's Association (RPOA) and Roseville Police Association (RPA) Memorandum of Understanding. Refer to the respective RPOA/RPA MOU:

(f) Pursuant to the RPOA/RPA MOU, Compensatory Time Off (CTO) requests will generally be granted on the specific date requested even where back filling on overtime is required unless granting the CTO would provide an undue disruption to the operation of the Department. To better define the parameters that fall under "undue disruption" the following procedure has been identified: The Department will allow one back filled overtime position to accommodate for a CTO request without considering that an undue disruption to the operation of the Department has occurred as long as the back fill requirement is filled voluntarily by another employee. The Department will not reduce staffing below minimum identified levels or force another employee to work overtime to accommodate the CTO request as that would be considered an undue disruption to operations.

(g) Management has discretion to grant time off for extenuating circumstances.

(h) Communications staffing during maximum staffing shifts is limited to one overtime position per shift to cover for a pre-approved vacation, except where exclusions apply.

(i) The following days have been identified as needing maximum staffing:

1. New Year's Eve.--Excluding Day Shift
2. 4th of July - Excluding Day Shift
3. Saint Patrick's Day - (If holiday falls on a Friday or Saturday) - Excluding Day Shift
4. Other maximum enforcement days created by special events or law enforcement needs in the City.
5. At the discretion of management, one of these special enforcement days may be adjusted.

## 206.4 SHIFT TRADES

Shift trades between staff are allowable with the following provisions:

(a) Shift trades are allowed between similar rank only.

(b) Shift trades must not impose a cost to the Department.

(c) The employee requesting the trade is responsible for the vacancy and any subsequent financial consequences.

(d) Approved shift trades are to be posted in the schedule program following approval from a supervisor.

(e) Shift trades must comply with other staffing policies and procedures (i.e. minimum rest hours off between shifts)

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(f) For staff under the RPOA MOU, shift trades must be completed within the same patrol shift rotation.

(g) For staff under the RPA MOU, shift trades must be completed within the same pay period due to job classification.

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# Administrative Communications

### 207.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

### 207.2 PERSONNEL ORDER

Personnel Order may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

### 207.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Personnel should use Department letterhead only for official business and with approval of their supervisor.

### 207.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.

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# Electronic Mail

## 208.1 PURPOSE AND SCOPE

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

## 208.2 EMAIL RIGHT OF PRIVACY

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

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

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

## 208.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

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

## 208.4 EMAIL RECORD MANAGEMENT

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

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

Employees are required to open/read their email at least once during their regular shift barring an emergency situation that prohibits the use of email because of time constraints. In addition, employees are required to respond to directives or information included in the emails if appropriate.

### 208.5 CITY OF ROSEVILLE ADMINISTRATIVE REGULATION AR 1.08

All members of the Roseville Police Department shall follow the City of Roseville Records Storage and Destruction Policy/Procedure covered in Administrative Regulation AR 1.08.

Hyperlink to Administrative Regulation AR 1.08:

### 208.6 CITY OF ROSEVILLE ADMINISTRATIVE REGULATION AR 1.04.2

All members of the Roseville Police Department shall follow the City of Roseville Email Use, Retention Policy and Remote Email Access Policy covered in Administrative Regulation AR 1.04.2

Hyperlink to Administrative Regulation AR 1.04.2:

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# Chapter 3 - General Operations

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# Use of Force

## 300.1 PURPOSE AND SCOPE

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

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

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

**Positional asphyxia** - situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia.

**Serious bodily injury** - A bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ (Government Code 12525.2(d)).

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

## 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. The decision by a peace officer to use force shall be evaluated

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carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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

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

#### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

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

#### 300.2.2 DUTY TO REPORT EXCESSIVE FORCE

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

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

#### 300.2.3 FAIR AND UNBIASED USE OF FORCE

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

#### 300.2.4 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

### 300.3 USE OF FORCE

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

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

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

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

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

### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).

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(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).

(e) The effects of suspected drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).

(h) Proximity of weapons or dangerous improvised devices.

(i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

(k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) Training and experience of the officer.

(m) Potential for injury to officers, suspects, bystanders, and others.

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(o) The risk and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(r) Prior contacts with the subject or awareness of any propensity for violence.

(s) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

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

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### 300.3.4 PERSONAL BODY WEAPONS

Personal body weapon such as strikes, punches, lifts, kicks, or other maneuver's may be used when the officer reasonably believes that the use of such force appears necessary to further a legitimate law enforcement purpose. The need to immediately control a suspect must be weighed against the risk of causing serious injury.

### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

### 300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

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

(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase officer jeopardy.

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

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

### 300.3.7 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

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### 300.3.8 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

### 300.3.9 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

## 300.4 DEADLY FORCE APPLICATIONS

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

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

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

(a) An officer may use deadly force to protect themself or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

Additionally, an officer shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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

### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, officers should take reasonable steps 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 imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

### 300.4.2 DISPLAYING OF FIREARMS

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

(a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

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

## 300.5 REPORTING THE USE OF FORCE

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

### 300.5.1 NOTIFICATION TO SUPERVISORS

Any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

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(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a conducted energy device.

(f) The individual subjected to the force was rendered unconscious.

(g) An individual was struck or kicked.

(h) An individual alleges unreasonable force was used or that any of the above has occurred.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

### 300.5.2 NOTIFICATION TO SUPERVISORS FOR SELF-INFLICTED INJURY

Supervisory notification shall be made as soon as practicable in the event an individual sustains a visible injury, complaint of pain, or loss of consciousness which is sustained by the actions of the individual while in police custody and not the actions of the officer.

### 300.5.3 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Monthly statistical data shall be reported to the California Department of Justice as required by Government Code § 12525.2 include the following events:

(a) An incident involving the shooting of a civilian by a peace officer.

(b) An incident involving the shooting of a peace officer by a civilian.

(c) An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death.

(d) An incident in which use of force by a civilian against a peace officer results in serious bodily injury or death.

Each qualifying event shall be reported to the California Department of Justice by the Defensive Tactics Lieutenant monthly, whether or not the event qualifies as a police use of force as defined by this policy or whether or not a qualifying event has occurred. A qualifying event includes any discharge of a firearm during an interaction between a civilian and an officer, regardless of whether any person was injured. A firearm is defined as a weapon which fires a shot by the force of an explosion, e.g., all handguns, rifles, shotguns, and other such devices commonly referred to as firearms. Notable exceptions to this category are electronic control devices, stun guns, BB, pellet, air, gas-powered guns, or weapons that discharge rubber bullets or bean bags. “Serious bodily injury” means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

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300.5.4 REPORT RESTRICTIONS
Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

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

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

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(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

### 300.7.1 SUPERVISOR RESPONSIBILITY FOR SELF-INFLICTED INJURY

When a supervisor is able to respond to an incident in which there has been a reported injury sustained by the actions of the individual and not the actions of the officer while in police custody, 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 sustained the injury. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

### 300.7.2 WATCH COMMANDER RESPONSIBILITY

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

## 300.8 TRAINING

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

### 300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

(b) De-escalation tactics, including alternatives to force.

(c) The duty to intercede.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

(g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.8.2 STATE-SPECIFIC TRAINING REQUIREMENTS
Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

## 300.9 USE OF FORCE ANALYSIS

At least annually, the Lieutenant with oversight of Defensive Tactics and Trainingshould 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.

## 300.10 USE OF FORCE REVIEW

The factors for evaluating and reviewing use of force incidents will be in accordance with Roseville Police Department policy, Use of Force Review.

## 300.11 USE OF FORCE COMPLAINTS

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

## 300.12 POLICY REVIEW

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

## 300.13 POLICY AVAILABILITY

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

## 300.14 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer’s personnel records shall be processed in accordance with Penal Code § 832.7 and Records Maintenance and Release policies (Government Code § 7286(b)).

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# Handcuffing and Restraints

## 301.1 PURPOSE AND SCOPE

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

## 301.2 POLICY

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

## 301.3 USE OF RESTRAINTS

Only members who have successfully completed Roseville Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

### 301.3.1 RESTRAINT OF DETAINEES

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

### 301.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

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

#### 301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property. When reasonable a supervisor should be present for the application of an auxiliary restraint device. If it is not practicable for a supervisor to be present, supervisor approval must be given prior to the application of the auxiliary restraint device on a juvenile.

#### 301.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

## 301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

## 301.5 APPLICATION OF SPIT HOODS

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

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

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Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

## 301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES (WRAP/HOBBLE/ANKLE RESTRAINTS)

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, Wrap, department approved hobble leg restraint and other similar devices. These are the only authorized auxiliary restraint devices. Auxiliary restraints shall not be used in lieu of handcuffs absent extenuating circumstances. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

In determining whether to use auxiliary restraint devices, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers, or an identified flight risk).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

Only authorized personnel trained to use the auxiliary restraint device may do so if reasonable circumstances warrant their use. If appropriate, auxiliary restraints may be used on a hospitalized arrestee until transfer of care and custody to hospital staff. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

## 301.7 GUIDELINES FOR USE OF AUXILIARY RESTRAINT DEVICES

When applying auxiliary restraint devices the following guidelines should be followed:

(a) When reasonable a supervisor should be present for the application of an auxiliary restraint device. If it is not practicable for a supervisor to be present, the supervisor

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shall be notified as soon as practicable after the application of the auxiliary restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place as long as reasonably necessary to maintain control and safety of the subject restrained or the officer and/or supervisor determine that the continued use of the restraint device no longer appears necessary or the restrained subject no longer appears to pose a threat.

(c) Officers shall notify dispatch of the time of application of the auxiliary restraint device and the time of removal of the auxiliary restraint device. Dispatch will notate the times on the CAD incident.

(d) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(e) The restrained person should be continually monitored by an officer while in the auxiliary restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(f) The officer should look for signs of labored breathing or complaint of breathing problems and take appropriate steps to relieve and minimize any obvious factors contributing to this condition. Any verbal complaint from the subject of breathing problems shall be addressed immediately by Officers if safe to do so. This may include checking vital signs and/or obtaining support from EMS.

(g) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

(h) Placing an auxiliary restraint device on a subject does not require an officer to complete a use of force report unless the "Notification to Supervisor" section in the use of force policy is triggered.

(i) All subjects placed into a wrap restraint device shall be medically cleared prior to booking into county jail.

### 301.8 TRAINING

Subject to available resources, the Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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# Control Devices and Techniques

## 302.1 PURPOSE AND SCOPE

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

## 302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Roseville Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

## 302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

## 302.4 RESPONSIBILITIES

### 302.4.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

### 302.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

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

### 302.4.3 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition.

## 302.5 IMPACT WEAPON GUIDELINES

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

The Department authorizes the use of straight, expandable, sidehandle batons, and Yawara sticks. During the course of enforcement duties, all uniformed officers shall carry their department-issued TASER on their person, as required by Policy 303.3. In addition, officers shall carry an impact weapon, which may be carried on the officer's equipment belt or LBV or secured in the driver's compartment of the officer's vehicle in a location that is immediately accessible. In some cases, officers may use an impact weapon of opportunity, if it is impractical to deploy another Department-issued impact weapon. Plainclothes and non-field personnel may carry an impact weapon as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

## 302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

## 302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

### 302.7.1 OC SPRAY

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

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### 302.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor should respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

### 302.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

## 302.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has 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.

## 302.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

### 302.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions 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.

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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 the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### 302.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device 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 give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

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

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

### 302.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

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When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Officers shall not carry conventional shotgun ammunition while on duty that could be mistakenly loaded into the shotgun specifically designed for use with kinetic energy projectiles. Officers shall not load shotguns designed specifically for kinetic energy projectiles with conventional shotgun ammunition.

### 302.10 QUALIFICATION FOR USE OF 40MM KINETIC ENERGY IMPACT SYSTEMS

In addition to the kinetic energy projectile shotguns, specially trained officers may deploy 40mm delivered impact munitions following the same parameters for use of the kinetic energy projectile shotgun.

For patrol use, only approved munitions may be deployed via 40mm delivery systems. Approved munitions for Patrol use include the direct impact sponge round and the direct impact OC round.

No other chemical agent munitions may be deployed via the 40mm systems assigned to patrol officers. Additional chemical agents such as CS gas may only be deployed via the 40mm system assigned through the Special Operations Unit and by officers specifically trained in chemical agent deployment with the approval of the Special Operations Unit Commander.

Only officers specifically trained in the deployment of 40mm munitions may utilize the 40mm impact munitions systems. Officers authorized to deploy the 40mm system will receive initial training regarding the use and deployment of the system and will re-certify in the system once annually.

### 302.11 TRAINING FOR CONTROL DEVICES

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

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

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## 302.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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# Conducted Energy Device

## 303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

## 303.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

## 303.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and may carry the CED.

CED's are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory. All officers assigned to Patrol shall carry their assigned CED on their person while on duty.

Officers shall only use the CEDand cartridges that have been issued by the Department. Cartridges should not be used after the manufacturers expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicle. Members carrying the CED should perform a spark test on the unit prior to every shift.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers may carry one cartridge on their person when carrying the CED.

(c) Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.

(d) Officers should not hold a firearm and the CED at the same time.

## 303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not feasible due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not

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required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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 CED in the related report.

## 303.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

### 303.5.1 APPLICATION OF THE CED

The CED may be used, when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themself, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

### 303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

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Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

### 303.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

### 303.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

### 303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 303.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

### 303.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

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Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

### 303.6 DOCUMENTATION

Officers shall document all CED discharges, whether intentional or unintentional,in the related arrest/case report and blue team entry. Photographs should be taken of any obvious probe impact or drive-stun application sites and book it into property and evidence. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

### 303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

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## 303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

## 303.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate by the Training Manager. All training and proficiency for CEDs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Manager is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Manager should include the following training:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

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(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

## 303.10 EVIDENCE COLLECTION AND ANALYSIS

It is recognized that the proper collection and preservation of evidence is a key element of any police investigation. The following guidelines provide a uniform system of collecting and/or preserving evidence that is unique to a TASER deployment.

(a) Mark the top an expended TASER cartridge as soon as practical after removing it from the TASER.

(b) Do not intentionally break, or cut the probe wires. If possible the cartridge, wires, and probes should remain intact.

(c) Book expended Taser cartridge(s) in a paper bag, or large Manila envelope. Place Taser wires loosely in the bag/envelope with the cartridge. Do not spool the wires around the spent cartridge. Place the probes in a Sharps container and place it in the bag/envelope with the cartridge and wires. Exercise appropriate safety precautions when handling expended probes.

(d) Photograph all contact areas, wounds, and probe impact sites. If feasible capture the distance of spread between the probes. Include a scale in all photos.

(e) Tasers that are booked into evidence will be booked with the Digital Power Magazine (DPM) attached. DO NOT REMOVE the DPM.

(f) All TASERs will be downloaded after each in-field use. Downloads will be conducted as soon as practical, but no later than 48 hours after the event. Copies of TASER downloads should be booked as evidence and attached to the Department Use of Force Audit Report.

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# Officer Involved Shooting and Fatal Incidents

## 304.1 PURPOSE AND SCOPE

The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer involved shooting or dies as a result of other action of an officer. The policy of the Roseville Police Department is to ensure that such incidents be investigated in a fair and impartial manner.

The Department follows the Placer County Officer Involved Critical Incident Protocol and the RPOA-RPA Fatal Incident Protocol Agreement.

## 304.2 TYPES OF INVESTIGATIONS

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

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Division Commander.

(b) A criminal investigation of the involved officer(s) conducted by an outside agency.

(c) A civil investigation to determine potential liability conducted by the involved officer's agency.

(d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

## 304.3 JURISDICTION

Jurisdiction over the investigation of the incident shall comply with Section C of the Placer County Officer Involved Critical Incident Protocol.

## 304.4 THE INVESTIGATIVE PROCESS

The following procedures are guidelines used in the investigation of an officer involved shooting:

### 304.4.1 UNINVOLVED OFFICER RESPONSIBILITY

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

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Secure the scene.

1. Locate and/or pursue any outstanding suspect(s).
2. Coordinate a perimeter (inner and outer).

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3. Preserve any evidence.

(c) Obtain dying declarations if appropriate.

(d) Request additional resources from the Department and outside agencies.

(e) Brief the supervisor upon arrival.

304.4.2 INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

(a) Confirm all steps from the 304.4.1 were completed.

(b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).

  (a) In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.

  (a) Public safety information shall follow the outline under Section 1 of the RPOA-RPA Fatal Incident Protocol Agreement.

(d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.

(e) Coordinate attempts to locate and identify witnesses to the incident.

(f) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(g) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

(h) As soon as practical, an uninvolved officer should transport the shooter officer(s) to the Police Department and wait for further direction. If there are multiple shooter officers they should remain separated (if feasible)

  (a) Each involved officer should be given an order not to discuss the incident with other officers pending further direction from a supervisor.

  (b) When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon as soon as practical.

  (c) The supervisor will inform the shooter officer(s) to stop recording and shut off their Body Worn Camera once the shooter officer's law enforcement duties are no longer needed on scene and prior to being transported to the Police Department.

  (d) The supervisor should ensure the shooter officer's Body Worn Camera video is downloaded at the Police Department and given back to the officer or a comparable replacement as soon as practical.

(i) If an officer is injured, ensure that another officer accompanies them to the hospital.

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(a) Ensure the Watch Commander is notified.

(b) Ensure the clothing of the injured officer is collected.

(j) If a suspect is injured, ensure that an officer accompanies them to the hospital.

(a) If the suspect's injuries are life threatening, instruct the officer to obtain a recorded dying declaration. If the suspect's injuries are not life threatening, instruct the officer not to interview the suspect but to take detailed notes of any voluntary statements.

(b) Ensure the officer obtains all the suspect's clothing and medical information including the attending physician's name and treatment provided.

(k) Additional on scene responsibilities are included in Section F of the Placer County Officer Involved Critical Incident Protocol.

### 304.4.3 WATCH COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Division Captain.

### 304.4.4 NOTIFICATIONS

The following person shall be notified as soon as practical:

- Chief of Police
- Department Management Team via group page through Dispatch
- Investigations Division Lieutenant
- Crime Scene Investigations Team
- Professional Standards Unit Lieutenant
- District Attorney on-call investigator via PCSO Dispatch
- Risk Management
- Peer Support Personnel
- Officer representative (if requested)
- Coroner (upon confirmation of a fatality)

All outside inquiries about the incident shall be directed to the Watch Commander.

### 304.4.5 MEDIA RELATIONS

News Media Relations shall be conducted in accordance with Section K of the Placer County Officer Involved Critical Incident Protocol.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. No involved officer shall be subjected to contact from the media (Government Code Sec. 3303(e)) and no involved officer shall make comments to the press unless authorized by the Chief of Police or their designee.

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### 304.4.6 INVOLVED OFFICERS

Members of the Roseville Police Department involved in an incident involving a fatality will be treated in accordance with the RPOA-RPA Fatal Incident Protocol Agreement.

### 304.4.7 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate all officer involved shootings which result in the death of an unarmed civilian. The Watch Commander should promptly notify the DOJ in all incidents involving an officer involved shooting resulting in the death of an unarmed civilian. Notification should be made by contacting LA Clear at (323) 869-2555.

Unarmed civilian is defined as anyone who is not in possession of a deadly weapon (Government Code § 12525.3)

## 304.5 SHOOTING INCIDENT CRIMINAL INVESTIGATION

The investigation of the incident will follow the guidelines set forth in this policy as well as the guidelines set forth in the Placer County Officer Involved Fatal Incident Protocol as follows:

### 304.5.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Division Captain or Lieutenant to assign appropriate detective personnel to handle the Department's investigation of related crimes. The Placer County District Attorney's Office may assign personnel to monitor the investigation. All related departmental reports except administrative and/or privileged reports will be forwarded to one designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Captain.

### 304.5.2 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the Roseville Police Department Investigators to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death. The following guidelines apply to the criminal investigation:

(a) Investigators from this Department may also be assigned to work with investigators from the District Attorney's Office as outlined in Section D of the Placer County Officer Involved Critical Incident Protocol l.

(b) The initial investigation and security of the scene shall follow the steps outlined in Section F of the Placer County Officer Involved Critical Incident Protocol to include steps to preserve the scene, limit scene access, obtain witness statements, and identify evidence for collection.

(c) The interview of the involved officer shall proceed as outlined in Section H of the Placer County Officer Involved Critical Incident Protocol and Section 8 of the RPOA-RPA Fatal Incident Protocol Agreement.

(d) A crime scene walk through may be conducted with the involved employee as outlined in Section 6 of the RPOA-RPA Fatal Incident Protocol Agreement.

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(e) An involved employee's appearance and personal equipment could be considered evidence. Collection and/or photographing of such evidence shall be done in accordance with Section 7 of the RPOA-RPA Fatal Incident Protocol Agreement.

(f) The collection of an officer's duty weapon, either a Department owned firearm or a personally owned firearm, and the providing of a replacement firearm shall be done in accordance with Section 7 of the RPOA-RPA Fatal Incident Protocol Agreement.

(g) The involved officer's body worn camera shall be downloaded as soon as practical. The involved officer should be provided with a replacement if needed.

(h) Supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interview or indirectly providing areas for inquiry.

304.5.3 REPORTS BY INVOLVED OFFICERS
Pursuant to Section 8 of the RPOA-RPA Fatal Incident Protocol Agreement, involved employees will not be compelled to provide a written statement.

## 304.6 ADMINISTRATIVE INVESTIGATIONS

Pursuant to Section G of the Placer County Officer Involved Critical Incident Protocol , the Administrative Investigation is the function of the agency employing the involved officer and will include administrative and non-criminal matters that are not within the scope of the incident investigation governed by the protocol.

At the onset of the investigation of an incident, there must be an immediate and clearly defined distinction between the incident investigation and the administrative investigation. This policy governs the process for the administrative investigation as follows:

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential peace officer personnel file.

(a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

    (a) If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code§ 3303(g)

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(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

(a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer'(s) physical and psychological needs have been addressed before commencing the interview.

(b) If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)) However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Administrative interview(s) should be audio (not video) recorded by the investigator (the officer may also record the interview) (Government Code § 3303(g)).

(d) The officer shall be informed of all constitutional Miranda rights (Government Code §3303{h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Lybarger or Garrity admonishment).

(e) The administrative interview shall be considered part of the officer's confidential personnel file.

(f) The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

(g) The completed administrative investigation shall be submitted to the Chief of Police.

(h) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

## 304.7 AUDIO AND VIDEO RECORDINGS

Any officer involved in an incident will be permitted to review available Mobile Audio Video (MAV), Body Worn Camera (BWC) video, or other video or audio recordings as is reasonably available and appropriate for the investigation prior to providing a voluntary or compelled statement as outlined in Section 9 of the RPOA-RPA Fatal Incident Protocol Agreement.

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

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Any MAV, BWC, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or City Attorney's Office as appropriate.

### 304.8 DEBRIEFING

Following an officer-involved shooting or death, the Roseville Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing. See the Peer Support and operational planning policies for more information:

### 304.9 REPORTING

If the death of an individual occurs in the Roseville Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Investigations Division Captain will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

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# Firearms

## 305.1 PURPOSE AND SCOPE

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

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

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

## 305.2 POLICY

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

## 305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife or a small fixed-blade knife that is not otherwise prohibited by law.

### 305.3.1 HANDGUNS

The authorized department-issued handgun is the Glock semi-automatic handgun.

### 305.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington Model 870. Lethal Shotgun Ammunition is not authorized for carry or use by department members unless special circumstances are dictated and approved by a Supervisor. SWAT Operators are authorized to carry and deploy lethal ammunition for SWAT deployments and training.

When not deployed, the shotgun shall be properly secured in a range locker, armory, or police vehicle mounted lock. Shotguns are not to be stored in personnel lockers.

### 305.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15/M4 platform. Members may use their personally owned AR-15/M4 platform rifles with prior approval from the Department Rangemaster.

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Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the department issued patrol rifle shall be properly secured in a range locker, the armory, designated assigned rifle locker, or police vehicle mounted lock. Patrol rifles whether department issued or personally owned shall not be stored in personnel lockers. The assigned rifle locker is only for storage of the rifle and not for personal effects.

### 305.3.4 PERSONALLY OWNED DUTY FIREARMS

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

(a) The firearm shall be semi-automatic, in good working order, and from a quality major manufacturer (Sig Sauer, Glock, HK, etc).

(b) The firearm shall be inspected by the Rangemaster or their designee prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify with their personally owned handgun with range staff and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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

(e) Personally owned on-duty handguns shall have a firing pin safety block or pass rigorous safety and drop test standards set forth by the manufacturer.

(f) Personally owned on-duty handguns shall be chambered in either 9mm,.40 cal, or.45 cal.

(g) Uniformed officers shall carry a minimum of 30 rounds of ammunition on their person while in uniform for their personally owned primary duty handgun.

(h) Officers are responsible for maintenance costs for their personally owned firearms.

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(i) Officers seeking to make modifications to their on-duty personally owned handgun must have prior approval from the Rangemaster and are responsible for all costs. Triggers shall stay in factory stock condition and shall not be modified.

### 305.3.5 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry a personally owned secondary handgun are subject to the following restrictions:

(a) The handgun shall be in good working order and from a major manufacturer (Sig Sauer, Glock, HK, etc.).

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster or their designee prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

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

(i) Triggers shall stay in factory stock condition and shall not be modified.

### 305.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

(a) The member may carry his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.

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(c) It will be the responsibility of the member to submit the firearm to the Rangemaster or their designee for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster or their designee that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemasteror their designee, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their Roseville Police Department identification cards.

### 305.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster or their designee when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

## 305.4 EQUIPMENT

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

### 305.4.1 REPAIRS OR MODIFICATIONS

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

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

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster or their designee. Triggers shall stay in factory stock condition and shall not be modified.

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### 305.4.2 HOLSTERS

All on-duty firearms will be carried in a holster specifically designed for the firearm. All patrol duty holsters will be minimally equipped with a safety strap which must be used. Officers assigned to plain clothes assignments may use a holster equipped only with a retention device. The retention device must secure the weapon and be designed to allow only the wearer retrieval of the weapon from the holster. Holsters with no safety strap must be approved by the Rangemaster or their designee prior to use. Officers assigned to participate as an "Undercover Agent" may carry a handgun without a holster and be exempt from carrying OC, if the following circumstances exist:

(a) The handgun has been approved by the Rangemaster or their designee.

(b) The handgun is carried in a manner that prevents accidental cocking, discharge, or loss of control.

(c) The agent is acting in an "Undercover Agent" capacity at the time the weapon is being carried and at the completion of the operation reverts back to the general provisions of this order.

(d) The officer is under direct visual or audio surveillance by a least one other officer.

(e) The surveilling officer(s) have immediate access to the undercover officer and are equipped to deploy both lethal and non-deadly force options.

### 305.4.3 TACTICAL LIGHTS

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

### 305.4.4 OPTICS OR LASER SIGHTS

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

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

## 305.5 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry

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fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any department issued firearm or personally owned firearm used for on-duty carry that appears to be malfunctioning or in need of service or repair shall not be carried. The firearm shall be promptly presented to a Supervisor or Rangemaster or their designee for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster or their designee will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

### 305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly or at the discretion of the Rangemaster. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

### 305.5.2 STORAGE AT HOME

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

### 305.5.3 ALCOHOL AND DRUGS

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

### 305.5.4 STORAGE IN VEHICLES

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

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

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

## 305.6 FIREARMS TRAINING AND QUALIFICATIONS

All personnel who carry a firearm are required to qualify semi-annually with their duty and back-up weapons on an approved range course and are subject to this policy. The Rangemaster or their designee shall keep accurate records of semi-annual qualifications, repairs, maintenance and training. In addition to regular qualification schedules, the Rangemaster shall be responsible for facilitating Advanced Officer Training, including practical training exercises designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force Policy and demonstrate their knowledge and understanding.

Personnel opting to carry personally owned off-duty firearm(s) are encourage to qualify with those weapons annually on an approved range course of fire.

### 305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer is unable to attend qualifications for any reason including injury, illness, duty status or scheduling conflict, that officer shall submit a memorandum to his/her supervisor and the Rangemaster prior to the end of the scheduled qualification period. The Rangemaster will facilitate make-up qualification sections.

Officers who fail to qualify on their first shooting attempt shall be provided immediate feedback and critique from range staff. The officer will be given a second attempt at the same course of fire. If the officer fails to qualify on their second attempt, range staff shall complete Firearms Training Unit Officer Evaluation Sheet and route it to the Rangemaster. The range staff will notify the Rangemaster and the Watch Commander. A third attempt shall not be allowed at that time.

Officers who fail to qualify for two consecutive attempts with their firearm shall not carry their weapon or engage in field enforcement operations until they have attended remedial training and successfully qualified. Officers who fail to qualify for two consecutive attempts with their firearm shall not carry their firearm until they attend remedial training and successfully qualify.

### 305.6.2 REMEDIAL TRAINING

The Rangemaster should make every effort possible to facilitate remedial training as soon as practical, taking into account the officer's fatigue factor and mindset. If possible, the first training session should take place before the remediating officer's next schedule shift. The Rangemaster shall identify a course of action as well as a Range Officer who will facilitate the remedial training. Remedial training should be conducted in a one on one environment, free of distractions from peers. Remedial training should be no less than two, one hour sessions. Additional remedial training may be required or assigned by the Rangemaster until consistent weapon proficiency

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is demonstrated. All training will be documented and communicated to the Rangemaster via the Firearms Training Unit Officer Evaluation Sheet.

The officer may make an attempt to re-qualify after each remedial session at the discretion of the Range Officer. If the officer successfully qualifies they will be reinstated to full duty and/or be allowed to carry their firearm. A successful qualification does not relieve the officer from completing the entire assigned remedial training.

### 305.6.3 NOT RESPONDING TO TRAINING

Officers who have failed to qualify are a strain on the staffing resources of the department. It is imperative the Rangemaster, Range Officer and remediating officer place a high importance on training and re-qualification. Officers who have completed 10 hours of remedial training but are still unable to qualify will be classified as "not responding to training."

The Rangemaster will complete a memorandum to the appropriate Division Commander outlining the officer's deficiency, the training performed and an assessment of whether there is a fitness for duty or disciplinary issue related to the deficiency. Any further training or the decision to disallow the carrying of a patrol firearm will be done at the direction of the Division Commander or the Chief of Police.

## 305.7 FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

### 305.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC)

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spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

### 305.7.2 INJURED ANIMALS

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

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

### 305.7.3 WARNING AND OTHER SHOTS

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

Warning shots shall not be used.

## 305.8 RANGEMASTER DUTIES

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

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

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

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

The Rangemaster or their designee shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of

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each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster or their designee should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

### 305.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Roseville Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Roseville Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Roseville Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### 305.10 CARRYING FIREARMS OUT OF STATE

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

(a) The officer shall carry his/her Roseville Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

(e) The officer may not take a Department owned firearm out of state without approval from the Chief of Police or their designee.

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

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

### 305.11 PERSONALLY OWNED ASSAULT RIFLES FOR ON DUTY USE

Penal Code 30630(b) allows the purchase, possession, and use of assault rifles by sworn peace officers for law enforcement purposes, whether on- or off-duty, when authorized by the Chief of Police (Penal Code§ 30630, 27CFR 478.134(a)). This policy is intended to include only assault rifles being used for law enforcement purposes, and does not include privately owned legally registered assault rifles for non-law enforcement purposes.

With written authorization of the Chief of Police, sworn non-probationary peace officers employed by this agency may purchase certain rifles classified as assault weapons for on and off-duty law enforcement purposes from a federally licensed firearms dealer under the following circumstances:

a. The weapon meets and conforms to all Department policies and specifications, and is pre-approved by the Rangemaster (or designee).

b. After purchase, the officer provides the Rangemaster a copy of the DOJ authorization.

c. The weapon is intended for on-duty use by the officer.

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d. At the time of retirement, rescindment or separation for any reason from the Roseville Police Department, the officer shall dispose of the weapon in a lawful manner. This could include:

1.Destruction or relinquishment to the Roseville Police Department for destruction.

2. A change of characteristics, enabling DOJ de-registration. If this is accomplished, a copy of the DOJ letter must be provided to the Rangemaster.

3. A physical move out of California to a state that allows possession of the weapon.

4. Lawful sale of the weapon to a federally licensed firearms dealer.

5. After lateral transfer to another California law enforcement agency, the Chief or Sheriff for that agency gives written authorization for continued use.

Authorized weapons will be considered Patrol Rifles and conform to all Department policies. Officers shall ensure the personally owned assault rifle and ammunition are locked and secured while off-duty in a manner that will keep them inaccessible to children and irresponsible adults. Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code 25110. Officers may utilize the department armory or weapons lockers for storage during off duty hours. When stored in the armory, the rifle shall be tagged with the owner's name, identifying the firearm as a personally owned assault rifle.

While on-duty, absent exigent circumstances, only the owning officer shall deploy a personally owned assault rifle. The officer shall use department issued ammunition while on-duty.

### 305.11.1 TEMPORARY SUSPENSION OF PRIVILEGE

The Chief of Police may suspend an officer's privilege to possess a personally owned assault rifle. Upon being so advised in writing by the Chief of Police or his/her designee, the officer shall immediately relinquish the assault rifle to the Chief of Police or his/her designee for storage in the department armory. The rifle shall be tagged with the owner's name, identifying the firearm as a personally owned assault rifle.

The suspension shall remain in effect until the officer is notified by the Chief of Police that his/her privilege has been reinstated or permanently rescinded. In the event the officer's privilege to own/possess a personally owned assault rifle has been permanently rescinded, the officer shall transfer or dispose of the assault rifle in compliance with this policy.

### 305.11.2 AUTHORIZATION TO PURCHASE PERSONALLY OWNED ASSAULT RIFLE FOR ON DUTY USE

Prior to purchasing an assault rifle, the officer shall be required to complete a "Chiefs Authorization for Assault Weapon" form. The signed and completed form will be routed to the Rangemaster for review. The Rangemaster will review the form to ensure the weapon intended for purchase conforms to Department specifications. The Rangemaster will forward completed, authorized forms to the Chief of Police for approval. Incomplete forms or requests for unauthorized weapons

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will be returned to the officer. A copy of the approved, signed form will be maintained in the officer's personnel file.

305.11.3 REGISTRATION OF PERSONALLY OWNED ASSAULT RIFLE FOR ON DUTY USE
Upon receipt of a personally owned assault rifle, the member shall, within 90 days, register the assault weapon with the California Department of Justice (DOJ) pursuant to Article 5 of the Penal Code commencing with § 30900. With the registration, the member shall submit to DOJ a copy of the executed "Agreement to Purchase Personal Owned Assault Rifle".

305.11.4 POLICE CHIEF AUTHORIZATION AND RESCINDMENT DOCUMENTS
The following is the Police Chief Authorization for Assault Weapon letter:

The following is the Police Chief Rescindment of Assault Rifle letter:

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# Vehicle Pursuits

## 306.1 PURPOSE AND SCOPE

It is the policy of this to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits. This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

### 306.1.1 DEFINITIONS

**Blocking** - A low-speed tactic where one or more authorized police department emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit.

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

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

**Surveillance Mode** – A response in which an air unit is used as an observation platform for continued surveillance of a motor vehicle. Operating in Surveillance Mode allows officers on the ground to work in conjunction with the air unit to maintain a loose containment (out of sight) of the motor vehicle until the suspect stops and abandons the motor vehicle.

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

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

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

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

## 306.2 OFFICER RESPONSIBILITIES

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

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### 306.2.1 WHEN TO INITIATE A PURSUIT

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

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

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.

(i) Suspect and officer vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).

(k) Availability of other resources such as air support or vehicle locator or deactivation technology.

(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

### 306.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the

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seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

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

(a) Pursuit is terminated by a supervisor.

(b) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(c) The pursued vehicle's location is no longer definitely known.

(d) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(e) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(f) Hazards to uninvolved bystanders or motorists.

(g) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(h) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(i) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

#### 306.2.3 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

### 306.3 PURSUIT UNITS

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

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

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

### 306.3.1 MOTORCYCLE OFFICERS

When involved in a pursuit, police department motorcycles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

### 306.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment. Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Unmarked Detective vehicles equipped with a red light and siren may initiate a pursuit following appropriate procedures. Marked emergency vehicles should replace Detective vehicles as soon as practical. Those officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter.

### 306.3.3 PRIMARY UNIT RESPONSIBILITIES

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

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

(a) The location, direction of travel, and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including license plate number, if known.

(c) The reason for the pursuit.

(d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.

(e) The suspected number of occupants and identity or description.

(f) The weather, road, and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

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

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to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

### 306.3.4 SECONDARY UNIT RESPONSIBILITIES

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

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

(b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

(d) Identifying the need for additional resources or equipment as appropriate.

(e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

### 306.3.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Request other units to observe exits available to the suspects.

(d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

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306.3.6 PURSUIT TRAILING
In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

306.3.7 AIR SUPPORT ASSISTANCE
When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

Officers and Supervisors should continuously weigh the pursuit conditions and the air units abilities to determine if surveillance mode is needed.

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

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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

## 306.4 SUPERVISORY CONTROL AND RESPONSIBILITIES
Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for:

(a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

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(d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(i) Controlling and managing Roseville Police Department units when a pursuit enters another jurisdiction.

(j) Preparing a post-pursuit review and documentation of the pursuit.

1. Supervisors should initiate follow up or additional review when appropriate.

### 306.4.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. Once notified, the Watch Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

## 306.5 THE COMMUNICATIONS CENTER

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies and units.

### 306.5.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notify the Watch Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

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### 306.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

## 306.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

### 306.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Roseville Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the primary officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation.

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit.

### 306.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of Roseville Police Department, the supervisor should consider:

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

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As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

## 306.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

### 306.7.1 USE OF FIREARMS

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

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

### 306.7.2 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Officers should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Blocking should only be used after giving consideration to the following:

1. The technique should only be used by officers who have received training in the technique.
2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will contain or prevent the pursuit.

(b) The PIT should only be used after giving consideration to the following:

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1. The technique should only be used by officers who have received training in the technique, including speed restrictions.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.

(c) Ramming a fleeing vehicle should only be done after giving consideration to the following:

1. Supervisory approval should be obtained before using the technique.
2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will terminate or prevent the pursuit.
4. Ramming may be used only under circumstances when deadly force would be authorized.
5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

(d) Tire deflation devices should only be used after considering the following:

1. Tire deflation devices should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using tire deflation devices.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the use will terminate or prevent the pursuit.
5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.

### 306.7.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

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Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspects.

## 306.8 REPORTING REQUIREMENTS

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

(a) The primary officer should complete appropriate crime/arrest reports and blue team entry.

(b) The Supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Supervisor/ Watch Commander for review and distribution.

(c) The supervisor of the pursuit should make sure a blue team entry is completed and routed through the chain of command.

### 306.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Manager shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

(a) This policy.

(b) The importance of vehicle safety and protecting the public.

(c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

### 306.8.2 POLICY REVIEW

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

## 306.9 APPLICATION OF VEHICLE PURSUIT POLICY

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

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# Officer Response to Calls

## 307.1 PURPOSE AND SCOPE

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

## 307.2 RESPONSE TO CALLS

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

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

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

## 307.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

### 307.3.1 NUMBER OF UNITS ASSIGNED

Normally, two units should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

## 307.4 INITIATING CODE 3 RESPONSE

Supervisors, at their discretion, may authorize units to respond Code3 to emergencies over the radio. A supervisor may authorize specific or multiple units to respond Code3 (i.e. units on the West Side are authorized to respond Code3). The individual responding unit(s) shall then be responsible for advising dispatch they are responding Code3 either over the radio or via the MDT. Officers operating vehicles equipped with an MDT, are encouraged to announce their Code3

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response to dispatch via the MDT to avoid unnecessary radio traffic during emergency situations for officer safety reasons. Officers in vehicles not equipped with an MDT, shall announce their Code3 response over the radio.

### 307.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

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

Officers responding to an urgent call are permitted to utilize the emergency equipment (Red light and/or siren) intermittently to expedite response to the call due to traffic congestion. The traffic signal preemption device shall only be used in conjunction with the emergency equipment (red light and siren).

It is not necessary to advise Dispatch of a code 3 response if the emergency equipment is only activated for brief periods of time and distance, generally one or two blocks. Officers responding to urgent calls must utilize extreme caution and drive with prudent regard for other motorists, bicyclists, pedestrians, and other persons who may be in the area. The law offers no protection to an officer operating a police vehicle when violating the rules of the road if the required emergency equipment is not in use.

### 307.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

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

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

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When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

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

### 307.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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# Canines

## 308.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

## 308.2 POLICY

It is the policy of the Roseville Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

### 308.2.1 POST-DEPLOYMENT REVIEW

The Canine Unit Sergeant, or his designee, shall conduct a post-deployment review following deployments in which a subject is injured or bitten. A review will also be conducted in the event of an accidental bite of any person, other than those occurring during a training exercise. The review should include interviews with the injured parties and witnesses to the incident. The review is conducted independent of any criminal case and is intended to determine if the injured person was aware the deployment was going to occur and what subsequent actions they took. The review will be recorded in memorandum form and routed to the Canine Lieutenant or Canine Unit Sergeant.

## 308.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

## 308.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Division or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

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(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

## 308.5 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the Watch Commander.

### 308.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

(f) When feasible, an additional officer from this department should be deployed to serve as cover or back-up for the Roseville Police canine team.

### 308.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

## 308.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

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(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

Absent indications of an identifiable crime (i.e. burglary), canine handlers shall not search locations with canines off-leash solely for response to a burglary alarm where a door or other entry point is found unsecured.

### 308.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

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It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

### 308.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

### 308.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

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## 308.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

### 308.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

### 308.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics.

## 308.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).

(c) Agreeing to be assigned to the position for a minimum of three years.

(d) Ability to pass the physical fitness test.

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## 308.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(e) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

(h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(i) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

### 308.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

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## 308.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

## 308.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian.

## 308.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

### 308.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Roseville Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

### 308.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably

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practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

### 308.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

### 308.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Roseville Police Department may work with outside trainers with the applicable licenses or permits.

### 308.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(g)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Roseville Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

### 308.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected and weighed, biannually. The results of the inspection shall be recorded and maintained by the canine coordinator.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured

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in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

### 308.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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# Search and Seizure

## 309.1 PURPOSE AND SCOPE

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

## 309.2 POLICY

It is the policy of the Roseville Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

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

## 309.3 SEARCHES

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

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

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

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

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

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

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## 309.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

## 309.5 DOCUMENTATION

Officers are responsible to document incidents involving Search and Seizure in accordance with Roseville Police Department reporting policies and procedures. If documentation is required for a crime report or services report, the following criteria (at a minimum) shall be included:

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

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

### 309.5.1 DOCUMENTATION OF PAROLE AND PRCS SEARCHES

At a minimum officer(s) shall document any Parole or PRCS contact or search of a person, vehicle, or place of residence by completing a Field Investigation Report.

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### 309.5.2 DOCUMENTATION OF PROBATION SEARCHES

At a minimum Officer(s) shall document any Probation search of a person, vehicle, or place of residence by completing a Field Investigation Report. Officers are not required to complete a Field Investigation Report for only contacting a Probationer.

### 309.5.3 SUPERVISED RELEASE FILE (SRF) CONTACT MESSAGES

Officers shall submit a contact message when information is received on an individual from the Supervised Release File (SRF) to summarize the encounter to the agency that entered the record.

Per DOJ CJIS Manual Section 10.13, a Contact Message should be sent if the subject is being booked or cited, if the contact was a routine stop and no enforcement action was taken, if the subject is a suspect in an investigation whether they have been encountered or not, or if your agency is issuing a warrant for the subject and, for information purposes only, you are advising the supervising agency. The Contact Message is also a good way to formally document contact with a sex registrant, and indicate if any public notification took place in accordance with Megan's Law. Contact message data can be queried through a special search by contacting the SRF Unit at DOJ.

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# Domestic Violence

## 310.1 PURPOSE AND SCOPE

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

### 310.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

## 310.2 POLICY

The Roseville Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

## 310.3 OFFICER SAFETY

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

## 310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

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(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Unit in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

### 310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

310.4.3 ARRESTING OFFICERS' RESPONSIBILITIES REGARDING FIREARMS

If a suspect is arrested, officers shall (Penal Code § 273.76):

(a) Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.

1. The investigating or filing officer shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.

(b) Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.

(c) Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.

(d) Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

## 310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

(a) Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(b) Victims should also be alerted to any available victim advocates, shelters, and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

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(d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.

(e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.

(f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

## 310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

## 310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

## 310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order

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before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.

1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

### 310.9 STAND UP PLACER/CPS NOTIFICATION

On all domestic violence investigations, officers shall contact Stand Up Placer as soon as practical, but no later than the end of shift. During domestic violence calls where minor children are in danger or the suspect is outstanding, officers shall contact Stand Up Placer and CPS while on scene and determine if they are going to send a representative to the scene. If CPS or Stand Up Placer are going to send a representative to the scene, officer(s) shall remain on scene until their arrival. Officers shall complete the appropriate child abuse forms if the child witnessed the violence. If the involved parties of a domestic violence situation have children, but they are not present, the officer shall call Stand Up Placer and CPS as soon as practically possible, but no later than the end of shift.

### 310.10 FIREARMS

Officers shall take into temporary custody any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search or lawful search in a domestic violence incident and process it for safekeeping as authorized in Penal Code 12028.5(b). In no event shall such a firearm or weapon be returned within less than 48 hours.

If necessary, officers may also obtain a search warrant for firearms or other deadly weapons that are subject to seizure under Penal Code 12028.5 pursuant to Penal Code 1524(a)(9).

### 310.11 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

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(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

## 310.12 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

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(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

## 310.13 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

## 310.14 SERVICE OF COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

1. An officer should ensure that the Records Unit is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Unit Policy for additional guidance).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected

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individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

### 310.15 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

### 310.16 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

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# Temporary Custody of Juveniles

## 311.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Roseville Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

### 311.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

## 311.2 POLICY

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

## 311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Roseville Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the Roseville Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

#### 311.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

#### 311.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themself, or any unusual behavior which may indicate the juvenile may harm themself while in either secure or non-secure custody (15 CCR 1142).

### 311.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Roseville Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Roseville Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Roseville Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### 311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Roseville Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

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### 311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

### 311.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Roseville Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Department.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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### 311.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

### 311.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Roseville Police Department (15 CCR 1150).

(c) Watch Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed (15 CCR 1142).

(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

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### 311.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Roseville Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

### 311.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Roseville Police Department shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Roseville Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Roseville Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).

(g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

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(k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(l) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(n) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(p) Juveniles shall have access to language services (15 CCR 1143).

(q) Juveniles shall have access to disability services (15 CCR 1143).

(r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

## 311.9 USE OF RESTRAINT DEVICES

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

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

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

## 311.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Roseville Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Roseville Police Department.

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## 311.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

(a) Age, maturity, and delinquent history

(b) Severity of offense for which the juvenile was taken into custody

(c) The juvenile offender's behavior

(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

### 311.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

## 311.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Roseville Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Division Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections (BSCC) within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths pursuant to 15 CCR 1046.

1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).

(i) Evidence preservation.

### 311.12.1 IN-CUSTODY DEATH PUBLICATION

The Chief of Police or the authorized designee should ensure that specified information relating to an in-custody death of a juvenile is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

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## 311.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

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

Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by an officer during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

(a) Information is necessary to protect life or property from an imminent threat.

    1. The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

### 311.13.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

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(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

### 311.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in the supervisor's absence, the Watch Commander.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the Investigations Unit supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

### 311.15 RELEASE OF INFORMATION CONCERNING JUVENILES

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

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Investigations Unit supervisors to ensure that personnel of those bureaus act within legal guidelines.

### 311.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Roseville Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

### 311.17 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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# Senior and Disability Victimization

## 312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Roseville Police Department members as required by law (Penal Code § 368.6).

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

### 312.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

**Dependent adult** - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

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

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

(a) Elder and dependent adult abuse

(b) Unlawful interference with a mandated report

(c) Homicide of an elder, dependent adult, or other adult or child with a disability

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(d) Sex crimes against elders, dependent adults, or other adults and children with disabilities

(e) Child abuse of children with disabilities

(f) Violation of relevant protective orders

(g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them

(h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

## 312.2 POLICY

The Roseville Police Department will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

### 312.2.1 ARREST POLICY

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

### 312.2.2 ADHERENCE TO POLICY

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

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

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

## 312.3 INVESTIGATIONS AND REPORTING

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

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

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(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Witness and suspect statements if available.

(k) Review of all portable audio/video recorders, devices, and other available video.

(l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.

(m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).

(o) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an

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autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

### 312.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

(a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).

(c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).

(d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

## 312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

    1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

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2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

(g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

## 312.5 MANDATORY NOTIFICATION

Members of the Roseville Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency of known, suspected, or alleged instances of abuse when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630(b).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.

3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.

(b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

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(f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(i) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigations Unit supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

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

### 312.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

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(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

## 312.6 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

### 312.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

### 312.6.2 VERIFICATION OF PROTECTIVE ORDER

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

(a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

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(c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

## 312.7 INTERVIEWS

### 312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

### 312.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

### 312.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

## 312.8 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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## 312.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

### 312.9.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

(a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Unit supervisor so an interagency response can begin.

### 312.9.2 SUPERVISOR RESPONSIBILITIES

The Investigations Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

## 312.10 RECORDS BUREAU RESPONSIBILITIES

The Records Unit is responsible for:

(a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original elder or dependent adult abuse report with the initial case file.

## 312.11 JURISDICTION

The Roseville Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal

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law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

## 312.12 RELEVANT STATUTES

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

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

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

**Penal Code § 368 (c)**

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

**Penal Code § 368 (f)**

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

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

**Welfare and Institutions Code § 15610.05**

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

**Welfare and Institutions Code § 15610.06**

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

**Welfare and Institutions Code § 15610.30**

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

**Welfare and Institutions Code § 15610.43**

(a) "Isolation" means any of the following:

1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder

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or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

3. False imprisonment, as defined in Section 236 of the Penal Code.

4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

**Welfare and Institutions Code § 15610.57**

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

3. Failure to protect from health and safety hazards.

4. Failure to prevent malnutrition or dehydration.

5. Substantial inability or failure of an elder or dependent adult to manage personal finances.

6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

**Welfare and Institutions Code § 15610.63**

"Physical abuse" means any of the following:

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(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

1. Sexual battery, as defined in Section 243.4 of the Penal Code.
2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
3. Rape in concert, as described in Section 264.1 of the Penal Code.
4. Incest, as defined in Section 285 of the Penal Code.
5. Sodomy, as defined in Section 286 of the Penal Code.
6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
7. Sexual penetration, as defined in Section 289 of the Penal Code.
8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

1. For punishment.
2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
3. For any purpose not authorized by the physician and surgeon.

## 312.13 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

(a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.

(b) Developing and including department protocols in this policy, including but not limited to the following:

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1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
    (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
    (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

(c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.

(d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).

(e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).

(f) Ensuring that all members carry out their responsibilities under this policy.

(g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.

(h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

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## 312.14 ELDER AND DEPENDENT ADULT ABUSE LIAISON

The indefinite sexual assault Detective has been appointed by the Chief of Policeto serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

(a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).

(b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

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# Discriminatory Harassment

## 313.1 PURPOSE AND SCOPE

All employees are required to read, abide by, and maintain ongoing awareness of City Administrative Regulation 2.03, Harassment Policy.

## 313.2 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

### 313.2.1 STATE-REQUIRED TRAINING

The Training Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Manager should ensure that employees are provided the following website address to the training course: (Government Code § 12950; 2 CCR 11023).

### 313.2.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

## 313.3 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

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# Child Abuse

## 314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Roseville Police Department members are required to notify the county Child Protective Services (CPS) as well as Stand Up Placer of suspected child abuse.

### 314.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 314.2 POLICY

The Roseville Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law. Documentation of the notification will be included in the appropriate report.

## 314.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

#### 314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

## 314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

#### 314.4.1 VICTIMS UNDER THE AGE OF 18 OR DEVELOPMENTALLY DELAYED ADULTS

Sexual assault and child abuse victims involving minor children under the age of 18, or developmentally delayed adults, should not be interviewed by uniformed Patrol Officers. It is intended that non-uniformed personnel conduct the interviews to lessen the impact on the victim. If the incident is reported when detectives are not on-duty, the Investigation Unit call-out procedure will be followed. A detective will generally NOT respond during off-duty hours if:

(a) The incident is more than 72 hours old with no expectation of locating physical evidence.

(b) No physical evidence will be lost.

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(c) The victim is not in danger from the suspect. Patrol officers will write the appropriate crime report when the corpus of a crime is established by the victim or a third party in those cases where detectives need not respond.

Patrol officers will write the appropriate crime report or services report when an incident indicates a possible crime occurred to the minor victim under the age of 18, or developmentally delayed adult. Patrol Officers shall gather evidence and information from witnesses (i.e. parents, counselors, teachers, etc.). Only under exigent circumstances shall the minor be interviewed by uniformed Patrol Officers.

Follow-up investigations will be conducted by a detective who has received specialized training in sexual assault investigations.

The investigating Patrol Officer shall contact their supervisor and inform him or her of the details of the investigation. The Patrol Officer's supervisor will contact the Investigations Sergeant or Lieutenant to decide whether or not to perform an MDIC Interview with the minor victim who is under the age of 18. The Investigations Sergeant or Lieutenant will follow the MDIC Protocol when deciding whether or not to perform an MDIC Interview.

### 314.5 INVESTIGATIONS AND REPORTING

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

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

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(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

### 314.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

### 314.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

(a) Name and telephone number

(b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

## 314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

### 314.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

### 314.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

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Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

## 314.7 INTERVIEWS

### 314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### 314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

### 314.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

## 314.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a

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medical examination, the notified supervisor should consider obtaining a court order for such an examination.

## 314.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

### 314.9.1 SUPERVISOR RESPONSIBILITIES

The Crime Suppression Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate, when necessary, any available interagency response when an officer notifies the Crime Suppression Unit supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

### 314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Crime Suppression Unit supervisor so, if needed, an interagency response can begin.

## 314.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

### 314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

### 314.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

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### 314.10.3 CACI HEARING OFFICER

The Investigations Unit Lieutenant will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

### 314.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

## 314.11 CHILD RELEASE AUTHORIZATIONS

### 314.11.1 GENERAL

When officers place an adult under arrest, they shall be responsible for the safety and welfare of any minors present with the arrested adult. Officers shall ensure that either a Services Report or a Crime Report in addition to a Child Release Authorization Form is completed. Officers shall determine if it is more appropriate to place the child into protective custody or release minor(s) to responsible adults designated by the parent(s). If the parent or person accepting custody of the child refuse to sign or is unwilling to sign the Child Authorization Release Form, the minor(s) shall

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be placed into protective custody. Before releasing the minor to the adult(s) designated by the parent(s), officers shall assess the adult's ability to care for the minor(s). When an officer places a minor into protective custody, the officer shall complete all appropriate forms and forward to the Records Division.

When a minor(s) is released to another person at the parent or legal guardian's request, the officer shall:

a. request that the parent or legal guardian relinquish custody of the minor by signing a Child Release Authorization Form.

b. request that the person accepting custody of the minor sign the Child Release Authorization Form.

c. run a CLETS/NCIC and local records check on the person accepting the custody of the minor(s) for any criminal history that would be detrimental to the welfare of the minor(s) (example 290 PC sex registrants, child abuse prior arrests/convictions, etc.).

d. provide a copy of the Child Release Authorization Form to the parent relinquishing custody and a copy to the adult accepting custody of the minor(s).

e. turn in the completed and signed Child Release Authorization Form to Police Records.

### 314.11.2 INJURY

When an adult is involved in an incident that results in his/her hospitalization, officers shall:

a. ensure that any minor(s) present are properly supervised.

b. release any minor(s) to the non-hospitalized parent, if applicable.

If both parents are hospitalized and unable to care for their children, the officer shall release the minor(s) to a responsible adult after that person signs the custody acceptance portion of the Child Release Authorization Form or place the minor(s) into protective custody.

### 314.11.3 ARREST

When a minor(s) is present upon the arrest of an adult, and has not been designated as the victim of a crime, the minor(s) shall be placed with the spouse or with a responsible party designated by the arrested parent who is deemed suitable by the officer to care for the minor. A Child Release Authorization Form shall be completed if the decision is made to temporarily release custody of the minor(s) to another adult. When one parent is arrested for a crime involving the other parent or minor children as victims, the minor children shall be released to the other parent if hospitalization is not required by any victim. The investigation must reveal that the parent receiving custody is uninvolved in the crime and is suitable to care for the minor(s). If the minor children or spouse require medical treatment, it may be necessary to place the children into protective custody. When both parents are arrested for a crime and the children are the victims, the minor(s) shall be placed into protective custody.

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# Missing Persons

## 315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 315.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

## 315.2 POLICY

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

## 315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

### 315.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

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

### 315.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

## 315.6 REPORT PROCEDURES AND ROUTING

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

### 315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.
1. The reports should be promptly reviewed and approved.
2. The supervisor should print the approved report to the communication center.
   (a) If this printer does not work the supervisor will hand deliver the approved report to the communication center.
3. The supervisor should send an administrative message or call the communication center to confirm they received the missing person report.
4. The supervisor should inform the officer the report was approved and sent to the communication center for MUPS entry.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

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315.6.2 RECORDS UNIT RESPONSIBILITIES
The responsibilities of the receiving member shall include but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigations Unit.

(e) Coordinating with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

## 315.7 INVESTIGATIONS UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

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(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

## 315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(b) The missing person's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General's Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

## 315.9 CASE CLOSURE

The Investigations Unit supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of Roseville or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

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# Public Alerts

## 316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

## 316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

## 316.3 RESPONSIBILITIES

### 316.3.1 MEMBER RESPONSIBILITIES

Members of the Roseville Police Department should notify their supervisor, Watch Commander, or Investigations Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

### 316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

## 316.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

### 316.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

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(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

316.4.2 PROCEDURE FOR AMBER ALERT

The Sergeant or Watch Commander in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The California Highway Patrol ENTAC (Emergency Notification and Tactical Alert Center) should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) General broadcasts should be made to local law enforcement agencies as appropriate throughout the incident.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

## 316.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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### 316.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

### 316.5.2 PROCEDURE FOR BLUE ALERT

The Sergeant or Watch Commander in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

b. The California Highway Patrol ENTAC (Emergency Notification and Tactical Alert Center) should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

c. Broadcasts should be made to local law enforcement agencies as appropriate throughout the incident.

d. The following resources should be considered as circumstances dictate:

(a) 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

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## 316.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

### 316.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The department has utilized all available local resources.

(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### 316.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

## 316.7 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

### 316.7.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

(a) A person has been killed due to a hit-and-run incident.

(b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.

(c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:

1. The complete license plate number of the suspect's vehicle.

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2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
3. The identity of a suspect.
4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

316.7.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

## 316.8 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Department (Government Code § 8594.13).

316.8.1 CRITERIA FOR FEATHER ALERT

The Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

(a) The missing person is an Indigenous person.

(b) The Department has utilized local and tribal resources.

(c) The investigating officer has determined the person is missing.

(d) The investigating officer or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:

1. The missing person's physical safety may be endangered.
2. The missing person may be subject to trafficking.
3. The missing person suffers from a mental or physical disability, or substance use disorder.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

316.8.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

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## 316.9 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

### 316.9.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

### 316.9.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

## 316.10 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Unit Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Roseville Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

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## 316.11 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

### 316.11.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

(a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.

(b) The Department has utilized all available local resources.

(c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### 316.11.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

## 316.12 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

### 316.12.1 CRITERIA FOR EBONY ALERT

The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

(a) The missing person is between the ages of 12 and 25 years old, inclusive.

(b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.

(c) The missing person suffers from a mental or physical disability.

(d) Determination that the person has gone missing under unexplained or suspicious circumstances.

(e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially

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dangerous person, or that there are other factors indicating that the person may be in peril.

(f) The Department has utilized all available local resources.

(g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

316.12.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

## 316.13 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES

In the event of an emergency, as defined in Government Code § 7299.7, the Roseville Police Department shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

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# Victim and Witness Assistance

## 317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

## 317.2 POLICY

The Roseville Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Roseville Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

## 317.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Roseville Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses. The crime victim liaison will be the Lieutenant in charge of Investigations or his/her designee.

### 317.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Roseville Police Department jurisdiction (Penal Code § 680.2).

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(f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.

1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

(g) Providing notification to victims of human trafficking or abuse as defined by Penal Code 236.10, of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

## 317.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

### 317.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

## 317.5 VICTIM INFORMATION

The Records Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

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(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U Visa and T Visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer's name, badge number and any applicable case or incident number.

(l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

### 317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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# Standards of Conduct

## 318.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Roseville Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by the City, this Department or a member's supervisors.

## 318.2 POLICY

The continued employment or appointment of every member of the Roseville Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

## 318.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

### 318.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### 318.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

## 318.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

## 318.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

### 318.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

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### 318.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Roseville Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

### 318.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

### 318.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while onduty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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### 318.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

### 318.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Roseville Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

### 318.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

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(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

318.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while onduty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while onduty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while onduty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(i) Any act on or offduty that brings discredit to this department.

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### 318.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while onduty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on or offduty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

### 318.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

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(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

318.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

## 318.6 ROSEVILLE MUNICIPAL CODE

Additionally, the Roseville Municipal Code Section 3.16 Discipline, establishes standards of conduct and work performance. Roseville Municipal Code Section 3.16.020 may also be referenced if disciplinary action is warranted.

Hyperlink to Roseville Municipal Code:

http://qcode.us/codes/roseville/

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# Hate Crimes

## 319.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, reporting, and training as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Roseville Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6). See appendix for the Message from the Chief.

### 319.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression** -Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

**In whole or in part** - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Religious bias** - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

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- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

## 319.2 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

## 319.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

### 319.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

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(a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab, Middle Eastern, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.

(i) Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the California Department of Justice.

    1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).

(l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87)

(n) Annually assessing this policy, including:

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1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

### 319.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim’s family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

## 319.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

### 319.4.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

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At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

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(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

### 319.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. Offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.

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6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

### 319.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:

1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

### 319.4.4 HATE CRIME REVIEW AND APPROVAL PROTOCOL

a. Purpose and Scope

1. The Roseville Police Department is committed to a thorough and impartial review of hate crime reports to ensure accurate classification and appropriate follow-up actions.
2. A Two-Tier Decision-Making process will be implemented for the review and approval of hate crime reports.

b. Hate Crime Coordinator

1. The Hate Crime Coordinator's responsibilities shall be entrusted to the Administrative Sergeants on both the A-side and B-side patrol shifts. The main role of the Hate Crimes Coordinator is to ensure second-level judgment in the decision-making process.

c. Decision-Making Personnel

1. The Two-Tier Decision-Making process involves the following personnel:
   A. Initial Responding Officer ("First-Level Judgment Officer")
   B. Immediate Supervisor (Patrol Sergeant)
   C. Patrol Administrative Sergeant ("Second-Level Judgment Officer/Hate Crime Coordinator")

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d. Process Steps

1. The initial responding officer completes and submits the Hate Crime Report to the Patrol Sergeant for initial review.
2. The assigned Patrol Sergeant reviews the hate crime report and promptly notifies the Administrative Sergeant of the incident.
3. The Administrative Sergeant conducts a thorough review of the Hate Crime Report and makes the final determination regarding the classification of the incident.
    A. In the absence of the Administrative Sergeant, the on-duty Patrol Lieutenant assumes the secondary review role.
    B. If a Lieutenant is unavailable, the Patrol Sergeant ensures the next on-duty Lieutenant receives the report for review.

e. Approval and Notification

1. The Patrol Sergeant approves the Hate Crime Report and ensures that the investigation is appropriately routed to either the Investigations Division or the Placer County District Attorney's Office for further action.
2. The Patrol Sergeant promptly notifies police leadership of the incident details via email.
3. The Hate Crimes Coordinator or the on-duty Lieutenant should be involved in the process when available.

f. Follow-Up

1. The Hate Crime Coordinator will ensure that the investigation progresses as needed, coordinating with relevant departments and agencies.
2. This should include follow-up with the investigations division and/or the Placer County District Attorney's Office.

g. Training and Review

1. Training for the Hate Crime Coordinator involved in the hate crime review process will be conducted every two years.

## 319.5 ACCESSING ASSISTANCE

Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary.

The deployment of the Rapid Response Team shall be focused on those hate crimes that result in or involve any or all of the following:

(a) Serious bodily injury or death, or appear calculated to cause such.

(b) Acts of arson or attempted arson.

(c) Use of Explosives and/or

(d) A mass casualty incident, or any action appeared calculated to trigger a mass casualty incident.

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For additional information refer to the California Department of Justice website.

## 319.6 REPORTING

The Records Unit Supervisor is responsible for verifying hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

## 319.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation (Penal Code § 13519.6).

Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

(d) When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

### 319.7.1 POLICY REVIEW

Every sworn member of this department shall review and acknowledge this policy annually and upon any amendments. The policy is available for reference anytime using department issued cell phone or internet access on any device with a user's Lexipol account login.

The PSU Sergeant or his/her designee is responsible for the annual retransmitting of this policy.

## 319.8 APPENDIX

See attachments:

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# Information Technology Use

## 320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

### 320.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Roseville Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 320.2 POLICY

It is the policy of the Roseville Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

## 320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

### 320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

### 320.4.2 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, Members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any Department computer.

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No Member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on Department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved Members to severe civil and criminal penalties.

Introduction of software by Members should only occur as part of the automated maintenance or update process of Department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

### 320.4.3 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to Department-related activities. Data stored on or available through Department computer systems shall only be accessed by authorized Members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

### 320.4.4 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

In the Communications Center, incidental use of the internet and television is authorized when used in a responsible manner during those times that the individual is not responsible for the primary law channel. It is incumbent upon the employee to ensure any use of the internet, at any time, for any duration, does not interfere with their primary duties. If any use, for any duration, is shown to have negatively impacted the primary objective, this shall be considered negligence of duty.

### 320.4.5 INTERNET USE

Refer to Administrative Regulation 1.04 Computer and Network Acceptable Use Policy.

Hyperlink to Administrative Regulation 1.04:

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320.4.6 OFF-DUTY USE
Refer to Administrative Regulation 1.04 Computer and Network Acceptable Use Policy.

Hyperlink to Administrative Regulation 1.04:

https://hub.roseville.ca.us/cms/One.aspx?portalId=11088793&pageId=1

320.4.7 OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access Department resources.

Refer to the Personal Communication Devices Policy and Administrative Regulation 1.04 for guidelines regarding off-duty use of personally owned technology.

## 320.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

## 320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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# Report Preparation

## 321.1 PURPOSE AND SCOPE

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

### 321.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

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

## 321.2 REQUIRED REPORTING

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

### 321.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-Felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

### 321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any use of force against any person by a member of this department (see the Use of Force Policy)

(b) Any firearm discharge (see the Firearms Policy)

(c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(d) Any found property or found evidence

(e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) All protective custody detentions

(h) Suspicious incidents that may place the public or others at risk

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

### 321.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

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(e) Found dead bodies or body parts.

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

321.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

321.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Unit shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

## 321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

321.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

321.3.3 IN-CUSTODY REPORTS

(a) When a suspect is taken into custody officers shall complete all reports before being relieved of duty. If the suspect is released from custody i.e. bailed or released O.R.,

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the report can be held over to the next shift with supervisor approval. If the arrest is made prior to the weekend or a court holiday, the report can be held over to the next shift with supervisor approval. The intent of this policy is to reduce report writing induced overtime.

(b) Officers shall meet with an onduty supervisor and have the report reviewed and approved before going off-duty.

321.3.4 NON--CUSTODY REPORTS

a. Reports that have no suspect information should be turned in at the end of the officer's shift, unless an onduty supervisor gives prior approval. In such cases, the report should be completed the following day.

b. In no case shall any report be held over an officer's days off.

321.3.5 CLETS ENTRY AND REPORT WRITING

(a) Police personnel will ensure they follow the California Department of Justice guidelines that requires all entries made in CLETS shall be made from an approved official police report.

(b) When an officer or community service officer takes a report that requires an entry into CLETS, excluding 10851 reports, the report shall be approved by a supervisor prior to requesting entry into CLETS.

(c) All CLETS entries associated with a police report containing critical data, for example stolen vehicles, missing persons, and firearms, shall be entered on the date the report was taken.

## 321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report to the department member and state the reason(s) for rejection. It shall be the responsibility of the originating department member to ensure that any report returned for correction is corrected and approved in a timely manner.

## 321.5 INTERNET REPORTING

The Roseville Police Department offers online crime reporting for the convenience of citizens and crime victims. The intent of online reporting is to give citizens another option for reporting minor crimes.

321.5.1 ACCEPTABLE ON--LINE REPORTING

(a) To Report Minor Crimes/Complaints such as:

1. Thefts (auto, identity, unlocked vehicles, etc).
2. Vandalism.
3. Annoying Phone Calls.

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4. Lost Property (not including license plates).
5. Abandoned Vehicles.
6. Animal Complaints.
7. Hit and Run.
8. Custody Order Violations.

(b) A report needs to be filed for insurance purposes only.

(c) Dispatch and Records staff may offer this option to citizens if the incident qualifies for on-line reporting and the citizen does not want an officer/CSO to handle the call.

321.5.2 UNACCEPTABLE ON--LINE REPORTING

(a) On-Line reporting may not be used if:

1. There are known investigative leads.
2. There are known suspects, with the exception of Custody Order Violations (where the child's safety is not endangered).
3. There is evidence to collect.

(b) Officers and CSOs who have been dispatched to calls for service shall not offer on-line reporting to citizens in lieu of taking a report.

## 321.6 ELECTRONIC SIGNATURES

The Roseville Police Department has established an electronic signature procedure for use by all employees of the Roseville Police Department. The Operations Captain shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

## 321.7 SUPERVISOR REPORTS

When a supervisor completes a police report, a separate supervisor shall review that report for content and accuracy prior to approving the report. The supervisor approving the report may be another supervisor or a Lieutenant. Under no circumstances shall a supervisor approve their own report.

Supervisors shall follow the same standards as officers in relation to in-custody reportsand non-custody reports. If the need arises to hold over a report, a supervisor may hold over the report at their discretion as long as it follows the standards set forth in the above sections. Supervisors

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shall then notify their supervisor of the need to hold over the report. This notification may be done via email.

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# Media Relations

## 322.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. All media requests/releases of city wide concern and/or regarding city wide emergencies shall be governed by Administrative Regulation AR 1.02.

Hyperlink to Administrative Regulation AR 1.02 Media Relations/News Release Policy/Procedure:

## 322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

## 322.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

    1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

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322.3.1 CRITICAL OPERATIONS
A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

322.3.2 TEMPORARY FLIGHT RESTRICTIONS
Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

## 322.4 POLICY
It is the policy of the Roseville Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

## 322.5 PROVIDING ADVANCE INFORMATION
To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

## 322.6 MEDIA REQUESTS
Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

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(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

## 322.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

## 322.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

### 322.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

(b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

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Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

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# Subpoenas and Court Appearances

## 323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Roseville Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

## 323.2 POLICY

Roseville Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 323.2.1 OFFICER TRIAL NOTICES

The subpoena clerk (investigation records clerk) shall receive all officer trial notices issued for members of this department. The trial notices shall be properly logged and electronically delivered via email and the PlanIt scheduler.

It is incumbent upon any member who receives a trial notice that is in conflict with either another subpoena, scheduled or emergency time off, or a scheduled in-service school, to contact the issuing court regarding the conflict. It is the sole responsibility of the summoned member to coordinate with the court regarding the schedule conflict. When a conflict occurs, the member shall not request dismissal of a case without Supervisor's approval.

All members shall appear in court on the date and time specified on the officer trial notice unless they have previously been released by the court, or received notification from the subpoena clerk via electronic mail, PlanIt scheduler, telephone or voice mail, the court date has changed or been canceled.

Frequently, officer trial notices are issued for the member who has investigated a Vehicle Code or Municipal Code violation wherein other witnesses were present. The court will not subpoena the other witnesses and it is the member's responsibility to ensure any relevant witnesses are subpoenaed.

To subpoena additional witnesses on an officer's trial notice, the member must contact the subpoena clerk. The subpoena clerk will prepare a subpoena for any witnesses the officer deems necessary and ensure the subpoena is properly logged and routed.

If the subpoena is for an individual who resides within the Roseville city limits it will be handled as a criminal subpoena for service as previously outlined. If the subpoenaed individual lives outside of the Roseville city limits, the subpoena will be mailed via U.S. mail to the subpoenaed individual. If insufficient notice has been given for timely service of the witness, the subpoena will be forwarded to the requesting member for personal service.

### 323.2.2 CRIMINAL SUBPOENAS

The subpoena clerk (investigation records clerk) shall receive all criminal subpoenas issued for members of this Department or citizens residing within the city limits of Roseville. The subpoenas

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shall be received, logged and delivered to the appropriate persons for service as outlined below. Criminal subpoenas for citizens shall be forwarded to the community service officers for prompt service. Those subpoenas the subpoena clerk feels should not be served by the community service officers will be referred to patrol officers for service. The determining factor in referring subpoenas to patrol officers for service will be the safety of the CSOs based on the individual to be served or the location of the attempted service. Subpoenas for individuals who appear to be avoiding service of the subpoena or are unable to be contacted during the normal duty hours of the CSOs will be referred to a patrol supervisor for service.

If the member is unable to serve the subpoena during his/her shift, the date, time and reason the subpoena was not served will be noted on the subpoena. When it becomes obvious that the subpoena will not be served prior to the court date, the subpoena shall be returned to the subpoena clerk promptly. A notation on the subpoena will indicate why it is being returned unserved.

Criminal subpoenas received for members of this department will be logged in by the subpoena clerk. Subpoenas will be routed electronically to employees through the PlanIt scheduler. Employees are required to acknowledge receipt of subpoenas by email or through the PlanIt scheduler. Email acknowledgment is accomplished by the subpoenaed employee clicking on the read receipt link contained within the court appearance notification. Acknowledgment through PlanIt scheduler is accomplished by the subpoenaed employee logging into the PlanIt scheduler application on their department issued cellular phone or the PlanIt scheduler web address. Once logged in the employee shall click the court appearances link which will display pending subpoenas. The employee shall be responsible for acknowledging pending subpoenas by selecting "view" on the appearance page. The employee shall click the "acknowledge" tab to confirm service of the entered subpoena.

Under no circumstances shall a member refuse or avoid service of a criminal subpoena.

It is incumbent upon any member who is served a subpoena that is in conflict with either another subpoena, scheduled or emergency time off or a scheduled in-service school, to contact the issuing agency regarding the conflict. It is the sole responsibility of the subpoenaed member to coordinate with the issuing agency regarding the conflict.

All members shall appear in court on the date and time specified on the subpoena unless they have been previously released by the issuing agency or received notification from the subpoena clerk via email, PlanIt scheduler, telephone, or voice mail that the court date has been changed or canceled.

It is not uncommon for the District Attorney's office to designate the primary case officer as the "investigating officer" to assist with the prosecution of the case. In major cases the police department is supportive of the District Attorney utilizing an investigating officer. Officers shall notify the on duty watch commander when they are requested to act as the "investigating officer" prior to committing to the request. The watch commander will assess the District Attorney's request to ensure it does not significantly impact staffing levels before final agreement of the "investigating

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officer" is made. Once watch commander approval is given, the officer will comply with the request and notify the District Attorney's office of their agreement.

## 323.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

### 323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Roseville Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Roseville Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

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No member shall be retaliated against for testifying in any matter.

323.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

323.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.3.4 COURTROOM APPEARANCE GUIDE

## 323.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

## 323.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department, via PlanIt scheduler.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

## 323.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

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### 323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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# Reserve Officers

## 324.1 PURPOSE AND SCOPE

The Roseville Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

## 324.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

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

### 324.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

### 324.2.2 APPOINTMENT

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

### 324.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. Reserve officers may take part in the uniform dry cleaning service. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

### 324.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

## 324.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

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### 324.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

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

### 324.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

### 324.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

(h) Schedule reserve officers for advanced officer training.

## 324.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

### 324.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

### 324.4.2 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Roseville Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

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### 324.4.3 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all of the formal training, he/she will no longer be required to ride with a training officer. The reserve officer may be assigned to ride with any officer. All reserves who have been released will still do a semi-annual "Proficiency Ride" with an FTO. The FTO will do an observation report to the coordinator.

## 324.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

### 324.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

### 324.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

### 324.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

### 324.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

### 324.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

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Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

### 324.5.6 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

## 324.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

### 324.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

### 324.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Roseville Police Department.

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### 324.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual. Should a reserve officer fail to qualify that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

## 324.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

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# Outside Agency Assistance

## 325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

## 325.2 POLICY

It is the policy of the Roseville Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

## 325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, it shall be documented in the Computer Aided Dispatch Record or in appropriate report.

### 325.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Roseville Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

## 325.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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### 325.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented as directed by the Watch Commander.

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# Registered Offender Information

## 326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Roseville Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

## 326.2 POLICY

It is the policy of the Roseville Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

## 326.3 REGISTRATION

The Investigations Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

### 326.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

## 326.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Unit Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

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The Investigations Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Roseville Police Department personnel, including timely updates regarding new or relocated registrants.

## 326.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Roseville Police Department's website. Information on sex registrants placed on the Roseville Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

### 326.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender’s full name

(b) The offender’s known aliases

(c) The offender’s sex

(d) The offender’s race

(e) The offender’s physical description

(f) The offender’s photograph

(g) The offender’s date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

### 326.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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# Major Incident Notification

## 327.1 PURPOSE AND SCOPE

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

## 327.2 POLICY

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

## 327.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Roseville official
- Arrest of a department employee or prominent Roseville official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

## 327.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by utilizing the internal paging system, and then by department cell phone, and finally by calling the home phone number.

### 327.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

### 327.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

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### 327.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

### 327.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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# Death Investigation

## 328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent, and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

## 328.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The Watch Commander will make notification to command staff in accordance with the Major Incident Notification Policy.

### 328.2.1 CORONER REQUEST

Government Code § 27491 and Health and Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. This also includes all deaths outside hospitals and nursing care facilities.)

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746, in the 20 days prior to death

(c) Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This includes all sudden, unexpected, and unusual deaths, and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide

(e) Known or suspected suicide (including suicide where the deceased has a history of being victimized by domestic violence)

(f) Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.

(g) Deaths related to or following known or suspected self-induced or criminal abortion

(h) Deaths associated with a known or alleged rape or crime against nature

(i) Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

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(j) Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration

(k) Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)

(l) Deaths from occupational diseases or occupational hazards

(m) Deaths from known or suspected contagious disease and constituting a public hazard

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room, or elsewhere

(o) Deaths that occur in prison or while under sentence. This includes all in-custody and police-involved deaths.

(p) All deaths of unidentified persons

(q) All deaths of state hospital patients

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. This includes patients that are admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner.

### 328.2.2 SEARCHING DEAD BODIES

(a) The Coroner or a designee is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card. If such a donor card is located, the Coroner or a designee shall be promptly notified (Government Code § 27491.3).

(b) The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (Government Code § 27491.3).

(c) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or a designee, the investigating officer should first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

(d) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report.

(e) Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

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### 328.2.3 PHOTOGRAPHING DECEASED

Officers responding to the scene of an accident or crime shall not photograph a deceased person for any purpose other than an official law enforcement purpose or genuine public interest (Penal Code § 647.9).

### 328.2.4 DEATH INVESTIGATION REQUIRING CORONER RESPONSE

All incidents involving a death investigation with Coroner response shall be documented in a Services Report. The Services Report should minimally include the following

(a) The name of the deceased person and their identifying information, if known.

(b) The reporting person's name and contact information.

(c) A brief narrative describing the scene and the location and position of the deceased.

(d) If the death appears to be by suicide include a brief narrative synopsis of the event(s) related to the suicide, including the presence of farewell notes or last communications. Describe any instrument used to help carry out the suicide and record if the instrument was collected by the Coroner.

(e) The name of the Placer County Sheriff Department Coroner handling the death investigation.

### 328.2.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to a death, serious illness, or serious injury and determines that it has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

### 328.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigations Unit shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Watch Commander or Investigations Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

### 328.2.7 DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE

Prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, investigating officers should consider factors identified in Penal Code § 679.07 (e.g., premature or untimely death, partner wanting to

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end relationship, scene gives appearance of death due to suicide or accident) and proceed with the investigation according to the code's requirements.

### 328.3 CHILD DEATH INVESTIGATIONS

A death of an infant or child (under 18 years of age) should initially be investigated and treated as a potential homicide. Any unattended, unexplained, or suspicious child death (to include suicides) should be investigated as a homicide until a complete investigation, including autopsy, has been performed.

Members of this agency who respond to such calls shall refer to and comply with the Placer County Major Crimes Investigation Team MOU

### 328.4 POLICY

It is the policy of the Roseville Police Department to respond to, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including deaths from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

### 328.5 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

### 328.6 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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# Identity Theft

## 329.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 329.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free .

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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# Private Persons Arrests

## 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

## 330.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

## 330.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

## 330.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

(c) Officers shall take the following actions prior to taking a person into custody based on a private person arrest:

1. Officers will explain to the person intending on making the arrest the private person arrest procedure pursuant to 841 PC:
   (a) The person making the private person arrest must inform the person being arrested of the following:
      1. Their intention to place them under arrest
      2. The cause of the arrest / offense being charged with
      3. The authority to make the arrest
   (b) Officers may assist in this process if there are safety concerns or if the crime is currently on-going. As an example, if there is a safety concern or the crime is on-going, the officer may complete the private person's arrest form, have the complainant sign the form, then the officer may complete the items listed above.
2. Officers will complete the private person's arrest form and have the person making the private person's arrest sign the private person's arrest form.

## 330.5 REPORTING REQUIREMENTS

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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# Anti-Reproductive Rights Crimes Reporting

## 331.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

## 331.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

## 331.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371), which can be accomplished in the automated field report writing system by checking the box which states, "Mark if crime is a violation of the Anti Reproductive Rights Crime (ARRC) Act." The automated field report writing system will create an ARRC Data Collection Worksheet.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports.

(c) By the tenth day of each month, it shall be the responsibility of the Records Unit to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

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1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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# Limited English Proficiency Services

## 332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Roseville Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 332.2 POLICY

It is the policy of the Roseville Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 332.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Roseville Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 332.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

## 332.5 TYPES OF LEP ASSISTANCE AVAILABLE

Roseville Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

## 332.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

## 332.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

## 332.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the City as having the requisite skills and competence, may be requested.

## 332.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by Human Resources which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

### 332.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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### 332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

## 332.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

## 332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Roseville Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

### 332.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

### 332.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### 332.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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### 332.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### 332.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### 332.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the Professional Standards Unit with assistance from the LEP Coordinator as needed.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

### 332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### 332.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 332.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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# Communications with Persons with Disabilities

## 333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 333.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

## 333.2 POLICY

It is the policy of the Roseville Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 333.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Roseville Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 333.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

## 333.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Roseville Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

## 333.6 TYPES OF ASSISTANCE AVAILABLE

Roseville Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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### 333.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### 333.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

#### 333.8.1 SIGN LANGUAGE INTERPRETER SERVICES

**Emergency Sign Language Interpreter Services**- When a member of the Roseville Police Department requires emergency sign language interpreter services they shall first obtain watch commander approval because of the associated cost(s). Once the watch commander has approved the request for a sign language interpreter, the primary officer shall contact Norcal Center for Deafness Emergency Services call center at . The primary officer shall provide detail about the nature of the interpretation services requested, the location they need the interpreter to respond and their cell phone number for call back. The Roseville Police Department has a contract with Norcal Center for Deafness and will be billed directly. The interpreter has a 1 hour response time from the time they are dispatched.

**Pre-planned Sign Language Interpreter Services**-When a member of the Roseville Police Department requires pre-planned sign language interpreter services they shall first obtain approval

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from their Lieutenant because of the associated cost(s). An example of a pre-planned sign language interpreter services would be for a Detective interviewing a witness, victim, etc. at a scheduled time. Once the Lieutenant has approved the request for a sign language interpreter, the primary officer shall contact Norcal Center for Deafness during normal business hours (Monday through Friday 0830-1730) to schedule interpretation services at or email the request form to AR@Norcalcenter.org. The primary officer shall provide detail about the nature of the interpretation services requested, the location they need the interpreter to respond and their cell phone number for call back. The Roseville Police Department has a contract with Norcal Center for Deafness and will be billed directly.

Here is a link to the Request form and for more information about Norcal Center for Deafness:

### 333.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### 333.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### 333.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

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Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

## 333.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

## 333.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

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### 333.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

## 333.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

## 333.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual

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rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

## 333.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Professional Standards Unit with the assistance of the ADA Coordinator as needed.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

## 333.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## 333.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 333.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

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(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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# Mandatory Employer Notification

## 334.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

## 334.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

### 334.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

### 334.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

### 334.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

### 334.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health

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and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

### 334.3 POLICY

The Roseville Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

### 334.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential treatment center or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

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# Child and Dependent Adult Safety

## 335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

## 335.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Roseville Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

## 335.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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### 335.3.1 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

### 335.3.2 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

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1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

#### 335.3.3 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### 335.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

### 335.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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### 335.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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# Service Animals

## 336.1 PURPOSE AND SCOPE

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

### 336.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 336.2 POLICY

It is the policy of the Roseville Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

## 336.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

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

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

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

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

## 336.4 MEMBER RESPONSIBILITIES

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

### 336.4.1 INQUIRY

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

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

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

### 336.4.2 CONTACT

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

### 336.4.3 REMOVAL

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

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

### 336.4.4 COMPLAINTS

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

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

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

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# Volunteer Program

## 337.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 337.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include: interns, persons providing administrative support and others.

## 337.2 VOLUNTEER MANAGEMENT

### 337.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police . The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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### 337.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 337.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A background investigation shall be completed on each volunteer applicant. A CVSA exam will be required of each applicant depending on the type of assignment.

### 337.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

### 337.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

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All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

337.2.6 FITNESS FOR DUTY
No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to the volunteer coordinator any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

337.2.7 DRESS CODE
As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

## 337.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified Supervisor or Roseville PD Employee who is responsible for direct management of that volunteer. This Supervisor or Roseville PD Employee will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer supervisor lead may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

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Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

## 337.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

## 337.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

### 337.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and completion of City of Roseville online defensive driving course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

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When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating the vehicle is not being driven by a sworn officer. Volunteers are not authorized to operate a Department vehicle Code-3.

337.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

## 337.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

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# Off-Duty Law Enforcement Actions

## 338.1 PURPOSE AND SCOPE

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

## 338.2 POLICY

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

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

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

## 338.3 FIREARMS

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

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

## 338.4 DECISION TO INTERVENE

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

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

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

### 338.4.1 INTERVENTION PROCEDURE

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

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

### 338.4.2 INCIDENTS OF PERSONAL INTEREST

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

### 338.4.3 CIVILIAN RESPONSIBILITIES

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

### 338.4.4 OTHER CONSIDERATIONS

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

## 338.5 REPORTING

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

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

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# Department Use of Social Media

## 339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members.
- Use of social media in personnel processes.
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department.

### 339.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

## 339.2 POLICY

The Roseville Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

## 339.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command or the Roseville Police Department Public Information Officer.

## 339.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

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(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

All Roseville Police Department members shall follow the City of Roseville Administrative Regulation titled A.R. 1.12 Use of Social Media for City Communication.

Hyperlink to A.R. 1.12 Use of Social Media for City Communication:

339.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

## 339.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Roseville Police Department or its members.

(b) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view if appropriate to do so and investigate the cause of the entry.

All Roseville Police Department members shall follow the City of Roseville Administrative Regulation titled A.R. 1.12 Use of Social Media for City Communication.

Hyperlink to A.R. 1.12 Use of Social Media for City Communication:

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# Native American Graves Protection and Repatriation

## 340.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 340.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects** - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

**Native American human remains** - Any physical part of the body of a Native American individual.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 340.2 POLICY

It is the policy of the Roseville Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

## 340.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

## 340.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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# Notice of Trespass

## 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of trespass cases and specifically the use of the Roseville Police Department Notice of Trespass form and the Roseville Police Department Agent Authorization form.

## 342.2 AGENT AUTHORIZATION FORM

The purpose of the form is to allow a property owner, or representative of the property, to officially allow the Roseville Police Department to act as their agent when encountering any person(s) who are on the property without consent or without lawful purpose. The Agent Authorization Form is intended to prevent all persons from entering a specific property.

### 342.2.1 OFFICER RESPONSIBILITIES

Upon request by property owner or agent to authorize the Roseville Police Department to enforce trespass laws on their property, Officers should:

(a) Verify that the property has appropriate “No Trespassing” signs posted every 100 feet.

(b) Complete the Agent Authorization form and have the owner or agent sign the form. Submit the signed form to the Records Unit for entry.

(c) Complete the Premise Alert Request form and submit the form to the Records Unit for entry.

(d) Complete and submit a case report with only a details and summary tab completed.

### 342.2.2 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon receiving the Premise Alert Request form, the Communications Center shall:

(a) Enter a premise hazard for the listed property, which expires one year from the issue date. The Incident number, effective date, and Officer who completed the form should be included.

(b) The form will then be sent to Records to be scanned.

### 342.2.3 RECORDS RESPONSIBILITIES

Upon receiving an Agent Authorization form and Premise Alert Request form, Records will scan the forms into the appropriate incident.

## 342.3 NOTICE OF TRESPASS TO INDIVIDUAL

The purpose of the Notice of Trespass form is to serve as an official notice that a specific person is not allowed at the location at the direction of the property owner or their agent. It will also serve as documentation that a warning has been given, and to aid in the prosecution of subsequent violations.

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*Notice of Trespass*

The existence of the Notice of Trespass form should not keep the Officer from taking enforcement action on initial contact, where legal authority exists, and the owner/agent desires a private person's arrest of the subject.

342.3.1 OFFICER RESPONSIBILITIES

Upon being alerted to a subject who is trespassing, Officers should contact the owner or agent of the property. Depending on the desire of the owner or agent, the Officer may accept a private person arrest of the subject for trespassing, issue a verbal warning, or issue the subject a Notice of Trespass form serving as a written warning, or used in combination with a private person arrest. If the officer issues a Notice of Trespass form, the officer should:

(a) Complete the Notice of Trespass form and have the owner/agent sign the form.
    1. The pink copy should be given to the violator, and the yellow copy should be given to the owner/agent for their records. The white copy will serve as the report and be submitted to records.

(b) Complete and submit a case report with only a detail, synopsis, and subject tab.
    1. If more than one subject is trespassed, a subject entry shall be made for each subject.

342.3.2 SERVICE OF NOTICE OF TRESPASS

(a) The Notice of Trespass form will be completed by the Officer, and signed by the owner or agent.

(b) The pink copy should be given to the violator, and the yellow copy should be given to the owner/agent for their records. The white copy will serve as the report and be submitted to records.

(c) The CAD call should be cleared as necessary. It is not necessary to clear the call with a report taken, absent another report being written.

342.3.3 RECORDS RESPONSIBILITIES

Upon receiving a Notice of Trespass form, Records shall:

(a) Scan the form into the appropriate incident.

(b) An alert shall be placed on the subject's global jacket, including the following information:
    1. Location address
    2. Date of Service
    3. Incident number
    4. Officer serving notice

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342.3.4 COMMUNICATIONS CENTER RESPONSIBILITIES
When an Officer runs a query of a subject who has a trespass alert on their global jacket, the Communications Center should advise the Officer that the alert exists, and provide details as needed.

## 342.4 ENFORCEMENT OF TRESPASS BY OFFICER
If the subject is personally observed on the property, and has previously been served with a Notice of Trespass, the subject may be arrested or cited at the discretion of the Officer. No private persons arrest is necessary, as the subject has committed a misdemeanor in the presence of the Officer. If the subject is no longer on the property, but has been seen on the property by a witness, it will be considered a misdemeanor not committed in the Officer's presence, therefore a private person's arrest will be required to take enforcement action.

Upon enforcement of trespass by arrest or citation, a report shall be written, which is connected to the original case number when the subject was initially served. The report should include the relevant information from the original form, to include the date and location of service, and the name of the owner or agent who originally signed the form.

The Officer should later contact the owner or agent of the property to advise of the enforcement action taken and to verify they still desire prosecution of the subject.

## 342.5 PROTECTED FIRST AMENDMENT ACTIVITY
This Notice of Trespass form shall not be used when a person is engaged in activity which is protected under the First Amendment, including, but not limited to: peaceful protest, assembly, or government petitioning.

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# Chapter 4 - Patrol Operations

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# Patrol Function

## 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Roseville, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature

(d) Investigation of both criminal and non-criminal acts

(e) The apprehension of criminal offenders

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(g) The sharing of information with other divisions within the Department, as well as other outside governmental agencies

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

### 400.1.2 TERRORISM

It is the goal of the Roseville Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigations Unit Supervisor in a timely fashion.

### 400.1.3 PATROL RESPONSE TO CALLS

In general, routine report calls will not be assigned to personnel, as the primary unit, within 60 minutes prior to the end of their shift. The Roseville Police Department is committed to a high

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service level and this policy is not meant to cause excessive delay in our response times, but is intended to reduce overtime.

400.1.4 PROCEDURE

(a) Personnel assigned to patrol/traffic shall respond to all calls to which they are dispatched. If personnel are down reports, or if it appears the call will require extensive investigation or follow-up, personnel should contact their supervisor and ask if another unit should be assigned as the primary unit.

(b) In progress calls or high priority calls will normally be dispatched to the closest available unit. In general, Dispatch will not assign personnel to routine report calls within the last 60 minutes of their shift. If the primary dispatched unit is going off duty within 60 minutes, dispatchers should assign a secondary unit (from the shift remaining on duty), for report taking purposes, as soon as another unit is available.

(c) Supervisors and Dispatch should monitor dispatched calls and try to assign units appropriately when it is nearing the end of an employee's shift. Supervisors will monitor their employees work load to ensure that they are clear from routine responses to accomplish report writing near the end of their shift.

(d) Patrol/traffic personnel will remain in the field and available for calls until 15 minutes prior to the end of their shift unless they are report writing or conducting other authorized duties. All personnel should attempt to accomplish report writing in the field whenever practical.

400.1.5 BEAT RESPONSIBILITY

In order to remain consistent, the primary unit dispatched to a call will be based on where the incident occurred. For example, if the incident occurred in Beat 6 but the caller drives to a different location to report the incident (i.e. PD front counter, hospital, home, etc.), then the Beat 6 officer will be dispatched to the call.

All calls that originate at Sutter Roseville Medical Center (SRMC) will be handled in accordance with

## 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Roseville Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Unit for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

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### 400.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Briefings as time permits.

## 400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns. Officers should consider enforcement of applicable state and local laws.

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# Bias-Based Policing

## 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Roseville Police Department's commitment to policing that is fair and objective. The intent of this policy is to increase the Department's effectiveness as a law enforcement agency and to build mutual trust and respect with the city's diverse groups and communities.

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

### 401.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Racial or Identity Profiling** - the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.

**Implicit Bias -** the attitudes or stereotypes that affect a person’s understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual’s awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal.

**Bias by Proxy** - when an individual calls/contacts the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service based in unlawful bias, they risk perpetuating the caller’s bias. Sworn and professional staff should use their critical decision-making skills, drawing upon their training to assess whether there is criminal conduct.

## 401.2 POLICY

The Roseville Police Department is committed to providing law enforcement services to the community without being unduly influenced toward the racial, cultural or other differences of those served. The Department is committed to providing services and enforcing the laws in a professional, nondiscriminatory, fair, and equitable manner that keeps both the community and officers safe and protected.

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Department personnel must not delay or deny policing services based on an individual's actual or perceived personally identifying characteristics.

All Department personnel, including dispatchers and professional staff, are responsible for understanding and complying with this policy. All Department personnel share the responsibility of preventing bias-based policing and shall report any violations of this policy they observe or of which they have knowledge.

At no time shall any member retaliate against any person who complains of biased policing or expresses negative views about them or law enforcement in general.

## 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes. Except as provided above, officers shall not consider personal characteristics in establishing either reasonable suspicion or probable cause.

### 401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

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

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

(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

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

## 401.4 MEMBER RESPONSIBILITIES

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

To cultivate and foster transparency and trust with all communities, each Department member shall do the following when conducting pedestrian or vehicle stops or otherwise interacting with members of the public, unless circumstances indicate it would be unsafe to do so:

(a) Be courteous, professional, and respectful.

(b) State the reason for the stop as soon as practicable, unless providing this information will compromise officer or public safety or a criminal investigation.

(c) Reasonably answer questions that the individual may have about the stop.

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(d) Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense and Department member convey the purpose of any reasonable delays.

(e) All personnel, including dispatchers and professional staff, shall not use harassing, intimidating, derogatory, or prejudiced language, including profanity or slurs, particularly when related to an individual's actual or perceived personal characteristics.

(f) Dispatchers and sworn personnel shall be aware of and take steps to curb the potential for bias by proxy in a call for service.

(g) Officers should draw upon their training and use their critical decision-making skills to assess whether there is criminal conduct and to be aware of implicit bias and bias by proxy when carrying out their duties.

(h) All personnel, including dispatchers and professional staff, shall aim to build community trust through all actions they take, especially in response to bias-based reports.

### 401.4.1 REASON FOR CONTACT

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

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

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

### 401.4.2 REPORTING OF STOPS

As required by the California Racial and Identity Profiling Act of 2015, Roseville Police Department is required to collect data on: (a) civilian complaints that allege racial and identity profiling and (b) perceived demographic and other detailed data regarding pedestrian and traffic stops. The data to be collected for stops includes, among other things, the officer's perceptions of the stopped person's demographic data, including, race or ethnicity, age, gender, sexual orientation,, limited or no English fluency, perceived or known disability, and unhoused status, as well as other data such as the reason for the stop, whether a search was conducted, and the results of any such search. All agencies must report this data to the California Department of Justice.

Under 11 CCR 999.226, the data collected regarding the stopped person's demographics must be based only on the reporting officer's personal observation and perception. As such, the perception data reported by the officer is not subject to review by the Department nor can the Department provide training or guidance on that perception as it is individual to the officer's observations and perception.

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of

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engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Roseville Police Department is the primary agency, the Roseville officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

The Department should regularly analyze data to assist in identifying practices that may have a disparate impact on any group relative to the general population.

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP
An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

## 401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Peace Officers Bill of Rights (Government Code 3300-3312) and the Internal Affairs Investigations Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
    (a) Supervisors should document these discussions, in the prescribed manner.
(b) In accordance with the Body-Worn Camera Policy, supervisors shall conduct monthly compliance reviews for all officers they supervise.
    (a) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for any potential administrative investigation purpose.
(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

## 401.6 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

(a) Explicit and implicit biases.

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(b) Avoiding improper profiling.

401.6.1 ADDITIONAL STATE REQUIREMENTS
Training should be conducted as directed by the Professional Standards Unit.

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

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

## 401.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit Manager and the Records Manager or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

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# Briefing Training

## 402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Special Orders or changes in Special Orders

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

## 402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

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# Crime And Disaster Scene Integrity

## 403.1 PURPOSE AND SCOPE

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

## 403.2 POLICY

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

## 403.3 SCENE RESPONSIBILITY

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

## 403.4 FIRST RESPONDER CONSIDERATIONS

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

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

## 403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### 403.5.1 CONSENT

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

## 403.6 EXECUTION OF HEALTH ORDERS

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

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# Special Operations Unit

## 404.1 PURPOSE AND SCOPE

The Special Operations Unit is comprised of three specialized teams: the Crisis Negotiation Team (CNT), the Rapid Containment Team (RCT), and the Special Weapons and Tactics Team (SWAT). These units have been established to provide specialized support in handling critical field operations where intense negotiations and special tactical deployment methods are required.

### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Operations Unit (SOU) are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

## 404.2 MANAGEMENT AND SUPERVISION VISION OF SPECIAL OPERATIONS UNIT

### 404.2.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, a Division Commander is the primary Special Operations Manager.

### 404.2.2 TEAM SUPERVISORS

The Crisis Negotiation Team, the Rapid Containment Team, and the Special Weapons and Tactics Team each will be commanded by a Lieutenant.

### 404.2.3 TEAM LEADERS

The team leaders shall be selected by the Chief of Police upon specific recommendation by staff and that team's Commander. The following represent that team's team leader's responsibilities.

(a) The CNT leader's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CNT Commander.

(b) The Special Weapons and Tactics Team leader's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the Tactical Commander.

(c) The Rapid Containment Team leader's primary responsibility is to supervise the operations of the RCT, which include deployment, training, first line participation and other duties as directed by the Tactical Commander.

## 404.3 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The CNT has been established to provide skilled verbal communicators to deescalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or

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have suicidal tendencies. The following procedures serve as directives for the administrative operation of the CNT.

### 404.3.1 SELECTION OF PERSONNEL

Interested sworn personnel shall submit a Memorandum of Interest request to the Chief of Police when vacancies occur. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CNT Commander and other personnel selected by the CNT Commander, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to the Chief of Police for final selection.

### 404.3.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by POST prior to primary use in an actual crisis situation. Untrained officers should be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training session per quarter will be required to provide the opportunity for situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be dismissed from the unit.

## 404.4 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT Team was established to provide a skilled and trained team to be deployed during events requiring specialized tactics; for example, in such situations as cases where suspects have taken hostages and/or barricaded themselves. Additionally included are situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team (SWAT).

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### 404.4.1 SELECTION OF PERSONNEL

Interested sworn personnel shall submit a Memorandum of Interest request to the Chief of Police when vacancies occur. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the Tactical Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

(a) Oral board - The oral board will consist of personnel selected by the Tactical Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance.
2. Demonstrated good judgment and understanding of critical role of SWAT member.
3. Special skills, training, or appropriate education as it pertains to this assignment.
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT related duties. The test and scoring procedure will be established by the Tactical Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the Roseville SWAT Basic Drill for the handgun. A minimum qualifying score of 90% out of a possible score of 100% must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to the Chief of Police, by the Tactical Commander, for final selection.

### 404.4.2 SWAT TRAINING

Training shall be coordinated by the Team Leaders. In addition to specialized training, the team leader may conduct twice monthly training exercises, to include a review and critique of personnel and their performance in the exercise. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test biannually. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team officer failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the officer required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those officers who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within thirty (30) days of their return to regular duty. Any member

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who fails to arrange for and perform the physical fitness test within the 30 day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun/ rifle qualification course. The qualification course shall consist of the Roseville SWAT Basic Drill for the handgun/rifle. Failure to qualify will require that officer to receive remedial training from a team range master approved by the Tactical Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

#### 404.4.3 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the Tactical Commander. The performance and efficiency level, as established by the team leader, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be dismissed from the team.

#### 404.4.4 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of SWAT at the scene, the Incident Commander shall brief the Tactical Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the Tactical Commander, whether to deploy SWAT.

Once the Incident Commander authorizes deployment, the Tactical Commander will be responsible for the tactical portion of the operation. The Incident Commander shall maintain the overall supervision of the incident. The Incident Commander, Negotiations Commander (or his or her designee), and the Tactical Commander (or his or her designee) shall maintain communications at all times.

#### 404.4.5 ON--SCENE DETERMINATION

The supervisor in charge of the scene of a particular event will assess whether the Special Operations Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify Dispatch to activate the SOU.

Supervisors shall use the Department’s threat assessment in determining if activating the Special Operations Unit is needed. Absent an immediate emergency response need, the supervisor/ Incident Commander, shall contact the Tactical Commander for deployment consideration.

### 404.5 OPERATIONAL GUIDELINES FOR SPECIAL OPERATIONS UNIT

The following procedures serve as guidelines for the operational deployment of the Special Operations Unit. Generally, the Special Weapons and Tactics Team, the Critical Negotiation Team, and the Rapid Containment Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the RCT, such as warrant service operations. However, a representative of CNT will be deployed with SWAT on all tactical deployments.

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For specific operational procedures please refer to the associated procedure, REGIONAL SWAT TEAM OPERATIONS MANUAL.

404.5.1 APPROPRIATE SITUATIONS FOR USE OF SPECIAL OPERATIONS UNIT
The following are incidents that may indicate the need for activation of the Special Operations Unit or that have exceeded the capabilities of the original responding/investigating unit to include:

(a) Hostage Situations
(b) Barricade situations
(c) Active shooter/sniper situations
(d) High risk apprehension
(e) High risk warrant service
(f) Personal Protection
(g) Special Assignments as determined by the tactical commander

404.5.2 FIELD UNIT RESPONSIBILITIES
While waiting for the SOU response, field personnel should, if safe and practical:

(a) Establish an inner and outer perimeter.
(b) Establish a command post outside of the inner perimeter.
(c) Evacuate any injured persons or citizens in the zone of danger.
(d) Attempt to establish preliminary communication with the suspect. Turn over to the CNT the on-scene negotiation and communication responsibilities as soon as it is safe and practical to do so.
(e) Be prepared to brief the Tactical Commander on the situation.
(f) Plan for, and stage, anticipated resources.

## 404.6 RAPID CONTAINMENT TEAM ADMINISTRATIVE PROCEDURE

The RCT was established to provide additional support to the SWAT team. The RCT's primary function is the establishment and maintenance of inner and outer perimeters during critical incidents or associated functions as directed by the Tactical commander or SWAT team leaders. The RCT may function as a response unit to noncritical incidents as directed by the Watch Commander, Tactical Commander or an Incident Commander.

404.6.1 SELECTION OF PERSONNEL
Interested sworn personnel shall submit a Memorandum of Interest request to the Chief of Police when vacancies occur. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the RCT supervisor. The testing process will consist of an oral board, physical agility, basic rifle/handgun drill assessment, and team evaluation.

a. Oral board - Applicants will be evaluated by the following criteria:

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(a) Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Recognized competence and ability as evidenced by performance.

(c) Demonstrated good judgment and understanding of critical environments.

b. Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of RCT related duties. The physical agility shall be completed in full by the applicant to be considered for the position. The test will not be timed.

c. RCT rifle/handgun drill: Candidates will be invited to shoot a basic rifle/handgun course. It will include but not limited to basic firearms manipulation, movement while shooting and use of cover and concealment. The rifle/handgun drill shall be completed by the applicant to be considered for the position. There is no official qualification.

d. Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

e. A list of successful applicants shall be submitted to the Chief of Police, by the Tactical Commander, for final selection.

### 404.6.2 TRAINING OF RCT MEMBERS

Those officers selected as members of the RCT will attend monthly training sessions, designed to provide the opportunity for situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the RCT who performs or functions at a level less than satisfactory shall be dismissed from the unit.

## 404.7 TACTICAL RESPONSE VEHICLE ADMINISTRATIVE PROCEDURE

The primary responsibility of the Tactical Response Vehicle and its operators is to provide a tactical response to critical incidents and to support the Incident Commander and the Regional SWAT team. Through the use of developed skills, tactics and specialized equipment/capabilities, the TRV operators will use the TRV to support that mission. Examples of mission usage are as follows:

(a) RESCUE AND EXTRACTION - The removal of downed or injured officers or citizens in a hazardous or hostile environment.

(b) TRANSPORTATION OF PERSONNEL - The transportation or insertion of SWAT, Crisis Negotiators, or EOD personnel into an inner perimeter position.

(c) TRANSPORTATION OF EQUIPMENT - Delivery of equipment such as a throw phone, loud speaker, etc. into the inner perimeter of a critical incident.

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(d) DELIVERY OF MUNITIONS - Use as a platform for the delivery of munitions such as smoke, gas or diversionary devices.

(e) PROVIDE "HARD COVER" - By use of its ballistic capabilities, provide cover and/or observational positions.

(f) SPECIAL ASSIGNMENTS - Any assignment approved by the Agency Chief of Police or SWAT commander, when the situation requires a police response beyond the normal capabilities of patrol or investigation personnel.

The TRV can be driven by any SWAT team member. Several SWAT team members are assigned to operate the TRV as part of their assignment.

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# Ride-Along Policy

## 405.1 PURPOSE AND SCOPE

The Ride-Along Program and Sit-Along programs provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program and Sit-Along programs for communications.

### 405.1.1 ELIGIBILITY

The Roseville Police Department Ride-Along Program and Sit-Along programs are offered to the following individuals:

(a) Residents of the City of Roseville.

(b) Police department employee applicants.

(c) Visiting law enforcement personnel from outside agencies.

(d) Students of the Roseville Joint High School District who have a valid student body card.

(e) Any non-resident who possesses a current City of Roseville business license.

(f) City of Roseville employees and their families. Valid news media representatives.

(g) Other persons specifically authorized by the Chief of Police or Watch Commander.

(h) Any current Criminal Justice Program students.

Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause. The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 1/2 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

### 405.1.2 AVAILABILITY

The Programs are available on most days and times of the week, with certain exceptions. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

### 405.1.3 DEPARTMENT EMPLOYEE REQUESTED RIDE ALONG APPLICANTS

Department members may request that family or friends participate on a ride-along or sit-along. The Watch Commander may approve these types of ride-along participants on short notice without

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the background check required of applicants based on the host officer's personal knowledge of the applicant's background.

Family members and friends of individual Department employees must continue to comply with the restriction of only being allowed to participate in one ride-along or sit-along every twelve months unless specifically approved by the Watch Commander.

## 405.2 PROCEDURE TO REQUEST A RIDE-ALONG

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

The Ride-Along Coordinator will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

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

### 405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every twelve months. An exception would apply to the following: Cadets, Explorers, Volunteers, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time unless approved by a supervisor.

### 405.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

### 405.2.3 PEACE OFFICER RIDE-ALONGS

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

### 405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer

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(provided that the ride-along is not an employee of the Roseville Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

### 405.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Ride Along Coordinator is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Ride Along Coordinator with any comments which may be offered by the officer.

### 405.4 CONTROL OF RIDE-ALONG

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

(a) The ride-along will follow the directions of the officer

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer’s duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer if the resident or authorized person objects to the presence of the ride along in their private residence.

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# Hazardous Material Response

## 406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

### 406.1.1 HAZARDOUS MATERIAL DEFINED

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

## 406.2 HAZARDOUS MATERIAL RESPONSE

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

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

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).

(b) Notify the fire department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

## 406.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Chief of Police. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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

### 406.3.1 SUPERVISOR RESPONSIBILITY

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

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

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# Mental Illness Commitments

## 409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

## 409.2 POLICY

It is the policy of the Roseville Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

## 409.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

### 409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

## 409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

(e) Prior to making contact and whenever reasonable, officers should attempt to search the DOJ automated firearm system via CLETS and determine if the subject owns firearms.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

#### 409.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual’s personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person’s property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

### 409.5 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

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## 409.6 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

### 409.6.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer's name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

## 409.7 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

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In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

## 409.8 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers shall seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

### 409.8.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever a person, who has been detained or apprehended for examination of his or her mental condition or who is a person described in Section 8100 or 8103 Welfare and Institutions Code, is found to own, have in his or her possession or is under his or her control, any firearm whatsoever, or any other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. The handling officer shall detail those facts and circumstances in a report. The handling officer shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

The paperwork is located on the Police Department intranet under the heading "Firearm Seizure".

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## 409.9 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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# Cite and Release Policy

## 410.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

## 410.2 POLICY

It is the policy of the Roseville Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

## 410.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

### 410.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

### 410.3.2 RELEASE FROM ROSEVILLE POLICE DEPARTMENT OR PLACER COUNTY JAIL

In certain cases, it may not be feasible or desirable to release a person in the field.The person should instead be released on citation after being transported to the Roseville Police Department or Placer County Jail for further investigation or reasons pursuant to 853.6 PC.

## 410.4 NON-RELEASE

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### 410.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))

(b) Felony domestic battery (Penal Code § 273.5)

(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))

(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

(e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)

(f) Stalking (Penal Code § 646.9)

(g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

### 410.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety

1. The Roseville Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).

(e) The person could not provide satisfactory evidence of personal identification.

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1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:

(a) Previous failure to appear is on record

(b) The person lacks ties to the area, such as a residence, job, or family

(c) Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation

(j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.

(k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Unit.

## 410.5 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

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# Arrest or Detention of Foreign Nationals

## 411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Roseville Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 411.2 POLICY

The Roseville Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 411.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

## 411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

## 411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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| Category | Arrested or Detained | Enter Residence Subject to Ordinary Procedures | Issued Traffic Citation | Subpoenaed as Witness | Prosecuted | Recognized Family Members |
|---|---|---|---|---|---|---|
| **Diplomatic Agent** | No (note (b)) | No | Yes | No | No | Same as sponsor (full immunity & inviolability) |
| **Member of Admin and Tech Staff** | No (note (b)) | No | Yes | No | No | Same as sponsor (full immunity & inviolability) |
| **Service Staff** | Yes (note (a)) | Yes | Yes | Yes | No for official acts. Yes otherwise (note (a)) | No immunity or inviolability (note (a)) |
| **Career Consul Officer** | Yes if for a felony and pursuant to a warrant (note (a)) | Yes (note (d)) | Yes | No for official acts Testimony may not be compelled in any case | No for official acts. Yes otherwise (note (a)) | No immunity or inviolability |
| **Honorable Consul Officer** | Yes | Yes | Yes | No for official acts Yes otherwise. | No for official acts Yes otherwise | No immunity or inviolability |
| **Consulate Employees** | Yes (note (a)) | Yes | Yes | No for official acts Yes otherwise. | No for official acts. Yes otherwise (note (a)) | No immunity or inviolability (note (a)) |
| **Int'l Org Staff (note (b))** | Yes (note (c)) | Yes (note (c)) | Yes | Yes (note (c)) | No for official acts. Yes otherwise (note (c)) | No immunity or inviolability |
| **Diplomatic-Level Staff of Missions to Int'l Org** | No (note (b)) | No | Yes | No | No | Same as sponsor (full immunity & inviolability) |
| **Support Staff of Missions to Int'l Orgs** | Yes | Yes | Yes | Yes | No for official acts Yes otherwise | No immunity or inviolability |

Notes for diplomatic immunity table:

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(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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# Immigration Violations

## 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Roseville Police Department for investigating and enforcing immigration laws.

## 414.2 POLICY

It is the policy of the Roseville Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

## 414.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

### 414.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

### 414.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

## 414.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to

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an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

## 414.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

## 414.7 INFORMATION SHARING

With regard to immigration enforcement, no member of this department shall (8 USC § 1373; Government Code § 7284.6):

(a) Send personal information to federal immigration officials for immigration enforcement purposes, unless that information is available to the public. "Personal Information" includes, but is not limited to, the individual's home address or work address.

(b) Provide information regarding a person's release date, unless that information is available to the public.

(c) Respond to requests for notification by federal immigration authorities by providing release dates or other information, unless that information is available to the public.

Nothing in this policy shall prohibit, or in any way restrict, any member of this department from:

(a) Maintaining citizenship or immigration status information in department records for internal use.

### 414.7.1 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist:

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

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(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a), including, but not limited to:

- A felony punishable by imprisonment in the state prison;
- Any felony for, any of the following offenses
- Assault
- Battery
- Use of threats
- Sexual abuse, sexual exploitation, or crimes endangering children
- Child abuse or endangerment
- Burglary, robbery, theft, fraud, forgery, or embezzlement
- Felony Driving under the influence of alcohol or drugs
- Obstruction of justice
- Bribery
- Escape
- Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction
- Possession of an unlawful deadly weapon
- Felony possession, sale, distribution, manufacture, or trafficking of controlled substances
- Vandalism with prior convictions
- Gang-related offenses
- Attempt or conspiracy
- A crime resulting in death, or involving the personal infliction of great bodily injury
- Possession or use of a firearm in the commission of an offense
- An offense that would require the individual to register as a sex offender
- False imprisonment, slavery, and human trafficking
- Criminal profiteering and money laundering
- Torture and mayhem
- Elder and dependent adult abuse
- A hate crime
- Stalking
- Soliciting the commission of a crime

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- An offense committed while on bail or released on his or her own recognizance
- Rape, sodomy, oral copulation, or sexual penetration
- Kidnapping

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

## 414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Lieutenant who will forward to the Placer County District Attorney's Office along with any police reports. The decision to complete a U visa or T visa certification will be made by the Placer County District Attorney's Office. The Investigations Lieutenant should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Provide a copy of the request for certification and any police report or documentation to the Placer County District Attorney's Office. The Placer County District Attorney has requested certification requests be sent to them.

(c) Ensure that the forwarding to the District Attorney of the certification or declaration form is documented in the case file. Include a copy of any completed form in the case file.

(d) Inform the victim liaison of any requests and their status.

### 414.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

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### 414.8.2 POLICE REPORTS

Upon request, the Records Unit should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

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# Aircraft Accidents

## 415.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

## 415.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

### 415.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the Coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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### 415.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

### 415.2.3 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department

(b) The affected airport tower

(c) Closest military base if a military aircraft is involved

(d) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

### 415.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Manager is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics

(b) Forward a copy of the report to the Operations Division Commander and the manager of the affected airport

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### 415.2.5 PRESS INFORMATION OFFICER RESPONSIBILITIES

The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his or her designee

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

## 415.3 DOCUMENTATION

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

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# Field Training Officer Program

## 416.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Roseville Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

## 416.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

### 416.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of two years of patrol experience, one of which shall be with this department

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Evaluation by supervisors and current FTOs

(f) Possess a POST Basic certificate

### 416.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

## 416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs

(b) Conduct FTO meetings

(c) Maintain and ensure FTO/trainee performance evaluations are completed

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(d) Maintain, update and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

## 416.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Roseville Police Department who has successfully completed a POST approved Basic Academy.

## 416.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

## 416.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

### 416.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

### 416.6.2 FIELD TRAINING SERGEANT

The Field Training Sergeant will review and approve the Daily Trainee Performance Evaluations submitted by the FTO.

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## 416.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) End-of-phase evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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# Obtaining Air Support

## 417.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

## 417.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

### 417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

### 417.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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# Contacts and Temporary Detentions

## 418.1 PURPOSE AND SCOPE

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

### 418.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

## 418.2 POLICY

The Roseville Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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## 418.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Roseville Police Department to strengthen community involvement, community awareness, and problem identification.

### 418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the officer

## 418.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officershould be positioned to ensure safety and should not be involved in the search.

## 418.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

### 418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

### 418.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

### 418.5.3 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

## 418.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or

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probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Roseville Police Department members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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# Criminal Organizations

## 419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Roseville Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 419.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 419.2 POLICY

The Roseville Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 419.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

### 419.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the originating unit. Any supporting documentation for an entry shall be retained by the originating unit in accordance with

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the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the originating unit are appropriately marked as intelligence information. The documents may not be purged without the approval of the designated supervisor of the originating unit.

### 419.3.2 GANG DATABASES

The Chief of Police may approve participation by the Crime Suppression Unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the Crime Suppression Unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the Crime Suppression Unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the Crime Suppression Unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The Crime Suppression Unit supervisor should forward reports or FIs to the Records Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

### 419.4 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

### 419.5 CRIMINAL STREET GANGS

The Crime Suppression Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group shall be designated as a criminal street gang when:

1. The group contains three or more members.
2. They have a common name, common identifying symbol, or common identifying sign.
3. There is evidence, substantiated by crime and information reports, that a primary activity of the group is the commission of one or more of the criminal acts enumermated Penal Code 186.22(e).
4. One or more of the members individually or collectively have engaged in a pattern of criminal gang activity as defined by Penal Code 186.22(e).

(b) An individual shall be designated as a participant in a criminal street gang and included in the gang validation file when two or more of the following elements have been verified by the Crime Suppression Unit and a reasonable basis for believing such an affiliation has been established:

1. The subject admits membership in a criminal street gang.
2. The subject has been arrested alone or with known gang members for offenses consistent with gang activity.

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3. The subject has been identified as a gang member by a reliable informant or source.
4. The subject has been identified as a gang member by an untested informant and that identification has been corroborated by independent information.
5. The subject has been observed affiliating with documented gang members.
6. The subject has been observed displaying gang symbols and/or hand signs.
7. The subject has been seen frequenting gang areas.
8. The subject has been seen wearing gang related clothing.
9. The subject has gang related tattoos.
10. The subject has been previously classified by a County Jail, the California Youth Authority, or State Corrections as gang member or prison gang member. (This classification does not require a second classification criteria and may be used individually to classify a subject as a gang member).

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal street gang members and an officer has established that there is a reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be based on reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

(d) The Crime Suppression Unit supervisor should ensure that there are an appropriate number of department members who can:

1. Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
   (a) Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
   (b) Identification of a person as a criminal street gang member and criminal street gang-related crimes.
   (c) The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
2. Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
3. Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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## 419.6 FIELD CONTACTS AND REPORTING

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete an FI and document the reason(s) for the contact and the exact circumstances leading the suspicion that the individual is a criminal street gang participant.

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of the Detentions and Photographing of Detainees policy.

Incidents that appear to be criminal street gang related should be documented on a police report or field investigation report and shall at a minimum include the following:

(a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.

(b) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected, or booked.

(d) A specific request that a copy of the report be routed to the Crime Suppression Unit.

(e) Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

## 419.7 CRIMINAL STREET GANG MEMBER REGISTRATION

The intent of this policy is to establish a procedure for registering criminal street gang members who are required to register pursuant to penal code section 186.30. The registration requirements are defined in Penal Code sections 186.30 to 186.33. Registration of criminal street gang members will be done in the following manner:

(a) The subject will make an appointment with the Crime Suppression Unit for the registration interview.

(b) The interview will be conducted at the Roseville Police Department.

(c) The assigned Crime Suppression Unit Detective will meet with the subject and will do the following:

1. Complete the RPD Gang Member Registration form.
2. Take photographs of the subject.
3. Take photographs of the subject's tattoos.
4. Conduct an interview regarding gang activity as noted in the registration form.
5. Have the subject initial each category outlined in the Notification section of the registration form.
6. Obtain the subject's signature and right thumb print on the registration form.

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(d) The assigned CSU Detective will provide a copy of page three of the registration form the subject which includes notification under the California Street Terrorism and Prevention Act that informs the subject that they belong to a gang whose members engage in or engaged in a pattern of criminal gang activity as described in Penal Code section 186.22((e).

(e) Maintenance of Registration Forms:

1. Registration forms will be maintained by the Crime Suppression Unit.
2. Information contained in the registration forms may be provided to other law enforcement officers on an as needed basis.
3. Registration forms will be reviewed each year by the Crime Suppression Unit Supervisor to determine if any files need to be purged.
4. Subjects are required to register for five years from date of imposition of the registration requirement under Penal Code section 186.20. (5) Upon completion of the registration the subject's registration form will be purged from the Gang Registration File.

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# Watch Commanders

## 420.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

## 420.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits. Absent a Sergeant, an Officer may be appointed as an acting Watch Commander.

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# Mobile Data Computer Use

## 421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between Department Members and the Communications Center.

## 421.2 POLICY

Roseville Police Department Members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## 421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).Members shall also refer to Administrative Regulation 1.04 Computer and Network Acceptable Use Policy.

Hyperlink to Administrative Regulation 1.04:

## 421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another Member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a Member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another Member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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### 421.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

## 421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

### 421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other Members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

### 421.5.2 SELF-DISPATCHING CALLS VIA THE MDC

At no time shall department members self-dispatch themselves via the MDC to pending calls for service. If a department member wishes to be assigned to a specific pending call for service, requests will be made directly through the Police Communications Center. Nothing in this policy shall preclude any department member from adding themselves to already dispatched calls via the MDC.

### 421.5.3 EMERGENCY ACTIVATION

If there is an emergency activation and the Member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the Member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

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Members not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

## 421.6 EQUIPMENT CONSIDERATIONS

### 421.6.1 MALFUNCTIONING MDC

Whenever possible, Members will not use vehicles with malfunctioning MDCs. Whenever Members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

### 421.6.2 BOMB CALLS

When investigating reports of possible bombs, Members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

## 421.7 ADMINISTRATIVE REGULATION 1.04.2

Members shall also refer to Administrative Regulation 1.04.2 Email Use, Retention Policy and Remote Email Access.

Hyperlink to Administrative Regulation 1.04.2:

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# Portable Audio/Video Recorders

## 422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment. This policy is for audio/video recorders not body worn cameras (BWC's). Refer to the body worn camera policy if needed.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Roseville Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

## 422.2 POLICY

The Roseville Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

## 422.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

## 422.4 MEMBER RESPONSIBILITIES

Any Department member may carry an approved portable recorder at any time the member believes that such a device may be useful. Uniformed members should wear the recorder in a conspicuous manner.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

### 422.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

## 422.5 ACTIVATION OF THE PORTABLE RECORDER

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to

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the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

#### 422.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### 422.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

### 422.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

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### 422.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone's privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

### 422.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.Members shall also refer to Administrative Regulation 4.04 Release of Public Records.

Hyperlink to Administrative Regulation 4.04:

### 422.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

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(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

## 422.10 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

(a) Incidents involving use of force by an officer

(b) Officer-involved shootings

(c) Incidents that lead to the detention or arrest of an individual

(d) Recordings relevant to a formal or informal complaint against an officer or the Roseville Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

### 422.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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# Medical Marijuana

## 423.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws. This Policy does not preclude the enforcement or investigation of Roseville Municipal Code Chapter 19.62 and Chapter 19.63.

### 423.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** - A person issued a current identification card.

**Compassionate Use Act (CUA)** (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

**Identification card** - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

**Medical marijuana** - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

**Medical Marijuana Program (MMP)** (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

**Patient** - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

**Primary caregiver** - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

**Statutory amount** - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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## 423.2 POLICY

It is the policy of the Roseville Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Roseville Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

## 423.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

### 423.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

### 423.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount and the amounts stated in RMC 19.63.040(A)(1)(b), unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

### 423.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

### 423.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

### 423.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

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(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

423.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

## 423.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

## 423.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Unit supervisor.

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# Bicycle Patrol Unit

## 424.1 PURPOSE AND SCOPE

The Roseville Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

## 424.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

ACO's and volunteers may also utilize bike patrol with basic requirements as determined by the Bike Patrol Unit supervisor.

## 424.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

### 424.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

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(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with the Operations Division.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

## 424.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

## 424.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

## 424.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle with an attached gear bag.

Bicycles utilized for uniformed bicycle patrol shall be primarily gray, black, or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b) if being used for enforcement related stops.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

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Each bicycle may be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

### 424.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

(a) In response to an emergency call.

(b) While engaged in rescue operations.

(c) In the immediate pursuit of an actual or suspected violator of the law.

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# Automated License Plate Readers (ALPRs)

## 425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

## 425.2 POLICY

The policy of the Roseville Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

## 425.3 DEFINITIONS

1. AUTOMATED LICENSE PLATE READER (ALPR)- A device that uses camera and computer technology to capture license plate numbers and vehicle photos with date, time, and GPS coordinate information at time of detection.
2. STATIONARY ALPR CAMERA– All ALPR cameras will have at least one ALPR camera integrated to detect license plate or vehicle information in at least one direction.
3. DETECTION – Data obtained by an ALPR within the public view that is captured, including images of license plates, vehicles, subjects, or objects, with GPS information regarding the location, date, and time of the ALPR read.
4. HIT– A notification from the ALPR system that alerts the users that a license plate scanned by the ALPR may be in National Crime Information Center (NCIC) or other law enforcement database or that the vehicle is on a “Hot List” for a specific reason, including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violence protective order, or terrorist-related activity.
5. HOT LIST – License plate(s) associated with vehicles of interest from various databases, including, but not limited to, NCIC, DOJ, DMV, IJIS Warrant, and local investigations.
6. SPECIAL HOT LIST – Created solely to bring the officers’ attention to specific vehicles that have been associated with criminal activity. Special Hot Lists could be generated by comparing data from several law enforcement databases.
7. ALPR ADMINISTRATOR – Any person authorized to create or disable, monitor, and audit user accounts.

## 425.4 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Roseville Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather

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information related to active warrants, homeland security, active criminal investigations, suspect interdiction and stolen property recovery.

All ALPR data access, shall be managed by the Investigative Services Captain or designee. The Services Division Captain or designee will assign members under his/her command to administer the access to the ALPR data.

### 425.4.1 ALPR ADMINISTRATOR

The Investigative Services Captain or designee shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

ALPR administrators shall:

Ensure all installed ALPR system equipment is functioning properly, on as needed basis.

(a) Coordinate the training for all users of the ALPR programs.

(b) Conduct audits every 60 days of ALPR user queries.

(c) Update access to the database for users who show a continued need for it.

## 425.5 ROLES AND RESPONSIBILITIES

ALPR systems shall be deployed for official law enforcement purposes, including, but not limited to

(a) Locating stolen vehicles, wanted or missing persons, or vehicles, or identifying stolen license plates as designated on various Hot Lists.

(b) Canvassing areas surrounding recent crimes to capture vehicle license plates in an attempt to locate vehicles that may have been connected to the crimes.

(c) Other uses as approved and documented by an appropriate supervisor or ALPR administrator.

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(d) ALPR hits shall NOT be the sole basis for an enforcement or investigative stop. Independent reasonable suspicion or probable cause is required before making a traffic stop.

## 425.6 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(d) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

### 425.6.1 INOPERABLE OR DAMAGED ALPR EQUIPMENT

Upon discovery of any ALPR equipment that is inoperable or damaged, officers shall:

(a) Not attempt to repair defective or inoperable ALPR equipment and immediately notify an ALPR Administrator and their Supervisor.

(b) Document damage or vandalism to any fixed ALPR camera, ALPR equipment, or a mobile trailer in a crime report and notify the ALPR Administrator. Damaged or vandalized mobile trailers shall be returned to the police facility by a trained officer.

### 425.6.2 ALPR HITS

ALPR hits shall be broadcast in a timely fashion so that Dispatch can confirm the status of the wanted vehicle and ensure officer and public safety.

(a) Officers broadcasting ALPR hits from a vehicle shall have Dispatch confirm vehicle status on the appropriate radio channel and not run the plate via the MDC prior to broadcast.

(b) Personnel broadcasting ALPR hits from a desktop shall confirm the vehicle status prior to broadcast on the appropriate radio channel.

ALPR hits shall be dispatched as provided below:

(a) ALPR hits shall be entered as a call for service using the appropriate LPR call type to classify the incident.

(b) Dispatchers receiving ALPR hit information shall enter a call for service and:

1. Confirm the license plate status by running a CLETS/NCIC query and attaching the results to the incident.

2. Obtain the vehicle description and direction of travel.

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3. Make the appropriate broadcast based on the circumstances surrounding the hit. At a minimum dispatchers will broadcast on the main channel to the Patrol Division.
4. In the event contact is made with the vehicle, the call type shall be updated to LOCLPR.

### 425.6.3 HOT LISTS

(a) Hot Lists (SVS, SRV, SLR) will be automatically downloaded into the ALPR system multiple times a day, with the most current data overwriting the old data.

(b) Special Hot Lists will only be allowed with approval by the Investigative Services Captain or designee.

1. The Hits from Special Hot Lists should be viewed as informational only, created solely to bring the officers' attention to specific vehicles that have been associated with criminal activity. Department Special Hot Lists shall not be shared with any other LEA without prior authorization from the Investigative Services Captain or designee.

### 425.6.4 HOT PLATES

Hot Plates added to any ALPR database shall have an expiration date not to exceed thirty (30) days.

1. Hot Plates use is currently restricted to authorized personnel with supervisor approval.

Hot Plates entered into the ALPR system shall contain the following information:

1. Entering officer's name and contact phone number.
2. Related case number.
3. Short synopsis of originating call or reason for entry with as much description as possible.

License plates entered into ALPR as a Hot Plate that will also be entered into SVS, SLR, SFR, MUPS, etc. shall have an expiration not to exceed twenty-four (24) hours.

### 425.6.5 USER SEARCHES

When an officer uses any ALPR system to aid in an investigation, the following information shall be entered upon each search:

1. Searching officer's name.
2. Related case/CFS number, if applicable.
3. If no case/CFS number is available, the officer must provide a reason for the search with as much description as possible.

## 425.7 DATA COLLECTION AND RETENTION

The Investigative Services Captain or designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

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All ALPR data should be stored for 60 days (Vehicle Code § 2413) and in accordance with the established records retention schedule as updated on an annual basis with the City. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be booked into evidence.

## 425.8 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Roseville Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only.

## 425.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

    (a) The name of the agency.

    (b) The name of the person requesting.

    (c) The intended purpose of obtaining the information.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

### 425.9.1 DATA SHARING - OUTSIDE AGENCIES

Requests received from outside agencies to access Roseville Police Department (RPD) ALPR data will be evaluated under the following guidelines:

(a) Sharing request will be limited to agencies within 150 mile radius of the City of Roseville or on a case by case basis with agencies outside of that area.

(b) Sharing requests will be reviewed by the Investigative Services Captain or designee to make a determination.

### 425.9.2 DATA SHARING - SPECIAL REQUESTS

Special requests received from outside agency personnel will be evaluated, on a case by case basis, under the following guidelines:

(a) The agency makes a written request for the ALPR data that includes:

    (a) The name of the agency.

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(b) The name of the person requesting.

(c) The intended purpose of obtaining the information.

(b) The request is reviewed by the Investigative Services Captain or the authorized designee and approved before the request is fulfilled.

(c) See the associated ALPR procedure for specific guidelines.

## 425.10 AUDITING

The Professional Standards Unit Sergeant will be responsible for conducting ALPR audits. ALPR auditing will include the following:

(a) Sharing Agreements

1. Sharing agreements will be audited annually for assessment of continued need.
2. Sharing agreements include both agencies that the Department shares data with, and agencies that share data with the Department.

(b) User Accounts

1. User accounts will be audited every 60 days for assessment of continued need.

(c) Searches

1. User searches will be audited every 60 days for policy compliance.

(d) Hot Plate Entries

1. Hot plate entries will be audited every 60 days for policy compliance.

## 425.11 TRAINING

The ALPR Administrator or their designee shall ensure that members receive department-approved training for those authorized to access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Prior to utilizing any ALPR system each user shall complete training under the following guidelines:

(a) Complete Department training with an approved ALPR trainer.

(b) Review ALPR policy and procedure annually and complete associated training quiz.

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# Foot Pursuits

## 426.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

## 426.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

## 426.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that the safety of the public weighs heavily in the balance while considering the immediate apprehension of a suspect.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

## 426.4 GENERAL GUIDELINES

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available. Officers should include but are not limited to the following possible alternative apprehension tactics:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to

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immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

Officers should consider discontinuing the foot pursuit under the following conditions:

(a) The officer is acting alone.

(b) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(c) The officer is unsure of his/her location and direction of travel.

(d) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(e) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(f) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(g) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(h) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(i) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

Officers shall discontinue the foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is unable to establish communications with dispatch or with assisting or backup officers.

(c) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(d) The officer loses possession of his/her firearm or other essential equipment.

(e) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(f) The suspect's location is no longer definitely known.

## 426.5 RESPONSIBILITIES IN FOOT PURSUITS

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### 426.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

### 426.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

### 426.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

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Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-foot pursuit activity.

426.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES
Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.
(b) Coordinating backup/cover unit response.
(c) Coordinating pursuit communications of the involved officers.
(d) Broadcasting pursuit updates as well as other pertinent information as necessary.
(e) Ensuring that a field supervisor is notified of the foot pursuit.
(f) Notifying and coordinating with other involved or affected agencies as practicable.
(g) Notifying the Watch Commander as soon as practicable.
(h) Assigning an incident number and logging all pursuit activities.

## 426.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.
(b) Initial reason and circumstances surrounding the foot pursuit.
(c) Course and approximate distance of the foot pursuit.
(d) Alleged offenses.
(e) Whether a suspect was apprehended as well as the means and methods used.
    1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
    2. Arrestee information, if applicable.
(f) Any property or equipment damage.
(g) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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# Civil Disputes

## 427.1 PURPOSE AND SCOPE

This policy provides members of the Roseville Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

## 427.2 POLICY

The Roseville Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

## 427.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

## 427.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### 427.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

### 427.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

### 427.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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# Crisis Intervention Incidents

## 428.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 428.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

## 428.2 POLICY

The Roseville Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

## 428.3 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police has designated the Social Services Administrator to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

## 428.4 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with SAFE reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An Officer responding to a call involving a person in crisis should:

a. Attempt to determine if weapons are present or available.

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1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code 11106.4).

## 428.5 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis. Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

## 428.6 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

## 428.7 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

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# Public Recording of Law Enforcement Activity

## 429.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

## 429.2 POLICY

The Roseville Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

## 429.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

## 429.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

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If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### 429.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

### 429.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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# First Amendment Assemblies

## 430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 430.2 POLICY

The Roseville Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 430.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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### 430.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

## 430.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

## 430.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

### 430.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 430.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control. See Hyperlink to RMC 10.46.010 Demonstration Equipment Prohibition

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

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(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

430.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

## 430.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

## 430.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

## 430.8 ARRESTS

The Roseville Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

## 430.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

### 430.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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## 430.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

## 430.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

### 430.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

## 430.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

## 430.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable

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to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

(a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

(b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.

(c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.

(e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(g) An objectively reasonable effort has been made to extract individuals in distress.

(h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:

1. A violation of an imposed curfew.
2. A verbal threat.
3. Noncompliance with a law enforcement directive.

(k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

### 430.13.1 USE SUMMARY

The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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### 430.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

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# Suspicious Activity Reporting

## 431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 431.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 431.2 POLICY

The Roseville Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 431.3 RESPONSIBILITIES

The Threat Assessment Unit Lieutenant and authorized designees will manage SAR activities. The responsibilities of the Threat Assessment Unit Lieutenant include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

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(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

## 431.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any professional staff member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

Once SAR’s are reported to CCIC / SACRTAC, there shall not be any investigative steps taken unless directed by FBI representatives that receive the information. Investigative steps may be taken if the investigation is on-going (such as an Officer stumbles upon a weapons violation that turns out to be terrorism related) or this activity is occurring while the Officer is investigating a non-terrorism related crime.

## 431.5 HANDLING INFORMATION

The Records Unit will forward copies of SARs, in a timely manner, to the following:

- Investigations Unit supervisor
- Crime Analysis Unit
- Threat Assessment Unit Lieutenant and Sergeant
- Other authorized designees

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# Medical Aid and Response

## 432.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

## 432.2 POLICY

It is the policy of the Roseville Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 432.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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### 432.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

### 432.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

### 432.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

### 432.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

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### 432.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED periodically to make sure it is charged and functioning. Any AED that is not functioning properly will be taken out of service and repaired.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

### 432.7.2 AED TRAINING AND MAINTENANCE

The Training Manageror his/her designee should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Manager or his/her designee is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

## 432.8 FIRST-AID TRAINING

The Training Manager should ensure officers receive initial first-aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

## 432.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

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# FIRST RESPONDER NARCAN PROGRAM

### 433.1 PURPOSE

To establish guidelines and regulations governing utilization of naloxone (Narcan) adminstration by the Roseville Police Department. The objective is to treat and reduce fatalities associated with opiate overdoses.

### 433.2 POLICY

It is the policy of the Roseville Police Department that all officers are required to be trained in the use of Naloxone (Narcan) in accordance with Sierra-Sacramento Valley EMS and POST standards.

### 433.3 TRAINING

a. Initial Training- All officers will receive initial training that will include: an overview of California Civil Code 1714.22 which permits law enforcement administration of naloxone (Narcan), patient assessment (e.g., signs/symptoms of overdose), universal precautions, rescue breathing, seeking medical attention, and the use of intra-nasal Naloxone (Narcan) as detailed by SSV-EMS.

b. Continuing Education- Roseville Police Department employees will receive refresher training every two years.

### 433.4 DEPLOYMENT

The Roseville Police Department will deploy its Naloxone kits in department vehicles assigned to units where its use can be reasonably anticipated. The Naloxone kits will be stored in the following primary locations:

a) One in each patrol car and K9 unit

b) One in each supervisor vehicle

c) One in each detective, VNET, CSU, Social Services, and SRO vehicle

### 433.5 NALOXONE USE

When deploying Naloxone (Narcan):

1. Maintain universal precautions

2. Perform initial patient assessment

3. Determine unresponsiveness, absence of breathing and/or pulselessness

4. Update dispatch that the patient is in a potential overdose state

5. If a suspected overdose is indicated, adminster Naloxone as outlined by SSV-EMS

6. Upon administering Naloxone, monitor patient vital signs (respirations, pulse) until Fire/EMS personnel arrive on scene. If the initial dose of Naloxone (Narcan) is ineffective, officers can consider administering a second dose. Continue to monitor vital signs.

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### 433.6 MAINTENANCE / REPLACEMENT

a. An inspection of the Naloxone (Narcan) shall be the responsibility of the personnel assigned the equipment and should be done at the beginning of each shift.

b. Missing, damaged, or expired Naloxone (Narcan) shall be immediately reported to their supervisor or a member of Roseville Police Department's First Aid staff.

c. In the event Naloxone is adminstered, the officer should receive a replacement kit as soon as reasonably possible.

### 433.7 DOCUMENTATION AND REPORTING

After each administration of Naloxone (Narcan) in the field, the officer shall complete a SSV-EMS Law Enforcement Naloxone Utilization Patient Care Report. This one-page report will be attached to an AFR Case Report. The only portion of the AFR Case Report that must be completed is the "Details" tab.

The report shall be forwarded to the department Naloxone (Narcan) coordinator. The department Naloxone coordinator shall report all Naloxone usages to Sierra-Sacramento Valley EMS on a yearly basis.

During each administration of Naloxone, the report should be forwarded to the Social Services Administrator to assess community resources that may be available to the patient.

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# MOBILE IDENTIFICATION DEVICE USE

## 434.1 PURPOSE AND SCOPE

The purpose of the Mobile ID Device is to enable users to perform “real-time” fingerprint acquisition in the field, which is then searched and compared against several fingerprint repository databases, and provide a rapid response to the officer in the field. The Mobile ID Device is intended to assist field personnel in positively identifying subjects who have no form of identification or the identification is questionable or otherwise unavailable. The responses will be limited to the subjects maintained in the searched databases and do not preclude a record from existing in other biometric or name-based repositories.

## 434.2 POLICY

The purpose of this policy is to provide Roseville Police Officers a uniform guideline for using the handheld Mobile Identification Device (Mobile ID) to fingerprint an individual in the field and send the digitized fingerprint to be searched against several available databases. Officers assigned the use of these devices shall adhere to the operational orders and policies outlined herein so as to maximize the effectiveness and utility of the Mobile ID Device. This policy shall apply to use of the Mobile ID Device on both adults and juveniles.

## 434.3 OVERVIEW

The Mobile ID Device may be used in the field by sworn police officers, and the information can be viewed by those authorized by the Roseville Police Department. Staff from the Information Technologies Unit will assist users with hardware and software support for the Mobile ID Devices.

The Mobile ID Device has the capability to capture fingerprints which will be searched against the following databases:

1. Placer County CBIS fingerprint system (CBIS = County Biometric Identification System)

2. Sacramento Regional GRAB’EM PID system (GRAB’EM = Gold Region Aggregated Biometric Enforcement Matrix and PID = Personal Identification)

3. California DOJ AFIS / FBI RISC system DOJ (Department of Justice, AFIS = Automated Fingerprint Information System, FBI RISC = Federal Bureau of Investigation – Repository of Individual of Special Concern)

Responses received on the device will include mugshot photos if available, basic demographic information, local special flags/cautions (i.e. 290 registrant) and active local warrants. Responses may be used with reasonable expectation of accuracy to identify subjects in the field. Responses may also include a “NO HIT” return, from any of the searched databases.

The Mobile ID Device also has the ability to capture photos to assist officers in the identification of subjects. Fingerprints and photos captured on the Mobile ID Device, along with the responses received on the device, are retained by Placer County Sheriff IT on the Mobile ID server.

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## 434.4 RESPONSIBILITIES OF THE USER

A. The purpose of field identification is to obtain positive identification of suspects and provide Officers the necessary information to further their investigation. The use of the Mobile ID Device is intended to augment, and not replace, other methods of properly identifying persons whose identity is unknown to the officer.

B. The Mobile ID Device shall be used for official police business only. The Mobile Identification Device shall only be used when appropriate and during the course of normal duties and only by authorized personnel assigned to a device.

C. Use of the Mobile ID Device constitutes a “search”, so as with any search, Officers must have consent, a court order, or a legal reason for detaining an individual and searching their prints. An officer must be able to articulate the appropriate use of the Mobile ID Device based on experience and assessment of the circumstances.

D. Any information obtained through the Mobile ID Device shall be treated as confidential. Warrants discovered via mobile ID will be immediately reported to Dispatch for verification.

E. Viewing or reading from the Mobile ID Device while driving presents a safety hazard and is prohibited.

F. It is the responsibility of the individual officer to determine if the Mobile ID Device is not working properly and take the appropriate steps to rectify the situation through the appropriate channels defined in the user training documentation.

G. The Mobile ID Device will be treated in similar fashion to portable radios when responding to bomb threats or when in areas with sensitive electronic equipment.

### 434.4.1 CONSENSUAL USE OF THE DEVICE

Prior to an arrest, the Mobile ID Device may be used in situations where the subject to be fingerprinted gives a knowing and willing voluntary consent to the use of the Mobile ID Device. The subject may limit or withdraw consent at any time. If consent is withdrawn, use of the Mobile ID Device is not authorized, its use must stop immediately, and the officer may not force or coerce the subject to submit to the use of the Mobile ID Device.

### 434.4.2 NON-CONSENSUAL USE OF DEVICE

The Mobile ID Device may be used without the consent of the subject:

(a) Upon arrest of the subject.

(b) If authorized in the execution of a valid search warrant.

(c) If specifically required by statute.

(d) If the subject is medically incapacitated or deceased and unable to give consent and no other method of identification is readily available.

It is not the intent of this policy to advocate or authorize the use of unnecessary force to obtain fingerprint identification via the Mobile ID device.

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### 434.4.3 AUTHORIZED USE OF THE DEVICE

Prior to an arrest or during a lawful detention, the Mobile ID Device may be used with the consent of the subject:

A. If the Officer has reasonable suspicion the subject to be printed has committed, or is about to commit a criminal offense and there is a justifiable and reasonable belief the fingerprint scan will establish or nullify the subject's connection to the criminal offense.

B. If the Officer has reasonable suspicion the subject to be printed is subject to an arrest warrant and there is a justifiable and reasonable belief the biometric scan will establish or nullify the subject's identity in the execution of the warrant.

C. If the Officer is going to cite the individual for a Vehicle Code or Roseville Municipal Code violation or other misdemeanor, or the officer lawfully detained the person, and has reasonable suspicion the subject intentionally gave a false or fictitious name, residence address, or date of birth to the officer.

D. If the Officer has probable cause to believe the subject is a witness to a criminal offense and the officer has reasonable suspicion the subject intentionally gave a false or fictitious name, residence address, or date of birth to the officer.

### 434.4.4 NON-STANDARD USE OF THE DEVICE

Any nonstandard use of the Mobile ID Device shall require notification and authorization by the Officer's Supervisor. Examples of non-standard use include but are not limited to:

A. Request from an outside law enforcement agency to fingerprint a subject in custody. The requesting agency must comply with the procedures of this policy and any other applicable department policies and procedures.

B. Traffic fatality investigation in which there is no other reasonable means of identifying a victim. This identification is not meant to act as a positive ID for notifying next of kin.

### 434.4.5 UNAUTHORIZED USE OF THE DEVICE

The Mobile ID Device shall not be used for random or general investigative or intelligence gathering. Officers shall adhere to all other relevant department policies when using the Mobile ID Device. Any unauthorized use of the Mobile ID Device by an Officer may result in disciplinary action.

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# IMPROVED PARKS AND OPEN SPACE ENFORCEMENT

## 435.1 PURPOSE AND SCOPE

It is the purpose and intent of this policy to regulate and prohibit certain activities in improved city parks and open space areas in the interest of protecting the enjoyment and safety of the public in the use of these facilities, as well as the natural resources within improved city parks and open space areas.

## 435.2 DEFINITIONS

For the purposes of this policy, improved city parks contain many of the following characteristics: signage identifying the area as a park, perimeter walkways, school aged play areas, covered picnic areas, multi-use field, barbecues, picnic tables, baseball/softball fields, tennis courts, water play, multi-use turf, basketball courts, electrical outlets, restrooms, and sand volleyball. Improved city parks also include Marco Dog Park, Bear Dog Park, Hughes Park, the town square, libraries, museums, or other facilities owned or operated by the city for park or recreation purposes.

The following link identifies over 70 improved parks and facilities:

## 435.3 IMPROVED CITY PARKS ENFORCEMENT

All improved city parks shall be closed for public use and it is unlawful to be present in or use any improved city park from one hour after sunset until sunrise throughout the year, unless a special permit has been issued for extended hours or a City sponsored event is being held. In circumstances when persons are contacted by Officers in improved city parks from one hour after sunset until sunrise and no special permit has been issued for extended hours and/or no City sponsored event is being held, park curfew laws are applicable and may be enforced. (Roseville Municipal Code 8.02.250; Parks – Closing time) This is to include the issuance of City Property Exclusion Notices if applicable.

## 435.4 OPEN SPACE ENFORCEMENT

There are over 4,000 acres of open space area within the City of Roseville. Open space areas provide beautiful scenery, passive recreation, natural filtering areas for urban runoff, improved air quality, stream bed areas, bike trails, and flood protection. Should Officers encounter persons who are camping in open space areas between the hours of 6:00 am and 9:00 pm, Roseville Municipal Code Camping Ordinance is enforceable. (Roseville Municipal Code 10.56.010; Camping on public property) This would include: setting up tents, shacks, house trailers, motor homes, campers, or any other temporary or permanent shelter. Also to include the laying down of bedding for the purposes of sleeping, or storing personal belongings, (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), or making any fire or using any tents, regularly cooking meals, or living in a

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parked vehicle. Absent an emergency, such as flooding, Officers shall not enforce the camping ordinance between the hours of 9:00 pm and 6:00 am to allow persons to sleep.

In circumstances when persons are found to be camping in open space areas between the hours of 6:00 am and 9:00 pm, Officers may enforce the camping ordinance and any other applicable laws which are being violated. Upon issuance of a citation, (in accordance with the Department's Cite and Release policy as governed in Penal Code section 853.6), Officers should provide to the person(s) cited a resources information card developed by the Social Services Unit. In enforcement situations, Officers should consider issuing a City Property Exclusion Notice.

### 435.5 REMOVAL OF PROPERTY

When applicable, Officers should also post a "48-Hour Notice" to remove property from the open space area. "48-Hour Notices" refers to personal items and basic survival gear and does not pertain to items deemed to be garbage.

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# UAS Operation

## 436.1 PURPOSE

The following procedures are intended to promote the safe, efficient, and lawful operation by the Roseville Police small unmanned aircraft system (UAS) Unit. Safety, above all else, is the primary concern in each and every operation, regardless of the nature of the mission. Providing an aerial perspective to support our personnel will increase safety for the citizens of Roseville and public safety personnel all while increasing efficiency during special operations.

## 436.2 POLICY

It shall be the mission of the Roseville Police Unmanned Aircraft Systems (UAS) Unit to utilize this technology to protect the lives and property of the citizens of Roseville and enhance safety for first responders. Use of a UAS will be in strict accordance with State and Federal laws and in compliance with Federal Aviation Administration (FAA) regulations.

The use of a UAS can support first responders in situations which would benefit from an aerial perspective and enable responders to detect dangers that could otherwise not be seen. The UAS can also be utilized for approved training missions.

## 436.3 OVERVIEW

The FAA Modernization and Reform Act of 2012 provides for the integration of civil unmanned aircraft systems into national airspace by September 1, 2015. Existing federal law requires the administrator of the FAA to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

## 436.4 DEFINITIONS

A. Small unmanned aircraft systems (SUAS): Consist of the small unmanned aircraft weighing under 4.4 pounds, the command system, a secure control link, and other related safety support equipment.

B. Unmanned aircraft (UA): An aircraft that is intended to navigate in the air without an onboard pilot.

C. UA Flight Crewmember: A pilot, visual observer or other persons assigned duties for a UAS for the purpose of flight.

D. Unmanned Aircraft Pilot: A person exercising control over unmanned aircraft during flight. The pilot will be ultimately responsible for the operation and solely responsible for the input of commands/piloting during flight. The pilot will be certified in the operation of the UAS by successful completion of an approved training course. The pilot must meet standards required by the FAA (These standards include; must pass the required knowledge tests and must keep his or her aeronautical knowledge up to date). Pilots are authorized to evaluate and except or decline any mission or portion thereof due to safety concerns.

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E. Certificate of Authorization (COA): Given by the FAA which grants permission to fly within specific boundaries and parameters. Training flights cannot take place without a valid Training and Evaluation (T&E) COA and missions cannot take place without a valid operational/emergency COA.

F. Observer: The observer is responsible for the visual observation of the UAS while in flight. The observer will maintain a visual observation of the UAS while in flight and alert the pilot of any conditions (obstructions, terrain, structures, air traffic, weather, etc) which affect the safety of flight. The observer will be responsible for all aviation related communications required by the FAA. To accomplish this, the observer will be in close proximity to the pilot to ensure instant relaying of information. The observer will be certified in the operation of the UAS by successful completion of an approved training course. The observer shall meet standards required by the FAA to possess a valid second class medical certificate, pass the required knowledge tests and keep their aeronautical knowledge up to date.

## 436.5 ORDER

Generally, the UAS Unit shall be activated when the situation requires a police response beyond the normal capabilities of patrol or investigations personnel. Additionally, the unit may be activated if the situation falls within the guidelines of authorized missions which is outlined below. Request for the deployment of the UAS unit will be made through the Roseville Police Department on-duty watch commander. In the event of a call-out request by a Roseville PD watch commander the request should be directed to the UAS Unit Lieutenant to approve the deployment of the UAS unit. In the absence of the UAS Unit Lieutenant, or when extenuating circumstances and or exigent circumstances exist, a RPD watch commander at or above the rank of Lieutenant can approve the deployment of the UAS Unit.

The on-duty watch commander shall contact the UAS Unit Lieutenant with all available information regarding the request for deployment. The Police Lieutenant will gather the information pertaining to the request and determine if the deployment falls within policy. Once approval is confirmed, the UAS Coordinator (Consisting of UAS Patrol Sergeant) will contact the UAS Unit members and deploy them for assignment. The UAS Unit members will determine if the UAS can be deployed safely and practically. If the request comes from an outside Public Safety agency the request will be directed to dispatch at (916) 774-5000.

1. When the UAS is being flown, operators will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places.

2. The Roseville Police Department will maintain a website for public input to address citizens' concerns and recommendations.

3. The use of the UAS will be limited to the authorized missions describe herein.

4. The UAS will not be equipped with any weapons.

5. The authorized missions for the Roseville Police Dept. UAS unit are:

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A. Post incident crime scene preservation and documentation.

B. Explosive Ordinance Disposal (EOD) missions.

C. Response to hazardous material spills.

D. Search and rescue missions as defined in California Government code section 26614.

E. Public safety and life preservation missions to include barricaded suspect's, hostage situations, active shooters, apprehension of armed and dangerous and/or violent fleeing suspect, and high-risk search warrants.

F. Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post-incident analysis and documentation.

G. Training missions as authorized by the training certificate of authorization (COA).

H. In response to specific request from local, state or federal fire authorities for fire response and prevention.

I. When there is probable cause to believe that:

a. the UAS will be recording images of a place, thing, condition, or event; and

b. that those images would be relevant in proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and use of the UAS does not infringe upon the reasonable expectation of privacy.

J. Pursuant to a search warrant.

6. Missions prohibited from use are:

A. The UAS video surveillance equipment shall not be used:

a. To conduct random surveillance activities.

b. To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

c. To harass, intimidate or discriminate against any individual or group.

d. To conduct personal business of any type.

e. The UAS shall not be weaponized.

7. All procedures, laws and regulations on UAS usage, shall be reviewed as follows: The Operations Captain and UAS Unit Lieutenant and others as designated by the Chief of Police shall meet annually on the use of the UAS to include an audit review, flight documentation review and provide a quarterly and annual report to the Chief of Police.

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### 436.6 PROCEDURES

1. UAS operation requires a certificate of authorization from the FAA

2. A UAS will only be operated by personnel, both pilots and crew members, who have been trained and certified in the operation of the system. All agency personnel with UAS responsibilities, including command officers, will be provided training in the policies and procedures governing UAS use.

3. All flights will be approved in advance by the UAS Unit Police Lieutenant or the Operations Captain.

4. UAS and all related equipment will be available and issued at the Roseville Police Department headquarters.

5. All flights will be documented on the mission dispatch form designed for that purpose and all flight time shall be accounted for on the form. The reason for the flight and type of mission as specified above and name of the supervisor approving the operation will also be documented.

6. The administration, safety policy, training requirements, general operating procedures and pre/post flight actions are continued within the Roseville Police UAS unit operations manual.

### 436.7 DATA RETENTION AND PROCESSING

Upon completion of each UAS mission the recorded data shall be reviewed and evaluated for evidentiary value. Data of identifiable individuals captured during a UAS mission shall not be retained unless there is reasonable suspicion that evidence of criminal activity is present. All retained data shall be maintained or destroyed pursuant to Roseville PD records retention and evidence policies and in compliance with applicable laws and regulations.

### 436.8 PROTECTION OF RIGHTS AND PRIVACY CONCERNS

UAS commanders, operators and observers will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the UAS. Each UAS operator and observer will ensure that operations of the UAS are consistent with local, state, and federal law.

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# Private Security Contracts

## 437.1 PURPOSE AND SCOPE

This policy provides guidance for the interaction of Police Department staff and city contracted private security vendors.

## 437.2 POLICY

The City of Roseville has contracted with Allied Universal Private Security to provide additional security for a service area including the downtown business district and the Historic Old Town District. It is the intent of the Police Department to work cooperatively with Allied Universal Private Security in providing service to these areas while maintaining our general response philosophy to calls for service.

## 437.3 OVERSIGHT

An Operations Division Lieutenant will be the day to day liaison with the private security contractor. Dispute resolution is outlined in the service agreement between the City of Roseville and the private security contractor. Overall management of the contract agreement is the responsibility of the Operations Division Captain.

The Operations Lieutenant is responsible for the following:

- Operational management of the contracted provider
- Monitoring of contracted provider performance
- Review of security officer field reports as necessary
- Information sharing
- Department specific training necessary for the private security contractor field assignment

The Police Department is not responsible for the daily supervision of the private security contractor. In the event supervisory assistance is required, the on-duty Watch Commander will contact the private security contractor on-duty supervisor for assistance. Examples of incidents where the Watch Commander should call the private security contractor supervisor include:

- Use of force by the security contractor
- Vehicle accident involving the security contractor
- Disciplinary issue where there is an immediate need for supervisor assistance
- Security contractor injury

## 437.4 PRIVATE SECURITY CONTRACT RESPONSIBILITIES

The private security contractor may proactively address issues, assist the Police Department with incidents, or may be the primary response to a call for service depending on the type of call. The private security contractor may be responsible for the following:

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- Loitering or trespassing
- Suspicious people not related to a crime in progress
- Patrol checks of specified locations to include:
  - 311 Vernon Street: Civic Center
  - 311 Vernon Street: Vernon Street Square
  - 316 Vernon Street: Civic Center Annex Building
  - 225 Taylor Street: Main Library
  - 210 Pacific Street: Train Station building
- Patrol checks of city Parking Garages to include:
  - 405 Vernon Street: Vernon Street Parking Garage
  - 200 Oak Street: Oak Street Parking Garage
- Parking enforcement assistance
- Security checkpoint for City Council meetings
- Business outreach
- Special Events staffing as needed
- Direct call in assistance from businesses/city staff within the service area

## 437.5 PRIVATE SECURITY CONTRACT SERVICE AREA

The service area under the contract includes in general the downtown corridor along Vernon Street from Riverside Avenue/Douglas Boulevard to Jefferson Street, the Historic Old Town District to include the Old Town area encompassed by Washington Blvd, Main Street, and Pacific Avenue.

A specific map of the service area is available through this link:

The general hours of operations will be 0900 hours to 2100 hours. These hours are subject to change dependent on need or a special event.

## 437.6 POLICE PATROL RESPONSIBILITIES

Within the service area, Police Department staff will continue to respond to:

- Crimes in progress
- Disturbances
- Traffic collisions
- Any call for service involving violence or a weapon
- Any call for service requiring a police report
- Any call for service where officer response is requested by the caller.

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The private security contractor may be used to assist Police Department staff with calls for service which fall under their response capability.

### 437.7 EMERGENCY RESPONSE PROCEDURES

The private security contractor must maintain a means for requesting emergency assistance to include radio communications with their dispatch center and ability for their dispatch center to work directly with the Police Department Communications Center in requesting emergency response for assistance.

The Police Department as needed, appropriate, and when able, will notify the private security contractor dispatch center of priority/emergency calls for service in the service area so the contracted security officer does not inadvertently interfere or run into a call for service outside of their responsibilities or outside of their response capability.

### 437.8 COMMUNICATIONS PROCEDURES

The Communications Center will continue to be the primary point of contact for anyone calling for Police Department assistance. However, through business outreach the security contractor will provide information to businesses and city staff within the service area of what they can call directly to the security contractor for assistance. Businesses and city staff may then call direct to the security contractor dispatch center for assistance without involving the Police Department Communications Center.

When the private security contractor goes into service at the start of their shift, they will contact Police Communications and advise they are in service. The Communications Center will log the security officer into the CAD system as “DTS” showing the security contractor is available and on shift. At the end of their shift, the security officer will contact Police Communications and advise they are off duty so they can be logged off of the CAD system.

Should a reporting party call into the Police Department Communications Center for a call that could potentially be handled by the security contractor, the Communications Center will do the following:

- Intake the call information as normal
- Advise the reporting party that the security contractor in the area may be contacted to handle the call for service if the call for service falls within their service responsibilities.
- Once the call with the reporting party has concluded, Communications will contact the private security contractor dispatch center () and relay the call information for dispatch the security officer.
- Once the call has been accepted by the security contractor dispatch center, the Police Department Communications center will close the call for service utilizing the disposition code of “DTS” (Downtown Security).

Officers will not defer a call to the private security contractor if they are dispatched to a call by the Police Department Communications Center. If the call is being dispatched to the officer, it will be understood that any protocols for deciding whether to dispatch to an officer versus the security

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contractor have already been evaluated and the determination has been made to dispatch the officer to the call for service.

### 437.9 REPORTING

The private security contractor will maintain a means for reporting incidents and response to the Police Department. The assigned Operations Lieutenant will frequently review the reporting system of the security contractor for performance evaluation and operational needs.

The private security contractor will maintain their own database of records. All reports, video recording, and audio recording are the property of the security provider. The Police Department will not be responsible for any records generated by the private security contractor. Should a report from the private security contractor be necessary for a police report, the security contractor's report shall be booked into Property as Evidence versus attaching as a supplement to the Police report.

### 437.10 USE OF FORCE REPORTING

In the event of a use of force involving a contracted security officer, the Watch Commander will follow the same investigative procedures outlined in Policy 300 with the exception that no Blue Team entry will be completed. The Watch Commander will notify the private security contractor supervisor. The report will be forwarded to the Operations Lieutenant responsible for contract oversight for review.

Any use of a firearm or any use of force causing great bodily injury by the private security contractor, the Watch Commander will notify the Investigations Division and follow protocols consistent with the investigation of this type of incident.

### 437.11 CITY COUNCIL SECURITY PROCEDURES

The private security contractor will provide assistance with security checkpoint at the City Council meetings in conjunction with the Police Officer assigned to the Council security detail.

The duties of the Police Officer assigned to the detail include:

- Assisting the private security contractor with the security checks prior to the meeting beginning in accordance with the City of Roseville Metal Detector Policy.
- Providing interior security within the Council Chambers during the meeting as outlined in Procedure 101 – City Council Security.

The duties of the private security contractor assigned to the detail include:

- Magnetometer check as outlined in the City of Roseville Metal Detector Policy.
- Provide Council Chambers lobby area security during meeting

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### 437.12 SPECIAL EVENT PROCEDURES

The private security contractor is available to assist with special events occurring in the service area. Any request for assistance shall be coordinated through the Operations Lieutenant assigned to the program.

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# Chapter 5 - Traffic Operations

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# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Roseville Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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### 500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure.

### 500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

## 500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

## 500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

### 500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be

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exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

### 500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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# Traffic Collision Reporting

## 501.1 PURPOSE AND SCOPE

The Roseville Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

## 501.2 RESPONSIBILITY

The Traffic Unit Lieutenant will be responsible for distribution of the Collision Investigation Manual. The Traffic Unit Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

## 501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Unit Lieutenant for approval.

## 501.4 REPORTING SITUATIONS

### 501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A City of Roseville Vehicle/Equipment Accident Report may be taken in lieu of a traffic collision report (CHP 555 form) when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Supervisor's Report of Accident shall be completed and forwarded to the appropriate Division Commander. Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

### 501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Roseville Police Department resulting in a serious injury or fatality, the Traffic Unit Lieutenant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

Members involved in an accident (as defined below) while operating a departmental vehicle shall adhere to the following:

(a) For purposes of this order a vehicle accident is any event that results in unintended injury or property damage attributed directly or indirectly to the motion of a motor vehicle or its load.

(b) Upon becoming involved in an automobile accident, the member shall notify the watch commander by the most expedient means available.

(c) Risk Management must be contacted and asked to respond.

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(d) If the traffic accident occurred within the city limits of Roseville, the supervisor should respond to the scene. The supervisor is responsible for ensuring a complete and thorough accident investigation is conducted. Based on the nature of the accident, the supervisor may elect to request the California Highway Patrol conduct a courtesy investigation. Under no circumstances shall the involved officer conduct the investigation.

(e) If the traffic accident occurred outside the jurisdictional limits of the City of Roseville, the involved member shall ensure the appropriate law enforcement agency is notified and requested to take a report.

(f) All members involved in a traffic accident must complete and submit a City of Roseville Vehicle/Equipment Accident Report to their supervisor as soon as possible.

(g) Photographs are required when any city vehicle is involved in an accident, damaged, or causes damage to any other property.

(h) A Police Department Accident Review Board will be convened for all accidents involving its members. The specific responsibilities of the Accident Review Board are outlined in § 1021.

### 501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Lieutenant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

### 501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or Vehicle Code violation.

### 501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

(a) Traffic collision reports **shall** be taken when:

1. An injury, including a complaint of pain, is involved.
2. A DUI is involved.
3. One or more involved parties request a collision report.
4. A Hit and Run collision.
5. It occurred on a public roadway and one or more vehicles are towed from the scene as a result of the collision.
6. It is the appropriate action to uphold our commitment to service.

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7. All arrest informatin, including the probable cause statements and circumstances covering the arrest, involving collision reports shall be completed on a supplement report under the heading Arrest Documentation.

(b) Traffic collision reports are not required when:

1. The parties exchange driver information and/or the damage is minor (under $750), and both parties agree they do not desire a traffic collision report.
2. A non-injury accident occurs on private property and it is not a hit and run or a DUI type of collision.
3. Late reports with no injuries.

## 501.5 NOTIFICATION OF TRAFFIC UNIT SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Unit Lieutenant to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Traffic Unit Lieutenant, the Watch Commander or any supervisor may assign an MAIT Investigator or motor officer to investigate the traffic collision.

## 501.6 LATE TRAFFIC COLLISION REPORTING / COUNTER REPORTS / HIT AND RUN COLLISIONS WITH NO INJURIES AND NO SUSPECT

It is the policy of the Roseville Police Department to document all collisions that occur within the city limits that come to our attention. Documentation can either be done by investigation and report preparation by police department staff or by having the reporting party fill out a "Counter Report" or given the option to file a report using the on-line service. Counter reports can include property damage only, complaint of pain collisions, and hit and run collisions where there are no injuries and no suspect information. On-Line reports include hit and run collisions where there are no injuries and no suspect information. The purpose of this procedure is to establish guidelines for police department staff to effectively document collisions that are reported late and to provide the best customer service possible. A late-reported collision is any collision where the involved parties are no longer at the scene and documentation is requested at a location away from the collision scene.

### 501.6.1 PROCEDURE

When a person contacts the police department and wants to report a late accident, staff will provide them with a "Counter Report Packet" or give them the option of the on-line service. A "late accident" is defined as an accident which is not in-progress or one that had just occurred. The "Counter Report Packet" includes the C.H.P. form 555 pages 1, 2, and 3 and form 556 as well as an instruction sheet on how to fill out the forms. This report will cover property damage only, complaint of pain, as well as hit and run collisions with no injuries or suspect information.

In the event the reporting party wants the late collision investigated by an officer, police staff will contact an on duty sworn supervisor to determine if a counter report or an officer investigation is warranted.

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# Vehicle Towing and Release

## 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Roseville Police Department. Nothing in this policy shall require the Department to tow a vehicle.

## 502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

### 502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

### 502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a collision and must be removed from the scene, if the driver prefers a specific tow, the driver must directly contact their tow company of preference.

If for any reason the driver is unable to initiate their preferred tow, the officer shall request the dispatcher to call a city approved towing company from the rotation tow list (i.e. driver incapacitated). Officer will then store the vehicle using CHP 180.

### 502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.

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- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

### 502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

### 502.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

### 502.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for tow, the dispatcher shall note in the log which tow company was selected and promptly telephone the specified authorized tow company off the rotation tow list. The officer shall be advised when the request has been made and which tow company is selected.

Dispatch personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and forward through records via normal processes (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

### 502.2.7 RECORDS UNIT RESPONSIBILITY

Approved storage forms (CHP Form 180) shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

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(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

## 502.3 DISPOSAL OF VEHICLES VALUED AT $500 OR LESS

The RATTF Detective has the authority to evaluate a vehicle, camper or trailer for disposal under CVC 22851.2 or CVC 22851.3. If the RATTF Detective determines the subject vehicle is valued at $500 or less, the Detective will fill out DMV Form REG 462-Public Agency Authorization To Dispose Of A Vehicle Valued At $500 Or Less To A Scrap Iron Processor or Dismantler. The Detective shall complete the following steps:

1. Fill out and sign the DMV Form REG 462.
2. Attach the yellow copy of the form to their supplemental report.
3. Pictures of the property shall be included with their supplemental report.
4. Scan a copy of the REG 462 and send it via email to the police department's city attorney representative.

Under no circumstance will the RATTF Detective make a determination of a vehicle's value that is in possession of a family member or a family member's business. In this situation, an uninvolved officer shall be called to make the determination.

## 502.4 TOWING SERVICES

The City of Roseville periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

### 502.4.1 ROTATION TOW SERVICES

The department may approve qualified towing services to be called when a citizen needs towing but has no preference as to which service to call or when an employee determines a vehicle needs to be stored. This firm will be used in the following situations:

- When it is necessary for the police department to safeguard a vehicle due to the inability of the owner or operator to take the required action.

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- When it is necessary for the police department to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of State or local regulations.

Any complaint alleging a violation of the agreement or other misconduct by a rotation tow operator shall be referred to the Traffic Unit Lieutenant for investigation. The department may periodically review the performance of each authorized rotation tow operator. The police department will assist citizens by calling any towing company desired. If the citizen has no preference and requests that an officer call a towing company, one of the authorized firms shall be called in rotation. All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

### 502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

### 502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

### 502.7 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

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(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

## 502.8 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

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# Vehicle Impound Hearings

## 503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

## 503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Roseville Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

### 503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

## 503.3 IMPOUNDING AND STORING VEHICLES

To establish a policy when a vehicle is to be "impounded" or "stored" by members of the Roseville Police Department.

### 503.3.1 IMPOUNDED VEHICLES

When a member of the Roseville Police Department tows a vehicle, that employee must determine if the vehicle should be "impounded" or "stored." When towing a vehicle it should be stored unless one of the following tow authorities applies, then it may be impounded:

(a) 14602.6 CVC: Driving without a license (never issued a license), or with a suspended/ revoked DL unless;

1. A licensed and insured driver is present and is able to legally remove the vehicle from its public location; or

2. The vehicle is in such a location that it does not impede traffic, threaten public safety and convenience, or is not a target for vandalism or theft.

(b) 22651(P) CVC: Unlicensed driver, or with a suspended/revoked DL without knowledge of suspension unless;

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1. A licensed and insured driver is present and is able to legally remove the vehicle from its public location; or
2. The vehicle is in such a location that it does not impede traffic, threaten public safety and convenience, or is not a target for vandalism or theft.

(c) 14602.7 CVC: Fleeing or evading a police officer.

(d) 22651(i) CVC: Vehicle on highway or public land with 5 or more parking violations and has failed to pay or appear in court.

(e) 22651(j) CVC: Vehicle illegally parked and there is no license plate or evidence of registration.

(f) 22651(o) CVC: Vehicle on highway, public land or parking facility with registration expired more than 6 months.

(g) 22651.2 CVC: Removal of vehicles from highway or public lands if:

1. Used to advertise event or function, and
2. Previously issued a notice of parking violations.

(h) 22651.3 CVC: Off-street public parking facility without current registration or multiple notices of parking violations.

(i) 22651.4 CVC: Operation of commercial vehicle from another country outside boundaries of designated commercial zone without authority from Interstate Commerce Commission.

(j) 22651.6 CVC: Remove vehicle used in motor vehicle contest and person was arrested and placed in custody (Per 23109.2 CVC).

(k) 22655 CVC: Vehicle involved in hit and run. (Impound for evidence collection only.) (This section may not be used to get the R/O to come to the PD, etc.).

(l) 22655.3 CVC: Vehicle used to flee or evade a police officer.

(m) 22655.5 CVC: Vehicle used to commit public offense or is evidence or contains evidence.

### 503.3.2 STORED VEHICLES

Members of the Roseville Police Department shall "store" vehicles under the "Community Care Doctrine" when authorized by law and one of the following conditions exist. The vehicle:

(a) Jeopardizes public safety and/or the efficient flow of traffic.

(b) Creates a hazard to other drivers.

(c) May be a target for vandalism or theft.

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1. Officers shall only allow vehicles to be released to another party if the registered/ legal owner is present and authorizes the release of the vehicle to another licensed and insured party and the transfer can be done in a reasonable amount of time.
2. Officers will not release a vehicle to another party with any measurable amount of alcohol in their system or who show signs of intoxication/impairment.
3. Officers shall not store vehicles from private property if the property is owned, leased, or rented by the driver or person in control of the vehicle. This includes parking spaces at community parking facilities, single-family dwellings, apartment complexes, etc., where the driver or persons in control of the vehicle reside.

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# Impaired Driving

## 504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 504.2 POLICY

The Roseville Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California’s impaired driving laws.

## 504.3 DUI COST RECOVERY PROGRAM

The purpose of this order is to provide guidance and direction to appropriate personnel responsible for "Driving Under the Influence" (DUI) incident response cost recovery process.

### 504.3.1 LEGAL AUTHORITY

Government Code sections 53150 through 53159 establish a driver's maximum liability of $12,000 for the reimbursement of public agency response costs related to incidents caused by a driver who is under the influence of an alcoholic beverage and/or drugs.

### 504.3.2 POLICY

It is the policy of this Department that all personnel shall use the process described in Government Code 53150 through 53159 for all DUI cost recovery efforts. Additionally, the Department will not attempt to recover DUI response costs when assisting an allied agency during an incident covered by the law. Although permitted to do so by Penal Code provisions, the Department will not attempt to recover DUI incident response costs through the probation process.

### 504.3.3 COST RECOVERY CRITERIA

The Department will seek to recover DUI incident related costs for alcohol or a combination of alcohol and drugs provided all the following apply or it was another DUI related event defined in 514.6:

(a) An arrest was made for a violation of Vehicle Code sections 23152, 23153 VC, or a greater offense involving alcohol and/or drugs.

(b) The arrest must involve a traffic accident where a collision report is prepared.

(c) The arrested party was determined by the investigating officer to have caused the collision.

### 504.3.4 EVIDENTIARY CRITERIA

In addition to the above criteria, one of the following must also apply to bill upon arrest:

(a) A supporting evidential (PAS is sufficient) test with a blood alcohol concentration results of at least.08% or greater (breath samples must have two readings of at least.08%).

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(b) A commercial driver while driving a commercial vehicle has a supporting evidential test with a BAC result of at least.04% or greater.

(c) In addition to the above criteria a conviction for VC section 23152, 23153, or greater offense is required when one of the following applies:

1. A BAC returns under.08%.
2. A chemical test is positive for drugs only (3) There is no supporting BAC test or drug test (i.e. refusal).
3. It is considered a conviction in this program when a case results in a plea or nolo contender to the original charges of CVC 23152, 23153, or greater offense involving alcohol and/or drugs.
4. It is not considered a conviction in this program when a case is plea bargained to a lesser offense.

### 504.3.5 OTHER RELATED DUI INCIDENTS

There are other DUI related incidents that qualify under the DUI cost recovery program. Any event that causes an emergency response by the Roseville Police Department is an incident that qualifies under the DUI cost recovery program. Examples include but are not limited to, a vehicle left abandoned in the roadway by a DUI driver creating a traffic hazard and a vehicle left abandoned on the railroad tracks. A traffic stop resulting in a DUI arrest does not qualify under the DUI cost recovery program.

### 504.3.6 PROCEDURE

(a) When only one officer is involved, write his/her name and ID number under each respective category along with appropriate hours.

(b) When more than one officer is involved, list each one by name and ID number next to the applicable activity, then record the hours for each activity.

(c) Recording additional materials/City departments called including:

1. Flares used.
2. City property involved.
3. Fire department response.
4. Street department response.
5. Electric department response.
6. Any other departments notified.

(d) Recoverable activities include time expended for vehicle removal, obtaining medical assistance, accident investigation, vehicle storage, report writing, report review, or in-custody activity by officers in charge, sergeant, lieutenants, or captains. Do not include their supervision time for these activities.

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504.3.7 PROCESSING
The Roseville Police Department DUI Accident Cost Recovery Report will be forwarded to the City Finance Department.

## 504.4 FIELD TESTS
The Traffic Lieutenant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

## 504.5 CHEMICAL TESTS
A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)). If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 CHOICE OF TESTS
Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

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### 504.5.2 BREATH SAMPLES

The Traffic Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

### 504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 504.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

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## 504.6 REFUSALS

When a person refuses to provide a viable chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio-record the admonishment and the response if practicable.

(c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

### 504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

### 504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

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1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

## 504.7 ARREST AND INVESTIGATION

### 504.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

### 504.7.2 STATUTORY WARNING

An officer requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

### 504.7.3 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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### 504.7.4 PRELIMINARY ALCOHOL SCREENING FOR MINORS

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

### 504.7.5 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

## 504.8 RECORDS UNIT RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

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# Traffic Citations

## 505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

## 505.2 RESPONSIBILITIES

The Traffic Lieutenant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

## 505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Unit Supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Unit Supervisor may request the Services Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete a dismissal form. The citation dismissal shall then be forwarded to the Services Division Commander for review.

## 505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Unit.

## 505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall complete the correction on a Cite Correction Notice. The citation and Citation Correction Notice shall then be forwarded to the Records Unit. The Records Unit shall forward the Cite Correction Notice to the court having jurisdiction and to the recipient of the citation.

## 505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

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Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Unit.

## 505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

### 505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Traffic Bureau who will review written/ documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Roseville Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

### 505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

### 505.7.3 COSTS

(a) There is no cost for an administrative review.

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(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

## 505.8 PARKING ENFORCEMENT DIGITAL PHOTOGRAPHS

It is the policy of this department that digital photographs shall be taken to depict parking violations when a citation has been issued by a Parking Enforcement Officer, or any department employee acting as a Parking Enforcement Officer. The photographs are taken for the purpose of documenting the violation and for any subsequent administrative review or appeal that may follow.

### 505.8.1 PHOTOGRAPHING THE VIOLATION

(a) At least one photograph shall be taken to best depict the violation and car identification (license plate).

(b) Multiple photographs may be necessary to document some violations. Do not take more photographs then necessary to document the violation.

(c) If the violation involves a regulatory sign, the sign shall be photographed. Additionally, a photograph should be taken to depict the relative position between the sign and the vehicle.

### 505.8.2 TRANSFERRING AND LABELING THE DIGITAL PHOTOGRAPHS

(a) At the end of each shift all parking enforcement photographs will be transferred from the camera to the network drive labeled: Rosenet DFS (B:).

(b) The photographs for each citation shall be placed in a folder labeled with the citation number (Citation Folder).

(c) All citation folders shall be placed in another folder labeled with the specific date that the citation was issued (Date Folder).

(d) All specific date folders shall be placed in another folder labeled with the month they were issued (Month Folder).

(e) All month folders shall be placed in a folder labeled with the Parking Enforcement Officer's badge number (Officer Specific Folder).

(f) The individual Parking Enforcement Officer's folders shall be placed in another folder labeled with the current year (Year Folder).

(g) An Officer transferring the photographs from the camera to the network drive would access the folders in the reverse order described above. Example below:

1. Click on the network drive: Rosenet DFS (B:).
2. Click on POLICE file folder.

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3. Click on PD-Dept-Share folder.
4. Click on Parking Enforcement.
5. Click on the current (Year Folder).
6. Click on the (Officer Specific Folder).
7. Click on the (Month Folder).
8. Click on the (Specific Date Folder).
9. Click on the specific (Citation Folder)

(h) Once the photographs have successfully been transferred from the camera to the storage device, the original photographs my be deleted from the digital camera.

### 505.8.3 STORING AND ARCHIVING THE PHOTOGRAPHS

(a) All parking enforcement photographs shall be stored on the network drive for 2 years.

### 505.8.4 PRIVATE SECURITY CONTRACT DIGITAL PHOTOGRAPHS

Private Security Contract Officers will properly document and photograph any parking violations where they issue a parking citation. They will take and upload a digital photo of the parking citation, vehicle license plate and properly document the violations. All of the documentation and digital photographs will be uploaded to a daily activity report. The daily activity report will be sent to the Traffic Lieutenant, Records Supervisor, Records Administrator and to the Operations Lieutenant who oversees the program. The daily activity reports will be used for dismissals, appeals and administrative hearings. The daily activity reports will be stored for 2 years.

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# Disabled Vehicles

## 506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

## 506.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

## 506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

### 506.3.1 MECHANICAL REPAIRS

Department members may provide basic roadside assistance. Personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

### 506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

### 506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

## 506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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# 72-Hour Parking Violations/Abandoned Vehicles

## 507.1 PURPOSE AND SCOPE

This policy provides guidelines for the marking, recording, and storage of vehicles parked in violation of the Roseville City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669 and RMC 11.20.310

## 507.2 CITIZEN REPORTING

When a citizen calls to report an abandoned vehicle, dispatch should refer them to the online entry on the police department website using the following path:
City website > Government > Departments/Divisions > Police Department > Online Reporting > “Submit an Abandoned Vehicle Report”.

In the instance where the caller is unable to access or navigate the website, dispatch should enter a call for service after confirmation that the vehicle is in the city limits of Roseville.

For Procedures related to call taking for 72-Hour Parking Violations/Abandoned Vehicles, see the

## 507.3 MARKING VEHICLES

Officers, CSOs, cadets, and volunteers (when applicable) shall be responsible for maintaining the Abandoned Vehicle database and marking abandoned vehicles as appropriate. This process can be initiated by direct observation or in response to a citizen complaint.

If a citizen complaint is the reason for marking a vehicle, prior to towing the vehicle, an attempt should be made by the officer to contact the registered owner. This can be done by determining the registered owner via CLETS and either making face-to-face contact with the registered owner or speaking to them on the telephone. If a reasonable attempt has been made to contact the registered owner and contact cannot be made, the vehicle should be towed.

This ordinance is designed to remove abandoned, wrecked, and inoperable vehicles from the public right-of-way. It is not designed to further neighborhood disputes. In some cases, a citation without towing the vehicle might be the best course of action.

For procedures related to marking 72-hour parking violations and abandoned vehicles, see the

For procedures related to towing 72-hour parking violations and abandoned vehicles, see the

For procedures related to vehicles presumed to have been moved, see the

For procedures related to vehicle abatement and unimproved surface, see the

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### 507.3.1 PENDING 72-HOUR TOW CALLS

The CSO unit shall be responsible for maintaining the 72-hour tows pending in CAD and entered into the website. The CSO unit, including any CSO, cadet, or volunteer (when applicable), is responsible for the follow up and updating of the CAD and Collector application as to the current status of the 72 hour/abandoned vehicle.

### 507.3.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The CHP 180 shall be submitted to the Communications Unit immediately following the storage of the vehicle. It shall be the responsibility of the Communications Unit to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the officer, CSO, or cadet towing the vehicle to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS. Notice to all such individuals shall be sent by the Records Division first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

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# TOWING A RECREATIONAL VEHICLE OR MOTORHOME

## 508.1 PURPOSE AND SCOPE

To establish consistent practices for towing Class B or Class C recreational vehicles or motorhomes.

## 508.2 POLICY

The RV TOW LIST shall be used only for tow requests involving Class B or Class C Recreational Vehicles (RV) and Motorhomes (MH). If the RV is blocking a roadway, involved in an accident, or needs to be towed for some other emergency reason, the tow companies on the RV TOW LIST rotation will respond immediately. Otherwise, tow companies will make arrangements for the RV to be towed during normal business hours, Monday-Friday from 0800-1700. The RV should be towed within one week.

(a) Once an officer or CSO has determined an RV or MH needs to be towed, they should make the request for the Communications Center to call for an RV tow.

(b) The Communications Center shall choose the TOW LIST RV from the Tow drop-down list when processing the tow request in CAD. The TOW LIST RV rotation is comprised of the tow companies currently under contract with the city.

(c) When an approved CHP180 for the rv/motorhome is delivered to the Communications Center, the original call shall be re-opened for the data entry portion of the call. To ensure the data entry gets logged into the appropriate CAD call, select the Associated Call from the drop down list at the bottom of the Vehicle Entry mask selected.

(d) Communication Center personnel shall print their data entry, stamp the paperwork, ensure the required verification and signatures are completed, and then clear the original Call for Service (CFS). All required data entry and registration paperwork shall be forwarded to the records department for final processing.

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# Chapter 6 - Investigation Operations

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# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility or other official setting. The recording shall include the entire interview and a Miranda advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including refusal anytime during interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation took place in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed a murder.

(e) The interrogation would disclose the identity of a confidential informant or jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement was not feasible.

(g) Questions are part of a routine processing or booking, and not an interrogation.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction of the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institution Code § 626.8).

## 600.3 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

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## 600.4 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Roseville Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. The department member should provide the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Records Unit will notify the California Department of Justice as required by Penal Code § 13777. See the Records Unit Policy for additional guidance.

## 600.5 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

### 600.5.1 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigations Unit supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide that information to the California DOJ pursuant to their reporting requirements.

### 600.5.2 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Investigations Unit supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

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# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

## 601.2 INVESTIGATION CONSIDERATIONS

### 601.2.1 OFFICER RESPONSIBILITY FOR VICTIM SART EXAMINATION PROTOCOL

Officers performing a sexual assault investigation shall contact their Sergeant/Watch Commander to inquire about a decision to have a SART Examination performed on the victim. The Sergeant/ Watch Commander will contact the Investigations Sergeant or Lieutenant and discuss the details of the sexual assault investigation. If the Investigations Sergeant or Lieutenant cannot be reached, the Sergeant/Watch Commander will determine if a SART Examination should be performed on the victim. The Placer County Forensic Examiner can be contacted through Stand Up Placer. for consultation and SART questions. If the decision is made to not perform a SART Examination the investigating Officer shall notate the name of the Investigations Supervisor that denied the SART Examination in the police report.

If the decision is made to perform a SART Examination in Placer County, the Officer shall call Stand Up Placer first at (this allows for an advocate to be paged out and to respond to either assist the Placer County Forensic Examiner or the BEAR Clinic). The Placer County Forensic Examiner can perform SART Examinations on Victims Age 14 or older. The Bear Clinic will perform SART Examinations for all victims age 13 and under and for any other time the Placer County Forensic Examiner is unavailable. Stand Up Placer will determine if the Placer County Forensic Examiner is available and if they are not available the SART will need to be performed at the Bear Clinic. In the case of a juvenile victim the Officer shall additionally contact Placer County Family and Children Services at . If a Suspect and Victim SART are projected to occur at the same location and time, the Officer handling the suspect will ensure the victim is no longer present. If victim is present the investigating officer will ensure adequate separation within the facility occurs to prevent further trauma to the victim.

PLACER COUNTY FORENSIC EXAMINER VICTIM SART

Stand Up Placer will contact the Placer County Forensic Examiner. The SART examination can be performed at either Sutter Roseville Medical Center, Sutter Auburn Faith Hospital, or Kaiser Roseville. The victim can elect to arrange their own transportation to either hospital or they can

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be transported by a Roseville Police Officer. The Officer will need to contact Stand Up Placer to update them with the hospital and room number where the victim is located. CSI shall be contacted to take photographs and assist in the collection of items such as clothing, DNA Swabs, etc. Stand Up Placer will call back the investigating Officer with the Placer County Forensic Examiners ETA. The investigating Officer will provide the report number to the Placer County Forensic Examiner. The Placer County Forensic Examiner may require assistance with taking overall photos of injuries to the victim. The Placer County Forensic Examiner will be responsible for processing the sexual assault evidence kit and they will contact Roseville Police Department when the kit is ready for pick-up. A Roseville Police Department Employee shall book the sexual assault evidence kit into the property booking system in a timely manner in accordance with evidence booking policy and procedure.

BEAR CLINIC FORENSIC EXAMINER VICTIM SART

If the decision is made to perform a SART Examination at the Bear Clinic, the Officer shall directly page the Bear Clinic Forensic Examiner. The on-call pager for the Forensic Examiner is . When you hear a beep enter your number and the pound sign for a return call from the SART Examiner. If the victim elects to drive to the BEAR clinic on their own, the Officer shall provide them with a Signed Authorization Letter. The Officer shall make sure the Authorization Letter is signed by a Supervisor. The Officer shall notify the BEAR Clinic the victim is transporting themselves and find out the time the examination will start. The Police Department should ensure the victim is not waiting around at the clinic for an extended period of time. A Roseville Police Department Employee shall collect the sexual assault evidence kit unless the BEAR Clinic Staff is going to submit for testing. A Roseville Police Department Employee shall book the sexual assault evidence kit into the property booking system in a timely manner in accordance with evidence booking policy and procedure.

601.2.2 OFFICER RESPONSIBILITY FOR SUSPECT SART EXAMINATION

Officers performing a sexual assault investigation shall contact their Sergeant/Watch Commander to inquire about a decision to have a SART Examination performed on the suspect. The Sergeant/ Watch Commander will contact the Investigations Sergeant or Lieutenant and discuss the details of the sexual assault investigation. If the Investigations Sergeant or Lieutenant cannot be reached, the Sergeant/Watch Commander will determine if a SART Examination should be performed on the suspect. For uncooperative suspects the investigating Officer shall consider writing a search warrant before performing the suspect SART. The suspect SART Examination will be performed by the Placer County Forensic Examiner for any suspects age 14 and older. The Bear Clinic will perform suspect SART Examinations for all suspects age 13 and under and for any other times when the Placer County Forensic Examiner is unavailable. In the case of a juvenile suspect the Officer shall additionally contact Placer County Family and Children Services at . CSI shall be contacted to take photographs and assist in the collection of items such as clothing, DNA Swabs, etc. If a Suspect and Victim SART are projected to occur at the same location and

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time, the Officer handling the suspect will ensure the victim is no longer present. If victim is present the investigating officer will ensure adequate separation within the facility occurs to prevent further trauma to the victim.

PLACER COUNTY FORENSIC EXAMINER SUSPECT SART

The Officer will contact the Placer County Forensic Examiner by contacting Stand Up Placer. The suspect SART examination can be performed at either Sutter Roseville Medical Center or Sutter Auburn Faith Hospital. The officer will transport the suspect to either of the hospitals and will coordinate with the Placer County Forensic Examiner to determine which hospital room to perform the suspect SART prior to booking. A Roseville Police Department Employee shall collect the sexual assault evidence kit unless the Placer County Forensic Examiner is going to submit for testing. A Roseville Police Department Employee shall book the sexual assault evidence kit into the property booking system in a timely manner in accordance with evidence booking policy and procedure.

BEAR CLINIC SUSPECT SART

The Officer will contact the BEAR Clinic SART Examiner directly on the on-call pager. The on-call pager for the SART Examiner is . When you hear the beep enter your number and the pound sign for a call back. Officers shall collect all clothing, shoes and any applicable evidence related to the sexual assault investigation. CSI may be required to assist in gathering the evidence. Officers shall transport the suspect to the BEAR Clinic for the suspect SART Examination prior to booking. Officers shall collect the sexual assault evidence kit unless the BEAR Clinic Staff is going to submit for testing. A Roseville Police Department Employee shall book the sexual assault evidence kit into the property booking system in a timely manner in accordance with evidence booking policy and procedure.

601.2.3 SART EXAMINATION FORMS
Agency Authorization Forms:

Bear Clinic location:

1625 Stockton Boulevard Suite 106 Sacramento CA, 95819

## 601.3 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of

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evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

### 601.3.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

    1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

    2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

### 601.3.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

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Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

## 601.4 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing, except when the victim specifically does not want the biological evidence tested.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

### 601.4.1 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

### 601.4.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to

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update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### 601.4.3 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.

4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon

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request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

#### 601.4.4 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

#### 601.4.5 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

### 601.5 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

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# Asset Forfeiture

## 602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Roseville Police Department seizes property for forfeiture or when the Roseville Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

## 602.2 POLICY

The Roseville Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Roseville Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

## 602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

### 602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.
2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

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### 602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(b) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

(c) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(d) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

### 602.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the Crime Suppression Unit supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

### 602.3.4 SELLING OF VEHICLES LAWFULLY SEIZED UNDER 11469(G) HS

Health & Safety Code section 11469 (G) prevents agencies from putting forfeited vehicles into service. As a result, it is necessary for the department to establish the following guidelines on the disposition of forfeited property:

(A) When authorized by a court order pursuant to Health & Safety Code section 11488.5(F) or written declaration of forfeiture signed by the Attorney General or District Attorney's Office pursuant to Health & Safety Code section 11488.4(j)(5), the Roseville Police Department shall sell all seized vehicles under its control.

(B) Health & Safety Code section 11469(F) states that, "seizing agencies shall avoid any appearance of impropriety in the sale or acquisition of forfeited property." In order to avoid any appearance of impropriety, City of Roseville employees and their immediate families are prevented from bidding or acquiring forfeited property.

(C) Pursuant to Health & Safety Code section 11488.6(b), the property is to be sold at a public auction. The local government entity which shall provide notice of such sale by one publication in a newspaper published and circulated in the city, community, or locality where the sale is to take place.

(D) Proceeds from the forfeiture will be disposed of pursuant to Department Policy and Procedure.

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## 602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete and submit a report and original seizure forms, and provide copies to the Crime Suppression Unit for review.

(b) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

(c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources.

(d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle, or property for further contact, investigation, and notification.

(e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin District Attorney's Office or United States Attorney General's Office.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked into property.

Photographs should be taken of items seized, particularly jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### 602.4.1 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a witness officer. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting and witness verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Whenever a money counter machine is used, the money must also be manually counted and verified. Money counter machines are to be used as a supplemental counting method only.

Currency seized will be placed into an evidence locker for deposit into the District Attorney's Asset Forfeiture Account at the earliest possible time. The Property Division shall notify the CSU Sergeant of the booked currency and the circumstances of the seizure as soon as possible.

For large amounts of currency where physical counting of the currency is impractical, and at the discretion of the sergeant or unit commander, the currency may be packaged into sealed containers. The containers will be sealed in a method to ensure the currency is not tampered with

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prior to counting and deposit. The containers shall then be secured until they can be transported to a bank for counting and deposit.

### 602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

(a) (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

(e) The CSU Sergeant or designee will be responsible for maintaining Asset Seized Vehicles.

### 602.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies.

(b) Serving as the liaison between the Department and the District Attorney's Office or the United States District Attorney's Office and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

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1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

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(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

## 602.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

### 602.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Roseville Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

## 602.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification

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of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

### 602.9 ASSET FORFEITURE LOG

An inventory of all asset forfeiture cases shall be kept in the Investigations Unit. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (Federal or state)
- Status of seizure

Information maintained on the log will be provided to the Chief of Police or authorized staff as requested.

### 602.10 CSU ASSET SEIZURE MANUAL

Please see the following attachment to the CSU Asset Seizure Manual:

**602.11 CSU AGREEMENT WITH THE PLACER COUNTY PROBATION DEPARTMENT** The Crime Suppression Unit will be available to assist members of the Placer County Probation Department with asset seizure investigations. This would include call outs and after hours investigations.

Members of the Placer County Probation Department will be provided annual training. Trainings will be facilitated by members of the Crime Suppression Unit, and include procedures for call outs and points of contact.

Sharing of forfeiture(s) will be detailed in a MOU established between the two agencies.

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# Informants

## 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Roseville Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Roseville Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

## 603.2 POLICY

The Roseville Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 603.3 USE OF INFORMANTS

### 603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

### 603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)

(d) The Chief of Police or the authorized designee

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603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

## 603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Crime Suppression Unit supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Roseville Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Crime Suppression Unit supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Crime Suppression Unit supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

### 603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Crime Suppression Unit. The Crime Suppression Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Crime Suppression Unit supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Crime Suppression Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

(m) Check of Western States Information Network (WSIN)

## 603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Crime Suppression Unit supervisor will discuss the above factors with the Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

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### 603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Crime Suppression Unit buy/expense fund.

1. The Crime Suppression Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Roseville Police Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

### 603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

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### 603.6.3 AUDIT OF PAYMENTS

The Crime Suppression Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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# Eyewitness Identification

## 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

### 604.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** -Any field identification, live lineup or photographic identification.

**Field identification** -A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect to include six pack lineups.

## 604.2 POLICY

The Roseville Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

### 604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members shall avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses shall view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure shall be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7). When it is not feasible to make a recording with both audio and visual representations, audio recording may be used. When audio only is used, the investigator shall state in writing the reason that video recording was not feasible (Penal Code § 859.7).

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## 604.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

### 604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

### 604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

## 604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### 604.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

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### 604.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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# Brady Material Disclosure

## 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Roseville Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 605.2 POLICY

The Roseville Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Roseville Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

## 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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### 605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the Department will follow the procedures outlined in the Placer County Brady Protocol.

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# Warrant Service

## 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

## 607.2 POLICY

It is the policy of the Roseville Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

## 607.3 WARRANT SERVICE SUPERVISION

The Unit Supervisor/Lieutenant shall review all Operation Plan forms to determine the risk level of the warrant service.

The Unit Supervisor and Tactical Commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

The Watch Commander will be briefed prior to the Warrant Service and notified when the Operation concludes.

## 607.4 SEARCH WARRANTS

When a Search Warrant has been obtained, the Investigating Officer will complete the Operation Plan form and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy). An operations plan form would only be required for serving a search warrant at a physical location (example residence, commercial building, etc).An operations plan form would not be required for all search warrant services (examples: cell phone, a safe located at Roseville PD Property Division, DUI blood draw, bank records, etc.)

## 607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the Operation Plan form and submit it to the appropriate supervisor (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, the Tactical Commander shall review. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

## 607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant's training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### 607.6.1 LOCATION VERIFICATION

Two persons on a warrant detail shall be designated to independently verify and confirm the correct location prior to briefing and warrant execution. The site verification will be documented in the Operations Plan Verification Section.

## 607.7 HIGH-RISK WARRANT SERVICE

The Tactical Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable Department members should take pre-search photographs. Photographic documentation is made of the condition of the location prior to searching

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the residence or vehicle. The images should include the surrounding area and persons present.

(b) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(c) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(d) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(e) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(f) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(g) A copy of the search warrant is left at the location.

(h) When practicable Department members should take post-search photographs. Photographic documentation is made of the condition of the location after searching the residence or vehicle. The images should include the surrounding area and persons present.

(i) Department members shall photograph any damage caused by Department members involved in the service of the Warrant. Department members shall document the damage in an applicable report.

(j) Department members shall notify their Supervisor of any damage caused by Department members involved in the service of the Warrant.

## 607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

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### 607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor and/or Investigating Officer shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

### 607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Watch Commander and/or Unit Supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Watch Commander. The Watch Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Watch Commander should ensure that members of the Roseville Police Department are utilized appropriately. Any concerns regarding the requested use of Roseville Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If officers intend to serve a warrant outside Roseville Police Department jurisdiction, the Supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy. The Watch Commander will also be notified.

Officers will remain subject to the policies of the Roseville Police Department when assisting outside agencies or serving a warrant outside Roseville Police Department jurisdiction.

### 607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

### 607.12 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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### 607.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

### 607.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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# National Integrated Ballistic Information Network (NIBIN) Testing

## 608.1 PURPOSE AND SCOPE

This policy will establish guidelines for the Department's use of the National Integrated Ballistic Information Network (NIBIN) Program.

## 608.2 DEFINITIONS

NIBIN - National Integrated Ballistic Information Network.

IBIS - Integrated Ballistic Information System.

E-Trace - the ATF’s paperless firearms tracing system that allows systematic tracking of a firearm from its first sale by the manufacturer/importer through the distribution chain to the first retail purchaser.

## 608.3 PROGRAM EXPLANATION

NIBIN is a specialized computer network that contains digital images of recovered pieces of ballistic evidence.

All scene casings will be processed and reviewed for NIBIN entry.

CSI Personnel will normally process and/or test-fire any manufactured firearm that leaves behind a shell casing when fired.

CSI Personnel will not normally process and/or test-fire the following firearms:

(a) Black powder rifles and handguns.

(b) Pellet, air soft and bb guns.

(c) Any antique firearm unless requested by a detective.

(d) Any firearm that is deemed inoperable, unsafe or missing parts.

(e) Any firearm booked for safekeeping.

The following criteria will be followed when determining if a firearm is eligible to be test-fired and entered into NIBIN:

(a) Firearms used in the commission of a crime.

(b) Firearms booked as evidence

(c) Recovered stolen firearms.

(d) Firearms booked as found property.

(e) Firearms eligible for destruction by Property and Evidence.

All firearms booked that meet the above criteria will be test-fired and entered into the NIBIN database prior to the gun being released to the owner, destroyed, or transferred in accordance with Property and Evidence procedures.

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### 608.4 TESTING

Evidence Lab processing includes, but is not limited to, photographing both sides of the firearm and the serial number, latent print processing/analysis where applicable, and non-printable surfaces will be swabbed for DNA. All related processing and examination by a Range Officer must be done PRIOR to the test-firing of the firearm for NIBIN purposes.

Firearms that normally will be processed for DNA and latent prints by NIBIN unit personnel include:

(a) Firearms used in the commission of a crime.

(b) Firearms booked as evidence.

(c) Recovered stolen firearms.

(d) Firearms booked as found property.

(e) Firearms eligible for destruction by Property and Evidence.

### 608.5 NIBIN PROCEDURES

Property and Evidence personnel will not release or destroy any scene casing or firearm that is eligible for NIBIN entry prior to the firearm being entered and correlated in the NIBIN database.

Test fired and scene casings, that have been entered into NIBIN, will be held or stored until the case is adjudicated and/or disposed of pursuant to law.

A function test of all firearms shall be performed prior to NIBIN testing each firearm. All firearms booked as evidence, recovered stolen, or found will be E-traced. See procedure 300 for complete NIBIN guidelines/procedures.

CSI and Property and Evidence personnel will remain up-to-date on all department and NIBIN/IBIS policies to ensure compliance is met.

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# Facial Recognition System

## 609.1 PURPOSE AND SCOPE

Facial recognition technology involves the ability to examine and compare distinguishing characteristics of a human face through the use of biometric algorithms contained within a software application. This technology can be a valuable investigative tool to detect and prevent criminal activity or reduce an imminent threat to health or safety.

It is the purpose of this policy to provide Roseville Police Department personnel with guidelines and principles for the collection, access, use, dissemination, and retention of images related to facial recognition (FR). This policy will ensure that the use of facial recognition does not violate the privacy, civil rights, and civil liberties of individuals.

All deployments of the facial recognition system are for official use only/law enforcement sensitive. The provisions of this policy are provided to support the following authorized uses of face recognition information:

(a) An active or ongoing criminal investigation.

(b) To mitigate an imminent threat to health or safety.

(c) To investigate and/or corroborate tips and leads.

(d) To assist in the identification of potential witnesses and/or victims of violent crime.

(e) To support law enforcement in critical incident responses and special events.

## 609.2 POLICY

This policy was established to ensure that all images are lawfully obtained, and facial recognition software is used only for the purposes outlined therein.

All authorized personnel will comply with the Roseville Police Department's facial recognition policy and will be required to complete the mandatory training.

## 609.3 DEFINITIONS

**Facial Recognition-** An application that uses biometric algorithms to detect multiple landmarks and measurements of a face that may be compared to a gallery of known images to find potential matches.

**Face Identification-** The manual process (the human aspect) of examining potential matches from facial recognition, looking for similarities or differences.

**Gallery-** Any database of known images.

**Probe Image -** Any unknown image used for facial recognition.

**Gallery Image-** An image from an existing database. Once a probe image is run through the facial recognition system, it is manually compared to gallery images to identify possible matches.

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## 609.4 DISCLOSURE REQUESTS

Records will be disclosed in accordance with RPD Policy 805, Records Maintenance and Release.

## 609.5 ROLES AND RESPONSIBILITIES

Facial recognition systems shall only be deployed for official law enforcement purposes. Facial recognition systems shall not be used for personal use, and information obtained from the facial recognition systems shall only be shared with Department personnel involved in the active criminal investigation.

Facial recognition possible matches shall NOT be the sole basis for enforcement. Facial recognition shall only be used as an investigative tool to provide leads; further investigation should be completed for additional evidence, in order to make a positive identification of the suspect.

### 609.5.1 PROHIBITIVE USES

(a) Department personnel shall not use facial recognition to actively surveil members of the public through any camera or video device unless the person(s) are under an active criminal investigation or the surveillance is in response to an imminent threat of life.

(b) Department personnel shall not use facial recognition on live stream video unless there is an imminent threat to life or involves at-risk individuals.

### 609.5.2 PROTECTED ACTIVITY

Facial recognition must be used in accordance with all federal and state laws, and all Departmental policies.

The Department and its personnel will not perform or request Facial Recognition searches on individuals or organizations that will violate the U.S. Constitutional and/or other legal rights of the individual(s), including, without limitation, searches that are conducted solely on the following basis:

(a) Religious, political, or social views or activities.

(b) Participation in a particular noncriminal organization.

(c) Race, ethnicity, citizenship, place of origin, age, disability, gender, gender, identification, sexual orientation, or other protected classification.

Users are prohibited from knowingly uploading or providing content to Facial Recognition systems that depicts a child sixteen (16) years or younger that is a resident in the state of California. Facial Recognition is authorized only for use of images of persons under the age of 16 for the purposes of protecting the child's safety, victim identification, when the child's welfare is at risk, in connection with investigations of violent felonies, and to help protect against the spread of Child Sexual Abuse Material ("CSAM").

## 609.6 FACIAL RECOGNITION SEARCH REQUESTS

An employee may request that an authorized user run a search of facial recognition to assist in an investigation. The requestor must send a formal e-mail request to an authorized user that minimally includes a viable probe image and an associated case number.

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Although the authorized user is the one conducting the search, they are not required to document their findings in a supplemental report. The authorized user will notify the requestor of the search findings and will provide them all related facial recognition material. The requestor is responsible for independently verifying the potential leads before continuing with the investigation.

Data collected by a body worn camera shall NOT be used as a probe image for purposes of facial recognition.

### 609.6.1 OUTSIDE AGENCY REQUESTS/BULLETINS

Authorized users should not run proactive facial recognition searches related to an outside agency information bulletin.

When an outside agency requests our assistance in running a facial recognition search, the request shall be handled on a case-by-case basis and only with the approval of the Investigative Services Division Captain or designee. If facial recognition use is approved for an outside agency, the authorized user shall provide the requestor a disclaimer that the findings of the search are to be used as an investigative lead only and that further investigation should be completed for additional evidence, in order to make a positive identification of a suspect.

## 609.7 FACIAL RECOGNITION ADMINISTRATOR

The Investigative Services Division Captain or designee shall be responsible for developing guidelines and procedures to include:

(a) A description of the job title or other designation of the members who are authorized to use or access or use facial recognition.

(b) Training requirements for authorized users.

(c) A description of how the facial recognition system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access.

(e) Coordinate the training for all users of the facial recognition programs.

(f) Ensuring this policy and related procedures are conspicuously posted on the department's website.

(g) Update access to the database for users who show a continued need for it.

## 609.8 DATA COLLECTION AND RETENTION

The Investigative Services Division Captain or designee is responsible for ensuring systems and processes are in place for the proper retention of facial recognition data.

Facial recognition data will be stored by the vendor pursuant to their policies and procedures.

The Roseville Police Department has authorized access to and can perform facial recognition searches utilizing image galleries not owned or maintained by the Roseville Police Department. Images not maintained or owned by the Roseville Police Department and are subject to the retention policies of the respective agencies authorized to maintain those images.

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### 609.9 AUDITING

The Professional Standards Unit Sergeant will be responsible for conducting audits of the facial recognition system. Facial recognition auditing will include the following:

(a) User Accounts -

1. User accounts will be audited on a bi-annual basis for assessment of continued need.

(b) Searches -

1. Randomized user searches will be audited on a bi-annual basis for compliance.

### 609.10 TRAINING

The Facial Recognition Administrator shall ensure that members receive department-approved training for those authorized to access the facial recognition system. Prior to utilizing the facial recognition system each user shall complete appropriate training and review facial recognition policy and procedure.

Investigative searches shall only be conducted by trained face reviewers. Trained face reviewers are qualified to assess image quality and suitability for Facial Recognition searches and to perform one-to-many and one-to-one face image comparisons.

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# Chapter 7 - Equipment

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# Department Owned and Personal Property

## 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

## 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement. Employees who have been assigned or are responsible for Departmental equipment that requires regular or periodic calibration shall ensure all equipment is maintained in a functional capacity (i.e. PAS Devices and Lidar).

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

## 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander or their designee, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police or their designee who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT
A verbal and/or written report shall be made to the employee's immediate supervisor as soon as circumstances permit.

## 700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

## 700.5 RETURN OF CITY PROPERTY

Department members are required to surrender Department issued identification card, badge, weapon, safety equipment, and other items issued by the City whenever any resignation, separation or dismissal occurs. Occurrences under which the return of City property is left to the discretion of the Chief of Police or designee include, but are not limited to the following circumstances:

(a) Suspension(s)

(b) When an employee's absence from regular or modified duty status exceeds or is expected to exceed 180 days (to include leave of absence and injured on duty), at the discretion of the Chief of Police or designee, the employee shall turn in all Department issued equipment with the exception of their Department ID card, card key access, badge, and issued firearm(s).

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(c) At the discretion of the Chief of Police or designee, employees on military deployment expected to exceed 180 days shall turn in all Department issued equipment except for the Department ID card.

(d) At the discretion of the Chief of Police or designee for the good of the Department, City, or community.

(e) Any circumstances which, at the discretion of the Chief of Police or designee warrants the return of City property.

### 700.5.1 WATCH COMMANDER RESPONSIBILITY

It is the responsibility of the Watch Commander or designee to whom an individual is assigned to ensure that the badge, ID card, issued weapon, and any other property belonging to the Department is surrendered.

### 700.5.2 INDIVIDUAL OFFICER RESPONSIBILITY

Upon resignation, separation or dismissal, or at the request of the Chief of Police or designee, Department members will, prior to departure, surrender to the Quartermaster or designated employee all property belonging to the Department.

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# Personal Communication Devices

## 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes. This policy generically refers to all such devices as Personal Communication Devices (PCDs).

The Chief of Police will identify an employee to act as a Program Administrator. The Program Administrator will be responsible for Department-issued PCD's, their distribution, up-keep and overall policy compliance.

## 701.2 POLICY

Any department owned PCD issued to any member is subject to monitoring and inspection consistent with applicable civil or criminal law and this policy.

## 701.3 PRIVACY EXPECTATION

There is no expectation of privacy in any department owned PCD, to include stored content, sent or received data, or location data (see the Information Technology Use Policy for additional guidance).

### 701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

Without reason or cause the department may compel access to any departmentally owned PCD in compliance with 1546.1(a)(2) PC. If there is a reason or cause that is criminal in nature, the department will seek a search warrant to access a departmentally owned PDC.

## 701.4 DEPARTMENT-ISSUED PCD

Department issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police, an authorized designee, or city policy. Such devices and the associated telephone number, if any, shall remain the sole property of the Department.

## 701.5 PERSONALLY OWNED PCD

At the discretion of a supervisor, members may carry a personally owned PCD while on-duty, but the Department accepts no responsibility for loss of or damage to a personally owned PCD beyond what is prescribed in any MOU in effect.

(a) Members should be aware that data within a personally owned PCD that is used for work purposes may be discoverable in certain circumstances. Examples of actions that may expose a personal PCD to discovery are messaging content to other department members during on-duty periods or accessing a work email account on a personal PCD.

(b) The device shall not be utilized to record or disclose any data that is prohibited by law (647.9 PC).

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(c) No work product may be retained on a personally owned PCD beyond the period reasonably needed to transfer the saved data to a city owned device.

(d) Except with prior agreement between a member and the Department, and in compliance with any MOU in effect, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty.

(e) Members shall reasonably limit their use of personally owned PCDs to authorized break times.

### 701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct departmental business:

(a) A PCD may not be used to conduct personal business while on-duty, except for brief communications (E.g., informing family of extended hours).

(b) Members are prohibited from taking pictures, audio or video recordings, or distributing of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.

(c) Members shall not access social networking sites with a departmentally issued PCD for any purpose that is not official department business. This does not apply to a personally owned PCD used during authorized break times.

(d) Department-issued PCDs and all applications, programs and software installed by the City of Roseville or the Roseville Police Department shall be left intact and operating as they were installed and designed.

### 701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

(c) An investigation into improper conduct should be promptly initiated when circumstances warrant.

### 701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call

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to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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# Vehicle Maintenance

## 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

### 702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

## 702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

(a) 20 Emergency road flares which shall be stored in the City provided ammo boxes

(b) 2 Sticks of yellow crayon or chalk

(c) 1 Roll of crime scene or barricade tape

(d) 1 First aid kit, CPR mask

(e) 1 Blanket

(f) Protective gloves

(g) 1 Sharps container

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(h) 1 Hazardous waste disposal bag

(i) 1 Traffic safety vest

(j) 1 Hazardous material Emergency Response Handbook

(k) 1 Evidence collection kit

(l) 1 Camera or department issued smart phone

702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

(a) 1 First aid kit, CPR mask

(b) Protective gloves

(c) 1 Camera or department issued smart phone

## 702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

## 702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance. Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

## 702.6 PROFESSIONAL STAFF EMPLOYEE USE

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the “out of service” placards or lightbar covers at all times. Professional Staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## 702.7 MARKED PATROL TAKE HOME CAR POLICY

Officers assigned to take a patrol car home must park at their home. This includes in front of their residence, in their driveway, or in their garage. In the case where their residence is an apartment, they will park the patrol car in their assigned parking space at the complex.

702.7.1 MAINTENANCE

Officers will be notified by email regarding the necessity to bring their assigned vehicle to the city garage for preventative maintenance. It is the responsibility of the individual officer to have their car at the garage at the designated maintenance time. Officers will not be paid overtime for pick up and delivery to the garage. It is recommended that the officers take their car to the garage for this service at the end of their previously scheduled duty shift to avoid having to do it on their regularly

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scheduled day off. The Community Services Officers will not take the vehicle to the garage for the officer.

### 702.7.2 MANDATORY TAKE HOME

Members assigned a take home vehicle shall take precautions to safeguard the vehicle while it is parked at their residence. If possible, the vehicle should be parked off the street and must be locked whenever it is unattended.

### 702.7.3 SAFETY EQUIPMENT

Officers will have safety equipment in their possession and readily available when traveling to and from their residence. This includes:

(a) Duty pistol

(b) Handcuffs

(c) O.C.

(d) 2 loaded magazines

(e) Police badge and identification

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# Vehicle Use

## 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure City vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Roseville to provide assigned take-home vehicles.

## 703.2 POLICY

The Roseville Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

## 703.3 USE OF VEHICLES

### 703.3.1 SHIFT ASSIGNED VEHICLES

Officers shall input their vehicle number on their MDC when logging onto a patrol vehicle at the beginning of their shift. In the event an Officer changes their vehicle during their shift they shall update the vehicle number when re-logging onto the MDC.

### 703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

### 703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate. Members shall input their vehicle number, any vehicle damage noted during inspection, and any assigned specialized equipment into their MDC before taking the vehicle into service and and at the conclusion of their shifts.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

### 703.3.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

### 703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the Department and City established records retention schedule.

### 703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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703.3.8 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING
Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.11 PROFESSIONAL STAFF MEMBER USE
Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall prominently display the "out of service" placards or light bar covers at all times. Professional Staff members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## 703.4 UNMARKED VEHICLES
Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor.

## 703.5 DAMAGE, ABUSE AND MISUSE
When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

## 703.6 TOLL ROAD USAGE
Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way

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transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

## 703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

## 703.8 SHARED AND TAKE HOME VEHICLES

The Roseville Police Department authorizes designated personnel to take vehicles home with them after the end of their assigned shift or working assignment under the provisions outlined below. All Sworn Department members shall review and comply with the RPOA MOU Chapter 2 Article IX Take Home Vehicle.

The following is a link to the RPOA MOU:

### 703.8.1 PATROL

(a) Marked patrol vehicles will be shared by two Officers who work the same patrol shift but are assigned to work different days of the week (A & B shifts).

(b) The Vehicle Coordinator will assign the vehicles.*The car assigned to the officer may be taken home during their work week.

(c) Preventative maintenance appointments are the responsibility of the Officer who has control of the vehicle when the appointment is scheduled.

(d) At the end of an Officer's week the car will be cleaned out, with a full tank of gas.

(e) The transfer of the car between officers at the end of the work week will be worked out by the assigned officers.

### 703.8.2 DETECTIVES

Detectives will continue to have vehicles individually assigned and all take home policies apply.

### 703.8.3 ADMINISTRATION

Administration will continue to have vehicles individually assigned and all take home policies apply.

### 703.8.4 TRAFFIC

Traffic will continue to have vehicles individually assigned and all take home policies apply.

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### 703.8.5 CANINE UNITS

All canine handlers will continue to have vehicles individually assigned and all take home policies apply.

### 703.8.6 CRIME SUPPRESSION UNIT

All personnel assigned to the Crime Suppression Unit will continue to have vehicles individually assigned and all take home policies apply.

### 703.8.7 POOL CARS AND RELATED ISSUES

Staff may have access to city vehicles for various activities not scheduled during their official work week. This may include court, training, working an overtime shift or some other activity. There will be a limited number of cars designated as "Pool Cars" available for this. This may include both marked and unmarked vehicles. The Vehicle Coordinator will manage or designate someone to manage these pool vehicles. Pool vehicles will have a designated parking area and shall be returned to this area when not in use. It may be necessary, dependant upon vehicle availability, for staff to drive their personally owned vehicles to training or court from time to time.

### 703.8.8 VEHICLE COORDINATOR

A manager will be appointed to generally manage the fleet. All decisions related to the technical aspects of the vehicles, proposed changes, maintenance issues, acquisition of new equipment or vehicles...etc, will be managed by this person. This manager will be the liaison with the city garage on all matters relating to vehicles.

## 703.9 ADMINISTRATIVE REGULATION

All Department members shall review and comply with the following Administrative Regulations: Administrative Regulation 1.05.1 City Vehicle Usage, Administrative Regulation 1.05.2 City Vehicle Usage (Take Home Assignment), and Administrative Regulation 1.05.3 Vehicle Log.

The following is a link to Administrative Regulation 1.05.1:

The following is a link to Administrative Regulation 1.05.2:

The following is a link to Administrative Regulation 1.05.3:

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# Cash Handling, Security and Management

## 707.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

## 707.2 POLICY

It is the policy of the Roseville Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### 707.2.1 COUNTING METHODS

Whenever a money counter machine is used, the money must also be manually counted and verified. Money counter machines are to be used as a supplemental counting method only.

## 707.3 PETTY CASH FUNDS

All City of Roseville Police Department Members shall follow City of Roseville Administrative Regulation titled A.R. 6.02 Petty Cash Funds.

Hyperlink to A.R. 6.02 Petty Cash Funds:

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# Personal Protective Equipment

## 705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 705.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 705.2 POLICY

The Roseville Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

## 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

## 705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

## 705.7 RESPIRATORY PROTECTION

The training manager is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified designee. The plan shall include procedures for (8 CCR 5144):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

### 705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

### 705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

### 705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

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### 705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA if they have received proper training and certification when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

### 705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

### 705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

## 705.8 RECORDS

The Training Manager is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

## 705.9 SAFETY PRECAUTIONS FOR DRUG ENVIRONMENT

Contamination from drug exposure can cause life threatening medical concerns, particularly from substances in the Fentanyl family of drugs. There is a potential for contamination through skin absorption and inhalation. If drugs are encountered, personnel shall do the following:

Members shall wear appropriate personal protective equipment while in contact with suspected controlled substances to include:

(a) Nitrile 5 protective gloves shall be worn. Latex gloves are not to be worn as there is risk of exposure through the gloves.

(b) Additional personal protective equipment may be worn to include an N-95 rated dust mask or eye protection as determined necessary.

(c) The Department will make these items readily available to field staff and personnel working inside Property / Evidence.

(d) Additional protective equipment could include paper suits/coveralls and boot covers

No field testing of suspected controlled substances will be conducted.

Fentanyl / Fentanyl based substance safety

(a) Exposure to Fentanyl can be an immediate life threatening emergency

(b) Remove yourself and others from the contaminated environment

(c) Seek immediate medical attention if exposed. Signs of exposure may occur within minutes and can include:

i. Respiratory depression or arrest

ii. Drowsiness/Sedation

iii. Disorientation

iv. Pinpoint pupils

v. Clammy skin

d. Secure the contaminated environment

e. Notify a supervisor

### 705.9.1 SUPERVISOR RESPONSIBILITY

1. Ensure medical attention has been provided

2. Work in conjunction with Hazardous Materials Specialists for determining proper way of handling the incident to include the following resources:

i. Placer County Special Investigations Unit

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ii. Roseville Fire Department Hazardous Materials Unit

3. Fentanyl test kits are available in the Sergeant's Office, Property/Evidence, and with each K-9 handler if the need arises to immediately determine the type of substance present.

705.9.2 EVIDENCE COLLECTION

Refer to the Property Booking Procedures Manual for the proper method of collecting, packaging, and booking of suspected controlled substances.

## 705.10 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

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# Military Equipment

## 706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, use, collaborating in the use, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Roseville Police Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms and standard-issue ammunition.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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### 706.2 POLICY

It is the policy of the Roseville Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### 706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of the Roseville Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### 706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

### 706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

## 706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.The Department should not use military equipment belonging to any other law enforcement agency unless the military equipment is approved for use in that jurisdiction.

Military equipment use and acquisition is often a collaboration with the City of Rocklin and the Rocklin Police Department due to our regional SWAT and EOD teams.

## 706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

## 706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

## 706.9 COMPLAINT PROCEDURE

All complaints or concerns regarding this policy will be handled pursuant to the Department's normal complaint process.

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# Chapter 8 - Support Services

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# Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interviews
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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# THE COMMUNICATIONS CENTER

## 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

## 801.2 POLICY

It is the policy of the Roseville Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

## 801.3 INCIDENT PRIORITY

Priority Call System- A priority call system is used by communications personnel to screen and establish the priority of incoming calls for police service. Emergency radio traffic takes priority over all other tasks in the Communications Center. Ringing 911 lines are the highest priority for the Dispatch center and should be answered over routine phone calls and non-urgent fire radio traffic. The Law radio dispatcher’s primary responsibility is radio communications with officers in the field and not processing of telephone calls.

### 801.3.1 URGENT CALLS

A call for service qualifies as urgent and dictates that a police officer respond in a timely manner if the incident is not in progress and there is little chance the suspect might still be in the area, but the seriousness of the incident or the necessity of preserving physical evidence requires a prompt officer response.

### 801.3.2 ROUTINE CALLS / LOW PRIORITY INCIDENTS

A call for service is categorized as low priority when it meets the following criteria:

(a) The crime or incident occurred some time in the past and there is no longer any risk to people or property.

(b) A report is requested for informational or insurance purposes.

(c) The request is for a routine service such as a petty theft or burglary report.

### 801.3.3 ALERT TONES

Shall be used as one tone or a series of tones to draw attention to a significant situation or incident to alert all field staff. Using the Alert tone does not indicate a need for emergency-only radio traffic. Alert tones may be used prior to an "all units" information broadcast or when advising of a bolo or attempt to locate broadcast.

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801.3.4 EMERGENCY MARKER

The Emergency Marker is activated to notify field personnel that a high risk situation is occurring. When the Emergency Marker is activated, Dispatch should broadcast that "The air is clear" and state for which officer or event the alert tone is intended and repeat the location. When the Emergency Marker is activated, radio traffic shall be limited to those dedicated to the high priority incident or who are involved in another emergency event.

Officers wanting the Emergency Marker should request Dispatch to "Clear the air".

If the Emergency Marker jeopardizes officer safety, an officer may make a request to Dispatch that the Emergency Marker be turned off.

## 801.4 COMMAND STAFF NOTIFICATION

In the following circumstances Communications should send a Command staff notification page when directed by the Watch Commander:

(a) Officer involved shooting

(b) Death or severe injury of a staff member whether on or off duty

(c) Evacuation of the police department

(d) Officer death for neighboring agencies

(e) Amber Alerts

(f) Silver Alerts

(g) An event that media will respond to

(h) Anytime requested by a supervisor

(i) Any hate crime that involves an assault, an arson or is egregious.

## 801.5 NOTIFICATION OF PATROL SUPERVISOR(S) AND WATCH COMMANDER(S)

The law dispatcher should advise the Patrol Supervisor(s) and or the Watch Commander(s) of all high priority incident(s). The law dispatcher should advise the Patrol Supervisor(s) and or the Watch Commander(s) on the law radio channel when certain incidents are occurring in the City. The following is a list of types of incidents requiring Patrol Supervisor(s) and or Watch Commander(s) to be notified:

(a) Vehicle pursuit

(b) When an officer is responding Code 3

(c) Officer needs Code 3 assistance (1199)

(d) Unable to reach an officer on the law radio

(e) Assisting an outside agency on high priority incidents

(f) When no units are available to dispatch to a high priority incident

(g) When there is no cover unit available for an officer on a high priority incident

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(h) Any incident that might require notification of Command Staff (SWAT call outs, Incident's involving off duty employee's. etc.)

(i) Any suspected hate crime

## 801.6 RESPONSIBILITIES

### 801.6.1 COMMUNICATIONS ADMINISTRATOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Administrator. The Communications Administrator is directly responsible to the Assistant Chief or the authorized designee.

The responsibilities of the Communications Administrator include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Communications Center in coordination with Communications Center supervisors.

(b) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(c) Maintaining the Communications Center database systems.

(d) Maintaining and updating the Communications Center procedures manual.

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.

(e) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

### 801.6.2 ADDITIONAL PROCEDURES

The Communications Administrator should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Assignment of field members and safety check intervals.

(e) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(f) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(g) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).

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(h) Handling misdirected, silent and hang-up calls.

(i) Handling private security alarms, if applicable.

(j) Radio interoperability issues.

### 801.6.3 COMMUNICATIONS SUPERVISOR

The responsibilities of the Communications Supervisor include, but are not limited to the following:

(a) Scheduling and maintaining dispatcher time records.

(b) Supervising, training and evaluating dispatchers.

(c) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(d) Processing requests for copies of the Communications Center information for release.

(e) Maintaining Communications Center database systems.

(f) Maintaining and updating Communications Center procedures manual.

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.

(g) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(h) Maintaining a current contact list of City personnel to be notified in the event of a city emergency.

(i) Availability of current information for dispatchers (eg. Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers and tactical dispatch plans).

(j) Emergency Medical Dispatch (EMD) instructions.

### 801.6.4 DISPATCHERS

Dispatchers report to the Communications Supervisor(s) and the Communications Administrator.The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

(a) 9-1-1, text to 911 and 7 digit Emergency lines.

(b) Business telephone lines.

(c) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

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(d) Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

(e) Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Monitoring department video surveillance systems.

(e) Monitoring radio system(s) including but not limited to: Fire, Law, Lawnet, and the Hotline.

(f) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(g) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

(h) Provide Emergency Medical Dispatch (EMD) Instructions.

## 801.7 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system as a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking five key questions:

- Where?
- What?
- When?
- Who?
- Weapons?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

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If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient, empathetic, and respectful when dealing with the public.

### 801.7.1 EMERGENCY CALLS / HIGH PRIORITY

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals. It may be necessary for the dispatcher to remain on the phone with the caller until officers are on-scene to ensure updated information is obtained and available to responding officers.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

### 801.7.2 NON-EMERGENCY CALLS / LOW PRIORITY

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency should be placed on hold to allow the dispatcher to handle a higher priority or emergency call.

If possible the reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

## 801.8 RADIO COMMUNICATIONS

The police radio system is for official use only, and should be used for communications with department members. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Acknowledging radio identification call signs and current location of department member(s).

(b) Responding promptly to all radio transmissions.

(c) Acknowledging when advised of members status and location.

All transmissions shall be concise and without further comment unless additional information is needed.

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The Communications Supervisor or Communications Administrator shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

### 801.8.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Roseville Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

### 801.8.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

## 801.9 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident or call number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the arrival, if known.
- Time of member's return to service.
- Disposition or status of reported incident, if known.
- Location of caller, if possible.

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## 801.10 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to department members, approved sit-alongs, and approved visitors.

## 801.11 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Make every effort to send necessary confidential information via MDC or telephone.

## 801.12 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510). Dispatchers shall receive training consistent with minimum standards established by International Academies of Emergency Dispatch Certification Requirements.

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# Property and Evidence Section

## 802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

### 802.1.1 RESPONSIBILITIES OF THE PROPERTY AND EVIDENCE SUPERVISOR

The Property and Evidence Supervisor shall be responsible for the maintenance of the Property Department Operations Manual. The supervisor shall ensure the manual is maintained on a current basis and reflects the most current procedures being followed within the Property and Evidence Unit.

### 802.1.2 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Property and Evidence Section, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

## 802.2 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly packaged, tagged, and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

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### 802.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Enter all evidence and property into the Property Barcoding System. Complete the property form describing eac item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings and who is to receive the item once it is no longer being held by the Department.

(b) Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored. Properly package all items to ensure protection from the loss of evidentiary value, cross-contamination, or degradation. See Policy 804.4 for standards.

(c) A copy of the completed electronic property card will be placed with the original report.

d) Secure the items inside a secure locker or storage area. When the property is too large to be placed in a locker, the item may be retained in the garage level evidence room. Indicate in the Barcode System the temporary location of the item in the space marked "locker #" (i.e., garage, IMP yard, etc.)

e) If items are not immediately booked into Property, they may be secured in a property locker. Employees leaving property in a locker shall leave a copy of the face page of the report with the property or leave a notice with their name, the date/time the item was placed into the locker, and the associated report number.

### 802.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate item number. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately, noting in the barcoding system whether any trace amounts of a drug are present, or suspected present, on the paraphernalia. Upon determination that a useable amount of an illegal substance exists upon an item of paraphernalia, officers are authorized to collect the substance by scraping it onto a sheet of clean butcher paper and then transferring the substance into a clear evidence bag. The item of paraphernalia should be photographed before this process occurs. Officers shall don protective gear to minimally include latex gloves, an N-95 mask, and eye protection, while collecting a dangerous substance. All collection efforts should occur within the fume hood located in the police department's evidence preparation room. A secondary officer shall be monitoring the collection process in the event of an accidental exposure to the primary officer.

### 802.2.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. EOD staff will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. Explosives will not be retained in the police facility.

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Fireworks should always be handled with care and caution because they contain a pyrotechnic composition that is explosive by nature and sensitive to heat, shock, or friction. Per Policy, all "safe and sane" fireworks may be booked into Evidence if they are in good condition. Certain types of illegal, factory manufactured fireworks may be booked into Evidence only if in an unmodified condition (e.g. small bottle rockets, M80s, M100s, small firecrackers, etc.) and in their original packaging. Officers shall contact a member of the bomb team staff with any non-factory explosive device.

A member of the bomb team shall be notified, take possession of, and dispose of any of the following:

(a) Fireworks in poor condition (wrappers are old and dirty, containers are bent or wet)

(b) Homemade fireworks

(c) Altered "safe and sane" fireworks

### 802.2.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) All bicycles and bicycle frames require a property record with any serialized information listed. Barcodes will be attached to the property tags which will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Technician, or placed in the bicycle storage area until a Evidence Technician can log the property.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Technician, or placed in the bicycle storage area until a Evidence Technician can log the property.

(d) All cash shall be counted in the presence of another officer. The envelope shall be initialed by the two officers (print names and badge numbers) and sealed using the red tamper-proof tape. The amount is to be noted on the envelope and bills itemized in barcode system. The money submitted shall be placed in a "currency envelope". The Watch Commander shall be contacted for cash in excess of $1,000. The Watch Commander will also count the money and initial the envelope in the same process as the officers booking the cash before it is placed into Property.

    1. Whenever a money counter machine is used, the money must also be manually counted and verified. Money counter machines are to be used as a supplemental counting method only.

(e) City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

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### 802.2.5 EVIDENCE AND STORAGE OF VEHICLES

When a vehicle is "impounded" as evidence by members of the Roseville Police Department and stored at the city evidence impound yard, officers will adhere to the following:

(a) When a member of the Roseville Police Department tows a vehicle as evidence pursuant to 22655.5 CVC it shall be "impounded."

(b) A CHP 180 shall be completed.

(c) A Roseville Police Department Electronic Property Record shall also be completed in the Barcode System.

(d) On the Property Record under "locker number" the impounding officer shall enter "the location of the vehicle".

(e) A copy of the CHP 180 shall be placed in the open drop slot locker (locker #8). The location of the car keys shall be noted on the CHP 180. The barcode shall be attached to the back of the CHP 180 copy.

### 802.2.6 LICENSE PLATE(S)

When employees locate license plate(s) on a call for service, during a search, traffic accident investigation, or on a roadway, etc. they shall attempt to locate the owner of the license plate(s). Employees shall attempt to ascertain whether the license plate(s) are lost or stolen. Where ownership can be established as to found property, such property may be released to the owner without the need for booking. The employee releasing the found property shall document the release in an applicable report or CAD notes if no report is taken. If the employee is unable to reach the owner of the license plate(s) they shall complete a CHP 180, have the plate(s) entered into the SVS database as Lost/Evidence and book the plate(s) into the property booking system. If the employee learns through their investigation the license plate(s) are indeed lost or stolen they shall complete a CHP 180, have the plate(s) entered into the SVS database and book the plate(s) into the property booking system. Found license plates can be placed in the open slot in locker #8 without booking into the property booking system. Property will collect them and deliver them to DMV.

## 802.3 PACKAGING OF EVIDENCE/PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs shall be booked separately from paraphernalia. The total package weight and estimated quantity of pills (if applicable) shall be listed within the barcode system.

(b) Marijuana when wet should be booked in an envelope or paper bag. Not in a plastic bag which causes it to mold or get slimy. Bulk marijuana evidence shall comply with the applicable procedure manual.

(c) Paraphernalia (drug related) not containing narcotics itself should be booked in separately from the drugs when possible.

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(d) Ensure all firearms are unloaded and booked separately from ammunition. In an attempt to protect forensic evidence, employees shall wear a pair of clean latex gloves when collecting or touching any firearm and/or casings. Once the firearm has been rendered safe, the firearm will be placed in a clean, never used bag or box. Nothing should be placed through the chamber/ barrel, to include a zip-tie (to preserve the lands and grooves for ballistic examinations). In order to secure the firearm, a zip-tie can be placed through the ejection port toward the bottom of the magazine well/grip. The same care should be observed when dealing with the magazine and/ or ammunition. Indicate on the property card the make, model, gauge, caliber, serial number, and owner's information. Also, note on the card if no serial number is located or if the number is obliterated. If the firearm cannot be unloaded it shall be clearly labeled as a "Loaded Firearm". Where further laboratory processing is needed, like DNA, ballistics, or fingerprints, a photograph of the gun and its serial number should be taken for the Property Technician to later enter it in the firearms database. A request for forensics assistance is recommended if the field personnel cannot clearly photograph the serialized information. Employees needing forensics assistance may submit a forensics request for laboratory processing to comply with this policy.

(e) Property with more than one known owner.

(f) Paraphernalia as described in Health & Safety Code § 11364.

(g) Fireworks.

(h) Fraudulent/Counterfeit Bills are to be submitted in small envelopes and not in currency envelopes.

(i) Currency, even when used as paraphernalia, should be booked as currency with a notice written on the envelope, "DO NOT DEPOSIT - EVIDENCE".

(j) Liquor is not accepted unless the charge is a felony, ABC violation, or if it needs to be tested for foreign substances. In other cases, liquor should be noted in the report, pictures taken when applicable, and the liquor subsequently destroyed by the officer.

(k) Consumable goods are not accepted unless there is a need for laboratory processing of foreign substances. Otherwise, all consumable goods should be noted in the report, pictures taken, and the goods either returned to the owner or destroyed by the officer.

(l) Methamphetamine and marijuana pipes with residue that are booked into property shall be marked as having residue. This shall be indicated on the property tag as well as in the report. A total package weight shall be noted as well if there is a useable amount.

(m) Syringes that require retention as evidence for case prosecution will be accepted into the property section in the designated sharps containers pending case disposition. Use caution, due to danger of accidental exposure to contagious diseases.

(n) Syringes, not retained for prosecution, may be photocopied or photographed and deposited in the sharps container. (Ref. RMC 2.48.060)

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### 802.3.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Every effort should be made to ensure the safety of the staff receiving property or evidence. A correction notice will be issued for improperly packaged items. Refer to the Property and Evidence Packaging Manual within the Property Division's Operations Manual. Knife boxes or cardboard should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together. Tags should not be attached directly to an item to preserve its condition upon seizure.

### 802.3.2 PACKAGING NARCOTICS

Officers shall weigh all drugs prior to placing them into a property locker. Officers will weigh the drugs in the smallest amount of outside packaging as possible without removing the drugs and note in the report that the listed weight includes packaging along with a brief description of that packaging for reference to the overall weight. Officers shall not remove the drugs from all packaging for the purposes of obtaining weight as to avoid contamination.

If the drugs were located loose in a container, other than plastic baggies (i.e. film containers, jars, etc), the drugs shall remain in the container and not be transferred to another baggie for the purpose of obtaining a weight. If the drugs are inside of a plastic baggie inside a larger container, then they can be removed from the larger container if the baggie contains all of the drugs and is free of damage, holes, etc. where the drug may spill out. Please refer to the Property Section Packaging Manual for further instruction on packaging narcotics.

## 802.4 RECORDING OF EVIDENCE/PROPERTY

The property technician receiving custody of evidence or property shall review the record in the Barcode System and finalize the record. Property Technicians shall scan the barcode to the appropriate storage location. A finalized copy of the barcode record shall be forwarded to the Records Unit to be filed with the report. Any changes in the location of property held by the Roseville Police Department shall be noted in the Barcode System.

## 802.6 EVIDENCE/PROPERTY CONTROL

Each time the property technician receives property or releases property to another person, he/she shall enter this information in the property Barcode System. Officers desiring property for court shall contact the property technician at least one day prior to the court day.

### 802.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the Barcode System on the Property Record shall be completed to maintain the chain of possession. The property technician shall be advised if the court item(s) were retained by the court. The officer will retain custody of all evidence unless relinquishing control to the court as an exhibit. In that case, the officer shall notify Property and Evidence that the item is outstanding and will be retained by the court. Request for analysis, for items other than narcotics or drugs, shall be completed in the Barcode System .

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### 802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property Technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the transporting employeewill record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Unit for filing with the case.

### 802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The Evidence Technician shall obtain the signature of the person to whom property is released and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

### 802.6.4 AUTHORITY TO RELEASE PROPERTY

Involved officers, detectives, the District Attorney's Office or Department supervisors can authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

### 802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization or diverted property memorandum shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented in the Barcode System.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction or diverted for official department use and recorded as "diverted property" in a memorandum signed by a Department supervisor. If such property is not sold at auction, diverted, or otherwise lawfully claimed, it may thereafter be

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destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

An Evidence/Property Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded. After release of all property associated with the case, notice of final disposition shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released the property record will remain open with the Property and Evidence Section.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

### 802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

### 802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property Technician will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

### 802.6.8 FIREARMS HANDLING

Property and Evidence staff will be responsible for the following when handling firearms:

(a) Entering into the Automated Firearms System information about each firearm that has been recovered (stolen, lost, or found), held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

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(b) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(c) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

### 802.6.9 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

### 802.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms, other deadly weapons, or ammunition confiscated or relinquished from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

### 802.6.11 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm,

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and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Roseville Police Department determines the person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

### 802.6.12 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

## 802.6 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence Technician shall request a disposition or status on all property which has been held in excess of 90 days, and for which no disposition has been received from a supervisor or detective.

### 802.6.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)

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- Sexual assault evidence (Penal Code § 680)

Generally open containers of alcohol are documented and disposed of by the officer and not booked into evidence. Alcohol possessed by minors is to be disposed of. Alcohol possibly laced with drugs should be collected and preserved.

### 802.6.2 UNCLAIMED MONEY

If found or seized money (greater than $250) is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of the City of Roseville and deposited into the General Fund. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

### 802.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant’s attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

### 802.6.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

The Property and Evidence Section supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

(a) Identification of firearms and other weapons that need to be destroyed

(b) Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons

(c) Identification of any law enforcement agency that the Department contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this department and the other agency

    1. If the Department contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

The Property and Evidence Section supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Roseville Police Department website (Penal Code § 18005).

## 802.7 INSPECTIONS OF THE EVIDENCE ROOM

On a quarterly basis, the PSU Sergeant or their designee shall make an unannounced inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures. The PSU Sergeant or their designee shall conduct random written audits during these inspections. The random audits will consist of auditing the following items of evidence:

(a) Five firearms verifying location, serial number and proper packaging.

(b) Five narcotics items verifying location, narcotics are inside the envelope, proper initials and proper packaging.

(c) Five envelopes containing US currency verifying location, money is counted properly, proper initials and packaging.

(d) Five items of general evidence verifying location, packaging, and proper initials on the packaging.

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The audits shall be presented to the PSU Lieutenant, Property and Evidence Supervisor, Property and Evidence Manager, and the Services Division Commander.

Whenever a change is made in personnel who have access to the evidence room, the Property and Evidence Manager will ensure all access cards and keys are accounted for and document whether an inventory of the Property and Evidence Room is necessary.

The Property and Evidence Supervisor shall ensure all traffic within the secured Property and Evidence Section is documented, including the person's name, date, time, and purpose for visit. Those records shall be maintained for a period consistent with records retention timelines established by City Municipal Code.

The Property and Evidence Supervisor shall run, at minimum, a monthly audit of the property and evidence transfers to ensure all evidence, and its chain-of-custody, is properly handled and recorded. Any discrepancies shall be documented and forwarded to the Support Division Administrator for review and action, if necessary.

The Property and Evidence Supervisor shall conduct an annual assessment, including an inventory of at least 5% of total property and evidence, booked from the previous year, and stored within the Property and Evidence Section, to properly evaluate the quality of work being conducted and safety of staff. Any policy or procedural issues shall be documented and submitted for remediation to the Services Division Administrator. The annual assessment shall be forwarded to the Professional Standards Lieutenant for review and retention.

### 802.8 NARCOTICS DESTRUCTION

Narcotics that are purged from adjudicated cases and drugs that are booked for destruction will be transferred to a box labeled TBD Narc Box # (eg TBD Narc Box #1). The movement of the Narcotics from their original location will be reflected in the electronic property booking system. The Narc Box(es) will always remain in the Narcotics Vault in Property and Evidence.

Once a Narc Box is filled, a report will be processed in the electronic property booking system by a Property Clerk. The report will identify all of the Narcotics items in the box. A second property clerk will verify all of the contents in the box and seal it. The clerk will then sign and date the seal.

Property staff will destroy narcotics at a minimum of once a year. The week prior to the destruction, property personnel will have a representative from PSU and SIU test random samples from at least half of the Narc Box(es) slated for destruction (Example if there are 10 boxes for destruction we need to test 5). The presumptive testing of the Narcotics will consist of one sample item of Marijuana, Heroin, Cocaine, and Methamphetamine from each Narc Box. The department member assigned to SIU will bring their Thermo Scientific TruNarc Analyzer for sample testing. The Marijuana sample will be tested for weight, proper smell, and visual identification. Heroin, Cocaine, and Methamphetamine will be tested for weight, visual identification and TruNarc Analyzer Presumptive Positive Test. All results of the random narcotic testing will be documented on the proper form(s). Copies of the forms will be forwarded to the Administration in the chain of Command. A copy of the forms will be kept on the Police Admin Drive.

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A PSU representative and an additional armed Officer will accompany property clerk(s) for transport to the destruction site. One of the armed officers will accompany property clerk(s) in the transport vehicle and the other armed officers will follow in an additional vehicle. Armed officers will remain with the narcotics at all times during the transportation and destruction.

A master list of the narcotics being transported and a drug destruction memorandum will be signed by a representative at the destruction site. A copy of the signed memorandum will be maintained by the property supervisor.

### 802.9 POLICY

It is the policy of the Roseville Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

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# Records Unit

## 803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Roseville Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

## 803.2 FILE ACCESS AND SECURITY

All paper reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Unit accessible only to authorized Records Unit personnel. Access to paper report files after hours or when records personnel are otherwise not available may be obtained through a Supervisor or Watch Commander. Designated dispatch personnel will have after hour access to paper police documents and reports for the purpose of confirming mandated DOJ CLETS and NLETS notifications. All electronic reports shall be stored in a secure database and only accessed by department members that have approved access to the secure database.

Roseville Police Department employees and volunteers shall not distribute, or allow any unauthorized person to access, view or distribute any record, file or report, whether hard copy or electronic file format. Only authorized record clerk personnel are authorized to distribute reports in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law. Exceptions to this policy can be made with division captain approval.

### 803.2.1 POLICE REPORT TRACKING AND VIEWING

The "Police Report Tracking Log" will be completed by the Watch Commander, Supervisor, or authorized dispatch personnel prior to viewing or obtaining a copy of paper reports/files. Electronic viewing of reports are tracked electronically by the RMS database.

## 803.3 RESPONSIBILITIES

### 803.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to the Records Administrator. The Records Administrator shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the Records Administrator include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Unit.

(b) Scheduling and maintaining Records Unit time records.

(c) Supervising, training, and evaluating Records Unit staff.

(d) Maintaining and updating a Records Unit procedure manual.

(e) Ensuring compliance with established policies and procedures.

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(f) Supervising the access, use, and release of protected information.

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides.
2. Cases involving department members or public officials.
3. Any case where restricted access is prudent.

### 803.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
2. Suspected hate crimes (Penal Code § 13023).
3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
   (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
6. Anti-reproductive rights crime information required by Penal Code § 13777.

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S.

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Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:

(a) Officer suicides

(b) Officer misconduct

(c) Uses of force

(d) Officer deaths or assaults

(e) Crime incidents

(f) Deaths in custody

(h) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108). THis will be handled by the TLO team.

(i) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).

(j) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

(k) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

803.3.3 PROCEDURE MANUAL

The Records Manager should establish procedures that address:

(a) Accurately indexing named persons, locations, and other identifying information in reports into the RMS and into various DOJ databases.

(b) Accurately indexing property, vehicles, and related identifying information into RMS and appropriate DOJ databases.

(c) Classifying reports by type of incident or crime.

(d) Tracking reports through the approval process.

(e) Managing and issuing department managed permit programs, including the False Alarm Reduction Program (alarm permits), residential parking permits, and solicitor permits.

## 803.4 DETERMINATION OF FACTUAL INNOCENCE

Upon receipt of a court order the Records Administrator shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

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### 803.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Records Adminstrator should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

### 803.6 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

### 803.7 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

### 803.8 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

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# Restoration of Firearm Serial Numbers

## 804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

## 804.2 PROCEDURE

Any firearm coming into the possession of the Roseville Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

### 804.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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### 804.2.3 OFFICER RESPONSIBILITY

The Evidence Technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

### 804.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

### 804.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Evidence Technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

## 804.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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# Records Maintenance and Release

## 805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

## 805.2 POLICY

The Roseville Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

## 805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The  Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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## 805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

### 805.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/ video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

## 805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 7922.200).

(c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying

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or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228. Time frames for the incident report face sheet are 48 hours after being requested, unless for good cause the item is not available, in which case shall be made available no later than five (5) working days after the request. Time frames for the incident report, accompanying photographs, and the 9-1-1 recordings are no later than five (5) days after being requested, unless for good cause the item is still not available, in which case shall be made available no later than 10 working days after the request is made.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the [District/CountyAttorney], the City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department

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of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).

(o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

## 805.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

## 805.7 RELEASED RECORDS TO BE MARKED

Each record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

## 805.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

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When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

### 805.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

## 805.9 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

(a) Social Security number, driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual, account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account, medical information, health insurance information, information or data collected by Automated License Plate Reader (ALPR) technology, unique biometric data, and genetic data

(b) A username or email address, in combination with a password or security question and answer that permits access to an online account

### 805.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.
2. Name and contact information for the Roseville Police Department.

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3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the Roseville Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
2. When the breach involves an email address that was furnished by the Roseville Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

### 805.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.
2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
   (a) Email notice when the Department has an email address for the subject person.
   (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.

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4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

## 805.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

### 805.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

### 805.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

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(a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

### 805.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

### 805.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

(a) The person in the recording whose privacy is to be protected, or the person's authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

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The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

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# Protected Information

## 806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Roseville Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

### 806.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Roseville Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

## 806.2 POLICY

Members of the Roseville Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 806.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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## 806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Roseville Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

### 806.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

## 806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

### 806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

### 806.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. Please refer to theCLETS Radio Encryption procedure for proper broadcasting guidelines:

## 806.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

### 806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

## 806.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## 806.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

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# Computers and Digital Evidence

## 807.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

## 807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the device is off, do not turn it on.

(d) If the device is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Handle and transport the device and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(f) Lodge all computer items in the Property Room. Do not store electronic devices where normal room temperature and humidity is not maintained.

(g) At minimum, officers should document the following in related reports:

1. Where the device was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.

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4. If it can be determined, any user name or passcode and record that on the property booking form.

807.2.1 BUSINESS OR NETWORKED COMPUTERS
If an electronic device belongs to a business or is part of a network, it may require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

807.2.2 FORENSIC EXAMINATION OF COMPUTERS
If an examination of the contents of a computer, personal communication device, or digital recording device and its related hard drive, external storage devices, compact discs, or any other storage media is required, forward the report to Investigations and notate the reason a forensic examination is requested. Include a copy of the search warrant authorizing the search of the electronic device if a search warrant has been previously obtained. If the search is pursuant to consent authorization, insure the consent is properly documented in the report and forensic examination request. If the search is pursuant to a probation or parole condition, insure the conditions of probation/parole are properly documented in the report and forensic examination request.

## 807.3 SEIZING DIGITAL STORAGE MEDIA
Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(c) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(d) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

## 807.4 SEIZING PCDS
Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

a. If possible, place a powered-on device in airplane mode to preserve evidence.

b. A device in the powered-off state should be booked as-is.

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c. Officers should evaluate whether or not to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

d. Officers should evaluate whether or not to turn off a device that is found in the on state. Turning the device off or allowing the battery to die may effectively destroy all data. If there is a belief that critical evidence may be located on the device, the device should be plugged in and the Investigations supervisor should be contacted for guidance.

## 807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

### 807.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

### 807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Police Department as soon as possible for submission into evidence.

(b) As soon as possible following the collection of evidence, the camera operator shall make a copy of the digital media files using appropriate storage media. Once they have verified that the images properly transferred to the storage media, they will erase the memory storage device for re-use.

(c) Officers requiring a copy of the digital files must request a copy from Property and Evidence.

### 807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media.

### 807.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(b) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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# Animal Control

## 808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control Officers and Roseville Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding Animal Control Services, the handling of sick and/or injured animals, possible rabid animals, and the abatement of animal nuisances.

## 808.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO shall be under the operational control of the Services Division. The Animal Control Officer's assigned working hours will be scheduled by the Services Lieutenant or designee.

During hours when the ACO is on duty, requests for animal control services shall be assigned by the Communications Center, Animal Control Supervisor, or the Watch Commander.

Requests for assistance by the ACO shall be acknowledged and responded to promptly.

## 808.3 OFFICER RESPONSIBILITY

During hours when the Animal Control Officer is off-duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

(a) When there is a threat to the public safety.

(b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When the animal is gravely injured.

### 808.3.1 ANIMAL CRUELTY COMPLAINTS

Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Officers should not hesitate to take any immediate actions when necessary. The assistance of an Animal Control Officer may be requested to assist with the investigation when appropriate for the handling of any animal(s) associated with the case.

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### 808.3.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the animal shelter located at Placer County SPCA and housed in one of the interior holding pens, ensuring the animal has water.

The animal intake form shall be completely filled out and placed on the dog's kennel and email the ACO group in Outlook to notify them the dog was placed at Placer County SPCA. Releases will be handled by the ACO and a Placer County SPCA representative.

### 808.3.3 ANIMAL BITE REPORTS

Officers shall obtain as much information as possible for forwarding to the ACO for reporting and follow-up including the breed of the animal, color(s), name of animal, photo(s), etc.. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal at the Placer County SPCA.

### 808.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, breed of the animal, color(s), name of the animal, photo(s), etc. Officers will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an Animal Control Officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

## 808.4 DECEASED ANIMALS

Deceased animals on public property will be removed and properly disposed of by the ACO.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck. Large animals should be double bagged and left next to the ACO truck and out of public view.

(b) Neither the ACO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

(c) Officers may remove deceased animals when the Animal Control Officer is not on duty if the animal is creating a traffic hazard in a roadway or other urgent circumstances exist. If a deceased animal is removed Officers shall place the animal in the dedicated freezers located to the rear of the Placer County SPCA. If circumstances permit Officers can move a deceased animal out of the roadway and pend the removal for an ACO.

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## 808.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or custodian. When the owner or custodian cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code 597.1).

(a) During normal business hours, the animal should be taken to Veterinary Specialty Hospital - Roseville.

(b) If after normal business hours, the animal should be taken to Veterinary Specialty Hospital - Roseville.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

1. When the need to euthanize a seriously injured or dangerous animal is necessary, the department Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Watch Commander or Animal Control Officer.

(d) Injured wildlife should be dispatched. Injured wildlife is not accepted at Veterinary Specialty Hospital - Roseville.

(e) When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded for follow-up.

### 808.5.1 RESCUE OF ANIMALS IN VEHICLES

When an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(e) Make reasonable efforts to secure the vehicle before leaving the scene.

(f) If the animal was seized and in distress it should be transported to Veterinary Specialty Hospital - Roseville.

## 808.6 CITATIONS

It should be at the discretion of the handling officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

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### 808.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, an ACO can pick up the animal and transport it to Placer County SPCA for a protective custody hold. If no ACO is on-duty, an Officer can transport the animal to Placer County SPCA and complete the intake form.

A protective custody receipt shall be given to the owner of the animal. The hard copy of the receipt should be forwarded to the ACO for follow-up.

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# Crime Scene Investigation (CSI) Unit

## 809.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Crime Scene Investigation (CSI) Unit and addresses after-hours and emergency activation of CSI team members.

## 809.2 UNIT ORGANIZATION

The CSI team reports to the Property and Evidence Supervisor, who in turn reports to the Police Services Administrator of the Records, Property & Evidence, and CSI units. All CSI activity should be directed through this chain-of-command.

### 809.2.1 PROPERTY AND EVIDENCE SUPERVISOR RESPONSIBILITIES

The responsibilities of the Property and Evidence Supervisor include, but are not limited to the following:

- Respond to the scene to assist on-call staff when needed and available.
- Act as Safety Officer, ensuring all policies and procedures are followed.
- Control access to the crime scene(s).
- Notify Command Team, where appropriate.
- Act as a liaison with Command Team and Investigations to ensure communication of updates.
- Coordinate and direct resources necessary for proper scene processing (both staffing and equipment).

### 809.2.2 POLICE SCENE TECHNICIAN RESPONSIBILITIES

The responsibilities of the Police Scene Technician include, but are not limited to:

- Photographing — photographs of all aspects of scene for documentation.
- 3D Scanning — scanning of all aspects of scene for documentation.
- DNA/Biological/Trace — collection of sensitive evidence (DNA, biological and trace evidence) using proper PPE.
- Collecting — collection of all evidence, documenting, packaging, and sealing.
- Note-taking — documents all scene evidence, and detailed information (serial #s, etc.) for property receipt.
- Fingerprinting — processing for latent/patent impressions.
- Lab Processing - additional lab processing of evidence from scenes.
- Attending Autopsies – documents the autopsy through photography.
- Write reports documenting their involvement in the case(s).

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### 809.3 CSI ON-CALL ACTIVATION SCHEDULE

The Property and Evidence Supervisor shall maintain a rotational schedule of properly trained Police Scene Technicians. One technician shall be available each week for after-hour activations (i.e. "on-call" status). While on-call, the PST shall be available to respond to an activation to the police department within 60 minutes to assist other police personnel or respond to process a scene.

### 809.4 REQUESTING CSI ON-CALL

A patrol supervisor shall notify the on-call CSI by phone to request CSI response for scenes that need to be handled when no CSI is on-duty.

The responding CSI will discuss the request and specific processing need with the requesting patrol supervisor and notify the Property and Evidence Supervisor if more CSI personnel will be needed. The Supervisor will coordinate the response of additional CSI team members.

A full team activation means the Property and Evidence Supervisor authorizes as many personnel as available to respond to a scene. Those calls-for-service would include, but are not limited to, homicide, assault with a deadly weapon, officer involved shootings, etc. In the event the Property and Evidence Supervisor is unavailable, s/he shall appoint a designee while away from the office. The designee shall follow the same protocol.

### 809.5 CSI ACTIVATION CRITERIA - AFTER HOURS

CSI personnel may be activated after hours for the following:

- Calls-for-service requiring immediate processing
- Felony person crimes (i.e. 664/187, 245, 261, 288)
- By request of the Detective Sergeant, or when detectives have been called out
- MAITs

CSI personnel may evaluate the following situations to help determine if someone needs to respond after hours:

- Misdemeanor crimes
- Photo only calls
- Property crime calls (including series)

If a call falls into the "will not be activated" criteria, then the scene processing should be taken care of by responding officers, on duty CSI Ancillary team members, or held until CSI personnel is on duty.

If a call is held and/or needs CSI follow up, an online CSI Processing Request shall be submitted stating what has been done so far, if video is available and has been reviewed, and what is being requested. Victim or contact person information must be provided.

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### 809.6 CSI ACTIVATION - EMERGENCY (DURING AND AFTER HOURS)

CSI personnel shall be activated to investigate all Homicides, Officer-Involved Shootings, and Suspicious Deaths.

The Investigations Sergeant shall notify the Property and Evidence Supervisor of emergency activations who will determine the appropriate personnel needs.

### 809.7 DOCUMENTATION

All CSI personnel shall notify the Property and Evidence Supervisor of after-hours responses, and notate in payroll the case number that required the activation.

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# Comfort Crisis Canine

## 810.1 PURPOSE AND SCOPE

The purpose of the Crisis Comfort Canine (CCC) is to provide aid and comfort to community members by providing access to managed canine visits through the Roseville Police Social Services Unit. This program will be limited based on the situational and therapeutic needs of community members. Dogs have proven to be invaluable companions in promoting and enhancing mental health. Canines offer emotional and sensory support, benefiting both adults and children by instilling a sense of comfort and reducing symptoms of anxiety. Support Canines have been successfully integrated into diverse settings such as schools, courts, and public safety agencies, significantly improving the overall well-being and climate of community members and staff. Crisis Comfort Canines play an essential role in bridging communication gaps and enhancing public relations. These canines serve as a visible symbol of an organization's commitment to supporting the well-being of the community. By participating in public and community events, canines can help foster positive relationships between the organization and the community it serves.

## 810.2 DEFINITION

Crisis Comfort Canine: According to the Animal-Assisted Crisis Response (AACR) National Standards (2010), AACR teams provide "comfort, stress relief, emotional support and crisis intervention services for people affected by crisis and disasters in complex, unpredictable environments surrounding traumatic events" (p. 4). Crisis Comfort Canines will demonstrate the following temperaments:

(a) Not afraid of strangers

(b) Not bothered by crowds

(c) Outgoing, but can remain calm

(d) Trained and socialized

(e) Unbothered by loud noises such as crying, screaming or sirens

(f) Unbothered by children or adults in distress

## 810.3 OBJECTIVE

The Social Services Unit will implement the CCC to provide emotional support and comfort to individuals who are experiencing stress, trauma, or a crisis. The CCC may be used in a variety of settings, including:

(a) Disaster response

(b) Hospitals and care home visitation

(c) School visitation

(d) Workplace support

(e) Shelter visitation

(f) Home visits

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(g) Community Events

(h) Mental Health Crisis situations and follow-up care

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# Chapter 9 - Custody

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# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Roseville Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

**Strip search** - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

## 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

## 900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Roseville Police Department facilities. Except in exigent circumstances, the search should be conducted by

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a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

### 900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Roseville Police Department identification number and information regarding how and when the property may be released.

### 900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

Whenever a money counter machine is used, the money must also be manually counted and verified. Money counter machines are to be used as a supplemental counting method only.

## 900.5 STRIP SEARCHES

No individual in temporary custody at any Roseville Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

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(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

### 900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Roseville Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Watch Commander.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.

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6. The name, sex, and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

## 900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any

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search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

## 900.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

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(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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# Chapter 10 - Personnel

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# Performance Appraisal Guidelines

### 1000.1 PURPOSE AND SCOPE
To establish guidelines for the completion of employee performance appraisal reports.

### 1000.2 POLICY
To assure to the extent possible, all employee performance appraisals are completed in a fair, consistent, and uniform manner.

### 1000.3 CITY OF ROSEVILLE MUNICIPAL CODE
The City of Roseville Employee Performance Evaluation Policy is listed under Chapter 3.14 of the Roseville Municipal Code.

Hyperlink to City of Roseville Municpal Code:

**1000.4 CITY OF ROSEVILLE MUNICIPAL CODE FOR PROBATIONARY EMPLOYEES** The City of Roseville Employee Performance Evaluation Policy for Probationary Employees is listed under Chapter 3.06.150 of the Roseville Municipal Code.

Hyperlink to City of Roseville Municpal Code:

### 1000.5 CITY OF ROSEVILLE GUIDE TO COMPLETING PERFORMANCE EVALUATIONS
The City of Roseville Human Resources Department has prepared a guide to completing Employee Performance Evaluations.

Hyperlink to the City of Roseville guide to completing Employee Performance Evaluations: https://

### 1000.6 PERFORMANCE IMPROVEMENT PLANS
Performance Improvement Plans (PIP) are used to improve an employee's performance in specific areas or overall. The PIP should be used when a "Below Expectations" rating is given for any Competency as required by the Personnel Rules and Regulations. The employee should be re-evaluated within three calendar months. If performance has improved and the employee now "Meets Expectations", a step increase, if warranted, can be recommended.

If an employee is placed on a PIP, their involvement in all ancillary assignments will be suspended until successful completion of the improvement plan. If the employee is assigned as a Primary Field Training Officer or Primary Communications Training Officer their assignment/duties may be suspended but they will continue to receive their associated differential pay.

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# Assignment Rotation Policy

## 1001.1 PURPOSE AND SCOPE

To provide for career development; to ensure the Department has experienced, skilled employees in special assignments at all times; to ensure that employees retain proficiency in their primary duties.

## 1001.2 POLICY

Employees are assigned to the specialized positions described in this order on a rotational basis. The selection criteria are listed in this order. Any employee may be released from a special assignment, at any time, for failure to meet minimum job standards at the sole discretion of the Chief of Police. Indefinite means that an individual serves in an assignment at the sole discretion of the Chief of Police. Persons occupying indefinite positions may be reassigned at any time when the Chief of Police determines that it is in the best interests of the Department to do so.

Consideration may be given to such factors as job performance, needs of the Department, needs of the employee, and the needs of the other employees.

The Department shall ensure that employees retain proficiency in all their duties and attempt to avoid situations where personnel move from one special assignment to another.

To accomplish this, personnel shall generally not be allowed to transfer from one special assignment to another.

In situations where officers are due to rotate from the same special assignment at the same time, adjustments may be made so that the unit is not void of experienced personnel.

The Chief of Police reserves the right to change assignments to meet the changing needs of the Department.

The Chief of Police may, at his/her discretion, establish testing criteria for each special assignment. These testing requirements may include, but are not limited to: interviews, written examinations, physical fitness, psychological screening and drug testing. Specific testing requirements will vary depending on the special assignment.

## 1001.3 GENERAL REQUIREMENTS

The following conditions will be used in evaluating a member of the Roseville Police Department for transfer to indefinite assignment, specialty assignment or ancillary assignment:

(a) Presents a professional, neat appearance.

(b) The member maintains a physical condition, which aids in their performance.

(c) Demonstrates:

1. Emotional stability and maturity.
2. Sound judgment and decision making.
3. Personal integrity.

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4. Honesty.
5. Honor.
6. Courage.
7. Excellence.
8. Teamwork.
9. Leadership.
10. Initiative.
11. Ability to confront and/or deal with issues both positive and/or negative.
12. Ability to conform to organizational goals and objectives.
13. Seniority.

## 1001.4 SELECTION PROCESS FOR INDEFINITE ASSIGNMENTS, SPECIALTY ASSIGNMENTS AND ANCILLARY DUTIES

The following positions are considered transfers to indefinite assignments and are not considered promotions:

(a) Technology Crimes Detective
(b) Persons Crimes Detective
(c) Traffic Officer assigned to MAIT Investigations
(d) Sex Crimes Detective
(e) Agency CLETS Coordinator Assistant / Senior Records Clerk

The following positions are considered transfers to specialty assignments and are not considered promotions:

(a) Canine Handler Officer
(b) Investigations Detective/Investigations Detective Sergeant
(c) PSU Officer/PSU Sergeant
(d) Traffic Officer/Traffic Sergeant
(e) School Resource Officer
(f) Social Services Sergeant
(g) Crime Suppression Unit Detective/Crime Suppression Unit Sergeant
(h) Problem Oriented Policing Officer
(i) SIU Detective
(j) RATTF Detective
(k) DUI Enforcement Officer
(l) Community Services Officer Assigned to Traffic

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(m) Community Services Officer Assigned to Investigations
(n) Threat Assessment Detective
(o) Police Records Clerk Assigned to Community Services
(p) Police Records Clerk Assigned to Investigations
(q) Senior Police Records Clerk assigned as Administrative CLETS Coordinator Assistant
(r) Police Records Clerk Assigned to Police Administration

The following positions are considered ancillary duties and are not considered promotions:

1. EOD Officer/EOD Sergeant
2. Peer Support for any Roseville PD Employee
3. Honor Guard Officer/Honor Guard Sergeant
4. MAIT Officer, MAIT Sergeant, MAIT Community Services Officer
5. SWAT Officer/SWAT Sergeant
6. RCT Officer/RCT Sergeant
7. CSI for any Roseville PD Employee
8. Field Training for any Roseville PD Unit/FTO Sergeant
9. CNT Officer/CNT Sergeant
10. Terrorism Liaison Officer/Sergeant/Coordinator/Investigator
11. Cadet Advisor Officer/Cadet Advisor Sergeant
12. Explorer Advisor Officer/Explorer Advisor Sergeant
13. Reserve Coordinator Officer/Reserve Coordinator Sergeant
14. UAS Pilot/UAS Sergeant
15. Firearms Range Officer/Firearms Range Sergeant
16. Defensive Tactics Officers/Defensive Tactics Sergeant
17. EVOC Officer/EVOC Sergeant
18. Canine Assistant Team Member Officer/Canine Sergeant
19. CAD System Dispatch Liaison
20. CPR/First Aid Trainer for any Sworn PD Employee
21. Public Affairs Team Member/Department Media Liaison
22. Recruitment Team Member
23. Technology Team Member
24. Awards Committee Member
25. Dispatcher Assigned as Tactical Dispatcher
26. RPAL Liaison Officer

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27. Dispatch Fire Liaison

### 1001.4.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

(a) Has shown an expressed interest in the position applied for.

(b) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

(c) Complete any training required by POST or law.

## 1001.5 SELECTION PROCESS

The following criteria apply to transfers to specialty assignments and ancillary duties:

(a) When there is to be an opening within a unit, the Chief of Police will issue a memorandum giving the title of the position to be filled and the anticipated vacancy date. The memorandum will be posted in a manner that gives reasonable notice to all eligible personnel.

(b) Newly hired employees are eligible to apply once they have successfully completed their probation period.

(c) The closing date will not be less than ten (10) calendar days from date of the announcement.

(d) Interested personnel will send written requests for the assignment to the Chief of Police on or before the closing date.

(e) A list of qualified applicants will be returned to the Chief's Office with a recommendation for appointment.

(f) The Chief may select any person on the eligible list.

(g) Upon completion of the process, a Personnel Order shall be published listing all approved changes and the effective dates of each change.

(h) This selection procedure will also apply to indefinite special assignments such as Indefinite Investigations Detective and Indefinite Traffic Officer.

(i) The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training. The Chief of police also reserves the right to waive this policy and procedures to meet the needs of the organization.

### 1001.5.1 SELECTION PROCEDURE

Police Department employees often have the opportunity to move from their primary assignment to a specialized assignment or to take on specialized ancillary duties. These positions require more specific expertise or knowledge. When an assignment is available and more than one employee requests that assignment, a fair and consistent testing and evaluation process should be undertaken to identify a suitable candidate. The following selection process should be administered during those times when employees vie for a special assignment.

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(a) 3 Person Panel Interview. The panel should include the supervisor or manager of the unit conducting the interview. Panel members should have knowledge and experience in the position sought and have an understanding of the knowledge, skills and abilities needed to succeed in the position. The interview process should not be the only deciding factor. It is important to interview a candidate and have more than one point of view assessing their responses. It is also important that the process is consistent for each candidate.

(b) Standardized Questions. Prior to an interview, a standardized set of questions should be established. Each question should be relevant to the position sought and help panel members assess each candidate's level of preparation, knowledge and/or suitability for the position sought. Candidates may also be asked to bring with them a resume or example of their work product. Each panel member should rate the candidate's responses or work product as, "Outstanding, Very Good, Competent, Reservations or Unacceptable." At the conclusion of the interview, each panel member would provide an overall rating for each candidate based on ratings obtained during the interview.

(c) Evaluation Review. The supervisor or manager of the unit should minimally conduct a review of the candidate's two previous yearly evaluations. Information that would support a candidate's suitability for the position sought, as well as recent discipline or unsatisfactory ratings should be considered.

(d) Meet and Confer with Supervisors. The supervisor or manager of the unit should meet and confer with the candidate's primary supervisor, as well as supervisors of other ancillary duties the candidate might have or have had. If a supervisor has only supervised a candidate for a short period of time, nothing would preclude a previous supervisor's input.

(e) Specialized Duties Related to Assignment. Specialized testing for specific skills is appropriate. There are many special assignments that have specific requirements, such as Air Ops needing people who don't get motion sick, K9 officers who aren't frightened of dogs, or SWAT members needing physical agility or psychological assessment. Specialized testing should be appropriate to the duties of that position.

(f) Meet and Confer with Division Commander. After completing all the steps of the process, the supervisor or manager should meet and confer with the Division Commander who has oversight of that special assignment. The purpose of this is to ensure that no personnel issues are pending that might not have been uncovered during the testing process. This meeting is intended to ensure good communication, but is not designed to give the administrator undue influence on the testing or selection process.

(g) Lieutenant / Administrator Recommendation. After the process is complete the supervisor of the unit should bring forward the results of the entire testing process to the unit's Lieutenant (sworn) or Administrator (professional staff). The Lieutenant / Administrator and the unit supervisor should identify the candidate(s) who is best suited for the position, based on the information gathered during the process. A candidate's preparation, knowledge, experience, work history and overall

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suitability for the position should be taken into account. The final recommendation for special assignments should be made by the unit's Lieutenant (sworn) or Administrator (professional staff).

(h) Feedback. After a selection process is complete, those who participated in the selection process should be prepared to provide feedback and constructive criticism to the candidates for future growth and development.

1001.5.2 RATING STANDARDS
The following rating standards evaluation shall be used during the oral panel testing:

Roseville Police Department Special Assignment Oral Panel Candidate Name _____Panel Member _____Point Value_____ Panel Instructions: Questions will be divided equally between panel members. Follow up questions by panelists are encouraged, if further clarification is needed. Panel members should rate candidates individually after each question; circling the rating standard they feel is appropriate and taking notes that support their decision. At the conclusion of the interview each panel member tally their overall point value for each candidate. A panel facilitator will then add all the panel members' point values for an overall point value. At the conclusion of the interviews, candidates can be ranked by overall highest value. This ranking is for this process only and should be weighed accordingly with the entire process.

**RATING STANDARDS**

**Outstanding**- Excellent evidence of skill, knowledge or preparation Point Value=5

**Very Good**- Good evidence of skill, knowledge or preparation Point Value=4

**Competent**- Average evidence of skill, knowledge or preparation Point Value=3

**Reservations**- Minimal evidence of skill, knowledge or preparation Point Value=2

**Unacceptable**- No evidence of skill, knowledge or preparation l Point Value=0 QUESTIONS

## 1001.6 PROMOTIONAL SPECIFICATIONS
Specifications for promotional opportunities are on file with the City of Roseville Personnel Office.

## 1001.7 ROTATION FREQUENCY
The rotation frequency for the following positions is three (3) years with the option of two (2) one (1) year extensions with approval for a maximum of five (5) years:

(a) Canine Handler Officer

(b) Investigations Detective/Investigations Detective Sergeant

(c) PSU Officer/PSU Sergeant

(d) Traffic Officer/Traffic Sergeant

(e) School Resource Officer

(f) Social Services Sergeant

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(g) Crime Suppression Unit Detective/Crime Suppression Unit Sergeant
(h) Problem Oriented Policing Officer
(i) SIU Detective
(j) RATTF Detective
(k) DUI Enforcement Officer
(l) Community Services Officer Assigned to Traffic
(m) Community Services Officer Assigned to Investigations
(n) Police Records Clerk Assigned to Community Services
(o) Police Records Clerk Assigned to Investigations
(p) Threat Assessment Detective

### 1001.7.1 MANAGEMENT ASSIGNMENTS
All department managers will be assigned to their duties for indefinite time periods at the discretion of the Chief of Police.

### 1001.7.2 ASSIGNMENT EXTENSIONS
Upon completion of the initial 3-year assignment, the member may request and may be granted a one-year extension. At the conclusion of the one-year extension, the member may request and may be granted a second one-year extension. Extensions shall be granted based on merit and overall above average performance.

### 1001.7.3 CANINE HANDLER ASSIGNMENT EXTENSIONS
The minimum assignment for a Canine Handler is three years. The Canine Handler’s assignment can be extended based on merit, overall above average performance and the working length of the canine’s career. Extension of the Canine Handler’s assignment beyond three years will be approved by the Canine Program Sergeant and Lieutenant.

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# Anti-Retaliation

## 1002.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

## 1002.2 POLICY

The City of Roseville and the Roseville Police Department have a zero tolerance for retaliation and are committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated. Additionally, all Department members shall review and comply with Administrative Regulation 2.03 Harassment, Discrimination and Retaliation Policy.

The following is a link to Administrative Regulation 2.03:

## 1002.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.

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- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

1002.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS
An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

## 1002.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City City Manager/Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

## 1002.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

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(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

## 1002.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

## 1002.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

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1002.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

## 1002.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

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# Reporting of Employee Convictions

## 1003.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## 1003.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1003.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

## 1003.4 REPORTING PROCEDURE

All members of this Department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

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Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## 1003.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

### 1003.5.1 NOTIFICATION REQUIREMENTS

The Professional Standards Unit Sergeant or designee shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Professional Standards Unit Sergeant or designee shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

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# Drug- and Alcohol-Free Workplace

## 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

## 1004.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all employees ("employee" and "member" use interchangeable, herein). See Administrative Regulations 2.08 and 2.08.1 for additional applicable policy information.

## 1004.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on City time can endanger the health and safety of department members and the public. Such use shall not be tolerated (see generally, including but not limited to, 41 USC § 8103 and City Administrative Regulations).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or drug, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

### 1004.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the employee's abilities, without a written release from the member's physician.

## 1004.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on City premises or on City time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is generally excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction (41 USC § 8103).

## 1004.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

## 1004.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

## 1004.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).

(c) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

### 1004.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

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(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1004.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

(c) Violates, including, but not limited to, any provisions of this or other related policies, rules, or terms.

## 1004.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

## 1004.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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# Sick Leave

## 1005.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

## 1005.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

### 1005.2.1 NOTIFICATION

Employees are encouraged to notify an appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor (Labor Code § 246).

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave (Labor Code § 246).

## 1005.3 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee’s performance evaluation when it has negatively affected the employee’s performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations.

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When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

1005.3.1 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specific intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor form requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

## 1005.4 REQUIRED NOTICES

The City Manager/Human Resources Director shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

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# Respiratory Protection

## 1006.1 PURPOSE AND SCOPE

To ensure that police employees are protected from exposure to respiratory hazards, and provide policies and procedures regarding the use and maintenance of respiratory protection equipment by members of this Department.

## 1006.2 POLICY

The Roseville Police Department is committed to preventing injury and illness in the workplace protecting its employees from harmful exposure to airborne substances.

## 1006.3 PROCEDURE

All police personnel shall wear respirators when deemed necessary during normal work operations and during emergency situations. It is the responsibility of each employee to be fully aware of the respiratory protection requirements for his or her work areas in accordance with the City of Roseville Respiratory Protection Program.

The City of Roseville Respiratory Protection Program policy in the Employee Safety handbook issued to every employee from Risk Management.

## 1006.4 DEFINITIONS

**Respirator** - A respirator is a protective device that covers the nose and mouth, or the entire face or head, to guard the wearer against hazardous airborne substances. **Types of Respirators** - Include:

- Air purifying, such as a gas mask, communicable disease mask, or dust mask, which filters contaminants from the air.
- Self contained breathing apparatus, which provides clean, breathable air from an uncontaminated source.

## 1006.5 REGULATIONS

### 1006.5.1 CALIFORNIA CODE OF REGULATIONS

The Roseville Police Department shall remain in compliance with CCR , Title 8, § 5144, which states that employers must provide employees with respirators if exposure to harmful airborne contaminants could occur during the course of employment.

## 1006.6 RESPONSIBILITIES

### 1006.6.1 PROGRAM ADMINISTRATOR

The Program Administrator for the City of Roseville is the Risk Manager. The Program Administrator is responsible for administering the Respiratory Protection Program.

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### 1006.6.2 POLICE DEPARTMENT COORDINATOR

The Operations Division Commander will assign one member of the Department to act as the Police Department's respiratory protection coordinator. Duties of the departmental coordinator shall include:

(a) Purchasing, maintaining and inventorying respirators and filter canisters.

(b) Coordinating with the Program Administrator on how to address respiratory hazards or other concerns regarding the program.

(c) Ensuring that employees have received appropriate training, fit testing, and an annual medical evaluation.

(d) Ensuring that respirators are properly cleaned, maintained, and stored in accordance with the manufacturer's recommendations.

(e) Continually monitor work areas and operations to identify respiratory hazards.

(f) Ensuring the availability of appropriate respirators and accessories.

(g) Awareness of the tasks requiring the use of respiratory protection.

### 1006.6.3 EMPLOYEE

Employees are responsible for wearing the appropriate respiratory equipment when required and in the manner in which they were trained. Employees must also:

(a) Care and maintain their respiratory protection equipment as instructed and store it in a clean and sanitary location.

(b) Inform a supervisor if the respiratory protection equipment no longer fits or becomes unusable, and request a replacement.

(c) Inform their supervisor, or the program administrator, of any respiratory hazards that they feel are not adequately addressed in the workplace and of any other concerns regarding the Respiratory Protection Program.

(d) Uniformed patrol personnel shall have their respiratory protective equipment immediately available for use while on duty.

Employees that are required to wear tight-fitting face pieces, such as a gas mask, are forbidden from wearing facial hair that comes between the sealing surface of the face piece and the face or that interferes with the proper functioning of the respirator. Sworn police personnel that are issued gas masks shall be responsible for carefully reading the manufacturers instruction manual prior to using the mask

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# Communicable Diseases

## 1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1007.1.1 DEFINITIONS

Definitions related to this policy include:

**Blood** - human blood, human blood components, and products made from human blood.

**Bloodborne Pathogens** - pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Contaminated** - the presence or the reasonably anticipated presence of blood or other potentially infectious materials on a surface or in or on an item.

**Decontamination** - the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal. Decontamination includes procedures regulated by Health and Safety Code Section 118275.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Roseville Police Department. (See the work related injuries or illnesses procedure and the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

**HBV** - hepatitis B virus.

**HCV** - hepatitis C virus

**HIV** - human immunodeficiency virus

**OPIM** - other potentially infectious materials

**Other Potentially Infectious Materials** -

(a) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures,

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any other body fluid that is visibly contaminated with blood such as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids such as emergency response.

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) Any of the following, if known or reasonably likely to contain or be infected with HIV, HBV, or HCV:

1. Cell, tissue, or organ cultures from humans or experimental animals;
2. Blood, organs, or other tissues from experimental animals; or
3. Culture medium or other solutions.

**Source Subject** - any individual, living or dead, whose blood or OPIM may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinical patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

## 1007.2 POLICY

The Roseville Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1007.3 EXPOSURE CONTROL OFFICER

The Chief of Police has assigned the Professional Standards Unit Sergeant as the Exposure Control Officer (ECO). The ECO shall work in conjunction with the City of Roseville Risk Management to develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates including (8 CCR 5193):
   (a) Sharps injury log.
   (b) Needleless systems and sharps injury protection.

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3. Airborne transmissible disease mandates including (8 CCR 5199):
    (a) Engineering and work practice controls related to airborne transmissible diseases.
    (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

## 1007.4 EXPOSURE PREVENTION AND MITIGATION

### 1007.4.1 UNIVERSAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

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(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1007.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

#### 1007.4.3 WORK PRACTICES

Whenever contact with blood, body fluid, or OPIM is reasonably anticipated, all members should use the appropriate barrier precautions to prevent exposure to non-intact skin or mucous membranes. Members should bandage open wounds, cuts, or rashes on hands and arms to avoid direct contact with blood or OPIM. Bandages should be changed if they become wet or soiled.

Disposable gloves should be worn on all medical emergency responses and as soon as conditions permit when a suspect or arrestee displays combative or threatening behavior and/or when blood or OPIM is present. Disposable gloves should also be worn when cleaning or handling items or surfaces soiled with blood or other bodily fluid. Care should be taken to avoid touching other items (e.g., pens, books, surfaces, and personal items, etc.) while wearing the disposable gloves in potentially contaminated environment.

Any PPE that becomes puntured, torn, or loses its integrity, shall be removed as soon as feasible. The member should wash up with soap and warm water and replace the PPE with a new item if the job is not completed. When removing PPE, gloves should be the last item of PPE removed.

All procedures involving blood or OPIM shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

### 1007.5 POST EXPOSURE

#### 1007.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

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(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

### 1007.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

### 1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1007.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

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### 1007.5.5 SOURCE SUBJECT TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source subject testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

## 1007.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

## 1007.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

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(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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# Smoking and Tobacco Use

## 1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by sworn members of the Roseville Police Department while on/off-duty or while in City of Roseville facilities/vehicles.

This policy establishes limitations on smoking and the use of tobacco products by professional staff of the Roseville Police Department while on-duty or while in City of Roseville facilities/vehicles.

## 1008.2 CITY OF ROSEVILLE ADMINISTRATIVE REGULATION AR 2.09

All members of the Roseville Police Department shall follow the City of Roseville No Smoking Policy covered in Administrative Regulation AR 2.09.

Hyperlink to Administrative Regulation AR 2.09:

## 1008.3 RPOA MOU

All members of the Roseville Police Department represented by the Roseville Police Officers Association bargaining unit shall follow the No Smoking Policy covered in the Roseville Police Officers Sworn MOU.

Hyperlink to Roseville Police Officers Association MOU:

## 1008.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

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# Internal Affairs Investigations

## 1009.1 PURPOSE AND SCOPE

To implement procedures for the investigation of complaints in such a manner as to create confidence on the part of members of the public, as well as on the part of employees that complaints will be fairly and efficiently investigated and resolved.

## 1009.2 POLICY

It is the policy of the City of Roseville and the Roseville Police Department to conduct fair, impartial and thorough investigations of any complaint against department members.

### 1009.2.1 DEFINITIONS

**Complaint -** Any allegation of wrongdoing on the part of any employee.

**IA** - An IA is defined as an investigation, which could result in discipline (as defined by Government Code § 3300) to an employee.

**Employee** - Any person employed at the Roseville Police Department.

**Wrongdoing** - Any act or omission in violation of law, policy, rule or regulation, or conduct unbecoming an employee. The department shall have authority to take action when a charge of "conduct unbecoming" that occurred off duty, has a nexus to the subjects employment.

## 1009.3 PROCEDURE

### 1009.3.1 PROVISIONS

The Police Chief is responsible for ensuring thorough investigations are conducted of complaints against department employees. All department employees have the responsibility to ensure complaints are processed in accordance with official departmental policies and procedures.

### 1009.3.2 ACCEPTANCE OF COMPLAINTS

All department employees will accept complaints from any source, whether made in person, by mail, by telephone or anonymously.

(a) Formal Complaints - All formal complaints received will be forwarded to the Professional Standards Unit. The person receiving the complaint shall provide the complainant with a copy of the complaint per Penal Code 832.7. PSU will receive and review complaints by contacting the complainant and determining whether a Department employee is involved; whether possible criminal misconduct is alleged; and determine the circumstances of the allegation.

1. To accomplish this, PSU will electronically audio record contact with the complainant (with the knowledge of the complainant), gather evidentiary material and complete an Investigation.

2. If after initial investigation, PSU determines that the facts of the allegation are such that, should they be sustained, the allegation would amount to violation of law, department policies, rules or regulations. The complaint, completed

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investigations and evidentiary information gathered will be forwarded via chain of command from Division Captain to the Police Chief, for review and response.

(b) Informal Complaints - All informal complaints will be referred to the Watch Commander for complaints against sworn staff and to the Administrators for complaints against professional staff. If the Watch Commander/Administrator is unavailable, the complainant's name, address and telephone number shall be obtained by the person receiving the call who shall ensure the Watch Commander/Administrator is notified of the complaint.

1. If the Watch Commander/Administrator can't resolve the complaint, then the person receiving the complaint shall ensure the complainant is informed on how to file a formal complaint.
2. If the complainant, after speaking with the Watch Commander/Administrator, wishes to file a formal complaint, the complainant will be provided a formal complaint form or instructed on how to obtain one.

(c) Referral of Complaints - Department employee receiving complaints will adhere to the following procedures:

1. Complaints will be investigated/handled at the lowest appropriate supervisory level.
2. Informal complaints that can be resolved to the mutual satisfaction of all parties, will be considered an inquiry and closed with no further action taken.
3. All complaints involving possible criminal violations shall be referred to the Police Chief's office.
4. All internal investigations are assigned a case number. The case number will consist of the calendar year followed by a progressive number (example: 08001). Internal Affairs case numbers will be preceded with "IA".
5. In an effort to foster open lines of communication, identify possible training issues and to ensure that field supervisors are kept abreast of issues related to their subordinates, the Police Chief or division commander may provide information to the subject employee's supervisor and/or Watch Commander/ Administrator.

(d) On-Line Submission of Compliments and Concerns - Compliments and concerns about Department employees may be submitted via the Department's website. All compliments or concerns submitted via the website will be directed to the Professional Standards Unit. PSU will handle the incoming comment by the following process:

1. Any submission that is a commendation of employee performance will be forwarded to the appropriate supervisor for dissemination with the employee(s).
2. Any submission that is a concern will be reviewed by PSU and then forwarded to the lowest appropriate supervisory level for contact, similar to an informal complaint.

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3. Electronically submitted concerns that can be resolved to the mutual satisfaction of all parties will be closed with no further action. If the submission is resolved, the handling supervisor will notify PSU of such.
4. If an electronically submitted concern cannot be resolved, the submission will be handled as a formal complaint.
5. Any electronically submitted concerns alleging criminal behavior of a Department employee shall be forwarded to the Chief of Police.
6. PSU will maintain a log of electronically submitted commendations and concerns listing the type of submission, the date received, the date reviewed, and who the submission was forwarded to for contact.

(e) SB 2 / Serious Misconduct Allegations: Any complaint that alleges serious misconduct, as defined by POST, needs to be forwarded to PSU immediately so notification can be made in accordance with the law. Notification of the alleged complaint to POST is not a validation of the complaint, rather it is a legal adherence to a 10-day requirement to report the allegation.

1009.3.3 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted in accordance to Penal Code § 13682. In the absence of further clarifying law, the guidelines published pursuant to Penal Code § 13682(c) shall be the standard to which these complaints shall be investigated. All investigations shall comply with Government Code 3300 and its subsections.

## 1009.4 COMPLAINT/INVESTIGATION PROCEDURES

The provisions of this order shall not apply to any questioning of department personnel in the normal course of duty, counseling, routine or unplanned contact with a supervisor or any other employee of the department except where such questioning involves allegations of misconduct which the individual being questioned either allegedly participated in or witnessed.

Employees assigned to investigate personnel complaints are authorized to cross all lines of authority to obtain written statements or interview any employee, regardless of rank or position and to gain access to other relevant information in regards to an ongoing investigation.

When an employee is notified they will be a party to an IA investigation the employee shall be informed whether they are a witness or a subject. If the employee is a subject they shall receive a written notice informing them of the nature of the investigation prior to any interrogation. The notice shall contain enough specificity regarding the allegations to allow the employee to prepare for the interview per Government Code § 3303(c).

The employee whether called as a witness or subject, shall be afforded the opportunity, at the employee's request, to obtain an attorney/representative and have him/her present during the interview.

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### 1009.4.1 INTERVIEW OF WITNESSES

Interviews may be conducted with any employee of the Roseville Police Department who may have witnessed or been present at an alleged misconduct incident or who may otherwise have information which is relevant to an investigation. Employees being interviewed as witnesses are presumed to be uninvolved in the alleged misconduct.

(a) Whenever practicable, interviews should be conducted in person rather than by telephone.

(b) All interviews shall be electronically recorded. All parties present at the interview shall be informed the interview is being recorded. If a telephonic interview is necessary, all parties must know the interview will be recorded.

### 1009.4.2 INTERVIEW OF ACCUSED EMPLOYEES

Interviews may be conducted with department employees during the investigation of allegations of misconduct which, if found to be true, could lead to punitive or adverse action. Interviews, for purposes of this order, shall be defined as a direct order to an employee, either verbally or in writing, to respond to questions or demands for information regarding allegations of misconduct against the employee being interviewed.

All IA interviews shall be electronically audio recorded. All parties present at the interview shall be informed the interview is being recorded. If a telephonic interview is necessary, all parties must know the interview is being recorded.

### 1009.4.3 URGENT NOTIFICATION

Under urgent circumstances, personnel may be verbally ordered to report to receive said written memorandum of internal affairs investigation.

### 1009.4.4 REPRESENTATION

It is the employee's responsibility to secure representation prior to the date and time of the scheduled interview. In cases of an emergency nature, departmental personnel shall be afforded a reasonable period of time to secure representation. An emergency situation occurs when the allegation or suspicions regarding an employee's conduct are of such serious nature as to require an immediate investigation providing reasonable notice has been given to the employee. The absence or unavailability of a particular individual to serve as an employee's representative shall not be grounds to impede or delay the investigation.

The representative shall not be a party to the investigation.

### 1009.4.5 CONFIDENTIALITY

Internal affairs investigations are confidential unless otherwise required for processing personal actions or by operation of law, (Penal Code § 832.7 PC). This prohibition against disclosure shall not apply to conversations or interactions between internal affairs investigators and the supervisors they report to concerning the particular investigation or between departmental personnel ordered to respond to questions and their representatives.

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The PSU supervisor assists with interviews and often conducts preliminary work for other IA investigators. IA investigators may discuss investigations with the PSU supervisor for consultation, clarification and/or assistance.

### 1009.4.6 ADVISEMENT OF CONSTITUTIONAL RIGHTS

At any time prior to or during the interview, whenever the investigation focuses on matters which may lead to criminal charges filed against the employee, before questioning proceeds or continues, the employee shall be informed of his or her constitutional rights against self incrimination and the right to secure legal counsel.

(a) If the employee waives his constitutional rights against self incrimination, the interview may continue. If the employee invokes his right against self incrimination, the employee must be administratively admonished prior to continuing with the interview.

### 1009.4.7 ADMINISTRATIVE ADMONISHMENT

Prior to continuing any interview when the employee has invoked his/her right against self incrimination, the employee being interviewed shall be given a copy of the Roseville Police Department's Admonition Form and afforded an opportunity to ask questions regarding such admonishment.

### 1009.4.8 REVIEW OF REPORTS AND NOTES

In the interest of conducting an unbiased investigation, statements of complainants, witnesses, evidence collected and investigator's notes and reports are deemed confidential and will not be provided prior to the interview (Government Code §3303(g)).

Police reports of the incident, CAD activity reports and recorded conversations or surveillance, if available, can be provided to the employee to aid in the employee's recollection of the incident and provide for a more accurate statement. If re-interviewed, the employee shall have access to transcripts of their prior interview.

## 1009.5 DIVISION COMMANDER REVIEW

When the investigation is complete the report will be forwarded in its entirety to the commander of the division of the involved employee. The Division Commander will assume responsibility for examining the case and making a recommendation as to the need for further investigation. When the investigation is completed to the satisfaction of the Division Commander, the file will be reviewed by the Police Chief. The Police Chief may direct additional investigation if deemed necessary. The Police Chief or his/her designee will determine a finding when all appropriate investigation is completed. The determination of the finding will be done in consultation with the Division Commander.

### 1009.5.1 AVAILABLE FINDINGS

Each personnel complaint shall be classified with one of the following dispositions:

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**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

**No Finding** - Includes:

- The complainant failed to disclose promised information to further the investigation.
- The investigation revealed another agency was involved and the complainant has been referred to that agency.
- The complainant wishes to withdraw the complaint or is no longer available for required clarification.

### 1009.5.2 IMPLEMENTATION OF ACTION

The Police Chief will ensure the action is implemented after the finding as follows:

(a) Sustained Cases - The involved employee will be notified in writing. A copy of the notice and a record of any disciplinary action taken will be placed in the personnel file of the involved employee. The original case will be retained in the City's Human Resources Department.

(b) Other than Sustained Cases - A notice of completion and finding will be sent to the involved employee. The original case will be retained in the office of the Police Chief and may also be maintained in the City's Human Resources Department.

(c) At the conclusion of all investigations, subject employees shall be allowed to submit a written rebuttal if they choose. The rebuttal shall be included in the investigation file.

### 1009.5.3 NOTIFICATION

The Police Chief will notify the complainant at the conclusion of the investigation. At a minimum, the Police Chief will advise the complainant of the department's finding and if corrective action was taken if applicable.

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### 1009.5.4 CHIEF OF POLICE RESPONSIBILITIES

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline in consultation with the Human Resources Director, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the employee with a written notice of proposed disciplinary action and the opportunity for a pre-disciplinary procedural due process hearing (Skelly). The written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the employee with:

(a) Access to all of the materials considered in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Skelly Officer within five days of receiving the notice.

    1. Upon a showing of good cause by the employee, the Skelly Officer may grant a reasonable extension of time for the employee to respond.

Once the employee has completed his/her response or if the employee has elected to waive any such response, the Skelly Officer shall consider all information received in regard to the recommended discipline. The City Manager shall render a timely written decision to the employee in a Final Order of Discipline and specify the grounds and reasons for discipline and the effective date of the discipline. Once the City Manager has issued a written decision, the discipline shall become effective.

### 1009.5.5 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Skelly Officer after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Skelly.lly Officer to consider.

(d) In the event that the Skelly Officer elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the Final Order of Discipline being rendered and imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Skelly Officer on the limited issues of information raised in any subsequent materials.

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### 1009.5.6 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

### 1009.5.7 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

### 1009.5.8 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the Peace Officer Bill of Rights (Government Code § 3303; Government Code § 3304). At-will and probationary employees as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before an authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision shall be final.

### 1009.5.9 CRIMINAL OFFENSES INVOLVING DEPARTMENT EMPLOYEES

When a complaint is received which contains allegations of possible criminal conduct, or once such evidence is uncovered during the investigation of the complaint, the following procedure will be followed:

(a) The Police Chief shall be advised without delay.

(b) The Police Chief is responsible for reviewing the circumstances and determining whether a criminal investigation should be initiated and, if so, a criminal investigation will be undertaken as in any other criminal investigation. The criminal investigation will generally be handled by the Investigation Division and is a separate investigation from the internal affairs administrative investigation.

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(c) The Police Chief will determine if the department employee allegedly involved should be detached from duty. Such detachment will be in accordance with City and Department policy concerning administrative leave.

## 1009.6 ADMINSTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with potential for bribes (Government Code 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios, or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code 3309).

All other departmentally assigned areas (e.g. desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes (e.g. obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

## 1009.7 DETENTION FOR ALLEGED OFFENSES

Any department employee who learns another employee has been detained for a criminal offense in another jurisdiction shall inform the Police Chief of that fact without delay.

### 1009.7.1 CIVIL CLAIMS AND SUITS

Any department employee who is served with legal documents of any kind, that have any relation to the department or the employee's job, will forward a copy of the legal documents to the Police Chief without delay. The Police Chief will forward a copy of the documents to the City Attorney and City Risk Manager. The Police Chief or his/her designee will consult with the City Attorney and City Risk Manager to determine the appropriateness of conducting an internal administrative investigation, in addition to referring the matter to the city insurance carrier.

### 1009.7.2 INTERNAL REPORTS AND RECORDS

All investigations and records will be stored electronically using the IA PRO system. Case folders were used for all internal investigations prior to the implementation of IA PRO. All investigations will be stored under the assigned internal investigation number. The investigation file will be maintained by the assigned investigator as long as the case remains open and will normally include the following items:

(a) All original investigative reports.

(b) All original documents/photographs

(c) All original administrative correspondence.

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(d) All case activity, noting the dates of each activity conducted by the investigator. These items will be retained and safeguarded by the assigned investigator.

Once the investigation is complete the entire case folder will be forwarded to the Commander of the Division of the involved employee. The Division Commander will forward the completed internal affairs investigation to the Police Chief.

The IA PRO system database will be used to securely store all documents, media evidence, and reports related to the internal affairs investigation. All internal affairs investigations completed prior to the implementation of the IA PRO system will be securely stored and maintained in the Chief's Office at the conclusion of the investigation. All internal affairs report will be written in a memorandum format directed to the Police Chief. The format of the memorandum shall be separated into categories.

Employees may review their own internal affairs record or inquiry records, at the conclusion of the investigation regardless of finding or discipline, during the normal working hours of the Police Chief's office. Employees will not view any portion of their internal affairs records deemed confidential by the department.

1009.7.3 RETENTION OF RECORDS
Records of complaints and any reports or findings relating thereto shall be retained for a minimum of five (5) years (Penal Code § 832.5(b) PC). The Chief of Police may purge at sooner than five (5) years for letters of discipline which have not resulted in suspension, demotion, or discharge for complaints which were not generated by members of the public.

1009.7.4 INTERNAL AFFAIRS FORMS
The forms supervisors should use to complete Internal Affairs Investigations are on the Police Admin shared drive.

## 1009.8 PLACING AN EMPLOYEE ON ADMINISTRATIVE LEAVE

1009.8.1 PURPOSE AND SCOPE
To create a standardized process for placing an employee on administrative leave.

1009.8.2 PROCEDURE
Employees may be placed on administrative leave by the Police Chief in consultation with the Human Resources Director and the City Manager.The manager or designee placing the employee on administrative leave will adhere to the following:

(a) The employee will be given a written memo explaining why they are on administrative leave and what their responsibilities are while on administrative leave.

(b) Once an employee is placed on administrative leave the Chief of Police and employee's division commander shall be notified. The PSU supervisor shall also be notified.

(c) The on-line scheduler shall reflect the employees schedule changes as required by law.

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(d) In the event the employee being placed on administrative leave is a sworn member of the department, the Police Chief or designee will collect all firearms issued to the employee, their department issued identification card, their badge, their magnetic building entry key card, their vehicle and any keys issued for department vehicles.

(e) If the employee is a civilian, the manager or designee will collect their department issued identification card, their badge, their magnetic building entry key card, their vehicle, and any keys issued for the department vehicles, if applicable.

(f) The Police Chief or designee will keep the items collected from the employee in a safe and secure location and advise the employee of the process to reclaim the items if necessary upon return to work.

(g) The employee shall be advised that they are to receive their normal compensation while on leave and will not be eligible for overtime for court appearances, medical appointments, interviews or other job related events that occur during their scheduled hours.

(h) If the employee is issued a city cell phone they shall be instructed to keep it charged and on Monday - Friday 8 a.m. 5 p.m. If they are not issued a cell phone the employee must provide a phone number where they can be reached during these hours.

(i) If an employee is placed on administrative leave due to an internal affairs investigation they shall be informed the investigation is confidential and that they are ordered not to discuss it with anyone other then their designated representative in the case.

(j) Vacation requests while on paid administrative leave should be made through the Police Chief or designee.

## 1009.9 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

(a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.

1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.

(b) Events that could affect an officer's POST certification, such as:

1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
2. Findings of civilian review boards
3. Final dispositions of any investigations
4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Roseville Police Department based on allegations of conduct by an officer

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(c) Complaint allegations that meet the SB 2 definition of serious misconduct as noted in 1009.3/.2 (e).

1. All SB 2 / serious misconduct complaint allegations will be forwarded to the PSU Lieutenant. The PSU Lieutenant will make the Executive Staff aware of the allegation. The Executive Staff will evaluate the allegation. Only the Chief of Police or his/her designee will make the final determination if the allegation meets the definition of serious misconduct. If the allegation is determined to be serious misconduct the PSU Lieutenant or PSU Sergeant will make notification to POST.

(d) When an officer is the subject of a complaint being submitted to POST in compliance with SB 2, the officer will receive formal written notice within ten days of the complaint being submitted. If notifying the officer will interfere with an ongoing investigation, the officer will be notified when deemed appropriate by the Chief or their designee.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

### 1009.9.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

(a) Name of the Department

(b) Administrative case number

(c) Name, current address, and phone number of the complainant, if available

(d) Name, POST ID, current address, and phone number of the involved officer

(e) A summary of the alleged misconduct including:

1. A narrative of the allegations
2. Date and time of incidents
3. Location of occurrence
4. Any witness information, if available
5. Summary of arrest or indictment of involved officer

(f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)

(g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

### 1009.9.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

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(a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:

1. The Department shall provide the name of the body conducting the proceeding.
2. The status of the proceeding, if known.

(b) If criminal charges are pending:

1. The name of the court having jurisdiction over the criminal charges against the officer.
2. The status of the criminal case, if known.

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# Seat Belts

## 1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

### 1010.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

## 1010.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

## 1010.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

## 1010.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

## 1010.5 POLICY

It is the policy of the Roseville Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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### 1010.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

### 1010.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

### 1010.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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# Review Boards

## 1011.1 PURPOSE AND SCOPE

It is the policy of the Department to notify any employee who is the subject of a formal Department review.

The Department will review all vehicle collisions involving on-duty personnel, excluding training. Use of force and vehicle pursuits will be reviewed as required by policy, or as deemed appropriate by the Department. This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation.

## 1011.2 NOTIFICATION

Whenever an incident involving Department personnel requires a formal review, the employee will receive prior notification in writing by the Lieutenant responsible for conducting the review. Each review process is outlined in the following sections of this policy.

Should an employee be required to appear before any of the review boards or voluntarily request to appear for questioning, the provisions of the Public Safety Procedural Bill of Rights, Government Code § 3300 et seq. and/or applicable Memorandum of Understanding (MOU) shall apply. Employees will be notified in writing of the findings of the review board upon completion of the process.

## 1011.3 ACCIDENT REVIEW BOARD

It shall be the policy of the Roseville Police Department to review all vehicle accidents involving on-duty Roseville Police Department personnel, excluding training.

### 1011.3.1 ACCIDENT REVIEW BOARD PROCEEDINGS

Whenever any member of the Roseville Police Department is involved in a accident resulting in property damage or injury while operating a departmental vehicle, or any other vehicle during the course of their employment, a Police Department Accident Review Board will be convened, and an accident review board file opened.

### 1011.3.2 BOARD MEMBERS

When a sworn member of the department is involved in an accident, the Police Department Accident Review Board will consist of a Lieutenant, who will chair the board, a Police Sergeant, and a Police Officer selected by the Lieutenant.

When a professional staff member of the department is involved in an accident, the Police Department Accident Review Board will consist of a Lieutenant, who will chair the board, a Police Sergeant and a Professional Staff Supervisor selected by the Lieutenant.

When a collision has occurred, the chairman will notify the board members of the date and time of the collision review. Appropriate reports and memos, including the supervisor's recommendations, will be given to the members for their review prior to the meeting.

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For collisions occurring on Police Department property involving a single vehicle and a fixed object (i.e. pole or a parked Department owned vehicle), at the discretion of the assigned Lieutenant, the review may be conducted solely by either the Lieutenant or their designee without the need for convening a full review board. However, if the involved employee requests that a full review board be convened for this type of collision, the request shall be granted.

### 1011.3.3 FINDINGS

The Accident Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. The chair of the board shall notify the involved employee(s) within a reasonable amount of time prior to the convening of the board in writing pursuant to this policy. Any Accident Review Board will be conducted as an administrative review, in which actions and discussions regarding the incident shall adhere to confidentiality. Confidentiality shall apply to the involved board members, additional witnesses or subject matter experts and the involved employee(s).

All appropriate and relevant reports, related policies, memos, recordings, documents, and available resources will be made available to the board by the chairperson for examination. The board shall make one of the following recommended findings:

1. The accident was **preventable**; meaning the accident could have been prevented if policy, law, and/or training was followed.
2. The accident was **non-preventable**; meaning the accident could not be avoided.

If the board finds that there is cause for a PREVENTABLE finding, the involved employee will be notified of the preliminary finding of PREVENTABLE. The employee may request to appear before the board to make a statement and answer questions concerning the accident, before a final determination is made. The employee may bring witnesses, present evidence, and have a representative accompany them. All rights outlined in the Public Safety Procedural Bill of Rights, Government Code § 3300 et seq., are applicable to appearances before an accident review board.

### 1011.3.4 INVOLVED EMPLOYEE RESPONSE

Employees shall be given at least five days' notice prior to appearing before the board. The board may call other witnesses to present testimony and answer questions concerning the collision. If the board finds the collision was NON-PREVENTABLE, it may not be necessary to require the involved officer or other witnesses to appear.

### 1011.3.5 FINAL FINDINGS

The Accident Review Board findings are reported in memorandum format to the Division Captain. If the finding is acceptable to the Division Captain, a copy of the memorandum shall be forwarded to Risk Management. Both before and after board meetings, the Lieutenant will use IAPro to examine the driving records of each employee on the agenda. This is to ascertain if there were any PREVENTABLE accidents within one year of the accident under review. This is to ensure that all employees are properly forewarned of jeopardy, as well as ensuring that all documentation necessary for discipline has been completed.

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The board chairperson will submit the written recommendation to the employees Division Captain.

The Division Captain shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, internal investigations or reviews are appropriate. The Division Captain's final findings will be forwarded to the involved employee. If the Division Captain concludes that discipline should be considered, a disciplinary process will be initiated. The filing and retention of records related to the Accident Review Board will be kept in accordance with department policy and the Professional Standards Unit records retention practices.

## 1011.4 USE OF FORCE REVIEW BOARD

This policy establishes a process for the Roseville Police Department to review the use of force by its employees.

The Roseville Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately, and is consistent with training and policy.

### 1011.4.1 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee may be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### 1011.4.2 USE OF FORCE PROCEEDINGS

A use of force Review Board will be convened under the following circumstances:

1. Any actions, use of equipment, or use of force by an employee that results in serious bodily injury as defined by Government Code 12525.2(d) or death
2. Any discharge of a firearm on or off duty, during enforcement activities whether accidental or intentional (excluding training, recreation, or animal control)
3. Any other use of force by a department employee that would require a review as determined by the Chief of Police, the Division Captain or their designee

The documentation and notification of any firearms discharge shall be in accordance with Firearms Policy. The Use of Force Review policy seeks to address the review of firearms discharges during enforcement activities (intentional or accidental excluding training, recreation, or animal control functions) using the Use of Force Review process.

"Serious Bodily Injury" is defined by 12525.2(d) G.C. as "a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ." "Serious bodily injury" is more severe than mere physical injury. Per California Criminal Law Jury Instruction 925, physical injuries that are considered serious may include, but are not limited to, loss of consciousness, wounds requiring extensive suturing, bone fractures or concussions. In the majority of cases, such an injury will

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require a visit to a hospital or advanced medical care facility, either as an outpatient or by being admitted into the facility (routine medical clearances would NOT be included).

The Division Captain will order the convening of a Use of Force Review Board as necessary. The Watch Commander or supervisor of the involved employee shall notify the Division Captain of any incidents for consideration that may require a use of force administrative review.

### 1011.4.3 BOARD MEMBERS

OFFICER INVOLVED SHOOTING OR OTHER LETHAL FORCE REVIEW BOARD:

Any incident that, as a result of actions by an employee, the use of department equipment, the discharge of a firearm (that causes death, serious bodily injury, or attempted death or serious bodily injury) or any other use of force that results in death will require a Lethal Use of Force Review Board. Under these circumstances, the board will consist of the Lieutenant of the involved employee acting as the chair of the board, and the remainder of the Department Management staff with the exception of the Chief of Police

STANDARD USE OF FORCE REVIEW BOARD

Any use of force that results in Serious Bodily Injury (aside from lethal force), or any other use of force that would require a review as determined by the Chief of Police, Division Commander, or their designee shall be comprised of the Defensive Tactics Lieutenant who will serve as the Chair of the Board. The review board will also include the PSU sergeant and a sergeant who has been an instructor in the type of force used that is under review.

Persons selected for the Review Board or selected to serve as subject matter experts shall not be individuals involved in the incident under review. In the event that any of the above members of the Review Board are unable to participate in the review, additional Review Board members may be selected by the Chief of Police, Division Captains, or their designee. In the event that any of the above members of the Review Board are unable to participate in the review, additional Review Board members may be selected by the Chief of Police, Division Captains, or their designee.

### 1011.4.4 FINDINGS

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. The chair of the board shall notify the involved employee(s) within a reasonable amount of time prior to the convening of the board in writing pursuant to this policy. Any Use of Force Review Board will be conducted as an administrative review, in which actions and discussions regarding the incident shall adhere to confidentiality. Confidentiality shall apply to the involved board members, additional witnesses or subject matter experts and the involved employee(s). All appropriate and relevant reports, related policies, memos, recordings, documents, and available resources will be made available to the board by the chairperson for examination.

The board may or may not require the involved employee(s) to appear before the board. If the board requires the presence of the employee(s) at the review board, the Board Chair shall issue the order for the employee to appear in writing with reasonable notice. The written notice to the

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involved employee(s), the conduct of the board regarding questioning the employee, and the process of the interview shall comply with the provisions within Public Safety Procedural Bill of Rights,Government Code § 3300 et seq.

If the board decides that the presence and questioning of the involved employee(s) is not needed, it does not preclude the involved employee(s) from requesting to appear in front of the review board before the final determination is made. The involved employee may make a statement and answer any questions from the board prior to the determination being made. The employee may also bring witnesses, present evidence, and have a representative accompany them through all phases of the process. No more than one employee shall appear before the review board at a given time. All rights outlined in the Public Safety Procedural Bill of Rights,Government Code § 3300 et seq., are applicable to appearances before a Use of Force Review Board.

The Use of Force Review Board Chair may require subject matter experts from the cadre of Department instructors to provide additional testimony or information pertinent to the review. Subject matter experts will be used to provide their expert opinion, but are not involved in the decision making process of the review.

Use of force incidents are often complex events involving a number of different actions conducted by the involved parties. Several uses of force may have occurred within a single incident. Upon the discretion of the board, separate uses of force may be identified, analyzed individually and appropriate conclusions made. Each use of force should be analyzed according to the guidelines set forth in prevailing use of force case law, state law, department training and department policy. The review shall be based upon those facts which were reasonably believed or known by the officer(s) at the time of the incident based on the totality of the circumstances under the "objective reasonableness" standard. Analysis of the use of force using the benefit of 20/20 hindsight is not permitted.

The board will determine the "objective reasonableness" of the force used by examining:

1. What was the severity of the crime at issue
2. Whether the suspect posed an immediate threat to the safety of officers or others
3. Whether the subject was actively resisting arrest or attempting to evade arrest by flight

The board shall make one of the following findings, based on the preponderance of the evidence for each use of force by the involved employee(s):

1. The employee's actions were within policy and procedure
2. The employee's actions were in violation of department policy and procedure

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, training reviews to consider - whether training should be developed or revised, and policy reviews as may be appropriate. The chairman of the board will submit the written recommendation to the Chief of Police via the Division Captain.

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### 1011.4.5 FINAL FINDINGS

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure, and will determine whether any additional actions, internal investigations for the purposes of disciplinary proceedings or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Captain for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated. The filing and retention of records related to the Use of Force Review Board will be kept in accordance with department policy and the Professional Standards Unit records retention practices.

## 1011.5 VEHICLE PURSUIT REVIEW BOARD

This policy establishes a process for the Roseville Police Department to review vehicle pursuits by its employees.

### 1011.5.1 VEHICLE PURSUIT REVIEW BOARD PROCEEDINGS

The Chief of Police, Division Captains, or their designee may request the Vehicle Pursuit Review Board to investigate the circumstances surrounding any concerning vehicle pursuits. The Roseville Police Department will objectively evaluate the vehicle pursuit by its members to ensure their response was appropriate and is consistent with training, policy, and law.

### 1011.5.2 BOARD MEMBERS

When a qualifying vehicle pursuit has occurred, a Vehicle Pursuit Review Board will be convened. The Vehicle Pursuit Review Board will consist of the Lieutenant of the involved employee acting as the chair of the board, a Police Sergeant, and a Police Officer selected by the Lieutenant. The chairman will notify the board members of the date and time of the vehicle pursuit review. Appropriate reports and memos, including the supervisor's recommendations, will be given to the members for their review prior to the meeting.

When possible, an instructor from E.V.O.C. will fill one of the positions on the review board.

### 1011.5.3 FINDINGS

The Vehicle Pursuit Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. The Chair of the Board shall notify the involved employee(s) within a reasonable amount of time prior to the convening of the board in writing pursuant to this policy. Any Vehicle Pursuit Review Board will be conducted as an administrative review, in which actions and discussions regarding the incident shall adhere to confidentiality. Confidentiality shall apply to the involved board members, additional witnesses or subject matter experts and the involved employee(s). All appropriate and relevant reports, related policies, memos, recordings, documents, and available resources will be made available to the board by the chairperson for examination.

The board shall make one of the following recommended findings:

1. The employee's actions were within department policy, procedure and training.
2. The employee's actions were in violation of department policy, procedure and training.

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The involved employee will be notified of the preliminary finding. The employee may request to appear before the board to make a statement and answer questions concerning the vehicle pursuit, before a final determination is made. The employee may bring witnesses, present evidence, and have a representative accompany them. All rights outlined in the Public Safety Procedural Bill of Rights,Government Code § 3300 et seq., are applicable to appearances before a Vehicle Pursuit Review Board.

### 1011.5.4 INVOLVED EMPLOYEE RESPONSE

Employees shall be given at least five days' notice prior to appearing before the board. The board may call other witnesses to present testimony and answer questions concerning the vehicle pursuit. If the board finds the vehicle pursuit was within policy and procedure, it may not be necessary to require the involved officer or other witnesses to appear.

### 1011.5.5 FINAL FINDINGS

Vehicle Pursuit Review Board findings are reported in memorandum format to the Division Captain. Both before and after board meetings, the Lieutenant will examine the involved officers file to determine if prior Vehicle Pursuit Review Boards have occurred for that employee. This is to ascertain if there were any out of policy vehicle pursuits within one year of the vehicle pursuit under review. This is to ensure that all employees are properly forewarned of jeopardy, as well as ensuring that all documentation necessary for discipline has been completed.

The board chairperson will submit the written recommendation to the employees Division Captain.

The Division Captain shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure, and will determine whether any additional actions, internal investigations or reviews are appropriate. The Division Captain's final findings will be forwarded to the involved employee. If the Division Captain concludes that discipline should be considered, a disciplinary process will be initiated. The filing and retention of records related to the Vehicle Pursuit Review Board will be kept in accordance with department policy and the Professional Standards Unit records retention practices.

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# Body Armor

## 1012.1 PURPOSE AND SCOPE

Practical safety measures should be used to reduce the risks and hazards associated with police work. The Department provides soft body armor for personnel in an effort to improve safety.

## 1012.2 BODY ARMOR

Soft body armor vests are issued to all sworn personnel because they have been shown to be effective in reducing deaths and serious injuries.

### 1012.2.1 USE OF SOFT BODY ARMOR

The Department encourages all on-duty officers to wear soft body armor. Their use in some instances is required.

Department personnel shall wear their soft body armor as follows:

(a) All uniformed regular and reserve officers assigned to Patrol, Traffic, and Community Services. SROs are not required to wear their soft body armor while engaged in activities away from their school working with children such as RPAL and other sports related activities.

(b) All sworn personnel assigned to the Investigations Unit when they are assigned to a SWAT operation, stakeout, service of felony arrest warrant(s), when serving a search warrant at a location where there is reason to believe a felony suspect or violent subject may be present, or when there is reason to believe contact with a violent subject might occur.

(c) Detectives assigned to the Special Investigations Unit in accordance with policies established by that agency.

(d) Officers assigned to Administrative duties are not required to routinely wear their soft body armor.

(e) The wearing of a protective vest is not required for personnel who are on ride-alongs with Patrol or Traffic Officers for short periods of time.

(f) Officers assigned to work paid details or special details involving uniformed field duties shall wear soft body armor.

(g) A stakeout, for purposes of this section, is a pre-planned event where time and practicality allow officers to put on a safety vest in anticipation of encountering armed or dangerous suspects or circumstances.

## 1012.3 PROCEDURES

Soft body armor shall be issued to department personnel who will be responsible for their maintenance. These vests will be replaced every five years or as recommended by the manufacturer.

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## *Body Armor*

Soft body armor shall be issued to all peace officer personnel, including all full-time peace officers, and reserve officers. The safety vest must be either departmental issued or departmental approved.

Other uniformed field personnel (Community Service Officers, Animal Control Officers, Correctional Officers,and Cadets) may request and be issued soft body armor. Once requested and issued, these field personnel shall wear their soft body armor in accordance with this order.

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# Police Personnel Information

## 1013.1 PURPOSE AND SCOPE

To maintain pertinent information on department personnel, while ensuring confidentiality.

## 1013.2 POLICY

Employees shall keep the Department informed of their home address, phone number, and other personal information which may be needed in the event of an emergency. This personal information shall be kept confidential.

## 1013.3 PROCEDURE

### 1013.3.1 PERSONNEL ROSTER DISTRIBUTION

A personnel roster will be compiled, duplicated, distributed and updated by the Administration Division as necessary.

A complete listing of personnel, including names, addresses, and telephone numbers, will be maintained in the offices of the Chief, Division Commanders, Watch Commander, Communications, and in the personnel file contained in the computer aided dispatch program.

Each employee is required to have a telephone in their residence. Each employee shall submit a City "Address/Name Change" form to the Police Chief's office immediately after a change of address, telephone number, or name. The Chief's office will forward copies of the form to Human Resources, City Payroll, Investigations and Communications.

Employees' addresses and telephone numbers are considered to be where they reside, and not an answering service such as a parent's residence or phone number. A mailing address should be noted if different from the home address.

Members may list the address of the Department on any document completed within the scope of employment where the home address is requested, except the following:

(a) City or Police Department personnel forms or other matters pertaining to internal information that is not normally accessible to the public (personnel transactions, emergency Information cards, health plan enrollment, etc.); and

(b) When applying for a driver's license or any other license/permit or registration with the Department of Motor Vehicles (per Vehicle Code § 1808.4, DMV has a form available for use by police personnel to request that their home address be kept confidential).

Members shall not use the department address for personal business or mail. A supplemental list, with employee names and telephone numbers only, will be posted on Outlook.

## 1013.4 CONFIDENTIALITY

The Confidentiality of member's home addresses and telephone numbers shall be protected by all members.

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Members will not divulge any personal information concerning a department employee to persons who are not a member of this department. When receiving such a request, members may contact the employee whose personal data is being requested and supply the name and telephone number of the requester to the employee.

Personnel rosters or any other documents containing personal information about employees shall be kept in a secure location in the department, out of any visitor's sight.

No rosters, computer printouts, or any other documents containing personal information about employees shall be released to anyone outside of the Department, except by discovery pursuant to §§ 1043 and 1046 of the Evidence Code.

### 1013.5 EMERGENCY CONTACT INFORMATION

Current emergency contact information on all employees will be maintained by the Police Department. It is the responsibility of each member to inform their supervisor of any changes to their emergency contact information.

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# Fitness for Duty

## 1014.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

## 1014.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

## 1014.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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### 1014.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

### 1014.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### 1014.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

### 1014.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 15 hours in one day (24 hour period) or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines. The employee's schedule may be adjusted to meet the 8 hour requirement if needed. It is the employee's responsibility to notify the supervisor if their schedule conflicts with this policy.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

### 1014.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Internal Affairs Policy.

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# Peer Support Program

## 1015.1 PURPOSE AND SCOPE

This section defines the policies, formation, maintenance and uses of the Roseville Police Department Peer Support Team.

It is recognized that employees may face stressful or traumatic incidents. The Peer Support Program will be a resource to support and encourage members of the Roseville Police Department Family, and refer them to outside resources as necessary.

## 1015.2 POLICY

It shall be the policy of the Roseville Police Department to place the highest priority on the general well-being of department employees. The department will maintain an active Peer Support Program comprised of Roseville Police Department employees who will offer pre-incident education on a variety of topics, provide confidential and nonjudgmental support by specially trained peer support members and when necessary, suggest appropriate referrals. Employee participation in the program is voluntary. No employee shall be directed to participate in the program.

## 1015.3 PROCEDURES

The Peer Support Program shall have a program coordinator(s) who acts as a liaison between Administration and the Peer Support members. The program coordinator(s) shall be responsible for maintaining the program's integrity, providing training, and monitoring/evaluating the programs overall effectiveness.

### 1015.3.1 CONFIDENTIALITY

The most important responsibility of a Peer Support member is the promotion of trust, anonymity, and confidentiality for employees who seek assistance from the program.

Communication between a team member and an employee is considered "confidential" by the department and the team member must maintain the confidentiality entrusted to him/her and not discuss any information developed in a Peer Support session except under the following circumstances:

(a) Where the information received by a Peer Support member must be revealed by law.

(b) Where the Peer Support member is involved as a participant or witness.

(c) Where there is reason to believe that the employee intends to injure himself/herself or another person. In the case of a threatened serious injury, a reasonable attempt shall be made to warn the intended victim(s).

(d) When, due to substance abuse, the employee is a danger to themselves, citizens, or fellow employees.

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(e) When a Peer Support member has determined that a situation requires specialized assistance, he/she shall obtain the employee's approval to discuss the situation with the program coordinator or a professional referral. Again, it cannot be overemphasized that confidentiality shall and must be maintained by the support member.

#### 1015.3.2 INTERNAL AFFAIRS

It may occur that a Peer Support member is supporting an individual who becomes the subject of an internal affairs investigation. A Peer Support member will be guided by the confidentiality policy of the Peer Support Program. A Peer Support member may not hamper or impede the actual investigation nor may they attempt to shelter the individual from the department.

The Peer Support member's role in disciplinary situations will be one of support in dealing with the understanding and expression of emotions faced by the person in the disciplinary process. If at any time the Peer Support member finds it necessary to invoke the confidentiality provisions of the program, he/she should consult the Peer Support Program Coordinator for guidance and assistance.

Supervisors and representatives responsible for the investigation into an internal affairs issue will not ask the employee under investigation to divulge any conversations they may have had with a Peer Support member. In turn, Peer Support members will not be mandated to confirm an employee's participation in the program or divulge the nature or content of a session.

### 1015.4 PARTICIPATION IN PEER SUPPORT

When there is to be an opening within a unit, the Chief of Police will issue a memorandum giving the title of the position to be filled and the anticipated vacancy date. The memorandum will be posted in a manner that gives reasonable notice to all eligible personnel.

The closing date will not be less than ten (10) calendar days from date of the announcement.

Interested personnel will send written requests for the assignment to the Chief of Police on or before the closing date.

#### 1015.4.1 SELECTION CRITERIA

Peer Support member selection will be made by a selection panel with approval of the Chief.

Member selection will be based, in part, on the current and projected needs of the program, group dynamics, and the following:

(a) Willingness to donate time without compensation when approached or requested on off-duty time.

(b) Willingness to attend regular scheduled meetings and training sessions.

(c) Have an understanding of confidentiality and nonjudgmental thinking.

(d) Have the sensitivity to work with all people regardless of race, religion, gender, or sexual orientation.

(e) General work performance.

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1015.4.2 REQUIREMENT FOR ACTIVE STATUS
Continued active status as a Peer Support member is dependant upon participation and compliance with the following:

(a) Maintain confidentiality.

(b) Attend scheduled meetings and annual update training.

(c) Adhere to the rules and procedures of the Peer Support Program as listed in these orders.

(d) Observe the Peer Support Program guidelines.

(e) Satisfactory work performance.

1015.4.3 REJECTION AND REMOVAL CRITERIA
Rejection of potential Peer Support member candidates and removal of current members will be made by the program coordinator with approval of the Chief.

No employee shall be accepted into the Peer Support Program if they are currently the subject of serious discipline, fitness for duty, or any other difficulty which would interfere with their ability to perform Peer Support duties as determined by the program coordinator.

If a candidate fails to fulfill the selection criteria, the request for membership shall be denied.

## 1015.5 TRAINING

- Initial - POST Certified Basic Course (24 hours).
- Advanced- Peer Support-related training as approved by the program coordinator(s).

## 1015.6 USE OF DEPARTMENT EQUIPMENT AND FACILITIES
Peer Support members may seek the use of available department resources, including facilities and vehicles while they are assisting fellow employees. These facilities will be used with the knowledge and approval of the immediate supervisor responsible for the involved equipment or facility.

## 1015.7 ROLE MANAGEMENT AND SUPERVISORY PERSONNEL
Management and supervisory personnel are encouraged to view the Peer Support Program as a support mechanism for their personnel. Peer Support members will be involved in helping their fellow employees on and off duty. The Peer Support member and the employee seeking assistance will need the support and understanding of management and supervisory personnel during this process. Should any conflict arise, the program coordinator shall be contacted.

## 1015.8 COMPENSATION
Peer Support members agree to volunteer their time. Monetary compensation or flex time will be granted under the following circumstances:

(a) Appropriate monetary compensation shall be granted for all training related to peer support with approval of the Peer Support coordinator(s).

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(b) Compensation, as provided in the MOU, shall be granted when a Peer Support member is off duty and is called in by the Peer Support coordinator or a supervisor for the sole purpose of rendering support to an employee or their immediate family member(s).

(c) Flex time, or overtime, shall be granted to compensate those that are off duty and attending a routine peer support meeting. The employee can flex their hours in accordance with time spent in the meeting. For instance, one (1) hour of meeting time would be the equivalent to one (1) hour of time off. All use of flex time must be approved by the member's immediate supervisor.

## 1015.9 PEER SUPPORT DEBRIEFING GUIDELINES

The Department recognizes that there are varying circumstances that could lead to the need for Peer Support resources to assist employees. Following is a general guideline for when Peer Support resources may be utilized to assist employees:

(a) Peer Support contact

There may be situations where the type of incident itself indicates that it may cause stress for the employee. In this type of situation, a Peer Support member may be contacted by a supervisor, the employee, or other Department member indicating that the employee may have been involved in a high stress incident. A Peer Support team member would make contact with the employee to provide assistance as necessary. The involved employee is not required to discuss the event with the Peer Support team member, rather it is an offer of assistance.

Some examples of events that may lead to informal Peer Support contact would include fatal collisions, severe injury/neglect incidents involving children, employee performs CPR in the field, employee witness to graphic crime scene, death of employee family member, employee in the hospital, or any incident a supervisor or fellow employee feels that the involved employee is having a difficult time processing.

(b) Critical Incident Stress Debriefing

There are situations where a Critical Incident Stress Debriefing is necessary to provide resources and assistance to employees. These debriefings may be initiated by the involved employee, supervisors, or Department management based on the incident. The purpose of this debriefing is to support the employee and provide additional resources as may be requested. Attendance is mandatory for a Department initiated critical incident stress debriefing.

Some examples of events that would lead to a Critical Incident Stress Debriefing would be officer involved shootings, Department member death, Department member major injury, Department member witnesses a suicide, or child fatality.

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# Lactation Breaks

## 1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

## 1016.2 POLICY

It is the policy of the Roseville Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030).

## 1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

## 1016.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

## 1016.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

### 1016.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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# Overtime Compensation Requests

## 1017.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

### 1017.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may not exceed Compensation Time Off Leave Balance limits as described in the applicable RPA/RPOA MOU.

The following is a link to the RPOA MOU:

The following is a link to the RPA MOU:

## 1017.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests by making electronic time keeping entries into the time keeping system and submit them to their immediate supervisor(s) as soon as practicable for verification and approval. Employees shall submit a request for overtime compensation within the pay period reporting requirements.

### 1017.2.1 EMPLOYEES RESPONSIBILITY

Employees shall make electronic time keeping entries for overtime into the time keeping system after working the overtime and submit their hours worked to their immediate supervisor for approval. Employees making electronic time keeping entries into the time keeping system for on-call pay when off duty shall make the entries into the time keeping systems on the first day after returning for work and submit to their supervisor for approval.

### 1017.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

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## 1017.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the RPOA MOU provides that a minimum number of hours will be paid for K9 Officers, Court Overtime, and Court Standby when making electronic time keeping entries into the time keeping system for overtime requests. The employee will enter the actual time worked when making electronic time keeping entries into the time keeping system for overtime requests.

The following is a link to the RPOA MOU:

### 1017.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

Partial hours of overtime worked are to be rounded to the nearest fifteen minute increments. Fifteen minutes rounds up to the next half hour. Incidental overtime, defined as less than fifteen minutes nonrecurring extensions of the workday/shift is not compensable in any form per the MOU.

### 1017.3.2 TRAINING OVERTIME

Employees assigned to training details on overtime will be compensated for those activities directly related to training. Primary examples are SWAT, K-9, RCT and CINT, but applicable to all training venues. Job related duties as report writing, checking emails, or other non training activities shall have supervisor approval prior to starting those activities on overtime. This policy does not prohibit an employee checking emails or returning phone calls on a scheduled break during all day training courses.

### 1017.3.3 ALLOCATION OF OVERTIME

Management reserves the right to distribute overtime assignments to meet departmental needs. Short notice overtime notification may be sent via e-mail to eligible department staff. Preplanned or long term overtime assignments will be posted as determined by Division Captains or their designee. For preplanned or long term overtime assignments, if possible, a selection process will be implemented to distribute the assignments amongst eligible employees with the goal of fairness and equal oportunity for employees to sign up for the assignment.

## 1017.4 OVERTIME WORKED IN A 24-HOUR PERIOD

The maximum number of hours an officer is permitted to work in any 24 hour period shall be 15 hours. Officers shall not work more than 15 total hours of combined regular shift, backfill overtime, special assignments, special events or general overtime including court. This order shall not apply in the event of an emergency. Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the guidelines in this policy. The member's schedule may be adjusted to meet the 8 hour requirement if needed. It is the member's responsibility to notify the supervisor if their schedule conflicts with this policy. All hours exceeding normal work schedule will be paid as described in the applicable RPOA/RPA MOU.

The following is a link to the RPA MOU:

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## *Overtime Compensation Requests*

The following is a link to the RPOA MOU:

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# Payroll Records

## 1018.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

### 1018.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

### 1018.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll records shall be completed and submitted electronically by the last day of each pay period unless otherwise directed by the City of Roseville.

## 1018.2 POLICY

The Roseville Police Department maintains timely and accurate payroll records.

## 1018.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

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# Outside Employment

## 1019.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

## 1019.2 CITY OF ROSEVILLE MUNICIPAL CODE

All City of Roseville Police Department members shall abide by the City of Roseville Municipal Code Section 3.15.060 Titled Off-Duty Employment.

City of Roseville Muncipal Code Reference:

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# Occupational Disease and Work-Related Injury Reporting

## 1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

### 1020.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

## 1020.2 POLICY

The Roseville Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

## 1020.3 RESPONSIBILITIES

### 1020.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

### 1020.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed. Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required. The supervisor who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police or designee and forwarded to the City's risk management entity to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

### 1020.3.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

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## 1020.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Chief of Police or designee and a copy sent to the City's risk management entity .

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

### 1020.4.1 MODIFIED DUTY ASSIGNMENTS

The Roseville Police Department accommodates modified duty assignments for injuries or illnesses which occur on or off duty. See the Temporary Modified Duty Assignments policy for more information.

## 1020.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor and Human Resources/Risk Management as soon as possible.

### 1020.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

This process is controlled by the Human Resources Department without involvement of the Chief of Police.

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# Personal Appearance Standards

## 1021.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

## 1021.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

(a) Non-uniformed sworn employees must adhere to this policy when working uniformed patrol duties, regardless of the duration of the assignment.

## 1021.3 DEFINITIONS

TATTOO – Marking of the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.

BRANDING – Intentional burning of the skin for the purpose of creating a design, form, figure, or art.

SCARIFICATION – Intentional cutting of the skin for the purpose of creating a design, form, figure, or art.

INTENTIONAL DISFIGUREMENT – The intentional disfigurement or mutilation of the body. Examples include, but are not limited to, split or forked tongues, foreign objects inserted under the skin, or holes in the ear larger than those caused by normal piercing.

COSMETIC TATTOOS – A cosmetic technique that employs tattoos as a means of producing designs that resemble makeup, such as eyeliner, eyebrow darkening, and other permanent coloration of the skin of the face, lips, and eyelids. Cosmetic tattoos shall not be considered tattoos for the purposes of this policy so long as they would not constitute a violation of any other department policy if they had been applied using a temporary technique such as conventional makeup.

MEDICAL TATTOOS – A tattoo applied for medical purposes. (i.e., as a warning that the patient suffers from a chronic disease or as a “marker” to aid in medical personnel in performing a medical procedure.

FULL BEARD: An unmodified growth on all available areas of the face and neck, including the mustache, chin, sideburns, and cheeks.

CIRCLE BEARD: Often referred to as a goatee, is defined as incorporating hair on the chin and mustache around the mouth, but not the cheeks.

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### 1021.4 PROCEDURE

Employees shall maintain the following appearance standards:

### 1021.5 ATTIRE

(a) All clothing shall be maintained in a neat, clean and serviceable condition.

(b) The style of on-duty civilian dress will be that of contemporary business standards.

(c) Courtroom dress for employees shall be either duty uniform or conservative business attire.

### 1021.6 HAIR

(a) Hairstyles of all members shall be neat in appearance at all times.

(b) Hair shall be of a natural hair color and present a well-groomed appearance.

(c) Dyed, tinted or bleached hair must be within a naturally occurring color range. For purposes of this policy, the naturally occurring hair color range does not include colors such as pink, blue, purple, green, etc.

(d) Wigs or hair pieces shall be a natural occurring hair color and in compliance with this policy.

(e) Professional staff and uniformed members in an administrative position may wear their hair loose in a reasonable length, unless it is determined by a department supervisor/ manager that the length interferes with the ability to do their tasks.

#### 1021.6.1 UNIFORMED MEMBERS HAIR

(a) Hair must be styled in such a manner so that it does not interfere with any uniform headgear or any specialized equipment.

(b) All hair styles shall be neatly and evenly trimmed at all times while the officer is on duty.

(c) While on normal duty or in uniform the hair shall be worn in a style to maximize safety.

(d) Hairstyles must not impair vision.

(e) When a hat is worn, hair shall continue to be neat in appearance.

(f) When standing, the hair shall not extend over the uniform or shirt collar and shall not be tucked under the collar.

(g) Hairstyle will be such that the hair does not cover more than half of the ears.

(h) Bangs, if worn, may not fall below the eyebrows.

(i) No decorative hair accessories shall be worn in the hair. However, clips or pins that are the same color as the hair may be worn. Clips or pins shall be worn to prevent obstruction of vision.

(j) Ponytails are permitted and the overall length of the ponytail shall not exceed three inches below the bottom of the uniform collar while assuming a normal stance

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1021.6.2 SIDEBURNS

(a) Sideburns shall not extend below the bottom of the earlobe and shall be trimmed neatly and not exceed two inches in width. The base shall be a clean-shaven horizontal line.

## 1021.7 FACIAL HAIR

(a) Members may grow a full beard or circle beard but must maintain the beard growth between 1/4 and 1/2 inch in length.

(b) Patchy or asymmetrical beards do not present a professional image, and will not be allowed.

(c) For members who may be required to wear a gas mask while performing work functions, the ability to maintain a tight seal while wearing the mask is a critical safety measure. Consequently, members who elect to grow a beard shall ensure they maintain the ability to pass department gas mask fit testing.

(d) Full beards should be maintained by the member to not extend to any part of the neck. Facial hair may cover below the jaw horizontally, but end before the downward curve of the neck at a clean shave line (Figure 1a). Additionally, all facial hair must be trimmed above the cheek line (Figure 1b). Circle beards shall not extend below the natural jaw line (Figure 2a) or extend more than ½ inch past the corner of the mouth (Figure 2b).

(e) Beards must be grown in naturally and trimmed to comply with the restrictions contained in this policy.

(f) A short and neatly trimmed mustache may be worn. Mustaches shall not meet with the sideburns and shall not extend lower than the bottom edge of the upper lip.

(g) Beards are authorized for wear with the Class A uniform. All personnel in Class A uniform shall have their facial hair neatly trimmed.

(h) Members assigned to Honor Guard may grow a beard, however, when called to participate in an honor guard event, must be clean shaven.

(i) Members with a medical condition precluding shaving shall present a written statement signed by a physician verifying such condition to the City of Roseville Human Resources Department.

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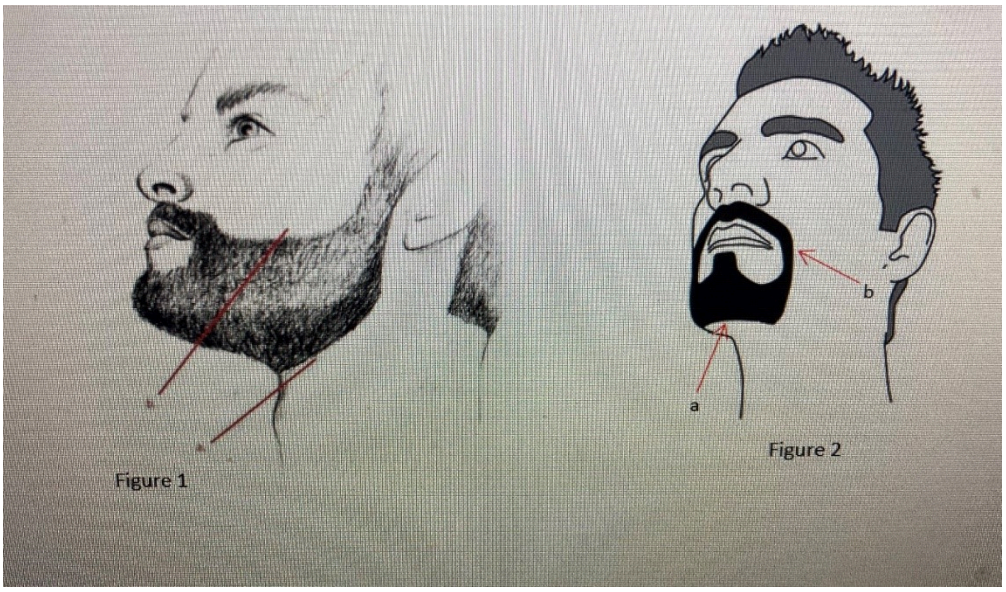


## 1021.8 TATTOOS

While on-duty, all tattoos and brandings shall be covered and not visible to the public with the following exceptions:

(a) Employees hired prior to March 1, 2003, who have previously existing tattoos on their arms, are exempt from this requirement.

(b) Employees hired prior to March 1, 2003, who have previously existing tattoos on their legs, are exempt from this order except when public contact is likely.

(c) Permanent cosmetic tattoos and medical tattoos are exempt from this policy.

The employee shall have discretion as to how the tattoo is covered provided no other policy is violated by covering the tattoo.

Under no circumstances are tattoos permitted to be visible while in Class A uniform.

## 1021.9 JEWELRY, BODY PIERCING, AND ACCESSORIES

### 1021.9.1 JEWELRY

No jewelry or non-department approved personal pins shall be worn by uniformed member on any part of the uniform or equipment except those authorized within this manual or authorized by the COP or their designee.

Items of visible jewelry that may be worn by all staff shall be limited to:

(a) Bracelets or necklaces worn for medical notification purposes.

(b) A total of two conservative rings. For the purpose of this policy, a set of wedding and engagement rings shall be considered as one ring.

(c) Jewelry, if worn around the neck, shall not be visible above the shirt collar (uniformed members only).

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(d) One earring per earlobe that must be post-type with nothing hanging from the post. The post must be plain metal, gold or silver colored. The face of the post is not to have a diameter of more than three-eighths (3/8) of an inch

(e) Plugs/gauges (used to enlarge piercing holes in the ear) are prohibited

(f) One cosmetic bracelet

(g) One watch

1021.9.2 BODY PIERCINGS OR ALTERATIONS

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features, and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing

(b) Facial piercing

(c) The complete or transdermal implantation of any material other than hair replacement

(d) Abnormal shaping of the ears, eyes, nose or teeth

(e) Scarification and intentional disfigurement

No body piercing shall be visible while any employee is on-duty in uniform or representing the department in any official capacity without prior authorization from the Chief of Police.

## 1021.10 COSMETICS AND FINGERNAILS

1021.10.1 COSMETICS

(a) Make-up, when worn, shall be subdued and blended to match the natural skin color of the individual.

(b) No excessively bright colors should be used for rouge, eye shadow, or lipstick.

(c) Perfume or cologne may only be worn in moderation.

1021.10.2 FINGERNAILS

(a) Fingernails shall be trimmed not to extend more than ¼ inch beyond the tips of the fingers.

(b) Fingernail polish for all members, if worn, shall be limited to conservative colors. Artwork or decorations are prohibited.

## 1021.11 EXEMPTIONS

Employees working assignments that conceal their identities as police officers are exempt from the grooming and appearance provisions as authorized by their supervisors.

The department will consider and may approve exceptions and accommodations based on assignments, cultural/religious or medical (i.e. growing facial hair) or safety issues to this policy on a case-by-case basis.

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Members seeking an exception or accommodation must submit a reasonable request to the COP and City of Roseville Human Resource Department.

Members who seek exemptions to this policy (e.g., culturally protected hairstyles, etc.) that are protected by law should generally be accommodated (Government Code § 12926 and Education Code § 212.1). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The COP or designee should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

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# Uniform Regulations

## 1022.1 PURPOSE AND SCOPE

The uniform policy of the Roseville Police Department is established to ensure that uniformed staff will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

(a) Department Owned and Personal Property

(b) Body Armor

(c) Personal Appearance Standards

## 1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) For uniform restrictions specific to visible jewelry, piercings, hair care standards, and tattoos, refer to Personal Appearance Standards policy.

(l) Staff assigned to non-Patrol units must meet Personal Appearance Standards to wear a uniform, even if for a short term assignment or special event requiring Class A uniform.

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### 1022.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

(c) Sworn Staff: Officers shall wear their department issued badge or identification card while inside the police facility, whether on duty or off duty, so that it is visible to staff members.

(d) Professional Staff: Professional staff, volunteers, and interns shall wear their department issued identification while inside the police facility, whether on duty or off duty, so that it is visible to staff members. On duty professional staff shall wear the department issued badge, in compliance with the uniform policy, or their department issued identification card while inside the police facility visible to staff members.

(e) This provisions also apply to all city facilities if the employee will be entering employee only sections of those facilities so city staff can identify the employee as a Roseville city employee.

## 1022.3 SWORN UNIFORM CLASSES

For all uniform classes noted in the following sections, refer to the Department Uniform Order Form for the specific allowable uniform brands and styles allowed for wearing under this policy. Review uniform guidelines PDF for further information on placement of items on uniform.

### 1022.3.1 CLASS A UNIFORM

All officers will possess and maintain a serviceable Class A uniform at all times. The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform includes:

(a) Department approved wool blend long sleeve shirt and trousers, navy blue

(b) Gold colored "P" buttons on the pockets and epaulettes of the shirt

(c) Dress trousers. Trousers can have a sap pocket, but no cargo pocket

(d) Dress jacket for sworn management personnel

(e) Navy blue tie with gold tie bar

(f) Highly polished boots or shoes or corframs (non-pointed toe)

(g) Gold name plate with first initial and last name written in dark navy. No sewn in name tags.

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(h) Basket woven styled gun belt with reduced gear, to include only holster, handcuff case, magazine pouch, and belt keepers.

(i) (FUTURE) Gun belt to match standards in Class A uniform regulations as follows:

1. Basket woven Sam Browne style duty belt with brass buckle. No plastic/polymer buckles allowed.
2. Basket woven under-belt with brass buckle
3. Basket woven holster without taclight.
4. Basket woven single handcuff case.
5. Basket woven magazine pouch (non-open top)
6. Basket woven belt keepers with two brass snaps

(j) Concealable armor is optional. No load bearing vest, suspenders, or Elbeco Body Shield external vest carrier shall be worn with the Class A uniform

(k) Unit Assignment Insignia may be worn in accordance with the Class A Uniform Guidelines as follows:

1. One insignia may be worn 1/4 inch above the ribbon awards
2. Secondary insignia may be worn attached to the pocket below the name plate

(l) Award ribbons may be worn in compliance with Department Awards Procedure.

### 1022.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. The Class B uniform is the basic duty uniform for all officers and includes:

(a) Department approved wool blend shirts and trousers

(b) The long or short sleeve shirt may be worn with the collar open, no tie

(c) A navy blue tie with gold tie bar may be worn with a long sleeve shirt

(d) Trousers with either a sap pocket or cargo pocket may be worn

(e) A white, navy or black crew neck t-shirt must be worn with the uniform

(f) All shirt buttons will be color matched with the shirt and will be buttoned, except for the top collar.

(g) Polished shoes, boots (non pointed toe), or unpolished solid black soft soled shoes are permitted

(h) Approved concealed armor or external vest carrier may be worn

(i) Officers are authorized to wear the Elbeco Body Shield External Vest Carrier in Navy blue

(j) Department approved gunbelt suspenders are optional

(k) Department approved pins and awards may be worn

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### 1022.3.3 CLASS C UNIFORM (OPTIONAL)

Officers may personally purchase and wear a Class C uniform for regular duty wear. Class C uniforms are satisfactory for basic duty but should not generally be worn for presentations or as directed. The Class C uniform may be worn to court (including the LBV) if the officer is working their Patrol assignment on the day of the court appearance and the Class C uniform is the officer's uniform of the day, with the exception that uniform shorts shall not be worn on a day when an officer anticipates a court appearance. The Class C uniform includes:

The Class C uniform includes:

(a) Standardized Polo Shirt to include shoulder patches

(b) BDU pants with the blousing bands removed

(c) A Load Bearing Vest (LBV) shall be worn over the Class C Polo Shirt

(d) Class C Polo Shirts shall not be worn over a concealed vest

(e) Polished shoes, boots (non-pointed toe), or unpolished solid black soft soled shoes are permitted

### 1022.3.4 INCLEMENT WEATHER UNIFORM OPTIONS

A. Warm Weather-Bicycle Patrol Only

The following items may be worn, but must be worn together. Separation of individual pieces is not allowed.

1. Blauer Street Gear dark navy blue shorts
2. Standardized Polo Shirt to include a cloth badge, shoulder patches, and name embroidered on shirt to include first initial and last name
3. Concealable body armor only, no LBV permitted with shorts uniform
4. White or black crew socks
5. All black, soft soled shoes or low rise boots

B. Cold and Inclement Weather

1. Jacket-per Department Uniform Ordering form to include a rain and/or cold weather jacket.
2. Rain Pants-per Department Uniform Ordering form
3. Watch Cap-Black LawPro watch cap with "POLICE" embroidered in gold on the front. "POLICE" must face outward to the front when worn.

### 1022.3.5 SPECIALIZED UNIT UNIFORMS

The Chief of Police or Department manager overseeing a specialized unit may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

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These uniforms must comply with the general provisions of this policy to include identification of individuals as to their authority and position as a police officer to include Department patches, cloth or standard badges, and name identification.

## 1022.4 PROFESSIONAL STAFF UNIFORM CLASSES AND ATTIRE

Professional Staff Uniform policy provisions apply to the following uniformed assignments:

(a) Professional Staff Command Staff

(b) Community Service Officers

(c) Animal Control Officers

(d) Police Scene Technicians and Property/Evidence Staff

(e) Cadets

Professional Staff plain clothes policy provisions apply to the following assignments:

(a) Dispatch

(b) Records

(c) Administrative assignments

(d) Professional Staff uniformed assignments as applicable

### 1022.4.1 PROFESSIONAL STAFF UNIFORMED ASSIGNMENTS CLASS A UNIFORM

All listed uniformed assignments will possess and maintain a serviceable Class A uniform at all times. The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform includes:

(a) Department approved wool blend long sleeve shirt, light blue

(b) Department approved wool blend trousers, navy blue, can have a sap pocket, but no cargo pocket

(c) Navy blue tie with gold tie bar

(d) Highly polished boots or shoes (non-pointed toe)

(e) Basket woven styled dress belt with brass buckle

(f) Gold name tag plate with first initial and last name in blue writing

(g) Award ribbons may be worn in compliance with the Department Awards Procedure.

(h) Professional staff management personnel may wear:

1. Dress jacket with a navy blue uniform shirt
2. Uniform Dress

Non-uniformed assignments are not required to wear a Class A uniform, but may choose to wear a Class A uniform. Professional business attire may also be worn for formal events normally requiring a Class A uniform.

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### 1022.4.2 PROFESSIONAL STAFF UNIFORMED ASSIGNMENTS CLASS B UNIFORM

All listed uniformed assignments with personnel assigned to the field will possess and maintain a serviceable Class B uniform at all times. The Class B uniform is the basic duty uniform and includes:

(a) Department approved wool blend shirts and trousers. Navy blue pants, light blue shirt

(b) The long or short sleeved shirt may be worn with the collar open, no tie

(c) Trousers with either a sap pocket or cargo pocket may be worn

(d) A white, navy or black crew neck t-shirt must be worn with the uniform

(e) All shirt buttons will be color matched with the shirt and will be buttoned, except for the top collar.

(f) Polished shoes, boots (non-pointed toe), or unpolished solid black soft soled shoes are permitted

(g) Department approved gun belt suspenders are optional

(h) Department approved pins and awards may be worn

### 1022.4.3 PROFESSIONAL STAFF UNIFORMED ASSIGNMENTS CLASS C UNIFORM

Uniformed Professional Staff working in the field may personally purchase and wear a Class C uniform for regular duty wear. These would include CSO, ACO, and Cadets. Class C uniforms are satisfactory for basic duty but should not generally be worn for presentations or as directed. For specific brands and styles, refer to the Department Uniform Ordering Form, however the Class C uniform generally includes:

(a) Standardized Polo Shirt in medium blue to include shoulder patches

(b) BDU pants with the blousing bands removed

(c) Polished shoes, boots (non-pointed toe), or unpolished solid black soft soled shoes are permitted

(d) Vest carrier in medium blue. Load Bearing Vests are not permitted.

(e) Concealable body armor not permitted to be worn under a polo style shirt

Professional Staff working primarily inside the Department, but with some field assignments (i.e. PST's and Property/Evidence) may wear the following Class C Uniform:

(a) Standardized Polo Shirt in Navy blue with cloth badge patch on the left side underneath which is embroidered the unit to which they are assigned and on the right side embroidered name to include first initial and last name.

(b) BDU pants with blousing bands removed

### 1022.4.4 PROFESSIONAL STAFF OFFICE ATTIRE

Professional Staff assigned to primarily office duties shall follow the civilian attire section below. However, at the discretion of their unit administrator may substitute a Department approved polo shirt in Navy blue with cloth badge patch on the left side underneath which is embroidered the

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unit to which they are assigned and on the right side embroidered name to include first initial and last name.

All Professional Staff Unit polo shirts will be standardized to this style.

1022.4.5 COMMUNICATIONS CENTER OFFICE ATTIRE

Communications Center staff shall wear a polo shirt provided by, or sponsored by, the Roseville Police Department or Roseville Fire Department. Polo shirts shall be worn when on duty or when representing the department at community, department, or allied agency events.

Business, business casual, or jean pants or skirts may be worn while on duty, provided the design and style coordinates with the required polo shirt and maintains a clean, neat, and professional appearance.

(a) To maintain a professional image consistent with other department and city employees, dispatch employees may not wear jeans when representing the department at community events or other public events. Appropriate business attire or a standardized polo shirt with appropriate non-jean style bottoms shall be worn instead.

(b) Employees may wear the department provided jacket at any time, or may wear sweaters that comply with the overall city and department policy.

Exceptions include approved events where business casual attire or jeans are appropriate, such as training classes or tactical dispatch team members responding on callouts.

## 1022.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

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(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Roseville Police Department or the morale of the employees.

(g) All personnel assigned to training shall wear clothing appropriate for the training course to include officers assigned to Advanced Officer Training.

## 1022.7 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Roseville Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Roseville Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

## 1022.8 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).
3. Replacement uniforms purchased as optional Class C wear may be replaced in accordance with policy 1024.6.2(k).

## 1022.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Roseville Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Roseville Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

## 1022.10 GENERAL UNIFORM PROVISIONS

For specifics regarding uniform regulations (associated uniform item numbers) and proper set-up examples (mourning band, ribbons, tie bar etc.),

### 1022.10.1 AUTHORIZED UNIFORMS SPECIFICATIONS

For specific uniform parts to be ordered, refer to the most recent updated Department Uniform Ordering Form through the Department Quartermaster. Exact specifications including item numbers are listed on the replacement authorization form.

### 1022.10.2 UNIFORM EXCHANGE POLICY

Employees will need to occasionally replace uniforms that are worn out, damaged or no longer fit. The following policy will be followed when requesting replacement uniforms:

(a) Lieutenants are primarily responsible for authorizing uniform replacement for uniformed personnel. Professional staff should contact their division Administrator for approval.

(b) Employees must show the approving authority the uniform item(s) in need of replacement.

(c) If the new uniform replacement is approved the approving authority will complete the "Officer Uniform Order" form indicating the items to be replaced. A copy of the form will be alphabetically maintained in a file in the Lieutenant's office for future reference. The employee will take the signed original to the authorized uniform vendor to obtain the replacement items.

(d) The employee will keep the uniform if needed until the new uniform item arrives. The employee is required to remove all patches, cloth badges, etc. from non-serviceable uniforms and destroy them.

(e) Serviceable uniforms that no longer fit will be returned to the quartermaster.

(f) Stored serviceable uniforms should be considered first for replacement before authorizing a new replacement.

(g) Initial uniform purchases will consist of the following pursuant to applicable MOU:

1. 3 pairs of uniform pants to include 1 Class A and 2 Class B
2. 6 uniform shirts to include 1 Class A long sleeve and then any combination of short or long sleeve Class B shirts

(h) Initial Class C uniform purchases are the responsibility of the employee.

(i) Replacement uniform purchases may replace existing Class B or Class C uniforms with Class B or Class C uniforms at Department expense.

(j) Initial and replacement costs for Load Bearing Vest (LBV) or the vest carrier are the responsibility of the employee.

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(k) All sworn staff are required to maintain a Class A uniform.

### 1022.10.3 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only. Service stripes may not be worn on the Class C long sleeve polo shirt.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Flag Pin - A flag pin may be worn, centered above the nameplate.

(f) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

(h) Department Awards

1. Award ribbons may be worn with the Class A uniform as identified in the Department Awards Procedure.
2. Award pins may be worn with the Class A, B, and C uniforms as identified in the Department Awards Procedure.

### 1022.10.4 UNIT ASSIGNMENT INSIGNIA

Assignment insignias may be worn as designated by the Chief of Police as follows:

(a) Letter style insignia

1. Letters will be Smith & Warren brand, gold in color, half-inch sized

(b) Specialty style insignia

1. Design of specialty style insignia must be approved by the Chief of Police or their designee
2. Must be gold in color for current assignment

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3. May use a subdued/black color signifying past assignment or retired from an assignment with the approval of the current special assignment unit commander.
4. Cannot be larger than 1 ¾ inch wide and 1 ¼ inch height

(c) Class A

1. Insignia may be worn in accordance with the Class A Uniform Guidelines as follows:
   (a) One insignia may be worn 1/4 inch above the ribbon awards
   (b) Secondary insignia may be worn attached to the pocket below the name plate

(d) Class B

1. One insignia may be worn centered 1/4 inch above the name plate / embroidered name

(e) Class C with Load Bearing Vest

1. One insignia may be worn on the load bearing vest centered directly above the name tag

### 1022.10.5 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. See the following attachment for the proper mourning band placement.

The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

### 1022.10.6 RETIREE BADGES

(a) The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Roseville Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

(b) A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words “Honorably Retired” clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Roseville

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Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

### 1022.10.7 LOAD BEARING VEST (LBV) AND EXTERNAL VEST CARRIERS

Load Bearing Vest may be worn with the following provisions:

(a) A department approved load bearing vest in navy blue may be worn on the outside of a Class C uniform. LBV's are not permitted for wear with the Class A or Class B uniforms.

(b) A navy blue 5.11 Performance Polo with department patches on the sleeves shall be worn in conjunction with the LBV.

(c) Class C - 5.11 Tactical trousers will be worn in conjunction with the Performance Polo and LBV

(d) All LBV shall have a badge tab or a cloth badge affixed to the left front breast, a name tape affixed to the right breast, pouches affixed to the lower of the LBV which carry items normally carried on a gun belt.

(e) Only LBV's with a metal badge should be worn during times a "mourning badge" is required.

(f) LBV's shall not be used to conspicuously carry fixed bladed knives, bandoleers of ammunition, or any item not regularly carried on a gun belt. LBV's may be used to carry a single rifle magazine if it is carried in a pouch that secures the magazine from falling out. The pouch must either match the color of the LBV or be black in color. The rifle magazine shall be placed on either side of the LBV so as not to be conspicuously placed in the center of the LBV.

(g) "POLICE" name tapes, whether reflective or not, may be temporarily affixed to the LBV for officer safety considerations

(h) LBV's should not be worn in conjunction with a coat or jacket that restricts access to equipment

(i) The Spiewak dark navy jacket may be worn under the LBV. The style number is S318 and it must have shoulder patches.

External Vest Carrier may be worn with the following provisions:

(a) Only the Elbeco Body Shield external vest carrier in Navy blue may be worn on the outside of the class B uniform. The Body Shield can be purchased at Sacramento Uniforms or Advantage Uniforms in Rocklin at the officer's expense

(b) Either the Elbeco uniform top in Navy blue, or the Elbeco UV1 undervest short sleeve / long sleeve performance polo in Navy blue with department patches, shall be worn in conjunction with the Body Shield external vest carrier

(c) Only Class B trousers may be worn in conjunction with the Body Shield external carrier and the Elbeco tops described in subsection (b)

(d) Only the department issued badge may be worn with the Body Shield external vest carrier. Cloth badges are not authorized.

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(e) A department issued coat or jacket may be worn over the Body Shield external vest carrier

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# Honor Guard

## 1023.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the Department Honor Guard program, identify the minimum requirements for selection of the members, required training and demonstration of proficiency, callout procedures, and required uniforms and equipment.

## 1023.2 POLICY

Members of the Honor Guard act as emissaries and representatives of the Department, and as such, must present a professional image. Membership in the Honor Guard is a privilege.

Duties include attending funerals of officers killed in the line of duty and other events, driving in processions, performing military-type protocols such as posting colors, flag folding, etc. and other duties as assigned.

## 1023.3 REQUIREMENTS

Members will demonstrate the ability to:

(a) March and perform other related tasks.

(b) Follow instructions.

(c) Lead, if needed.

(d) Be punctual and reliable.

(e) Be available on very short notice.

(f) Travel (including on short notice).

(g) Stand, walk and/or sit for long periods of time, including in inclement, hot or cold weather.

(h) Adjust shifts to accommodate attendance at events.

### 1023.3.1 APPEARANCE

(a) Neat-maintained uniform and gear in excellent condition.

(b) Well-groomed.

(c) Weight in proportion to height, presents a fit appearance consistent with a military bearing when on duty and in the Honor Guard uniform.

### 1023.3.2 MERIT

(a) Current supervisor's recommendation.

(b) No "needs improvement" rating on last evaluation.

### 1023.3.3 SELECTION PROCESS

(a) Openings will be published within the department.

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(b) Prospective members will submit a memorandum of interest.

(c) Prospective members must attend at least one practice session and will be evaluated on:

1. Adaptability.
2. Command presence.
3. Ability to follow instructions.
4. Marching skills.
5. Other relevant qualities.
6. Oral Interview including current supervisor's recommendation.
7. Review prospective member's evaluation.
8. Chief of Police has final approval.

### 1023.4 TEAM COMPOSITION

The team shall consist of eight members minimum, including the Honor Guard Coordinator.

### 1023.5 UNIFORM AND EQUIPMENT

The required uniform, provided by the Department, shall consist of the following:

(a) Marine style coat with a standing collar and gold California buttons.

(b) Trouser pants with added gold striping.

(c) Shoulder cord.

(d) White gloves.

(e) Clarino leather Sam Browne duty belt (2 1/4 inch) and holster.

(f) Clarino leather handcuff case (single) and handcuffs, and Double magazine pouch with two magazines.

(g) Felt Campaign Hat.

(h) Rain gear.

(i) Badge with black band.

(j) Patent, Corfam or "spit-shined" shoes.

### 1023.6 COMPENSATION

Shifts will be adjusted whenever possible rather than using overtime, staffing levels permitting.

Members will be paid for training time.

### 1023.7 TRAINING

Training sessions shall be held every other month and shall be mandatory for all members unless excused by prior arrangement with the Honor Guard Coordinator or his/her designee.

Training sessions may be held more frequently if needed. Training may include:

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(a) Close order drills and ceremonies; Flag folding.

(b) Presentation and retiring of colors.

(c) Coffin posting.

(d) Uniform maintenance.

(e) Rifle handling.

## 1023.8 NOTIFICATION

When the Department is notified of an event which may require the deployment of the Honor Guard, the Watch Commander will be advised and make timely notification to the Honor Guard Coordinator.

Deployment of the Honor Guard shall be approved by a Division Commander or Lieutenant.

The Honor Guard Coordinator or their designee shall make arrangements for Honor Guard member's participation at events.

## 1023.9 TERM OF ASSIGNMENT

This assignment is indefinite. Newly appointed members are expected to serve a minimum of three (3) years.

### 1023.9.1 REMOVAL FROM TEAM

The member must continue to meet all the requisites. If a member is found out of compliance, he/she may be given up to 90 days to comply. Failure to do so will result in removal from the Honor Guard. Any member who received department discipline may be removed from the Honor Guard immediately.

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# Police Cadets

## 1024.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

## 1024.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete a minimum of nine semester units of college course work per semester. All Cadets shall release to the Cadet Program Coordinator, a copy of their school grades each semester to be placed in their file.

### 1024.2.1 EXCEPTIONS

Exceptions can be made with the authorization of the Cadet Program Coordinator. Exceptions must be made in writing, and will be considered on a case by case basis.

### 1024.2.2 AGE REQUIREMENTS

All Cadets will be at least 18 years of age.

## 1024.3 PROGRAM COORDINATOR

A Sergeant will act as the Program Coordinator. He/she will serve as the law enforcement mentor to the Cadets. The Program Coordinator will be responsible for recruitment and hiring of new Cadets. The Program Coordinator will ensure that Cadets remain eligible to participate in the program. The Program Coordinator will provide input for evaluations. The Program Coordinator will arrange patrol ride alongs with appropriate patrol personnel. The Program Coordinator will prepare an annual report briefly outlining the work statistics of the Cadets and its benefit to the City.

The Program Coordinator and/or Patrol Sergeant will be responsible for the training and daily supervision of the Cadets assigned to their units. The Program Coordinator will determine the Cadet schedules and track the work hours used by the Cadets. Use of Cadets for special events outside of their normal duty areas (other than for urgent matters or emergencies) will be coordinated through the Program Coordinator. The Program Coordinator, shift Sergeant, or his/her designee will be responsible for completing Cadet performance evaluations.

A Lieutenant will provide oversight to the program and review all decisions affecting job assignments, status for compensation, school attendance, and performance evaluations.

## 1024.4 ORIENTATION AND TRAINING

Newly hired Cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train Cadets for as many assignments as possible. These meetings will also offer an opportunity for the Cadet to receive continuous feedback regarding their progress in the program.

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### 1024.5 CADET UNIFORMS
Each Cadet will be provided two uniforms.

### 1024.6 ROTATION OF ASSIGNMENTS
Rotating job assignments should occur on a regular basis to enhance the career development for each Cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the appropriate Division Commander.

In general, senior Cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train Cadets for new assignments or those newly hired.

### 1024.7 RIDE-ALONG PROCEDURES
All Cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets may wear their uniform while participating on a ride along. If in uniform, the Cadet shall only be an observer and shall not participate in any activities associated with Cadet duties.

#### 1024.7.1 RIDE ALONG FREQUENCY
Cadets may participate in the Ride-Along Program a maximum of 4 times per month.

### 1024.8 PERFORMANCE EVALUATIONS
Performance evaluations for all Cadets shall be completed quarterly by their immediate supervisor or their designee during their first year on probation. Upon successful completion of probation, cadets will be evaluated on a yearly basis to assess their current job performance and their potential as future police officers.

### 1024.9 CLASSIFICATION AS A CITY OF ROSEVILLE EMPLOYEE
Cadets are considered "at will" employees of the City of Roseville. Their positions are part time, temporary, without medical or retirement benefits. Cadets do not accrue either vacation or sick leave, but are rather paid on an hourly basis. Hours are limited 1000 hours per year, which typically means a 20 hour work week schedule. Schedules are varied, and are structured around the Cadets school schedule, as well as the needs of the department. Cadets shall not work more than 25 hours in a week.

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# Department Badges

## 1025.1 PURPOSE AND SCOPE

The Roseville Police Department badge and uniform patch as well as the likeness of these items and the name of the Roseville Police Department are property of the Department and their use shall be restricted as set forth in this policy.

## 1025.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

### 1025.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Roseville Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

### 1025.2.2 PROFESSIONAL STAFF PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

### 1025.2.3 RETIREE UNIFORM BADGE

At the discretion of the Chief of Police, upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. At the discretion of the Chief of Police, officers with

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a minimum of five years of service who leave the department in good standing may purchase their uniform badge. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

### 1025.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and professional staff uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### 1025.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Roseville Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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# Closed Circuit Television (CCTV) System Policy

## 1026.1 PURPOSE AND SCOPE

To establish policies for the monitoring and use of the closed circuit television (CCTV) system located within the Roseville Police Department.

## 1026.2 CCTV SYSTEM DESCRIPTION

The CCTV system is comprised of the following components: digital video cameras, digital video recorders (DVR's), motion detectors, digital monitors and workstations. The video cameras are mounted throughout the police department facilities. No cameras are located in locker rooms and bathrooms. Some of the digital cameras are motion activated and other are always recording regardless of motion. The CCTV system will record all events within range of the cameras. The video files are stored electronically.

## 1026.3 MONITORING RESPONSIBILITIES

Dispatch personnel may monitor the video camera display screens in the Communications Center when time permits. If anyone in the Communications Center observes suspicious behavior on the video camera displays, they shall immediately broadcast the need for assistance and the location. Any department employee who witnesses an emergency event on the CCTV camera system, shall immediately broadcast the need for assistance and the location. Example of radio broadcast: "10-35 at the front counter of the police department."

## 1026.4 WATCH COMMANDER RESPONSIBILITY

If a watch commander becomes aware that a confrontation incident was recorded by the CCTV camera system, the watch commander shall immediately download the incident from all available camera views. The video file(s) should be booked into evidence with the associated report.

## 1026.5 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

## 1026.6 REVIEW OR RELEASE OF VIDEO IMAGES

The review or release of video images shall be done only with the authorization of the Chief of Police or his/her designee and only with a properly completed written request. Video images needed for a criminal/civil investigation or other official reason shall be collected and booked in accordance with current departmental evidence procedures.

## 1026.7 MEDIA STORAGE

All media will be stored in a secure area with access restricted to authorized persons. Recordings not otherwise needed for official reasons shall be retained for a period of not less than 30 days for

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all cameras except the cameras in the Property and Evidence section of the Police Department. The Property and Evidence section recordings are retained for a period of not less than 90 days. Thereafter all recordings should be erased. Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures (Government Code 34090.6)

### 1026.8 ACCESS TO STORED VIDEO

The chief of police and his/her designee will have access to the CCTV system and database.

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# Temporary Modified-Duty Assignments

## 1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

## 1027.2 POLICY

Subject to operational considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

## 1027.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No regular position in the City shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the City. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed 270 calendar days per injury/ illness.

## 1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees who are off work are required to contact their supervisor and Human Resources by the start of the next business day following a change in their work restrictions or medical

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condition as determined by his/her medical provider. The employee is required to provide a doctor's note indicating the employee's work restrictions. When the City can accommodate those work restrictions, the employee will be placed in a modified duty assignment. If the City cannot accommodate the work restrictions, an employee injured on duty will be placed on worker's compensation leave.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Department or the City Attorney as appropriate.

Employee's hours and shifts may be adjusted to accommodate the work restrictions placed on the employee. The department may also change an employee's work hours and shift depending on the needs of the unit the employee is assigned to. Any changes to the employee's hours or days off will follow the guidelines of the employee's bargaining unit MOU.

## 1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Division Commander.

### 1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Provide an updated work status report to their supervisor/Human Resources after each appointment with their treating medical professional, even when restrictions have not changed.

(c) Employees who will have contact with the public will wear business casual attire.

(d) Employees assigned to modified duty shall park their assigned department marked patrol vehicle at the station and are prohibited from driving them to and from work. The intent of this policy is to ensure we have resources available to assign to staff. Employees may drive unmarked department vehicles during the course of their work day, for example going to court, if it does not violate their work restrictions and with the approval of their supervisor. Officers who are required to attend court on their off duty time, may use their personal vehicle or contact the on duty sergeant or watch commander to see if an unmarked car is available for them to use. If no car is available the employee shall use their personal vehicle.

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### 1027.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee in coordination with Human Resources.

(c) Coordinating with Human Resources regarding the employee's work status updates.

(d) Ensuring that employees returning to full duty have completed any required training and certification.

## 1027.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

## 1027.7 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

## 1027.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certifications, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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# Employee Speech, Expression and Social Networking

## 1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1028.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

## 1028.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Roseville Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1028.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Roseville Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

### 1028.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Roseville Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Roseville Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Roseville Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Roseville Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Roseville Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### 1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Roseville Police Department or identify themselves in any way that could be reasonably perceived as representing the Roseville Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

## 1028.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

## 1028.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

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(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

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# Grievance Procedure

## 1029.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department’s philosophy is to promote a free verbal communication between employees and supervisors and adhere to the below listed Memorandums of Understanding:

See the following link to the RPOA and RPA MOU's:

Additionally please refer to City of Roseville Municipal Code Chapter 3.24 Grievances:

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# Nepotism and Conflicting Relationships

## 1030.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department.

## 1030.2 CITY OF ROSEVILLE ADMINISTRATIVE REGULATION

All City of Roseville Police Department Members shall comply with City of Roseville Administrative Regulation titled A.R. 2.23 Interoffice Relationships Policy.

Hyperlink to A.R. 2.23 Interoffice Relationships Policy:

## 1030.3 CITY OF ROSEVILLE MUNICIPAL CODE

All City of Roseville Police Department Members shall comply with City of Roseville Municpal Code 3.06.100 titled Antinepotism.

Hyperlink to City of Roseville Municpal Code 3.06.100 Antinepotism:

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# Line-of-Duty Deaths

## 1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Roseville Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1031.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 1031.2 POLICY

It is the policy of the Roseville Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1031.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

(e) The City of Roseville Human Resources Department and the City of Roseville Risk Management shall be notified and responsible for Cal OSHA reporting.

### 1031.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the

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workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting child care or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Roseville Police Department members may be apprised that survivor notifications are complete.

#### 1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

### 1031.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

## 1031.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

(i) Human Resources.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

### 1031.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

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(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-staff.

(g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

### 1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Roseville Police Department members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.

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- Documenting their actions at the conclusion of duties.

### 1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

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(g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

### 1031.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

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(b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.

(c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

### 1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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### 1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Roseville Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

### 1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits, such as:

1. Education benefits (Education Code § 68120).
2. Health benefits (Labor Code § 4856).
3. Workers' compensation death benefit (Labor Code § 4702).

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

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(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### 1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

## 1031.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Instruct department members to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

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(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

## 1031.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

## 1031.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

## 1031.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

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### 1031.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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# Personnel Early Warning System

## 1032.1 PURPOSE AND SCOPE

The purpose of this order is to establish policy and procedure for an informal performance review and intervention program, the "Early Warning System" (EWS). The program monitors employee performance that may be inconsistent with professional police conduct and cooperatively engages employees to resolve areas of concern. The goal of EWS is early identification of employee performance issues and correction of these issues through constructive counseling sessions, intervention, and/or training rather than the formal disciplinary process.

## 1032.2 POLICY

It is the policy of the Roseville Police Department to maintain an Early Warning System to provide early intervention to possible problematic behaviors so that changes can be made prior to discipline being the only corrective option. The EWS is one method by which employees may be identified as possibly needing assistance with performance and/or stress related problems. The EWS is intended as an approach to highlight tendencies that may otherwise be overlooked. All employees shall participate in the EWS program and comply with the guidelines set forth in this policy. Participation in the EWS program shall not be deemed punitive, nor a formal disciplinary process. Not withstanding the initiation of the EWS process, the Department retains its right and responsibility with regard to investigation of policy violation and enforcement of employee discipline.

## 1032.3 PROCEDURE

EWS is a non-disciplinary tool that does not relieve supervisors and managers of their responsibility to directly monitor the performance of their subordinates and take appropriate action in response to performance or behavioral issues. Employee behavior or performance that is subject to EWS review includes, but is not limited to:

(a) External complaints

(b) Internal complaints

(c) Use of force incidents

(d) Vehicle accidents

(e) Firearm discharge(s)

(f) Forced entry (exigent circumstances)

(g) Lost or damaged property

(h) Vehicle pursuit(s)

(i) Overall alert combinations

Personnel assigned to the Professional Standards Unit shall maintain records of the above incidents. When a designated threshold level is met for a single category or for the sum of all

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categories, the Professional Standards Unit will notify the involved employee's supervisor and/or manager that a threshold level has been met. The involved employee's supervisor or manager will review each alert for potential initiation of the EWS program. The review will be conducted within the employee’s chain of command.

Supervisors and managers shall monitor the activity of their subordinate employees to identify actual or perceived unprofessional behavior and/or substandard performance that is subject to EWS review. They shall communicate such information to the Chief of Police via the Chain of Command. The EWS may be initiated based on cause, even when none of the listed threshold levels have been met. The Chief of Police shall be responsible for aggregation and administrative management of information and records associated with the EWS program. Information and records associated with the EWS program are used for personnel purposes. Accordingly, they are confidential personnel files and not public records. Documents, data, and records shall be maintained by the Office of the Chief for a period of time consistent with the Records Retention Schedule. Access to EWS records shall be restricted to the Chief of Police and his/her designee(s). An individual employee shall be granted access to EWS records that pertain to that employee. The employee will give the Office of the Chief a reasonable amount of notice before having access to the file.

### 1032.4 DEPARTMENT MEMBER EWS ALERTS

Roseville PD Department members receive an EWS alert under the following criteria:

3 External complaints in 12 months

2 Internal complaints in 12 months

5 Use of force incidents in 12 months

2 Vehicle accidents in 12 months

2 Firearm discharge(s) in 12 months

3 Forced entries (exigent circumstances) in 12 months

2 Incidents of lost or damaged property in 12 months

3 Vehicle pursuit(s) in 12 months

11 Overall alerts combined in 12 months

### 1032.5 DEPARTMENT SUPERVISOR EWS ALERTS

Supervisors have a separate threshold for EWS alerts that occur for events by their employees assigned to their shift. Supervisors will receive a "supervisory" EWS alert under the following criteria when occurring with employees in their chain of command:

6 External complaints in 12 months

20 Use of force incidents in 12 months

6 Vehicle accidents in 12 months

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4 Firearm discharge(s) in 12 months

6 Forced entries (exigent circumstances) in 12 months

4 Incidents of lost or damaged property in 12 months

### 1032.6 INITIATION OF THE EWS PROGRAM

Following a review of the alert by the employee's supervisor and manager, the supervisor and manager will make a recommendation to the Division Captain as follows:

(a) No further action necessary

(b) Additional training

(c) Potential for Employee Assistance Program or Peer Support referral

(d) Referral to Professional Standards Unit for further investigation

Upon direction of the Division Captain, an informal counseling meeting may be held that may include:

(a) The subject employee.

(b) The Division Captain

(c) The employee's direct supervisor and manager.

(d) The subject employee may have one fellow employee accompany him/her to the counseling meeting. The accompanying employee's presence is allowed to offer general peer support to the subject employee, not to be an active participant in the counseling meeting.

The informal counseling meeting shall not be held if the review of the alert is forwarded to the Professional Standards Unit for further investigation.

The counseling meeting shall be held during the employee's regularly scheduled working hours. The meeting shall not be deemed a punitive or disciplinary proceeding against the employee.

The meeting may cover the following:

(a) Advise the employee of the behavioral or performance concern

(b) Allow the employee to offer an explanation

(c) Identify any training needs

(d) Identify any Peer Support or Employee Assistance Program Needs

(e) Identify any coaching or mentoring needs for the employee

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# Body-Worn Cameras/In-Car Cameras (BWC/ICC)

## 1034.1 PURPOSE

This policy is intended to provide officers with guidelines on when and how to use body-worn cameras (BWCs) and In-Car Cameras (ICCs) so that they may reliably record their investigations and enforcement activity in accordance with the law and in order to provide accountability and transparency to the public.

## 1034.2 POLICY

It shall be the policy of the Roseville Police Department (RPD) to utilize body-worn cameras/in-car cameras in a manner that will assist in criminal investigations and prosecutions as well as civil litigation, by providing a recording of the incident that may supplement an employee's report and help document police conduct, investigations, and enforcement activity.

## 1034.3 DEFINITIONS

**Body-Worn Camera (BWC)** – A camera worn on an individual officer's person that records and stores audio and video.

**Activation** - Triggering the body-worn camera by touch or any other method, which initiates the audio and video recording functions.

**Buffering Mode** - Records the previous 30 seconds of video (no audio) leading up to the beginning of an initiated recording.

**De-Activation** -Discontinuing audio and video recording and returning the camera to a standby mode in the on position.

**In-Car Camera (ICC)** - A camera installed in or on a vehicle that records and stores audio and video.

## 1034.4 GENERAL PROCEDURE

Body-worn camera/in-car camera recordings help provide context and capture beneficial information during police investigations and enforcement contacts with members of the public. Because body-worn camera/in-car camera recordings provide only a limited perspective of the encounter, all other available evidence, such as witness statements, employee interviews, forensic analysis, and documentary evidence should be considered before any conclusions are reached.

All uniformed officers issued a body-worn camera/in-car camera are required to wear and/or use them while on-duty. The term "uniformed" would include, but is not limited to, any apparel (e.g., tactical/raid vests, visible badge and firearm) that identifies the wearer as a police officer.

(a) Exceptions:

1. Uniformed officers attending a formal event or funeral.
2. Officers working in an undercover capacity or while conducting plain clothes surveillance where the intent is not to be identified as a police officer and no enforcement action is planned.

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3. Officers working in an administrative assignment. However, they shall always have them readily available to use in accordance with this policy.
4. Officers with express managerial approval under special circumstances.

## 1034.5 PRIVACY EXPECTATION

All recordings made using body-worn cameras/in-car cameras are the property of the Roseville Police Department and will not be released or disseminated to the public without the express written consent of the Chief of Police (COP) or authorized designee or unless otherwise expressly required by federal or state law. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

## 1034.6 OFFICER RESPONSIBILITIES

(a) Only trained personnel shall operate the body-worn camera/in-car camera.

(b) Prior to going into service, each uniformed officer will be responsible for making sure that if he/ she is equipped with a body-worn camera issued by the Department, that it is in good working order and thebattery is fully charged. If the body-worn camera is not in working order or the officer becomes aware of a malfunction at any time, the officer shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable.

(c) If the in-car camera is malfunctioning the officer should ask a supervisor if the vehicle should be taken out of service until the camera is operational.

(d) Any officer assigned to a non-uniformed position may carry an approved portable recorder at any time the officer believes that such a device may be useful.

(e) Officers shall secure their body-worn camera on their person for immediate deployment except when entering restrooms, locker rooms, and the Department.

(f) Officers shall position the body-worn camera on the front of their uniform to facilitate optimum recording field of view.

(g) Officers may turn off their body-worn camera when entering the Department. Officers shall "power on" their body-worn camera when leaving the Department and should remain powered on while on patrol.

(h) Officers will use only the body-worn camera/in-car camera system issued and approved by the Department. The wearing/using of any other personal video recording device is not authorized.

(i) Officers shall not remove, dismantle, or tamper with any hardware and/or software component of the body-worn camera/in-car camera system.

(j) If a police report, field interrogation card, or citation is used to document an incident, the use of the body-worn camera/in-car camera system should be noted in the report or CAD history.

(k) In the event of an equipment malfunction in the field resulting in no video files being captured, officers will notify a supervisor. If a police report is written documenting the incident, officers should note in the report the fact that a malfunction occurred. If

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no police report is written documenting the incident, officers should note in the CAD incident history the fact that a malfunction occurred.

1034.6.1 UPLOADING BODY-WORN CAMERA RECORDINGS

Once video is captured, officers should identify body-worn camera system files as follows:

(a) By the end of each shift, officers will initiate the upload process. Officers assigned to a specialized unit shall upload videos as soon as practical. Officers will review new video, classify their files appropriately with the assigned case number, citation number, or incident history number. The review and tagging will be completed prior to the end of shift unless otherwise approved by a Watch Commander.

(b) Enter a title which includes information to identify the file, such as Case/CAD number, criminal code, suspect name, location, event, etc.

(c) Select the appropriate category.

1034.6.2 SPECIALIZED UNITS / NON-UNIFORMED PERSONNEL

It is recognized that officers assigned to a specialized unit or a task force could face several practical and operational challenges that may on occasion prevent the use of body-worn cameras while performing their duties. Officers issued a body-worn camera system, and who are assigned to specialized units (non-uniformed positions), should have their body-worn camera available to be used if needed. Such non-uniformed officers are responsible for ensuring the recording devices are in good working order prior to going on duty and shall use the device in accordance with this policy whenever they are involved in pre-planned events or pre-planned enforcement as outlined in this policy.

Supervisors or managers of specialized units may temporarily suspend an officer's requirement to carry or use a body-worn camera device when the circumstances dictate that carrying the device would jeopardize officer safety or the investigation. These circumstances include but are not limited contact with confidential informants, special investigations, intelligence gathering missions and certain undercover operations. Supervisors should be able to explain the circumstances of the police operation or conditions that would be jeopardized or inhibited by the officer carrying or activating the recorder. If an officer is presented with a situation that would prohibit activation of the body-worn camera system, the officer shall notify their supervisor as soon as practical of the circumstances preventing the use of the equipment.

Any officer assigned to specialized units or task force shall record interviews with either their body-worn camera, digital audio recorder, interview room recording system, or other like manner of recording.

## 1034.7 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a body-worn camera as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

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Supervisors shall ensure officers utilize the body-worn camera system according to these policy guidelines. Supervisors may verify compliance by conducting periodic and random audits of the body-worn activity of personnel whom they supervise.

If an officer's body-worn camera/in-car camera is malfunctioning or damaged then supervisors should make an attempt to have the unit repaired or replaced as soon as practical.

### 1034.8 ACTIVATION OF THE BODY WORN CAMERA/IN-CAR CAMERA

This policy is not intended to describe every possible situation in which the body-worn camera/ in-car camera should be activated, but rather is designed to provide general guidance. Not all situations will start out as necessitating the activation of the body-worn camera/in-car camera, nor will all events have a clear ending when the body-worn camera/in-car camera is no longer necessary.

Officers should activate the recorder any time the officer believes it would be appropriate or valuable to record an incident.

Officers should consider using the body-worn camera/in-car camera in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations.

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.

(c) Code 3 responses.

(d) Vehicle pursuits.

(e) Transports involving prisoners, suspects, victims, witnesses or any person involved in the investigation.

(f) Self-initiated activity in which a member would normally notify the Communications Center.

(g) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Officers should remain sensitive to the dignity of all individuals being recorded and exercise discretion when reasonable. Discontinuing recording may be reasonable in cases of sexual assault or domestic abuse, when privacy concerns outweigh any legitimate law enforcement interest in video recording.

Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is an officer expected to jeopardize his/her safety in order to activate a body-worn camera/in-car camera or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

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1034.8.1 IN-CAR CAMERA AUTOMATIC ACTIVATION
In-Car Cameras are installed in most marked police vehicles equipped with emergency equipment. The in-car camera will activate under the following conditions:

(a) When the in-car manual activation button is pressed.

(b) When the Code 2 or Code 3 lights are activated.

(c) When the gunlock button is pressed (camera will only stay activated the duration the gunlock button is active).

(d) When a vehicle is recorded at a speed of 80 MPH, as determined by G.P.S. The recording will cease when the vehicle speed falls under 80 MPH, as determined by G.P.S.

1034.8.2 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

1034.8.3 FAILURE TO ACTIVATE THE BODY WORN CAMERA
Failure to activate the body-worn camera, in and of itself, will not be a cause for discipline. However, the failure to activate and reason shall be documented in the associated CAD notes or a case report.

## 1034.9 SURREPTITIOUS USE OF THE PORTABLE RECORDER
Officers may surreptitiously record any conversation during the course of a criminal investigation in which the officers reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Officers are not required to notify the public that they are recording, but if asked, the Officer shall advise the citizen of the recording.

Officers shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

## 1034.10 CESSATION OF RECORDING
Once activated, the body-worn camera/in-car cameras should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident. Cessation of recording should be consistent with the following:

(a) During an officer involved shooting or other serious incident, personnel shall continue recording until directed by a supervisor to stop recording.

(b) In other incidents, the recording should continue until the officer reasonably believes the encounter has concluded or the situation has stabilized. The officer may halt the

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recording in accordance with this policy, in between interviews, or when directed by a supervisor.

(c) Officers may cease recording when encountering or interviewing a victim who is in a vulnerable position or who asks not to be video-recorded.

(d) Officers may cease recording when interviewing a subject who does not want to be video-recorded and the officer feels obtaining the information or statement exceeds the importance of video evidence.

(e) In all cases above, the officer or supervisor should verbally express the intent to stop recording prior to turning off the equipment, and should verbally express it has resumed if later reactivated. The officers should consider activating another type of recording device, such as an audio recorder, if appropriate for memorializing the interaction.

(f) Officers shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

(g) Officers may temporarily cease recordings or use the mute function when administrative conversations are taking place outside the presence of community members. Circumstances when officers may cease recordings include, but are not limited to: arrest approval or consultation with a supervisor or another officer regarding the call for service or enforcement; when officers are discussing investigative techniques; and when officers are discussing interview techniques. Officers are required to be mindful of the appearance of such interactions and use discretion when choosing where and when to exercise this privilege. Upon conclusion of the administrative conversation, the officer should reactivate their body worn camera as soon as reasonable.

## 1034.11 RESTRICTED USE OF THE BODY-WORN CAMERA/IN-CAR CAMERA AND/OR STORED MEDIA

Except those instances involving a criminal investigation of department personnel, a conversation among Department employees shall not be intentionally recorded without all parties to the conversation being aware that it is being recorded.

No body-worn camera/in-car camera will be intentionally activated to record Department personnel during briefings, meetings, or while in private spaces such as locker rooms, restrooms, or any other place where a reasonable expectation of privacy exists.

The body-worn camera/in-car camera shall not intentionally be activated to record confidential informants or undercover employees.

Prior to conducting a strip search, the officer shall record a 360-degree video of where the strip search will be conducted. During the strip search, the body-worn camera/in-car camera will be activated to capture only audio of the event by positioning the camera away from the individual to be searched.

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Officers should not normally record patients during medical or psychological evaluation by a clinician or similar professional or during treatment, unless necessitated by investigatory or safety concerns settings. When recording in hospitals and other medical facilities, officers should be careful to avoid recording persons other than those who are the focus of the investigations.

Officers shall not play back body-worn/in-car camera footage for citizens or the media without prior approval from the Chief of Police or authorized designee unless for investigative purposes.

Officers who have made an inadvertent recording may request to have that video deleted. Requests shall be submitted to their Division Captain.

Officers are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity.

Officers are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any officer who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any Department member for the purpose of embarrassment, harassment or ridicule.

#### 1034.11.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with body-worn camera/in-car camera is prohibited (Penal Code § 832.19).

### 1034.12 TACTICAL OPERATIONS RECORDING

Intelligence briefings and tactical planning should not be recorded. Whenever reasonably possible, each officer directly deployed at a point of contact during a tactical event shall activate their body-worn camera/in-car camera prior to the beginning of any of the following situations:

(a) Dynamic, tactical, and/or forcible entries to structures.

(b) Contiguous with a tactical entry, the clearing of a structure to determine the presence of a threat or persons.

(c) Coordinated tactical takedowns or interventions of suspects in vehicles.

(d) Area searches for hidden or barricaded suspects.

### 1034.13 USE OF VIDEO FOR TRAINING

A body-worn camera/in-car camera system file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a body-worn camera/ in-car camera system file for such purpose may come from any source as outlined below:

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(a) A Department member recommending utilization of a body-worn camera/in-car camera system file for training purposes shall submit the recommendation through the chain of command to the Division Captain or designee.

(b) If an involved officer or employee objects to the showing of a recording, his/ her objection will be submitted to staff to determine if the employee's objections outweigh the training value. The Division Captain or designee shall review the recommendation and determine how best to utilize the body-worn camera/in-car camera system file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g., department policy, Target Solutions, briefing or other training).

## 1034.14 REVIEW AND DOWNLOAD OF BODY-WORN CAMERA/IN-CAR CAMERA SYSTEM FILES

The data captured by the body-worn camera/in-car camera system and access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis.

Personnel authorized under this policy may review video according to the provisions of this policy.

Once uploaded to the server, officers may view their own audio/video data files. Officers may view audio/video data files from another employee's body-worn camera/in-car camera only when they are involved in the incident and with supervisor approval under the following circumstances:

(a) For the purpose of completing a criminal investigation and preparing official reports.

(b) To prepare for courtroom testimony or courtroom presentation.

(c) Following a critical incident: with supervisor approval.

(d) All personnel shall only review recorded body-worn camera system files on a right to know, need to know basis.

Absent the criteria above, officers are not to view in-car camera footage of any other officer regardless of if they share a patrol vehicle or use a vehicle not assigned to them.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the officer's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

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(e) By the Training Department and departmental instructors for training purposes, and then may be reviewed by department members for training purposes.

All recordings should be reviewed by the Custodian of Records prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

In the event of an accidental activation of the body-worn camera/in-car camera system, the recording officer may request that the body-worn camera/in-car camera system file be deleted by submitting an e-mail request with sufficient information to locate the body-worn camera/in-car camera system file to the Division Captain, who shall review the file, approve or deny the request, and forward to the System Administrator for action.

## 1034.15 RELEASE OF RECORDINGS

Recordings made using a body-worn camera/in-car camera, pursuant to this policy, are department records and will be released as required by law or for other authorized legitimate department business purposes.

(a) Pursuant to Government Code 7923.625(a), release of video or audio recordings related to critical incidents may not be delayed longer than 45 days, unless the disclosure would substantially interfere with the investigation. Agencies may request, in writing, additional 30 day extensions as needed to protect the integrity of such investigations.

Unauthorized use, duplication, and/or distribution of body-worn camera/in-car camera system files are prohibited. Personnel shall not make copies of any body-worn camera/in-car camera system file for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to record body-worn camera/in-car camera system files. All recorded media, images and audio are property of the Roseville Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

Requests for a body-worn camera/in-car camera file(s) shall be a written request and have sufficient information to locate the body-worn camera system file.

Departmental requests for incidents related to SB1421 will be forwarded to the Professional Standards Unit for review and handling.

The Property and Evidence Unit will process body-worn camera/in-car camera requests from the following:

(a) District Attorney's Office

(b) Outside requests from state and local government agencies/departments

## 1034.16 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

(a) Incident involving use of force by an officer.

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(b) Officer-involved shootings.

(c) Incidents that lead to the detention or arrest of an individual.

(d) Recordings relevant to a formal or informal complaint against an officer or the Roseville Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than two years.
Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

## 1034.17 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data availability of operable portable audio/ video recording devices.

(c) Establishing a maintenance system to ensure availability of operable portable audio/ video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

## 1034.18 AUDIT/COMPLIANCE PROCEDURES

The Division Captain or designee will assign periodic, random compliance reviews to ensure the body-worn camera system is operating properly and the camera is being utilized in accordance with policy. The compliance reviews of body-worn camera footage should be conducted under the following guidelines:

(a) Supervisors are required to complete one compliance review for each officer they supervise per month.

1. Minor infractions (not criminal in nature) discovered during the routine review of recorded materials in accordance with departmental policy should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior

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or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.

2. After review is complete, the supervisor shall notate the findings in the Body-Worn Camera Compliance Review Log.

(b) The Professional Standards Unit will conduct a monthly audit of the Body-Worn Camera Compliance Review Log to verify adherence to the review procedures.

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# Table of Contents

**Chapter 1 - ADMINISTRATION AND ORGANIZATION. . . . . 6**
100 - BREAKS AND LUNCHES. . . . . 7
101 - CITY COUNCIL SECURITY. . . . . 8
102 - LOCKER ROOM. . . . . 12
103 - PUBLIC REQUEST FOR DEPARTMENT PERSONNEL. . . . . 13
104 - WORKOUT PERIOD. . . . . 14
105 - FLYING WHILE ARMED. . . . . 15
106 - CHARITABLE CONTRIBUTIONS/FUNDRAISING. . . . . 19
107 - PRIVATELY CONTRACTED PATROL SERVICES. . . . . 20
108 - DEPARTMENTAL SPENDING POLICY. . . . . 21
109 - TEMPORARY ASSIGNMENT TRANSFER. . . . . 22
110 - CHEMICAL SAFETY PROCEDURE. . . . . 24
111 - OPERATIONS DIVISION SHIFT BID. . . . . 25
112 - WORK RELATED INJURIES OR ILLNESSES. . . . . 27
113 - PUBLIC AFFAIRS TEAM. . . . . 34
114 - ACTING SERGEANT SELECTION AND TRAINING. . . . . 37
115 - LEAVE REQUESTS AND STAFFING. . . . . 40

**Chapter 2 - PATROL PROCEDURES. . . . . 46**
200 - 836 PC ARRESTABLE SUBJECTS. . . . . 47
201 - VEHICLE PREPARATION AND DOFFING OF EQUIPMENT. . . . . 49
202 - STOLEN VEHICLE REPORTING AND SVS ENTRY. . . . . 50
203 - RECEIVING CURRENCY. . . . . 52
204 - DUI USE OF DRE OFFICERS. . . . . 55
205 - ELECTRONIC TRACKING SIGNAL 1000 and 2000. . . . . 56
206 - EMERGENCY NOTIFICATION TO SCHOOLS. . . . . 58
207 - NOISE COMPLAINT COST RECOVERY. . . . . 59
208 - RADIO PROCEDURES. . . . . 61
209 - RESPONSE TO ALARMS AND INTERRUPTED 911 CALLS. . . . . 67
210 - CHEMICAL AGENT NOTIFICATION. . . . . 69
211 - STREETS CALL OUT. . . . . 70
212 - VEHICLE USE AND MAINTENANCE. . . . . 72
213 - PRIVATE PROPERTY VEHICLE REPOSSESSIONS. . . . . 75
214 - WELFARE CHECKS. . . . . 76
215 - POWER OUTAGE TO TRAFFIC SIGNALS. . . . . 77
216 - PREMISE HAZARD ALERT REQUEST. . . . . 78
217 - TRAFFIC CAMERA POLICY. . . . . 79
218 - ROSEVILLE POLICE AND FIRE STAGING PROCEDURE. . . . . 81
219 - AUTOMATIC VEHICLE LOCATOR (AVL). . . . . 82
220 - SEQUENCE OF ASSIGNMENT. . . . . 84
221 - LOBBY SECURITY. . . . . 88
222 - MAJOR CASE NOTIFICATION PROCEDURE. . . . . 90
223 - RADIO SYSTEM FAILURE PLAN. . . . . 91
224 - MEDICAL CLEARANCE AND HOSPITAL ARRAIGNMENT. . . . . 93

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225 - DEPARTMENT AWARDS PROGRAM. . . . . 95
226 - EMERGENCY CELL PHONE PING ORDER. . . . . 100
227 - CLEANUP AND RESTORATION CALL OUT. . . . . 102
228 - 72-Hour Parking Violations/Abandoned Vehicles. . . . . 104
229 - Commercially Sexually Exploited Children (CSEC) Screening and Reporting. . 107
230 - Handling of Currency. . . . . 108
231 - Restraining and Protective Orders. . . . . 111
232 - Racial Identity and Profiling Act (RIPA). . . . . 120
233 - TARASOFF THREAT. . . . . 125

**Chapter 3 - COMMUNICATIONS UNIT OPERATIONS MANUAL. . . . . 128**
300 - COMMUNICATIONS UNIT OPERATIONS MANUAL. . . . . 129
301 - TEXT TO 911. . . . . 130
302 - CLETS RADIO ENCRYPTION. . . . . 131
303 - COMMUNICATIONS CENTER CALL TAKING. . . . . 135

**Chapter 4 - CRIME SUPPRESSION UNIT OPERATIONS MANUAL. . . . . 137**
400 - CRIME SUPPRESSION UNIT OPERATIONS MANUAL. . . . . 138
401 - UNDERCOVER DRIVER'S LICENSE ISSUED BY CA DMV. . . . . 143

**Chapter 5 - FUNERAL PROCEDURE MANUAL. . . . . 145**
500 - FUNERAL PROCEDURE MANUAL. . . . . 146

**Chapter 6 - HI-TECH FORENSIC EVIDENCE TEAM MANUAL. . . . . 147**
600 - HI-TECH FORENSIC DETECTIVE TRAINING PROTOCOL. . . . . 148

**Chapter 7 - KEEP WATCH SURVEILLANCE PROGRAM MANUAL. . . . . 149**
700 - KEEP WATCH SURVEILLANCE PROGRAM MANUAL. . . . . 150

**Chapter 8 - PROPERTY DIVISION PROCEDURES MANUAL. . . . . 151**
800 - PROPERTY DIVISION PROCEDURES MANUAL. . . . . 152

**Chapter 9 - TRAFFIC DIVISION OPERATIONS MANUAL. . . . . 153**
900 - TRAFFIC DIVISION OPERATIONS MANUAL. . . . . 154

**Chapter 10 - REGIONAL SWAT TEAM PROCEDURES. . . . . 155**
1000 - REGIONAL SWAT TEAM OPERATIONS MANUAL. . . . . 156
1001 - TACTICAL RESPONSE VEHICLE PROCEDURE MANUAL. . . . . 157

**Chapter 11 - Chapter 11 MOU'S AND PROTOCOLS. . . . . 158**
1100 - PLACER COUNTY REGIONAL AUTO THEFT TASK FORCE MOU AND SOP. 159
1101 - CALIFORNIA HIGHWAY PATROL AND ROSEVILLE POLICE DEPARTMENT MOU. . . . . 160
1102 - PLACER COUNTY SHERIFF'S DEPARTMENT AND ROSEVILLE POLICE DEPARTMENT MOU. . . . . 161
1103 - TACTICAL RESPONSE VEHICLE MOU. . . . . 162

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Published with permission by Roseville Police Department

1104 - SPECIAL OPERATIONS UNIT MOU. . . . . 163
1105 - Placer County Domestic Violence Protocol. . . . . 164
1106 - ARSON INVESTIGATIONS. . . . . 165
1107 - PLACER COUNTY 5150 EMERGENCY RESPONSE PROTOCOL. . . . . 166
1108 - PLACER COUNTY BRADY PROTOCOL. . . . . 167
1109 - PLACER COUNTY OFFICER-INVOLVED CRITICAL INCIDENT PROTOCOL. 168
1110 - RPOA-RPA FATAL INCIDENT PROTOCOL AGREEMENT. . . . . 169
1111 - PLACER COUNTY MDIC MOU. . . . . 170
1112 - PLACER COUNTY MAJOR CRIMES INVESTIGATION TEAM MOU. . . . 171
1113 - SACRAMENTO INTERNET CRIMES AGAINST CHILDREN TASK FORCE MOU 172
1114 - PLACER COUNTY SART MOU. . . . . 173
1115 - PLACER COUNTY DISTRICT ATTORNEY'S OFFICE VICTIM WITNESS UNIT MOU. . . . . 174
1116 - PLACER COUNTY ELDER AND DEPENDENT ADULT MULTI-DISCIPLINARY TEAM MOU. . . . . 175
1117 - PLACER COUNTY SPECIAL INVESTIGATIONS UNIT MOU. . . . . 176
1118 - Employee Temperature Checks and Health Screenings. . . . . 177
1119 - Placer County Department of Health & Human Services Family Mobile Crisis Team (FMCT) MOU. . . . . 178
1120 - Sacramento Valley Hi-Tech Crimes Task Force MOU. . . . . 179
1121 - SUTTER ROSEVILLE MEDICAL CENTER SECURITY. . . . . 180
1122 - US Marshals Service Fugitive Task Force MOU. . . . . 186
1123 - DEPARTMENT OF JUSTICE SART TESTING MOU. . . . . 187
1124 - Roseville Joint Union High School District. . . . . 188
1125 - ROSEVILLE HOMELESS OUTREACH WORKER CONTRACT. . . . . 189

**Chapter 12 - INVESTIGATION PROCEDURES. . . . . 190**
1200 - National Integrated Ballistic Information Network (NIBIN). . . . . 191

**Attachments. . . . . 194**
Placer County Elder and Dependent Adult Multi-Disciplinary Team MOU.pdf. . . . 195
MOU Sac Internet Crimes Against Children Task Force.pdf. . . . . 196
MOU Sacramento Valley Hi-Tech Crimes Task Force.pdf. . . . . 197
HHSMOUFORFMCT.pdf. . . . . 198
PROPERTY DIVISION PROCEDURES MANUAL UPDATED July2020.pdf. . . . . 199
PLEA SART MOU Fully Executed.pdf. . . . . 200
Signed US Marshall MOU.pdf. . . . . 201
PCSO AND ROSEVILLE PD MOU 2021.pdf. . . . . 202
DOJ Firearm Prohibition Form.pdf. . . . . 203
PROPERTY DIVISION PROCEDURES MANUAL UPDATED December2020.pdf. . . 204
CORONERS PHONE REPORT RPD VERSION updated 12-3-20.pdf. . . . . 205
PCSO Coroner Resource Pamphlet.pdf. . . . . 206
RADIO_PROCEDURESupdated7302019.pdf. . . . . 207
PSIU_2019 MOU_Fully Executed.pdf. . . . . 208
VICTIM WITNESS MOU 2019-2020.pdf. . . . . 209
PSIU MOU 2020.pdf. . . . . 210
PROPERTY DIVISION PROCEDURES MANUAL UPDATED APR2020.pdf. . . . 211

Copyright Lexipol, LLC 2025/09/02, All Rights Reserved.
Published with permission by Roseville Police Department

RPD_COVID-19 Temperature Checks and Health Screenings.pdf. . . . . 212
CSEC protocols and at risk criteria.pdf. . . . . 213
RPD COVID-19 Temperature Checks and Symptom Screening (005).pdf. . . . . 214
DOJ SART TESTING MOU - Roseville PD Fully Executed MOU - 12.21.2020.pdf. . . 215
Exposure Control Plan- PD.pdf. . . . . 216
PLEA-HHS 23-24.pdf. . . . . 217
RATTF MOU 2023.pdf. . . . . 218
Workers Comp Form DWC 1.pdf. . . . . 219
ASOC Roseville Homeless Outreach Worker Contract Amend. B - signed.pdf. . . . 220
Baseline Rd - Watt Ave RPD - CHP.pdf. . . . . 221
Baseline Rd - Walerga Rd - Fiddyment Rd RPD - CHP.pdf. . . . . 222
SWAT Operations Manual - Edited 1-24-25.pdf. . . . . 223
Communications Procedures Manual.pdf. . . . . 224
RJUHSD camera system.pdf. . . . . 225
MDIC Protocol 2021.pdf. . . . . 226
Roseville FMCT BAA 21-24.pdf. . . . . 227
RJUHSD SRO Contract_2023.pdf. . . . . 228
Bloodborne Pathogen Flow Chart.pdf. . . . . 229
SWAT Operations Manual 2015.pdf. . . . . 230
2023-2026 Contract.pdf. . . . . 231
PLEA Officer Involved Critical Incident Protocol-signed.pdf. . . . . 232
SART PLEA 22-23.pdf. . . . . 233
Acting Sergeant Training Manual.pdf. . . . . 234
2019 MDIC MOU Fully Executed .pdf. . . . . 235
Emergency ping order.pdf. . . . . 236
CHP AND ROSEVILLE PD MOU 2018.pdf. . . . . 237
CRIME SUPPRESSION UNIT OPERATIONS MANUAL UPDATED 2017.pdf. . . . 238
RPOA-RPA Fatal Incident Protocol Agreement.pdf. . . . . 239
Chemical Agent Deployment Warning Notice Letter.pdf. . . . . 240
PCSO AND ROSEVILLE PD MOU 2016.pdf. . . . . 241
Roseville PD MOU-CHP.pdf. . . . . 242
FUNERAL PROCEDURE MANUAL PDF.pdf. . . . . 243
KEEP WATCH SURVEILLANCE PROGRAM MANUAL UPDATED 2017.pdf. . . . 244
836 PC Packet Form.pdf. . . . . 245
TRAFFIC DIVISION OPERATIONS MANUAL UPDATED JULY 2017.pdf. . . . . 246
Roseville Rocklin Special Operations MOU.pdf. . . . . 247
Workers Comp Form (DWC 1).pdf. . . . . 248
InjuredWorkerGuidebook.pdf. . . . . 249
Employee Injury Report.pdf. . . . . 250
Employee Injury Report Procedures.pdf. . . . . 251
Employee Injury Report Additional Pages.pdf. . . . . 252
Bloodborne or Airborne Pathogen Exposure Report.pdf. . . . . 253
Workers Comp- Supervisor Guide.pdf. . . . . 254
Workers Comp Form (DWC 1) 2015 and prior.pdf. . . . . 255
Supervisor Process for Work Related Injury.pdf. . . . . 256
City Council Advisement Letter(3).pdf. . . . . 257
Blank Undercover License Application Form.pdf. . . . . 258

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Blank Undercover License Authorization Form.pdf. . . . . 259
CHP-RPD jurisdiction map letter.pdf. . . . . 260
Baseline Rd - Watt Ave RPD - CHP w measurements.pdf. . . . . 261
Baseline Rd - Walerga Rd - Fiddyment Rd RPD - CHP w measurment.pdf. . . . . 262
MOU Sacramento Internet Crimes Against Children Task Force.pdf. . . . . 263
2018 Placer County SART MOU.pdf. . . . . 264
Placer County 2018 Officer Involved Fatal Incident Protocol.pdf. . . . . 265
CSU ASSET SEIZURE MANUAL Updated October 2018.pdf. . . . . 266
Department Ribbon Awards Updated 10-11-18.pdf. . . . . 267
Sierra College Blvd Accident Response Jurisdiction_v3.pdf. . . . . 268
PLACER COUNTY MAJOR CRIMES INVESTIGATION TEAM MOU 2018.pdf. . . . 269
TRV MOU 2013.pdf. . . . . 270
Tactical Response Vehicle Procedure Manual updated 7-8-17.pdf. . . . . 271
DMV CONFIDENTIAL DRIVERS LICENSE EXAMPLE FORMS.pdf. . . . . 272
Placer County Officer-Involved Fatal Incident Protocol.pdf. . . . . 273
Placer County Domestic Violence Protocol.pdf. . . . . 274
RPD and RFD Joint Services Agreement for Arson Investigations .pdf. . . . . 275
Placer County Brady Protocol.pdf. . . . . 276
Placer County 5150 Emergency Response Protocol.pdf. . . . . 277
Acting Sergeant Training Manual.pdf. . . . . 278

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# Chapter 1 - ADMINISTRATION AND ORGANIZATION

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# BREAKS AND LUNCHES

## 100.1 PURPOSE AND SCOPE

To establish a procedure for breaks and lunch periods for officers assigned to patrol operations.

## 100.2 PROCEDURES

A. Officers are entitled to one 20 minute break during an 11 hour shift.

B. Officers are entitled to one 40 minute lunch period during their 11 hour shift. Officers shall take no longer than 10 minutes to respond to the location of their lunch.

C. The number of units that are allowed to take a lunch break at one time is dependent on adequate staffing levels and calls for service. The total number of officers permitted to take a lunch break at the same time per shift will be three at any one time. The watch commander may exercise discretion in this area, including whether officers from the same beat may take a lunch break at the same time.

D. There shall be no more than three units at any given location during concurrent or overlapping break periods. Officers who are on field training with a training officer are considered one unit. The watch commander may exercise discretion in this area.

E. Department personnel shall take their breaks within the jurisdiction of the City of Roseville unless given permission to leave the City by a supervisor or watch commander.

F. Department members shall subsequently notify dispatch of the location of their break or lunch period.

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# CITY COUNCIL SECURITY

## 101.1 PURPOSE AND SCOPE

To establish a procedure and set forth protocol for Police Officers who perform security at City Council Meetings. All officers performing this function will be thoroughly familiar with these guidelines.

## 101.2 POLICE OFFICER ROLE

A. Officers working this must detail must display a command presence and will wear a full police uniform.

B. Respond to direction as appropriate from the presiding officer (Mayor or Mayor pro-tem).

C. Respond to observed criminal violation.

D. Keep the peace.

E. Provide security for council members until they leave the premises and parking lot.

## 101.3 PRESIDING OFFICER RESPONSIBILITIES

A. Conduct the meeting within the requirements of the Meeting Procedures of the Roseville City Council.

B. Issue a verbal warning of expulsion from the meeting to any speaker who becomes unruly. If the speaker continues to disrupt the meeting, advise the speaker he/she is ordered to leave the Council meeting and not return that night.

C. Instruct the officer to escort the person from the meeting.

## 101.4 OFFICER ACTIONS

Upon direction from the presiding officer to escort a person from the City Council meeting, the jurisdiction and discretion for appropriate action has been transferred from the presiding officer to the police officer.

A. The officer should:

(a) Approach the person and direct the person to comply with the order of the presiding officer or be subject to arrest for disrupting a public meeting (Penal Code Section 403).

(b) If the person refused to obey, and the situation warrants, place the person under arrest and escort them from the meeting.

(c) If the person voluntarily leaves, serve the person with a copy of the attached letter of instruction.

## 101.5 MEETING PROCEDURES OF THE ROSEVILLE CITY COUNCIL EXCERPTS

(a) 4.7 Council Comments: Council Comments are designed for Council members to report on Committee Assignments or to request that an item be placed on a future

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agenda. The latter requires a consensus of the Council. Council members are allocated five (5) minutes a piece, for comments.

(b) 4.75 Public Comments on Agenda Items: The public may comment on any item of the agenda at the time that item is being considered by the Council. Speakers will be limited to five minutes per agenda item, unless such time limit is extended by the presiding officer. Speakers shall not be allowed to “split” their time; nor shall they be permitted to “reserve” all or any portion of their allotted time. If any person fails or refuses to abide by these rules, the presiding officer may declare that the speaker is disrupting, disturbing or impeding the orderly conduct of the Council and have the speaker removed from the Council meetings, using the warning and order procedure set forth in Section 4.9.b.

(c) 4.8 Items Not on the Agenda: “Public Comments” is intended to allow the public to address the City Council on matters not listed on the agenda. The presiding officer shall not permit the public to address items which are listed elsewhere on the agenda or which are not within the subject matter jurisdiction of the City Council. The City Council shall not engage in debate regarding, or take any action on, any matter brought to their attention under this time except to refer the matter to staff or to determine that the matter should be included on a future agenda for debate and action.

(d) 4.85 Closed Sessions

(e) Noticing Closed Sessions: Closed sessions shall be noticed as required by Government Code 54954.2 and 54954.5.

(f) Announcing Closed Sessions: Prior to holding any closed session, the Council shall disclose in an open meeting the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the Council may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(g) Public Record of Closed Session: The Council shall publicly report any action taken in closed session and the vote or abstention of every member present thereon as required by state law.

### 101.5.1 STANDARD OF DECORUM

(a) Council Members: While the Council is in session, the members must preserve order and decorum. No member shall, either by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.

(b) Other Persons: Any person making personal, impertinent, irrelevant, loud, threatening, repetitious or profane remarks to the City Council, staff or general public, which disrupts, disturbs or otherwise impedes the orderly conduct of any City Council shall receive a warning from the presiding officer. If, after receiving such a warning, a person persists in disturbing the orderly conduct of the meeting, the presiding officer may order that person to leave the Council meeting. If that person does not comply with the order, the presiding officer may order the person removed from the meeting by the sergeant at arms.

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(c) Manner of Addressing Council—Time Limit

1. Persons addressing the Council shall step up to the podium and shall give their name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than a member of the Council or City Manager and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.

2. For items not on the agenda, a person shall be limited to five (5) minutes, unless such time is extended by the presiding officer. Speakers shall not be allowed to "split" their time; nor shall they be permitted to "reserve" all or any portion of their allotted time. If any person fails or refuses to abide by these rules, the presiding officer may declare that the speaker is disrupting, disturbing or impeding the orderly conduct of the Council and have the speaker removed from the Council meeting, using the warning and order procedure set forth in Section 4.9.b.

(d) Spokesperson for Group of Person

1. Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented at the time by any member of said group, to limit the number of persons so addressing the Council, so as to avoid unnecessary repetitions before the Council. The Mayor may set a time limit for each side of the issue. Any audio or videotapes to be presented must be submitted at least 24 hours in advance of the meeting.

**101.6 SPEAKER EXCEEDS 5 MINUTE LIMIT**

Mr./Mrs. _____, you have used up your five minute limit. Please take your seat.

101.6.1 SPEAKER CONTINUES

Mr./Mrs. _____, by continuing to speak after the five minute limit has expired, you are disrupting the orderly conduct of this City Council meeting. I am therefore giving you a warning, under:

Section 4.10 (b) [if during Public Comment portion of this Agenda];

Section 4.75 [if during an agenda item];

…that if you continue I will order you to leave this Council meeting.

101.6.2 SPEAKER CONTINUES

Mr./Mrs. _____, I gave you fair warning just now, and you have persisted in disrupting this meeting. I therefore order you to leave this Council meeting. Please escort Mr./Mrs. _____ from the meeting and ensure that he/she does not return tonight.

**101.7 REPETITIOUS**

Mr./Mrs. _____, you have made this same point to the Council on numerous occasions at past Council meetings. Everyone on the City Council has heard you make this point

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several times already. You are therefore being repetitious and disrupting the orderly conduct of the Council meeting, so I am giving you a warning, under Section 4.9 (b) of the Council's Rules of Procedure, that if you continue to repeat this point, I will order you to leave this Council meeting.

101.7.1 SPEAKER CONTINUES

Mr./Mrs. _____, I gave you fair warning just now, and you have persisted in disrupting this meeting. I therefore order you to leave this Council meeting. Please escort Mr./Mrs. _____ from the meeting and ensure that he/she does not return tonight.

## 101.8 CITY COUNCIL REMOVAL ADVISEMENT LETTER

See attachment: City Council Advisement Letter(3).pdf

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# LOCKER ROOM

### 102.1 PURPOSE

To establish a procedure that will maintain a clean and sanitary locker room, that is respectful to all staff.

### 102.2 PROCEDURE

All personnel with the Roseville Police Department who are assigned a locker, or use the men's or women's locker room will keep their personal equipment stored inside of their locker.

Personnel may leave their personal gym bags, etc. outside of the locker while in the gym or shower area. However, once staff leaves this area all equipment must be stored inside the individual's locker.

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# PUBLIC REQUEST FOR DEPARTMENT PERSONNEL

## 103.1 PURPOSE

To establish a procedure for the handling of requests from the public for departmental personnel and/or department involvement at various events. The Roseville Police Department exists to serve the public. It is the policy of this department to support the positive interaction with the public at events and programs as time and staffing allows. Further, the policy shall be to provide the public with advance information of significant events to the extent possible to enable greater numbers of the public the opportunity to participate in the event.

## 103.2 PROCEDURE

A. All routine public requests for department personnel and department involvement, including requests for brochures, departmental public education and marketing materials, Officers, Police Explorers, personal presentations, and requests for McGruff, Officer Al, or Redi-Fox, shall be referred to the Crime Prevention Coordinator. If the Crime Prevention Coordinator is unavailable and time is of the essence, the request may be referred to the Community Service Lieutenant.

B. The professional staff of the Community Services Unit will track all requests and the status of requests.

C. Employees who receive direct requests they intend to handle, shall notify the Community Services Unit professional staff and Sergeant for approval.

D. The Community Services Unit Sergeant shall review the requests. If the request for personnel or department involvement is denied, the requestor shall be notified as soon as practical. If the request was directed to or through specific department personnel, those members will also be advised. It is preferred that the Community Services Unit Sergeant make the decision or be involved in the final determination to maintain consistency to serve the needs of the citizens and the City of Roseville. Consideration will be given for size and expected attendance for public events.

E. If the event is of substantial size or importance, the Administrative Analyst Public Information Officer will be advised to coordinate the media advisement.

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# WORKOUT PERIOD

### 104.1 PURPOSE

To establish a procedure for sworn personnel with the Roseville Police Department to participate in a mandatory “on-duty” physical fitness program.

### 104.2 PROCEDURE

A. All sworn personnel with the Roseville Police Department are required to participate in a forty-minute workout period. This time will generally be at the beginning of the officer’s shift, unless otherwise indicated.

B. No officer shall leave the gym to shower prior to thirty-minutes before briefing. Officers are expected to report to the gym at the appointed time of their shift prepared to begin with their exercise regimen. Officers who elect to arrive early and extend their workout time are reminded this is done so on one’s own time and is not compensatory.

C. Following the workout period, officers shall report to briefing at the appointed time. Once again officers shall report to briefing prepared to respond immediately to an emergency if called upon to do so.

D. Officers are expected to clean up after themselves in the gym. (i.e. putting equipment back to the storage racks, etc.)

E. Officers shall follow the exercise regimen spelled out in the “Exercise Prescription” completed at the time of their individual fitness evaluation.

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# CHARITABLE CONTRIBUTIONS/FUNDRAISING

## 106.1 PURPOSE

To establish a procedure for department members who wish to raise money for charitable events or programs affiliated with the department. This procedure is necessary to prevent multiple department members from contacting businesses/community members for donations and potentially over tapping these resources.

## 106.2 PROCEDURES

A. Department members are encouraged to participate in community policing events and programs that benefit our community.

B. Department members are encouraged to contact businesses and community members for the purpose of fundraising for police related/sponsored charities.

C. Department members shall check the police intranet fundraising page before contacting any community members/businesses for the purpose of raising funds.

D. If the community member/business has requested “no further police contact” for fundraising purposes then the department member shall not contact that entity.

E. Department members shall contact the Services Captain and obtain approval before contacting any business/community members for fund raising purposes.

F. Department members shall report back to the Services Captain the businesses/community members’ name, contact information, the amount of money donated, and whether the entity desires additional future contact for fundraising purposes.

G. The Services Captain shall post the information on the intranet in order to keep an accurate running tally of all department fund raising activities.

H. While this procedure may be ignored by certified unions during their fundraising activities, unions should be encouraged to consider the spirit of the procedure so as to not over tap our community partners.

I. Department members should keep in mind Lexipol Policy Employee Speech, Expression and Social Networking- Unauthorized Endorsements and Advertisements when fundraising.

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# PRIVATELY CONTRACTED PATROL SERVICES

## 107.1 PURPOSE

To establish a procedure for officers assigned to privately contracted patrol services.

## 107.2 PROCEDURES

General Orders

A. Officers assigned to the contract, are working for the business owners and should accept direction for tasks as they request.

B. However, officers assigned to the contracted foot patrol shall follow all applicable laws, and Roseville Police Department General Orders and Procedures.

Activities

A. Some expected activities include:

(a) Building relationships with business owners and staff

(b) Highly visible presence to deter crime and disorder

(c) Parking a marked patrol vehicle in a highly visible location

(d) Tasks assigned by the business owners

Calls for Service

A. Contracted officers are responsible for calls for service or reports at the contracted business location.

Arrests and Reports

A. If a contracted officer arrests someone, they will call for a Patrol officer to transport the arrestee as the contracted officer(s) must remain on site during the contracted hours.

B. The contracted officer will be responsible for generating any police reports from enforcement action they undertake.

Supervision

A. The contracted officers will be managed by a Police Lieutenant

B. The contracted officers will be supervised in the field by any of the on-duty supervisory personnel.

Uniforms

A. The primary uniform for contracted patrol services will be a Class B uniform.

B. Plain clothes assignments or Class C uniforms must be approved by the operations captain.

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# DEPARTMENTAL SPENDING POLICY

### 108.1 PURPOSE

It is the responsibility of all employees to be diligent and responsible when spending city resources. Therefore, the following procedure shall be followed to assist command staff in managing their budgets to meet department and city goals.

### 108.2 POLICY

It is the policy of this department to require manager approval for all purchases made by staff. Staff will utilize the appropriate requisition forms for uniforms and central store purchases located on the intranet. Staff may request authorization to make a purchase via e-mail or memorandum, including total costs and reason if necessary, for all other purchases.

### 108.3 CENTRAL STORES PURCHASES

Prior to any Central Stores purchases, staff shall complete the requisition form and shall obtain a signature from their division manager. The manager shall provide the appropriate account codes to the completed form.

### 108.4 EXCEPTIONS

The following units and positions are exempt from the above policy:

A. Motor officers may purchase fuel using their city credit cards.

B. K-9 officers may buy food for their dog using their city credit cards as long as they stay within their annual budget for food.

C. Quartermaster may purchase required equipment.

D. These exceptions apply to the expenditures outlined in the budget. If the units appear they will exceed their budgets, the above procedure shall be in effect and they will need manager approval for all purchases.

### 108.5 EMERGENCY SPENDING

If an emergency occurs outside normal business hours, which will require expenditures of city funds, the on duty watch commander shall have the authority to authorize those purchases. The watch commander will notify the division manager with the total amount of funds spent for tracking purposes.

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# TEMPORARY ASSIGNMENT TRANSFER

## 109.1 PURPOSE

The goal of this program is to assist patrol officers with gaining experience and help provide them an opportunity to establish career paths and goals by providing patrol officers with an opportunity to temporarily transfer to a non-supervisory special assignment to gain experience.

## 109.2 POLICY

A. Eligible officers will be allowed to temporarily transfer to a special assignment for one week per shift rotation, with a maximum of two transfers within any twelve month period.

B. Special assignment positions that are available include: School Resource Officer, Investigations, Vice Narcotics, Crime Suppression, Auto Theft Task Force, and Special Investigations.

C. The employee will be responsible for normal and routine duties related to the specific assignment. The officer will work under the direct supervision of the unit supervisor. The supervisor need not accompany the officer on all contacts, but must be alert to the circumstances requiring their immediate attention.

D. Nothing in this procedure shall overrule policy related to assignment rotations or the Chief's ability to fill positions within the department.

E. An officer's primary patrol assignment and patrol staffing considerations will take precedence over participation in the program.

## 109.3 PARTICIPATION

Officers interested in participating in the program will provide a memorandum to the Patrol Division Captain requesting a temporary assignment. The Captain will notify the appropriate Patrol Lieutenant and Special Assignment Lieutenant to schedule dates for participation.

## 109.4 ELIGIBILITY

This is a voluntary program and eligibility is at the discretion of the Chief. Participation is limited to officers who are assigned to the patrol division. Officers who are already assigned to a special assignment are not eligible to participate. No "out of class" pay is permitted. Incidental overtime that occurs will be pre-approved by the unit supervisor. The following will be considered when trying to accommodate transfers.

A. Participating officers should minimally be free from Performance Improvement Plans, had no departmental discipline within the last six months and have had all satisfactory scores on their last performance evaluation.

B. When possible, transfers will be on a first come first served basis.

C. At the time of transfer, the officer's current shift will not need to be back filled with overtime to accommodate the transfer.

D. The officer's shift should have sufficient staffing to accommodate the transfer for its entirety. Transfers from shifts depleted due to coworkers on light duty, FMLA, extended vacations etc. should be avoided.

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E. Only one officer per shift may participate in the program at one time.
F. No more than one officer may be assigned to a single special assignment at the same time. One to two day overlaps may be permitted if necessary.
G. Officers may only transfer to the same special assignment once in an eighteen month period.
H. Officers participating in the program may be recalled by their Patrol Lieutenant to their primary assignment should unforeseen staffing issues arise during their transfer.

### 109.5 EVALUATION

Employees participating in this program will receive a written evaluation of their performance at the conclusion of the transfer. A copy of the evaluation will be given to the employee, and the supervisor will maintain the original for inclusion into the employee‘s next annual performance evaluation. Comments pertaining to the participation and evaluation may be incorporated into the appraisal.

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# CHEMICAL SAFETY PROCEDURE

### 110.1 PURPOSE

The purpose of this procedure is to guide our employees in safely handling chemicals in the course of their duties.

### 110.2 SAFETY DATA SHEETS

The department shall maintain, both in physical form and in digital form, all material safety data sheets (MSDS) related to the chemicals used throughout the course of employment with the police department. The following areas are required to keep a physical copy of each MSDS for each chemical being stored:

A. Special Weapons and Tactics (SWAT) vehicle

B. The department range

C. The forensics laboratory, inside property and evidence

The above-listed locations must make an MSDS binder accessible to all employees working in those areas listed above.

The department shall maintain a digital file for employees to access, which will act as a central storage for the chemicals.

The department's safety officer, on an annual basis, shall verify the MSDS documents are current and that no chemicals have changed. If a different chemical has been utilized, a new version of the MSDS shall replace the previous one.

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# OPERATIONS DIVISION SHIFT BID

### 111.1 PURPOSE
To establish a procedure for conducting shift bid for Operations Division shift scheduling.

### 111.2 SENIORITY
Pursuant to Memorandum of Understanding (MOU) with the RPOA employees assigned to the Operations Division shall be permitted to bid for shift, days off, and Patrol team on the basis of seniority.

### 111.3 SHIFT BID DURATION
Shift bid for the Operations Division/Patrol shall take place every six months and shall be completed thirty (30) calendar days before the start of the new shift.

### 111.4 SHIFT BID PROCESS
The following process shall be utilized to facilitate the shift bid:

1. The shift bid shall proceed utilizing the following format:
    (a) The RPOA is responsible for setting up and running shift bid.
    (b) The RPOA will work with the Patrol Lieutenants to set a specific day for officer shift bid.
    (c) Prior to the shift bid the Patrol Lieutenants will provide the RPOA with a seniority list of officers assigned to patrol for the upcoming shift bid. They will also provide a simulated schedule which will show the patrol staffing level.
    (d) Sergeants assigned to the Patrol Division will select their shifts based on sergeant seniority prior to officers participating in the shift bid process.
    (e) All police officers assigned to patrol will bid based on department seniority.
    (f) K-9 Officers shall be allowed to bid only for the available K-9 shift slots.
    (g) During shift bid, officers will sign up with the RPOA Board member for their work shift and their police beat of choice. The Patrol Lieutenants will be at shift bid and will handle vacation requests (See Staffing Levels Policy).
2. Selection of Shifts Process:
    (a) The shift bid committee shall be selected bi-annually and shall conduct the shift bid process. Officers shall be noticed bi-annually of the shift bid committee members and contact numbers for reference and questions during the shift bid process.
        i. The committee will be comprised of the following:
            (a) A member of the RPOA
            (b) A Patrol Lieutenant
            (c) Additional RPOA members or another Lieutenant may assist with the process as needed and designated by the Chief or his designee.

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ii. The RPOA will handle the process of contacting officers for phone bids, reviewing written proxy selections, or noting in person selections.

iii. The RPOA member on the committee will be responsible for notifying officers of when the shift bid is to occur and the deadline for submission of proxy forms.

iv. In the event an officer misses his/her selection window, the RPOA member in attendance on the committee will make the decision to proceed without the officer's selection and move on to the next person in order.

v. Missing the selection window is defined as having no proxy bid in place and being unavailable via both personal and work phone for a period of ten (10) minutes starting when they were next in seniority order to bid.

(b) Officers may sign up for their shift in any of these three formats:

i. In Person

ii. By Telephone

iii. By Written Proxy - through another officer present or an RPOA member from the committee.

(c) If an officer misses their assigned window, the officer will be passed over until the officer contacts the shift bid committee. Once the officer makes contact, he/she will be allowed to bid at the current position in the shift bid order, however they will have lost their seniority positioning. If the shift bid concludes without the officer making contact to select their shift, the officer will be administratively assigned to an open shift. The administrative assignment due to missing the officer's position in the seniority bidding process is only for the shift rotation related to the specific bidding process involved. The officer will regain his/her ability to bid for a shift based on his/her seniority at the next shift bid process.

(d) If an officer misses the shift bid, they would be administratively placed into a vacant shift. The officer would be responsible for contacting their Patrol Watch Commander to discuss what additional shift options might be available.

(e) Attendance at the shift bid or electing to be contacted via telephone for shift bid while off duty shall be considered de minimis time and not compensated as work time.

### 111.5 MANAGERIAL DISCRETION

This procedure is not intended, in any way, to limit or modify the department's discretion in determining operational needs and staffing levels pursuant to the management rights clause in the MOU. As departmental needs change, this procedure may be modified or canceled at the discretion of the Police Chief.

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# WORK RELATED INJURIES OR ILLNESSES

## 112.1 PURPOSE AND SCOPE

To establish a procedure for the Roseville Police Department for work related injuries or illnesses.

## 112.2 MEDICAL CARE

If an employee suffers a work-related injury or illness, they have the right to file a Workers' Compensation claim and pursue workers' compensation benefits. If the injured worker is in need of medical attention, they should seek treatment.

If an employee is exposed to a bloodborne pathogen the employee should attempt to clean/wash the exposed area and obtain first aid, as needed. The employee should then notify their supervisor.

The following locations are available for treatment:

A. Near-Site (Workers' Compensation)
    1. 151 N. Sunrise Ave Suite 1201
    2. Business Hours (0800-1700 hours)
    3. Not open on the weekend
    4. No Emergency Department

B. Sutter Roseville Medical Center Emergency Department
    1. 1 Medical Plaza Drive
    2. After hours or for emergencies

C. Kaiser Roseville Medical Center Emergency Department
    1. 1600 Eureka Road
    2. After hours or for emergencies
    3. Can be used instead of Near-Site during business hours (0830-1700 hours)
        (a) 1600 Eureka Road Building C, 1st Floor

D. Pre-designated physician on file with Human Resources/Risk Management prior to injury

## 112.3 DOCUMENTATION

**If you, as a supervisor, receive a report of a work-related injury, the following process must be followed:**

The following is a link to the overview of the supervisor's process when a work-related injury is reported:

See attachment: Workers Comp- Supervisor Guide.pdf

See attachment: Exposure Control Plan- PD.pdf

Employee Injury

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A. The supervisor and the employee will complete and sign the **Employee Injury Report**.

1. The following is an attachment to the Employee Injury Report: See attachment: Employee Injury Report.pdf

2. The following is an attachment to Employee Injury Additional Pages: See attachment: Employee Injury Report Additional Pages.pdf

B. The supervisor will provide the injured employee with a **Workers' Compensation Claim Form (DWC-1)**.

1. The employee only submits a completed Workers' Compensation Claim Form (DWC-1) if they want to pursue Workers' Compensation benefits.

2. The following is a link for injuries that occurred prior to 2015:See attachment: Workers Comp Form (DWC 1) 2015 and prior.pdf

3. The following is a link for injuries that occurred in 2016 or after:See attachment: Workers Comp Form DWC 1.pdf

C. Within 24 hours the supervisor will send the completed Employee Injury Report and Workers' Compensation Form (DWC-1) to Human Resources/Risk Management via email (riskmanagement@roseville.ca.us)

D. The original Employee Injury Report and Workers' Compensation Form (DWC-1) will be placed in the Admin mailbox. The administrative assistant will send the original Employee Injury Report and original Workers' Compensation Form (DWC-1) to Human Resources/Risk Management via intra-department mail.

Bloodborne or Airborne Pathogens

A. The supervisor and the employee will complete and sign the **Employee Injury Report**.

B. The supervisor will provide the injured employee with a **Workers' Compensation Claim Form (DWC-1)**.

1. The employee only submits a completed Workers' Compensation Claim Form (DWC-1) if they want to pursue Workers' Compensation benefit.

C. The supervisor and the employee will complete and sign the **bloodborne or airborne pathogen exposure report**.

1. The following is a link to the bloodborne or airborne pathogen exposure report: See attachment: Bloodborne or Airborne Pathogen Exposure Report.pdf

D. Within 24 hours the supervisor will send the completed Employee Injury Report, Workers' Compensation Form (DWC-1), bloodborne or airborne pathogen exposure report to Human Resources/Risk Management via email (riskmanagement@roseville.ca.us).

E. The original Employee Injury Report, Workers' Compensation Form (DWC-1), and bloodborne or airborne pathogen exposure report will be placed in the Admin mailbox. The administrative assistant will route the original Employee Injury Report and original Workers' Compensation Form (DWC-1) to Human Resources/Risk Management.

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If you have any questions regarding workers' compensation, please contact Kellie Allen at [redacted]

## 112.4 EXPOSURE PROTOCOL

If an employee is exposed to another persons blood, bodily fluids, saliva with blood present, etc. we need to obtain a blood sample from the source subject. The exposed employee shall promptly notify a supervisor. The employee and/or sergeant should ask the source subject if they have any communicable diseases such as Hep B, Hep C, or HIV.

The following link is a flow chart for supervisors to follow during a bloodborne or airborne exposure: See attachment: Bloodborne Pathogen Flow Chart.pdf

### 112.4.1 DETERMINE IF AN EXPOSURE OCCURRED

1. Did the employee have contact with one or more of the following infectious material:

(a) Blood
(b) Semen
(c) Vaginal secretions (including menstrual discharge)
(d) Amniotic fluid
(e) Cerebrospinal fluid, Synovial (joint) fluid
(f) Pleural (chest) fluid, Peritoneal (abdomen) fluid
(g) Pericardial (heart) fluid
(h) Other fluid containing blood (ex. saliva with blood, vomitus)
(i) Airborne droplets (Tuberculosis-tb)

2. Did the infectious material from (section 1) above enter the employee's body through one of the following ways:

(a) Needlestick
(b) Non-intact skin
(c) Eyes
(d) Mouth
(e) Nose
(f) Respiration (tb)

If the answer is yes to both sections one and two, you have an exposure. Contact the Professional Standards Unit Sergeant and follow this procedure.

Unless visible blood is present, the following body fluids are not linked to transmission of HBV, HCV, and HIV:

(a) Feces
(b) Nasal secretions

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(c) Saliva sputum (lung/mucous)

(d) Tears

(e) Urine

(f) Vomit

Under circumstances where differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

### 112.4.2 BLOOD DRAW PACKET - BLOODBORNE PATHOGEN

Prior to a blood draw on the source subject an officer or sergeant will respond to the police department for a blood draw packet. In the sergeants office filing cabinet is a packet with the following:

(a) Labcorp processing form

(b) Consent form (Specific to bloodborne pathogens)

(c) Vials

(d) Medical Release

(e) Health care professional form (only used for court orders)

The officer or sergeant will take the packet to the location of the blood draw.

### 112.4.3 NON-COMBATIVE ARRESTEE THAT DOES CONSENT TO A BLOOD DRAW

If the arrestee consents to a blood draw an officer will transport them to the Placer County Jail and request a Phlebotomist to the jail for a communicable disease blood draw. An RPD sergeant will get a communicable disease packet from the sergeant's office and respond to the jail. The packet will have a consent form, Labcorp form, and three vials specific to communicable disease testing. Once the arrestee has signed the consent form the Labcorp form and vials will be given to the Phlebotomist to perform the blood draw. After the blood draw the Placer County Jail will spin the vials in a centrifuge for 10 minutes and give them back to the officer. The officer will promptly return the vials to RPD Property and Evidence where they will secure the vials in a working evidence refrigerator (A or B). The consent form and Labcorp paperwork will be placed in the PSU sergeants mailbox. The PSU sergeant will submit the vials to Labcorp for testing. Labcorp will notify workers comp of the results and in turn inform the exposed officer.

### 112.4.4 NON-COMBATIVE ARRESTEE THAT DOES NOT CONSENT TO A BLOOD DRAW

If the arrestee does not consent to a blood draw an officer will transport them to the Placer County Jail. At the Placer County Jail the officer will request consent a second time. If the arrestee still refuses the officer will request a licensed medical professional (Jail nurse) request consent from the arrestee. If the arrestee still refuses a court order will need to be completed. The court order will generally been completed through the Investigations Unit utilizing the same process as a warrant. The officer at the jail will request the licensed medical professional to sign a form (which will be attached to the court order). Once the court order is approved officers will request a Phlebotomist to the jail for a communicable disease blood draw. An RPD sergeant will get a communicable

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disease packet from the sergeant's office and respond to the jail. The packet will have a Labcorp form and three vials specific to communicable disease testing and will be given to the Phlebotomist to perform the blood draw. After the blood draw the Placer County Jail will spin the vials in a centrifuge for 10 minutes and give them back to the officer. The officer will promptly return the vials to RPD Property and Evidence where they will secure the vials in a working evidence refrigerator (A or B). The Labcorp paperwork will be placed in the PSU sergeants mailbox. The PSU sergeant will submit the vials to Labcorp for testing. Labcorp will notify workers comp of the results and in turn inform the exposed officer. If a search warrant is already being requested for a criminal offense officers can request authorization for a blood draw andanother vial of blood can be requested in the search warrant for communicable diseases testing (i.e. DUI, DNA, etc.).

### 112.4.5 COMBATIVE ARRESTEE THAT DOES CONSENT TO A BLOOD DRAW

Notify the jail you have a combative arrestee you will be booking. If the arrestee consents to a blood draw an officer will transport them to the Placer County Jail and request a Phlebotomist to the jail for a communicable disease blood draw. An RPD sergeant will get a communicable disease packet from the sergeant's office and respond to the jail. The packet will have a consent form, Labcorp form, and three vials specific to communicable disease testing. Once the arrestee has signed the consent form the Labcorp form and vials will be given to the Phlebotomist to perform the blood draw. After the blood draw the Placer County Jail will spin the vials in a centrifuge for 10 minutes and give them back to the officer. The officer will promptly return the vials to RPD Property and Evidence where they will secure the vials in a working evidence refrigerator (A or B). The consent form and Labcorp paperwork will be placed in the PSU sergeants mailbox. The PSU sergeant will submit the vials to Labcorp for testing. Labcorp will notify workers comp of the results and in turn inform the exposed officer.

### 112.4.6 COMBATIVE ARRESTEE THAT DOES NOT CONSENT TO A BLOOD DRAW

Notify the Placer County Jail you have a combative arrestee. If the arrestee does not consent to a blood draw an officer the officer will request a licensed medical professional request consent from the arrestee (Jail nurse). If the arrestee still refuses a court order will need to be completed. The court order will generally been completed through the Investigations Unit utilizing the same process as a warrant. The officer at the jail will request the licensed medical professional to sign a form (which will be attached to the court order). Once the court order is approved officers will request a Phlebotomist to the jail for a communicable disease blood draw. An RPD sergeant will get a communicable disease packet from the sergeant's office and respond to the jail. The packet will have a Labcorp form and three vials specific to communicable disease testing and will be given to the Phlebotomist to perform the blood draw. After the blood draw the Placer County Jail will spin the vials in a centrifuge for 10 minutes and give them back to the officer. The officer will promptly return the vials to RPD Property and Evidence where they will secure the vials in a working evidence refrigerator (A or B). The Labcorp paperwork will be placed in the PSU sergeants mailbox. The PSU sergeant will submit the vials to Labcorp for testing. Labcorp will notify workers comp of the results and in turn inform the exposed officer.If a search warrant is already being requested for a cCriminal oOffense officers can request authorization for a blood

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draw in theanother vial of blood can be requested in the search warrant for communicable diseases testing (i.e. DUI, DNA, etc.).

## 112.5 DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids.

### 112.5.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the police department.

### 112.5.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANE

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If a member's intact skin contacts someone else's blood or body fluids or other potentially infectious materials, the member shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible.

If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the member's skin are contaminated, the member shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

### 112.5.3 DECONTAMINATION OF EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container.

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.
Grossly contaminated non-disposable equipment items shall be transported to a fire station or the police station for proper cleaning and disinfecting.

### 112.5.4 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and placed it into a biohazard waste bag. The clothing will be placed in the dry cleaning room in the parking garage. The contracted dry cleaning company will sanitize the and return the items.

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### 112.5.5 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be decontaminated at the police department. Notify your supervisor and determine if an outside vendor should conduct the cleaning. Roseville Police Department Procedural Manual: 227.3 POTENTIAL CIRCUMSTANCES FOR CONTRACTING CLEANUP AND RESTORATION

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# PUBLIC AFFAIRS TEAM

## 113.1 POLICY

Appropriate and effective communication with the community builds trust and strengthens public/ city government relationships. To ensure the community receives high-quality information, the Police Department must deliver accurate, comprehensive and timely information. This will be done through a strategic approach of effective community and media relations.

## 113.2 OBJECTIVE

To enhance the effective delivery of relevant information to the community and media about the operations, activities, and issues related to the Police Department. The Team will operate under the Assignment Rotation Policy 1001.

## 113.3 DEFINITIONS

Police Public Information Officer (PPIO)- Police Department representative, designated by the Police Chief to act as the primary contact for the media relative to all Police Department activities. In the absence of the Police Public Information Officer, the on-duty Watch Commander shall designate the PPIO.

Public Affairs Team Member (PATM)- This Team Member may represent the Police Department in many capacities including community meetings, presentations, media relations, or something specifically related to a given specialty within the Department.

Department Media Liaison- Public Affairs Team representative who has successfully completed the required media relations training. This Team Member, with approval from the Incident/ Watch Commander, may work with the news media to provide comments on behalf of the Police Department. This Team Member will also have access to Police Department social media accounts in order to share information through those medians.

## 113.4 GENERAL PROCEDURES

The Police Public Information Officer (PPIO) shall be the primary media contact for the Roseville Police Department. Calls shall be routed to the designated PPIO. Contact with the media shall be communicated/documented to the PPIO via telephone and/or email. If the PPIO is not available, other appropriately trained Department Media Liaisons may serve as spokesperson.

## 113.5 GUIDELINES FOR THE RELEASE OF INFORMATION

### 113.5.1 PRESS RELEASES

All requests from the community or media for information pertaining to issues of a sensitive or controversial nature shall be referred to the PPIO, who will work with the Support Services Captain in preparing the appropriate response.

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### 113.5.2 SOCIAL MEDIA

When a Department Media Liaison is considering the use of social media as the platform for information dissemination, they should consider the following guidelines for releasing information:

(a) All social media should be in compliance with the City of Roseville A. R. 1.12: Use of Social Media for City Communication.

(b) Each social media channel has a different audience, depending on the incident or message, choose the appropriate audience for the message.

## 113.6 ADMINISTRATIVE RESPONSIBILITIES

### 113.6.1 POLICE PUBLIC INFORMATION OFFICER

The PPIO duties shall include, but not be limited to:

(a) Day-to-day community and media inquiries regarding all incidents in which the Department was the lead response or primary investigative agency.

(b) Respond to the scene of incidents as outlined in the dispatch protocol, or upon the request of any Supervisor or Incident Commander (IC). This does not preclude the IC from making statements to, or being interviewed by, members of the media.

(c) Upon request, assist allied agency, division, or department in the preparation, coordination, and release of incident activities and programs.

(d) Ensure the timely release and coordination of all news information, and assure it is distributed equally and fairly among the media.

(e) Respond to media requests within one hour, if possible.

(f) Coordinate media requests for interviews of all employees, including Police Executive Team, Public Affairs Team, media news conferences, and answer media questions concerning Department policies.

(g) Respond to requests for statistical data made by representatives of the community and media.

(h) Coordinate requests from media to enter and photograph incident scenes in a safe manner.

## 113.7 EMERGENCY OPERATIONS

When an incident has received, or may receive attention from the community and or news media, the Incident Commander (IC) should contact the PPIO.

The Incident Commander (IC) shall ensure that information concerning recent incidents is furnished to the media in a timely manner.

Media personnel shall be granted reasonable access to an emergency, crime scene, or disaster location at an accommodating distance. Said access shall not interfere with emergency operations nor compromise an investigation activities.

Private citizens may legally photograph or videotape Police incidents from lawful vantage points, but do not have unrestricted access to those incidents.

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When Police lines have been established, media personnel entering and interfering with, or jeopardizing the safety of persons involved in emergency operations are subject to restraint or arrest. Applicable laws include: 148 PC, 148.2 PC, Appendix Chapter 1, Section 104.11.2 UFC & 2800 CVC.

### 113.8 DISPATCH PROTOCOL

If media attention is anticipated related to an emergency incident, requesting the response of the PPIO should be considered with the same guidance outlined under the Major Incident Notification policy 327.

### 113.9 COVERAGE SCHEDULE

When the PPIO is unavailable, a schedule will be made to appoint an acting Department Media Liaison to cover responsibility when away.

This schedule will be derived from the qualified Department Media Liaison list.

If there's an acting Department Media Liaison, the schedule should be sent to Police Dispatch.

### 113.10 ON-CALL DEPARTMENT LIAISON

The Public Affairs Unit and Office of Support Services Captain shall maintain an on-call list for Department Media Liaisons. These are employees who have been designated by the Police Department to perform the duties of the PPIO and communicate with the news media and post to social media. To qualify as an official Department Media Liaison, employees must complete the prescribed media training.

In accordance with the respective City Memorandum of Understanding, compensation for standby and call back procedures would apply, given the particular MOU of the employee. Roseville Police Officers Association *Article VII (Standby) and Article VIII (Call Back).*

Duties of an on-call Media Liaison while acting as the Police PIO:

(a) Responding to the scene of a prolonged major incident, disaster, or emergency upon request of an Investigations supervisor or a Watch Commander.

(b) Assisting with the coordination and release of information on unit activities and programs upon request.

(c) Ensuring that news is distributed equally and fairly among the media.

(d) Responding to media requests for information as soon as practical.

(e) Coordinate media requests for interviews of all employees, including Police Executive Team, Public Affairs Team, media news conferences, and answer media questions concerning Department policies.

(f) Have and maintain access to post on the Department website and social media sites.

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# ACTING SERGEANT SELECTION AND TRAINING

## 114.1 PURPOSE

To establish a procedure from which to select and adequately prepare police officers to be in charge of police personnel and oversee calls for service. The purpose of an Acting Sergeant is to supervise a patrol team in the absence of a Police Sergeant. This policy only applies to Acting Sergeants covering patrol. The selection and appointment of officers covering for sergeant absences in special assignments will be done at the discretion of the relative sergeant.

## 114.2 REQUIREMENTS

**Experience:**

Three years of increasingly responsible experience in sworn law enforcement activities.

**Certificate:**

Possession of an Intermediate Certificate issued by the California Police Officers Standards and Training Commission (P.O.S.T.).

## 114.3 SELECTION PROCEDURE

The selection procedure will follow the outlined process in the Assignment Rotation Policy. Roseville Police Dept Policy Manual: 1001.5 SELECTION PROCESS. Upon selection, the Acting Sergeant trainee will be provided a training documentation form.

## 114.4 TRAINING REQUIREMENTS

Once the Police Chief (or their designee) approves the application, it shall be forwarded to the Lieutenant running the Acting Sergeant Program to schedule training. All Acting Sergeant trainees will be required to complete an in-house classroom training covering a variety of topics. All training records will be routed to PSU and uploaded in the employees training file.

In-House Classroom Training Topics:

- Human Resources
- Policies, Procedures, MOU's and other resources
- Complaints
- Leadership and Ethics
- Briefings
- Shift Management
- Custody
- Report and Records Management
- Communication, Notification, and Chain of Command

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After completing the classroom training, the Acting Sergeant trainees will be required to complete four (4), full patrol shifts under the direction of a Sergeant. The training must be with at least two different sergeants on two separate shifts (Days, Relief, Swings, Graves).

The Patrol Sergeant will complete an evaluation for each shift the trainee completed and route to the Lieutenant running the Acting Sergeant Program for review. The Acting Sergeant trainee will have two months to complete the training process.

See attachment: Acting Sergeant Training Manual.pdf

### 114.5 APPROVAL PROCEDURE

Upon completion of in-house training and all four patrol shifts, the Acting Sergeant trainee will submit their completed training documentation form through the operations chain of command for final approval. Upon confirmation of training completion, combined with favorable training evaluations, the Acting Sergeant trainee shall be designated as an Acting Sergeant.

The Acting Sergeant is authorized to fill any Patrol Sergeant vacancy pursuant to current rules and practices governing the coverage of Patrol Sergeant vacancies.

Acting Sergeant compensation is governed by the current RPOA MOU. An acting sergeant is not authorized to wear sergeant patches on their uniform.

### 114.6 WORKING OUT OF CLASS

Acting Sergeants will be paid consistent with the "Work out of Class" and "Temporary Acting Pay" sections of the City of Roseville's and the Roseville Police Officers' Association Memorandum of Understanding.

### 114.7 CONTINUATION OF ROLE

The position of an Acting Sergeant will serve at the will of the Police Chief. During the employee's regular yearly evaluation, the employee must assert in writing their continued desire to be an acting sergeant. The Chief or his designee shall indicate in their written review of the evaluation that the request for continued assignment as an acting sergeant is approved or denied.

### 114.8 EVALUATIONS

The Lieutenant running the Acting Sergeant Program will write a brief evaluation on the Acting Sergeant's performance once a quarter. These shall occur where the Acting Sergeant worked in a Sergeants place. The evaluation will include feedback from:

- Patrol Lieutenant(s) who supervised the Acting Sergeant
- Sergeant(s) who worked alongside of the Acting Sergeant
-

The evaluation will be completed on the Sergeant Observation Report form. It will then be routed to the Operations Captain for review before being placed in the employee's personnel file.

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### 114.9 ADDITIONAL TRAINING

Acting Sergeants should submit training applications for POST approved training courses designed to assist in the development of the supervision and management of police personnel. It is the goal of the police department to provide supervisory training to those Police Officers who are working as an Acting Sergeant to the standards appropriate for a Patrol Sergeant.

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# LEAVE REQUESTS AND STAFFING

## 115.1 PURPOSE

To establish guidelines for leave request handling and approval.

115.1.1 PROCEDURE

A. Leave requests are made for the current shift rotation only and reset at each new rotation. For sworn employees assigned to patrol, they fall into three categories: Seniority-based vacation leave block, seniority-based leave requests, and first come-first serve requests.

1. Seniority-based vacation leave block

(a) Only during the biannual shift bid, employees working on a patrol team, may request one vacation leave block in order of seniority. The block must be either (1) full week of work or (2) full weeks of work. The block must be contiguous.

1. Sergeants: A-side and B-side can each have (1) employee off on any given week, regardless of shift hours.

2. Officers: leave blocks of multiple employees on the same shift may not overlap. However, the same dates may be selected on different shifts (Thanksgiving week on both relief and swings for example, would be approved).

(b) Only the vacation leave type may be used for this block.

(c) Weeks including a maximum enforcement shift, as identified in 115.1.1 B(9) will not be available for a vacation leave block.

(d) Once the requested leave block is confirmed to not conflict with another leave block by the designated lieutenant, the leave request is automatically approved.

2. Seniority-based leave requests

(a) After the shift bid is complete, Lieutenants will send notice via email to employees working on a patrol team regarding the opening and closing dates of the seniority-based leave request period. This period is to provide seniority preference for requesting time off, with consideration for staffing.

(b) Any leave type may be used for these requests.

(c) A junior employee may request a timeframe that overlaps with a senior employee, but that request will not be approved unless administration approves overtime to fill the vacancy and that overtime is filled by a volunteer.

3. First come-first serve

(a) After the initial vacation leave block and the seniority-based leave request timeframe has passed, all other time off requests (regardless of length)

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will be handled on a purely first come first serve basis, with consideration only for staffing and any MOU rules in effect.

(b) These requests may be submitted at any time up until the end of the shift rotation.

B. Additional leave rules

1. Professional Staff will submit leave requests at the beginning of shift change in accordance with the vacation bidding procedure. Leave requests made outside the vacation bid process will be governed by this policy. In general, leave requests requiring overtime to maintain dispatch minimum staffing levels will be denied. Exceptions may be approved at management's or a designated supervisor's discretion. Leave not requiring overtime may be approved.

2. In addition to the bi-annual sign ups, the department will continue its present practice of trying to accommodate employees requesting leave in one or two day increments.

3. Leave requests of more than 120 hours will not generally be approved.

4. With the exception of seniority based leave, all other leave requests will usually be approved 30 to 45 days prior to the leave request. Leave requests pending approval will be logged on the work schedule as "requested" time off.

5. Requests pertaining to Vacation, Compensatory Time Off (CTO), Personal Leave Time (PLT), and Holiday Leave will be handled in accordance with the Roseville Police Officer's Association (RPOA) and Roseville Police Association (RPA) Memorandum of Understanding.

6. Pursuant to the RPOA/RPA MOU, Compensatory Time Off (CTO) requests will generally be granted on the specific date requested even where back filling on overtime is required unless granting the CTO would provide an undue disruption to the operation of the Department. To better define the parameters that fall under "undue disruption" the following procedure has been identified: The Department will allow one back filled overtime position to accommodate for a CTO request without considering that an undue disruption to the operation of the Department has occurred as long as the back fill requirement is filled voluntarily by another employee. The Department will not reduce staffing below minimum identified levels or force another employee to work overtime to accommodate the CTO request as that would be considered an undue disruption to operations. Management has discretion to grant time off for extenuating circumstances.

7. Communications staffing during maximum staffing shifts is limited to one overtime position per shift to cover for a pre-approved vacation, except where exclusions apply.

8. Leave requests on maximum enforcement days will only be granted if the position is back filled with voluntary overtime. If no employee voluntarily fills the position, no employee will be forced to work a full overtime shift to allow another employee to be granted the day off.

9. The following shifts have been identified as needing maximum staffing:

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(a) At the discretion of management, one of these special enforcement days may be adjusted.

(b) Other maximum enforcement days created by special events or law enforcement needs in the City.

(c) Saint Patrick's Day - (If holiday falls on a Friday or Saturday) - Excluding Day Shift

(d) 4th of July - Excluding Day Shift

(e) New Year's Eve.--Excluding Day Shift

## 115.2 SHIFT TRADES

Shift trades between staff are allowable with the following provisions:

A. Shift trades are allowed between similar rank only.

B. Shift trades must not impose a cost to the Department.

C. The employee requesting the trade is responsible for the vacancy and any subsequent financial consequences.

D. Approved shift trades are to be posted in the schedule program following approval from a supervisor.

E. Shift trades must comply with other staffing policies and procedures (i.e. minimum rest hours off between shifts)

F. For staff under the RPOA MOU, shift trades must be completed within the same patrol shift rotation.

G. For staff under the RPA MOU, shift trades must be completed within the same pay period due to job classification.

## 115.3 FORCED OVERTIME

The lieutenants are to have primary control and management of the scheduler through PlanIt. Sergeants who make changes or entries into the scheduler shall always do so with their lieutenant's knowledge and approval – absent exigencies, sick calls, short term minor changes, etc. Other exceptions will be when Special Operations Unit sergeants enter training dates for the shift rotation. Even after these dates or minor changes are entered, it should be communicated to the patrol lieutenant so any discrepancies can be evaluated, and overall schedule management remains within their responsibility.

### 115.3.1 RULES

A. Notice of forced overtime will be given at least 10 days prior to the forced shift. The goal is to give as much notice as possible. This does not inhibit the ability of the Chief to order someone in during a declared emergency or in compliance with the current RPOA MOU. Last minute sick call vacancies will be covered by hold overs, unless there are numerous short notice vacancies, and the staffing need is more emergent.

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1. If you volunteer for a full shift within 30 days of the forced OT shift that would have been assigned to you, you will be skipped. This exists to maintain an incentive for those willing to help out, voluntarily.
2. Partial shift coverage and supplemental OT opportunities do not apply (i.e. holding over late for shift, Galleria, SRMC, etc.)
3. You will only get volunteer credit for a shift that you worked. If it is cancelled for any reason, you will not receive credit. This does not change compensation regarding a cancellation that would apply under RMC 3.12.040, where the cancellation occurs after the employee arrives at work to perform the shift.

B. When your name is up, you get the next shift that needs to be filled regardless of what hours you normally work unless the OT shift causes you to work back-to-back shifts. You will always be allowed the 8-hour turnaround time between shifts per the MOU. When the shift is assigned, considerations will be given to existing time off/vacation and trainings.

C. Shift trades or getting someone to take your forced OT shift is always a possibility for those willing to find a taker. If this is brokered, it shall be approved through the Lt; the person taking the shift will not be subject to forced OT that month (Rule #1) and the person who traded will go back on top of the list for the next mandatory spot.

D. Special Assignment officers will be added to the list for covering shifts where PlanIt shows their assigned day off. Special assignment officers can sign up for an OT shift on any of their regularly scheduled days off. Special assignment officers need to notify their chain of command upon assignment of a forced OT shift.

E. If a time off request would cause a shift to be understaffed, the department may authorize overtime to fill the requested time off, as outlined in other policy and RPOA MOU. However, time off requests will not be cause for forced overtime.

1. Sergeant time off requests will be handled with the guidelines mentioned below.

F. Training requests will be handled on a case-by-case basis evaluating staffing. Using forced overtime to backfill training will be reserved for incidents where the training renders a critical position unusable.

1. Critical positions are identified by evaluating whether the role is required/ necessary for the continuity of operations.
2. Ancillary duty training (SWAT, EOD, RCT, UAS, KP, etc.) may be cancelled to fill a vacancy that must be filled. If supervision can foresee the same employee getting cancelled every month or on a routine basis, then we will make an effort to fill the vacancy without cancelling training; discretion here must remain in place in order to keep up with training mandates.

### 115.3.2 SERGEANT RULES

In addition to the rules in section 115.3 and 115.3.1, Sergeants will follow the below rules.

A. In an effort to maintain sergeant staffing and availability of coverage, only one sergeant assigned to the Patrol Division may be granted time off per side of the week.

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1. The administrative sergeant is subject to these rules unless no other patrol sergeant has requested the same time off, of a week or more.

B. That is in addition to sergeants who may have training scheduled off. This applies to SWAT, RCT, K9, UAS, SLI, Supervisor School, and any other trainings. This is due to the limited options for coverage through voluntary OT signups and to mitigate the need for forced OT. All other time off submission and approvals will be handled in accordance with existing rules and guidelines.

C. Sergeants are encouraged to submit their routine time off requests 14 days in advance to allow for time to evaluate need for forced backfill OT.

1. The process of filling sergeant time off requests will be the responsibility of the Patrol Lieutenants.The process will be as follows:

(a) Patrol sergeants submit time off requests through PlanIt.

(b) Patrol lieutenants will create an available overtime spot for the request in PlanIt.

(c) Sergeants, acting sergeants, and lieutenants can request the open shift in PlanIt.

(d) 14 days prior to the open shift the patrol lieutenants will assign the open shift, in the following order:

1. Sergeants: If more than one sergeant requests the overtime shift it will be granted to the first request.

2. Acting Sergeants: If more than one acting sergeant requests the overtime shift it will be granted to the first request.

3. Lieutenants: If more than one Lieutenant requests the overtime shift it will be granted to the first request.

(e) If no one requests the shift, forced OT could be utilized to fill the shift in accordance with existing rules and guidelines.

2. Short notice time off requests for sergeants

(a) Sergeants assigned to Patrol (excluding the admin sergeants) are responsible for finding adequate coverage for any time off request made with less than 10 days notice.

D. Forced overtime for sergeants will be a process managed by the Lieutenants with the same rotation system used for officers. It is our intention to avoid forced OT as much as possible and only utilize the process when necessary.

1. Forced overtime does not exclude sergeants in Special Assignments, but those assignment needs will be considered before a forced decision is made. Periodically, sergeants may be held back from Special Operations Unit training, like officers are, but the directive is to do that rarely and with regard to training requirements for various special units.

E. Acting Sergeants who voluntarily work sergeant shifts will be given credit for a voluntary shift worked.

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## 115.4 MISCELLANEOUS OVERTIME RULES

A. SRMC, Galleria, etc.

1. Since this OT is a Supplemental Law Enforcement Services Agreement and the Galleria pays for the coverage, the priority goes to the officer who signs up for the most hours – not the first one to submit.

   (a) If two officers sign up for the same number of hours, then it goes to the officer who submitted first.

2. Sergeants are eligible to sign up, but the priority goes to the officer.

   (a) Exception: If the sergeant signs up for more hours than that officer, then the priority goes to the sergeant.

   (b) If there are 2 officers who request half the shift and then later one officer or sergeant who requested the whole shift, it would go to the two officers. Together the whole shift is covered (the same number of hours) and that is equal to the later whole shift request.

3. Partial Shifts

   (a) Requests for full overtime shifts will take priority over requests for partial shifts. Partial shift requests will be cancelled if a full shift request happens at least 24 hours prior to the shift start time. If two officers request a partial shift, preference will be given to the officer who requested the most hours.

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# Chapter 2 - PATROL PROCEDURES

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# 836 PC ARRESTABLE SUBJECTS

**200.1 PURPOSE**

To establish a procedure for issuing a probable cause (836 PC) arrest. This procedure may also apply to those misdemeanor domestic violence crimes where an officer may make an arrest even though the crime did not occur in their presence.

**200.2 PROCEDURES**

A. The investigating officer will complete the appropriate police report and also include the Probable Cause Declaration in the “Synopsis” tab of the case report. The investigating Officer will ensure the report is approved prior to going off duty. The report will be routed to all the appropriate divisions and agencies.

B. The investigating officer will write the suspect’s name, crime section wanted for and expiration date of the 836 want on the 836 PC log (copy attached) which will be displayed in briefing. The "Subject Alert" form should be completed and forwarded to records via email to enable the electronic alert for the subject in New World.

C. Upon the arrest of the suspect, the arresting officer will remove the 836 PC package from the Sergeant’s office. The arresting officer will take the Placer County Arrest Report to the jail for the booking process and the remaining paperwork will accompany the arresting officer’s supplement.

D. Upon arrest of the suspect, the arresting officer will remove the 836 PC package from the Sergeant’s Office and notify records via email to remove the electronic subject alert. The arresting officer will create a Placer County Arrest Report for the booking process. The arresting officer will either:

a. Look at the synopsis in the case report and retype the Probable Cause Declaration on the arrest report. The arresting officer will also write a supplemental report to the original case report.

Or

b. Use the Probable Cause Declaration written in the synopsis of the original report. The arresting officer will also write a supplemental report to the original case report.

i. To accomplish locating the Probable Cause Declaration in the original report, the following steps must be taken:

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1. Access Field Reports in Mobile
2. Click on the “Search” tab
3. The “Report Criteria” heading will pop up
4. The arresting officer must first delete the date in the “Modified From” field
5. Enter the report number in the “Report Name: field
6. The full year must be entered, followed by a dash and 8 digits (ex. 2016-00012345)
7. Open the Roseville Police Department case report
8. Go to the “Synopsis” tab
9. Copy the Probable Cause Declaration in the Synopsis and paste it into the Placer County Arrest Report

### 200.3 836 PC INFORMATION SHEET FOR PACKET

Please see the following attachment for the 836 PC Information Sheet for the Packet: See attachment: 836 PC Packet Form.pdf

### 200.4 SUSPECT NOT APPREHENDED

It shall be the discretion of the investigating Officer and Supervisor to determine a reasonable amount of time for the expiration of an 836 want based on active investigative measures. Once the 836 want is expired, it shall be the responsibility of the investigating Officer and/or the Supervisor to remove the 836 PC packet from the log and briefing. The investigating Officer shall then perform further follow-up and submit the case to the District Attorney’s Office.

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# VEHICLE PREPARATION AND DOFFING OF EQUIPMENT

## 201.1 PURPOSE

To establish a procedure for preparing equipment prior to shift and allowing a period of time at the end of a shift for the doffing of required uniforms and equipment.

## 201.2 PROCEDURES

### 201.2.1 VEHICLE PREPARATION

Patrol Sergeants and Watch Commanders will allow patrol officers five (5) minutes prior to briefing to prepare their vehicles for duty. Patrol officers will be expected to have their vehicle prepared and ready for duty prior to patrol briefing so they can respond to calls for service or emergency situations directly from briefing.

### 201.2.2 DOFFING OF EQUIPMENT

Patrol officers are expected to stay in the field and available until fifteen (15) minutes prior to the end of their shift except to complete assigned work or with supervisors' approval. Officers are allowed to doff their uniform and equipment ten (10) minutes prior to the end of their shift. Patrol officers who have doffed their equipment are expected to remain available and monitoring the Patrol radio until the end of their shift in the event that an incident requires their return to service.

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# STOLEN VEHICLE REPORTING AND SVS ENTRY

## 202.1 PURPOSE

To establish guidelines for taking stolen vehicle reports and proper entry into the stolen vehicle system.

## 202.2 PROCEDURES

A. Patrol personnel (patrol officers, community service officers and cadets) will respond to the call for service and obtain the necessary information to complete the CHP 180 form. This will also include the victim's (registered owner's) date of birth, which shall be written next to the "reporting party" box near their name. This shall also include any information on the vehicle that could assist in identification, such as pre-existing damage, stickers or identifying parts.

B. The reporting officer shall have the victim or assigned designee sign the CHP 180, verifying the desire to report the vehicle as stolen.

C. In the event of a phone report, the reporting officer shall read the "Penalty of Perjury" admonishment. The reporting officer shall write, "Phone report, R/P acknowledges admonishment" in the signature box.

D. The reporting officer shall determine which Communications Terminal to send the stolen vehicle information (example RDD3).

E. The reporting officer shall send an administrative message (AM) via their vehicle MDT to the correct terminal with the following information.

a. Vehicle Make
b. Vehicle Model
c. Vehicle Year
d. Color
e. Vehicle Identification Number (if available to compare to registration in Communication)
f. License Plates, number and if front or rear (if a plate was previously missing)
g. Victim's name
h. Victim's Phone numbers for contact
i. Victim's address (specify if same on registration)
j. Any additional identifying information on vehicle
k. Any Suspect information

F. The Dispatcher who receives the message will IMMEDIATELY enter the vehicle into the stolen vehicle system, which will generate a File Case Number (FCN). The Dispatcher will send the reporting officer a return message via computer with the FCN.

G. If the reporting officer takes the report at the police station, the officer may take the CHP 180 directly to dispatch for entry. After the vehicle is entered the original report will be turned in for supervisor review.

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H. The reporting officer shall write the FCN on the top of the CHP 180 as proof the vehicle was entered into SVS.
I. The officer will complete the CHP form, write a thorough narrative and turn the report in to a supervisor for review. The various SVS paperwork will be sent to the Records division and placed in the appropriate file.

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# RECEIVING CURRENCY

### 203.1 PURPOSE

Cash routinely comes into the Roseville Police Department. The purpose of this procedure is to create a consistent way of processing this money and a system of accountability. The department receives or maintains monies from the following sources:

· Copies of police reports
· Vehicle impound releases
· Permits and licenses
· Government grant money
· Narcotics buy money
· Crimestoppers reward funds
· Bail
· Petty cash fund

### 203.2 DEPARTMENT MEMBER'S METHOD OF ACCEPTING MONEY

Individual transactions processed by department personnel, excluding front counter record’s staff, shall be placed in an envelope. The outside of the envelope will show the following information:

A. Date of receipt
B. Description of the transaction including permit or license number
C. Name and signature of employee handling the transaction

The envelope shall be placed in the department drop safe through the drop slot. The employee receiving the money will provide a receipt to the person paying the fee.

### 203.3 FRONT COUNTER PERSONNEL PROCEDURE FOR ACCEPTING MONEY

A single envelope as described above will be used by the front counter Records Staff to make a single deposit to the Records safe at the end of the business day. A copy of the register tape showing all transactions for the day will be printed. The receipts and any funds not needed to supply front counter needs will be collected by the Records Clerk assigned to Administration. The collected receipts will be verified through the Office of the Chief of Police (Chief’s Administrative Assistant or Budget Analyst) and then transported to Finance for deposit.

### 203.4 AUDIT PROCEDURE

An audit of all funds in the department shall be conducted quarterly. The keys or combination to the department drop safe shall be kept in the Services Division Captain's safe.

### 203.5 SERVICE DIVISION CAPTAIN RESPONSIBILITIES

The Services Division Captain maintains a cash fund in his/her safe. A ledger shall be maintained in the safe, which will be matched against funds during an audit. The ledger should include:

A. Date issued
B. Amount
C. Name of recipient
D. Purpose

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E. Case number if appropriate
F. Signature of recipient

### 203.6 CHIEF'S ADMINISTRATIVE ASSISTANT

The Chief's administrative assistant maintains a cash fund for petty cash disbursement. The petty cash account is regulated by City Administrative Regulation 6.02.

### 203.7 CSU FLASH MONEY PROCEDURES

CSU Team detectives have the ability to obtain currency from the City of Roseville Finance Department for use as "flash money." Flash money is currency used as a prop by detectives to purchase illegal narcotics during the scope of a police investigation. Flash money obtained from Finance will consist of currency in an amount no less than $1,000 and a maximum of $10,000.

A. Requests for Funds – A CSU Detective will prepare an "Authorization for Flash Money" as a request for funds. The request will be signed by the Police Services Captain, or his designee. The signed Authorization for Flash Money will be delivered to the Finance Department. The Finance Director or his designee will sign the authorization prior to the distribution of funds.

B. Distribution of Funds – All funds will be counted by the Finance representative distributing them as well as the CSU Detective. Finance will provide a receipt to the CSU Detective. The receipt will include the names and signatures of both the Detective and the Finance employee, date, police report number and amount of flash money provided.

C. Return of Funds – The CSU Detective will return all funds to Finance. The exact same bills that were received shall be returned. The Detective and the Finance employee will count the returning funds. Finance will provide a receipt to the Detective that the funds were received.

D. Use and Tracking of Funds

a. Flash Money will only be obtained for use in operations under the direct control of the Roseville Police Department.
b. Flash money, in whole or in part, will not be used for "buy / walk" operations.
c. When used during an operation, the Detective in possession of flash money will be under direct visual and audio surveillance by at least two other Detectives who will be within close physical proximity.
d. During an operation flash money will not be allowed out of the sight and reach of the Detective unless the Detective believes that failure to do so would endanger his safety. If the funds are to be stored at the police department, they will be kept in the Services Captain's safe.
e. Prior to use, all flash money will be photo copied to include each bills serial number.

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f. Copies of flash money receipts will be maintained by the CSU supervisor

### 203.8 COUNTING METHODS

Whenever a money counter machine is used, the money must also be manually counted and verified. Money counter machines are to be used as a supplemental counting method only.

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# DUI USE OF DRE OFFICERS

**204.1 PURPOSE**

To outline procedures for the use of a DRE when a person has been arrested for Driving Under the Influence (23152/23153 CVC).

**204.2 PROCEDURES**

A. It is the preferred that the investigating officer administers the sobriety tests in the field, make the arrest when appropriate, and transport the arrestee to the jail for a chemical test.

B. A DRE is to be contacted in the following cases when one is available and on-duty:

a. On arrestees whose blood alcohol content (BAC) is under.08%.
b. On arrestees who have been arrested for 23153 CVC
c. On arrestees who refuse sobriety test and/or chemical testing or are unable to complete the field sobriety tests for medical reasons.

C. If no DRE is available, the arresting officer can request an officer who has been 11550 or DAR trained to assist.

D. The arresting officer is responsible to complete all of the jail booking forms and the appropriate crime reporting forms.

a. The DRE or assisting officer will complete an evaluation report on the arrestee. Should the arrestee refuse an evaluation, the DRE or assisting officer will complete a supplemental report indicating the refusal and any objective symptoms observed.

**204.3 REPORT PREVIEW**

At the request of the DA, a DRE will review all driving under the influence reports where the driver is suspected of driving under the influence of a controlled substance. The DRE will write a supplement report to assist in the prosecution of the defendant.

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# NOISE COMPLAINT COST RECOVERY

## 207.1 PURPOSE

Repeated police response to loud disturbances and parties can place an undue stress on police resources beyond the normal response for service. The purpose of the Extraordinary Law Enforcement Response ordinance is to allow the Police Department to recover the costs of providing “extraordinary law enforcement services” to those incidents requiring multiple police responses.

## 207.2 PROCEDURES

### 207.2.1 FIRST RESPONSE

A. Using the “Extraordinary Law Enforcement Response” form, check the “Initial Call” box, complete with date and time.

B. Complete all the information under the “Responsible Party” section including signature of responsible party and officer, and give the “PINK” copy to the responsible party. If the responsible party refuses to sign the form, accept the pink copy, or will not make themselves available the notice shall be left in a conspicuous location.

C. Explain ordinance to responsible party and then provide the “PINK” copy. Keep the “WHITE” copy in the sergeant’s office for 12 hours from the time of the initial call.

D. Close CAD “CC” with comments: “First Response notice given……..and any additional necessary comment.

E. Destroy the “white copy” if there are no repeat calls after 12 hours.

F. Enter CAD number or DR number on the form.

### 207.2.2 RETURN CALL(S)

A. Use the same “Extraordinary Law Enforcement Response” form completed during the “Initial Call”. Check the “Notice of Violation” box and the “Return Call(s)” box, complete with date and time.

B. Advise the responsible party of the noise violation and that they will be billed by the City for this return call and subsequent return calls per the ordinance.

C. Have the responsible party sign for the return call. The officer should also sign if different from first responding officer. Give the “YELLOW” copy to the responsible party. If the responsible party refuses to sign the form, accept the yellow copy, or refuses to make themselves available the notice shall be left in a conspicuous location.* Complete the appropriate report including the “WHITE” copy. Route report to Administrative Assistant for billing and the appropriate location for complaint handling if necessary.

D. Complete the “Disturbance Violation/ Extraordinary Law Enforcement Response Cost Recovery” form and attach to the report.

E. Additional responses beyond the first “Return Call” will require the completion of another “Extraordinary Law Enforcement Response” form, and the “Extraordinary Law Enforcement Response Cost Recovery” form.

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### 207.3 REFUSAL TO SIGN EXTRAORDINARY LAW ENFORCEMENT RESPONSE FORM(S)

Indicate “Refused” in the signature box. If the responsible person refuses to make themselves available, for instance refuses to answer the door, this also constitutes a “refusal to sign.” All refusals to sign shall be appropriately documented in the police report or CAD for first response.

*A conspicuous location may be the front door of a residence, partially under a front door mat, etc.

### 207.4 REPORTING/CITATION REQUIREMENTS

Officers shall cite the responsible agent on the first or second response if a citizen’s complaint is obtained. Officers may consider using the City’s municipal code, 9.24.150 (Noise Disturbance-infraction $100 fine) to be filed with the City Attorney’s office, or 415 PC, which is a direct file with the court. A citizen’s complaint and report are necessary in both cases. Title reports “Services-Extraordinary Law Enforcement.

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# CHEMICAL AGENT NOTIFICATION

## 210.1 PURPOSE

To provide for a procedure for notification when a chemical agents such as OC or CN gas were utilized during a police operation inside of an enclosed area such as a residence, building interior, or enclosed vehicle.

## 210.2 PROCEDURES

In the event that a significant amount of chemical agent is used in a building (i.e. more than a typical short burst of OC from a small canister normally deployed by officers in the field), the on-scene supervisor or his/her designee will leave notification that a chemical agent was used inside the enclosed space with the owners or available occupants. The notice will include that exposure could result in irritation or injury if the person does not clean up the exposed area.

Officers shall include in their report of the incident that the notice was given and if possible include the name and contact information of the person notified. If no one is in the residence or vehicle, the notice should be affixed prominently at the most likely point of entry to the enclosure (i.e. front door).

The following notice will be used to notify the occupant of the chemical agent and a copy of the notice should be included in the police report: See attachment: Chemical Agent Deployment Warning Notice Letter.pdf

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# STREETS CALL OUT

**211.1 PURPOSE**
To establish guidelines for requesting after business hours call out for the city Streets Department.

**211.2 PROCEDURES**
A. The Officer on the scene should make the request for any after-hours call out of the Street Maintenance Division.

B. The following incidents, circumstances, or occurrences would warrant an after-hours call out of the city Street Maintenance Division.

a. Major roadway defect, such as a sinkhole or collapse, large pot hole, street flooding or plugged drains, STOP sign down or any other sign down in the roadway.
b. Traffic control for a S.W.A.T. call out
c. Traffic control for a M.A.I.T. call out
d. Street sweeper for any spill that would create a safety hazard. Officers need to stay on the scene to assist with traffic control while sweeper is removing debris from road to ensure safety of the operator and public.
e. Street sweeper for a M.A.I.T. call out (if necessary). Officers need to stay on the scene to assist with traffic control while sweeper is removing debris from road to ensure safety of the operator and public.
f. Any other incident requiring road closures, as deemed necessary by the Officer on the scene. Street Maintenance staff will assist with detour routes and develop short term and long term traffic control plan.

C. If the incident, circumstance, or occurrence is not an emergency, then a request for a work order should be made with the Street Maintenance Division the following day during business hours through dispatch and sent to Street Maintenance using the listed email address [redacted] (I.E….any item pulled from roadway and placed on side of road to be picked up; making sure that material is not placed in bike lane or sidewalk and creating a new hazard).

D. If a report is generated from the incident, and the Street Maintenance Division is called, the RPD case report number shall be provided to responding Streets Maintenance Division personnel.

E. If a report is not generated, but the Street Maintenance Division is called out for any reason, then identifying information shall be obtained from the reporting party or involved party and entered into CAD. Identifying information could include:

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a. Name or Responsible Party, Incident, or Report Number
b. Address
c. Phone Number
d. Vehicle License Number
e. Insurance Information

F. Use of the city Street Maintenance Division is not a substitute for a tow company's responsibility to clean up after a routine traffic collision. If the tow company does not pick up all materials;

a. Call Street Maintenance to come and remove the materials.
b. *The costs for Street Maintenance can/will be reimbursed through the insurance company of insured vehicle. **Tow truck companies/drivers shall use absorbent to remove spills from the road effectively; kitty litter is NOT an effective product.

**ALL hazards in the Right of Way need to be called to Street Maintenance to ensure safe rights-of-way for the public.

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# VEHICLE USE AND MAINTENANCE

## 212.1 PURPOSE

To establish a procedure for the use and care of department issued vehicles.

## 212.2 VEHICLE INSPECTION

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of each shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate. If any mechanical defects are found, the member shall, ensure the vehicle is delivered to city fleet for maintenance.

Members shall ensure their emergency equipment is functioning correctly prior to putting the vehicle into service.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle. When transporting any suspect, prisoner, or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

## 212.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

## 212.4 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present and working in the vehicle:

- 20 Flares
- 2 Sticks of yellow crayon or chalk
- 1 Roll of crime scene or barricade tape
- 1 First aid kit
- 1 Blanket
- Protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic safety vest
- 1 Hazardous material Emergency Response Handbook (on dept. phone)

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- 1 Evidence collection kit
- Narcan Kit
- Spike Strips
- Fire extinguisher

### 212.5 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 Fire extinguisher
- 1 First aid kit
- Protective gloves
- 1 Roll of crime scene or barricade tape
- 1 Evidence collection kit

### 212.6 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel.

City Vehicles shall be refueled at the following authorized locations:

- Corporation Yard
- Fire Station #5

If an employee is unable to return to an authorized fueling station above, the employee is authorized to use the vehicles fuel card to fuel at the nearest fuel station.

### 212.7 MAINTENANCE OF VEHICLES

A. Department members shall complete daily inspections of their vehicle for service, maintenance requirements, emergency equipment functionality, and damage. Damage shall be reported to their supervisor and documented appropriately.

B. Members are responsible for promptly reporting defective or inoperative equipment to their supervisors. The supervisor will determine if the vehicle needs to be removed from service at that time or at the end of the shift. The vehicle will then be taken to city fleet for the needed service or repairs.

C. When Department staff take a vehicle to the city fleet for unscheduled maintenance, they will complete the following:

1. Write a note or send an email to the garage stating the reason for dropping off the vehicle.
2. Complete any needed paperwork (City Incident Form, Blue Team Entry, ETC)

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D. At no time will a member take a vehicle from the "down" line prior to getting City Fleet Supervisor approval. If they are unavailable the Department Fleet Manager can be contacted for approval.

   1. The "down" line is where the vehicles are left for maintenance to be conducted.

   2. The "ready" line is where the vehicles are left once all maintenance is completed.

E. Members are responsible for the delivery of their assigned vehicle to the city garage for scheduled maintenance. (Overtime will not be authorized for this activity.)

F. Officers will remove all firearms, 40 MM launchers, and any other weapons from vehicles prior to delivering vehicles for vehicle maintenance. Weapons inadvertently left in vehicles will be picked up from vehicle maintenance and stored in the appropriate lockers in the range or armory.

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# PRIVATE PROPERTY VEHICLE REPOSSESSIONS

## 213.1 PURPOSE

To establish a procedure for officers to address issues related to Private Party Repossessions.

## 213.2 PROCEDURES

A. The role of police officers in all repossession matters should be one of non-involvement. Officers should keep the peace, and take enforcement actions if criminal law violations occur.

B. Repossessor's Rights/Duties: The repossessor may generally do so without a court order if s/he can do so peacefully. Repossessions may take place on a public street, public parking lot or other public place. S/he may repossess furniture from an open porch or automobile from a private driveway. S/he may not, however, enter a locked gate, closed garage, or residence in order to repossess property without permission.

C. The debtor may object to the repossession at any time before the repossessor is in possession and his/her spouse, children, or other persons in legitimate possession may represent his/her interest and protest the repossession. However, a landlord, employer, or other person on whose property the vehicle may be found does not have possessory control sufficient to legally protest repossession. If the debtor consents to the repossession, s/he has the right to remove any personal items from the vehicle, which are not attached thereto.

D. In the case of a vehicle, repossession is complete when the repossessor gains entry to the vehicle or when the collateral becomes connected to a tow truck or repossessor's tow vehicle (B&P 7507.12).

E. A repossessor's tow vehicle must display in a conspicuous place on both sides a sign showing the company name or owner/operator of the tow vehicle and either: 1) The business address and telephone number, or 2) The Department of Consumer Affairs license number issued to the repossession agency. The letters and numbers must be at least 2" in height and a different color from the background (VC 27907).

F. If the person in possession is not present, or does not object and the repossessor is not in violation of any criminal law, the repossessor must be allowed to proceed with the repossession.

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# WELFARE CHECKS

## 214.1 PURPOSE

To establish a procedure to guide officers when assigned to conduct welfare checks on persons in private residences and businesses when circumstances warrant such a check.

## 214.2 PROCEDURES

A. Officers shall respond without delay to conduct welfare checks on any persons who may be in distress. This may include situations where someone may be sick, injured, suicidal, or incapacitated and unable to respond to the attempts to contact them.

B. Upon arrival, officers should attempt contact by knocking on doors and windows in an attempt to check the status of the person. Officers should also attempt telephone contact and look through windows and openings to verify the status of anyone inside.

C. Officers should attempt to locate supporting evidence indicating the person may be inside and unable to respond to them. This evidence may include, but is not limited to, the following:

a. Checks with neighbors to see if the person has been seen.

b. Looking for mail, newspapers, etc. that may have gathered over an unusual amount of time.

D. Once an officer has reasonable cause to believe the person may be inside and is apparently unable to respond to contact attempts, entry may be made with the approval of a supervisor.

E. Based on the exigency created by the totality of the circumstances, officers should decide if forcible entry is necessary, or if some other means of entry may be appropriate. (i.e.: forcing a window open, using a locksmith, etc.)

a. Every effort should be made to limit damage to the person's property.

F. In these circumstances the Fourth Amendment of the United States Constitution should be taken into consideration. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The California Peace Officers Legal Sourcebook lists Emergency Search conditions as well. "A true emergency situation or 'exigency' will allow one to search a person, just as it will allow one to search a house."

G. Should a forced entry be made into a location, the officers shall notify Risk Management, and a "Services" report shall be generated to document the circumstances necessitating the welfare check, as well as all subsequent actions.

H. Once entry is made into a location and no one is found inside, the officer shall ensure the residence is adequately secured and proper notification is left explaining when entry into the location was made.

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# POWER OUTAGE TO TRAFFIC SIGNALS

## 215.1 PURPOSE

The purpose is to provide a procedure for field personnel to follow to provide traffic safety at signalized intersections when the signals have malfunctioned or failed.

## 215.2 PROCEDURE

## 215.3 UNKNOWN CAUSE FOR FAILURE

If a signal fails and goes to a red flash, the intersection becomes a four way stop. The on call signal technician should be paged at [redacted] and advised of the failure. If the signal fails and goes dark, field personnel shall page the on call signal technician at [redacted] to report the outage. The responding Signal Technician should arrive within 60 minutes to diagnose the problem. If the Signal Technician does not arrive within 60 minutes, the field supervisor will contact the streets department, and have portable stop signs erected at the intersection.

## 215.4 KNOWN CAUSE FOR FAILURE

If there is obvious physical damage to the signal equipment upon arrival, the officer shall contact street maintenance via dispatch to bring out temporary stop signs. The on call signal tech will also be paged and notified of the damage.

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# PREMISE HAZARD ALERT REQUEST

## 216.1 PURPOSE

To provide field personnel a procedure for requesting a premise hazard being placed on a location within the city.

## 216.2 PROCEDURE

When a Location Alert Request (LAR) is requested on an address or common place location in CAD, the following is the LAR request process.

A. The requestor must fill out the “Premise Alert Request Form” available on the intranet electronically.
B. The requestor must provide the completed form to their sergeant or watch commander.
C. The supervisor must authorize the premise hazard entry and forward a signed copy and place it in the premise hazard mailbox located in dispatch.
D. One of the CAD committee representatives will enter the PH using the indicated purge date, or if no date is listed, the default date of 365 days after initial entry will be used.

## 216.3 VALIDATION

The requestor is responsible to validate the PH prior to the purge date. An electronic “task” request will be sent via email to the requestor 30 days prior to expiration. After validation that the PH still exists, the requestor will notify the CAD committee representatives that the PH is still valid and provide a new expiration date.

## 216.4 PURGING PREMISE HAZARDS

If the PH is not validated within 30 days of expiration, the PH will be purged.

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# TRAFFIC CAMERA POLICY

## 217.1 PURPOSE

To capture video evidence related to crime or traffic collisions by recording the buffered images from the Engineering Division‘s traffic cameras.

## 217.2 PROCEDURES

## 217.3 TRAINING

The Police Traffic Unit will identify an officer or officers to act as the liaison between the Police Department and Public Works/Engineering Division. This officer(s) will facilitate training for those identified as users of the system. The officer(s) will maintain a current list of those trained in the use of the system and have that list available to all Police and Engineering personnel.

## 217.4 SYSTEM ACCESS AND USE

Only those trained in the use of the system are allowed to enter or manipulate actual buffered or recorded video. Access and use of the traffic camera system is limited to the Traffic Liaison Officer(s), Sergeants, Lieutenants, Captains and the Chief of Police.

Use of the system and access to buffered or saved video by Police Department employees shall conform to this policy and procedures manual. Due to Federal mandates, the use of the system by the Police Department shall conform to Section 4.0 at all times.

## 217.5 PROCEDURE FOR USAGE

A. Unplanned Events

a. For an unplanned event such as a traffic collision or crime that occurred at or near an intersection where a traffic camera was located.
b. The camera potentially recorded the event or the surrounding area and could be of evidentiary value.
c. A police department employee will make a request of the traffic liaison officer or an on-duty Sergeant or Watch Commander to capture the buffered images captured by the camera.
d. The Sergeant or Watch Commander will access the traffic camera system, capture the buffered images as an email attachment and forward the information to the requesting officer.
e. The requesting officer will examine the images to determine if the buffered video captured anything of evidentiary value.
f. If the officer determines the video is of value, the officer will transfer the images to DVD for retention.
g. The investigating officer is responsible for booking the DVD into property and evidence.

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h. All buffered images that are captured and transferred to DVD will be booked into property and evidence, despite whether the incident was actually captured by the traffic cameras.
i. Only the trained personnel outlined in this procedure will access and capture police related video. If no Police personnel are available, police employees may contact on-call Engineering personnel.
j. At the conclusion of any manipulation of the traffic camera system, the system will be returned to its standard settings.

B. Planned Events

a. An event such as a search warrant, arrest or other official police action is planned near an intersection where a traffic camera is located.
b. The recorded images of the event could be used for evidence, training or officer safety reasons.
c. The manipulation of the camera is done in a manner that conforms to this policy and procedures manual.
d. The access, capturing and booking of the video images will remain the same as an unplanned event.
e. At the conclusion of any manipulation of the traffic camera system, the system will be returned to its standard settings.

## 217.6 EVIDENCE RETENTION

Buffered images that are streamed through a digital video recorder, but are not routinely captured do not need to be stored. Once that image is “burned” in conjunction with a police investigation it should be preserved in accordance with department policy and current law.

All buffered or streaming images that are downloaded and burned to DVD by Police Department employees shall be retained and booked into property and evidence. Those images will be retained by the Property Unit in accordance with department policy and law.

Access to images after they have been booked into property and evidence will conform to existing police department policy and law.

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# ROSEVILLE POLICE AND FIRE STAGING PROCEDURE

## 218.1 PURPOSE

To establish guidelines and responsibilities for emergency units to stage prior to entering an emergency situation.

## 218.2 INCIDENTS ROSEVILLE FIRE SHOULD STAGE

A. Crimes in progress
B. Violence in progress
C. Bomb threats
D. Armed or violent suspects in vicinity

## 218.3 ROSEVILLE FIRE OPTIONAL STAGING INCIDENTS

Roseville Fire companies will be appraised by communications staff of any officer and/or firefighter safety issues related to any incident they are dispatched to. Fire Captains and/ or Chief officers will make a decision whether or not to stage, and will notify communications personnel of their decision. If they stage, they will advise communications personnel of their staging location.

## 218.4 RFD AND RPD RESPONSIBILITIES

When circumstances dictate a fire company stage, communications will notify the first or closest available Patrol Officer to respond to assist. Back-up officers will be sent as necessary. The Officer will notify dispatch of their ETA over the air. The ETA will then be provided to the staging fire companies. If the Fire Captain believes the ETA may negatively impact the welfare of the patient, the Fire Captain will notify communications to have the Watch Commander speak to the Fire Captain on RPD patrol 2. The Fire Captain and the Sergeant will determine if the Officer's response should be upgraded to Code 3, or if RFD will discontinue staging and respond to the scene.

## 218.5 NO AVAILABLE UNITS FOR POLICE

The dispatcher should endeavor to clear units from non-priority incidents. If there are still no available units, the dispatcher will advise the Watch Commander that RFD is staging for a patrol response, with no available units. The Watch Commander will then be responsible for responding and/or clearing units for immediate response, and providing an ETA to dispatch, which will be given to RFD. RFD AND RPD RESPONSIBILITIES SECTION then applies.

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# AUTOMATIC VEHICLE LOCATOR (AVL)

### 219.1 PURPOSE

The purpose of Automatic Vehicle Locator (AVL) is to assist communications personnel with dispatching units and locating personnel in emergency situations and when applicable, aid in tactical situations.

### 219.2 POLICY

It is the policy of this department to install, use and maintain an AVL system in all police vehicles capable of supporting AVL.

### 219.3 SYSTEM USE

### 219.4 FIELD PERSONNEL

A. Vehicles equipped with AVL will automatically populate the map when the field personnel log onto the MDC.

B. Department Personnel shall not tamper with or disable any component of an AVL system installed in any designated police vehicle.

C. Department personnel assigned to a vehicle outfitted with an AVL system that is not functioning properly shall report the problem to their immediate supervisor in writing and to the IT help desk, and exchange the vehicle for one with a properly functioning AVL system when availability permits.

### 219.5 DISPATCH PERSONNEL

A. For priority calls, dispatch personnel will have the ability to utilize the AVL System in order to select and dispatch the closest unit available to the call based on their location. The on scene supervisor or officers/field personnel will determine who is responsible for preparing the incident or crime report

B. To maintain beat integrity, low priority calls will not be dispatched utilizing the AVL system and the current protocol will remain in effect.

C. Dispatch personnel will have the ability to utilize the AVL system to locate field personnel involved in emergencies or perceived emergency situations such as, but not limited to: pursuits, emergency button activations, or a lack of response to radio transmissions

D. Dispatch personnel should notify any unit and IT when their AVL system is not properly functioning. Notifications of the failure may also be made to the field personnel’s immediate supervisor.

### 219.6 SUPERVISORY PERSONNEL

A. The AVL system is a tool designed to help supervisors with resource allocation, officer safety and liability protection.

B. AVL system database review: The AVL system data will be stored in accordance with the City of Roseville retention policy.

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a. The AVL system database may be reviewed by an investigator participating in an official department investigation, such as a personnel complaint, claims investigation, administrative inquiry, or criminal investigation. The database may also be reviewed, as needed, by managers as a means to evaluate deployment coverage, crime reduction strategies, and to assess and develop training needs.

b. Department personnel may request a review of the AVL system database for their assigned vehicle in order to assist in reconstructing and documenting their movement in situations such as a pursuit. This request should be made to the on duty watch commander, who will be responsible for authorizing the release of this data.

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# SEQUENCE OF ASSIGNMENT

**220.1 PURPOSE**

The purpose of this Special Order is to establish a dispatching sequence for the expedient assignment of calls for service and to establish responsibility for ensuring the proper application of, and compliance with, the dispatching sequence.

**220.2 POLICY**

It is the policy of the Roseville Police Department that calls for service be dispatched as expeditiously as possible, or be referred to the appropriate city department, or outside agency.

**220.3 PROCEDURES**

**220.4 PRIMARY/SECONDARY UNIT ASSIGNMENT**

A. The purpose of identifying primary and secondary units is to identify a method for assigning units to calls for service to help share workload and keep units from being assigned lengthy investigations or calls for service near the end of their shifts.

a. Primary Unit is the unit responsible for the call for service as the primary investigator and overall primary report writer.
b. Secondary Unit is the assisting/cover unit and may also be responsible for any supplemental investigation or report writing or for assignment to non-priority calls for service where likelihood of a report is low.

B. Primary / Secondary Assignments:

a. Day Shift, Relief Shift and Swing Shift

i. Generally, units assigned to Day Shift, Relief Shift, and Swing Shift should not be assigned as the primary unit within the last two hours of their assigned shift.

b. Graveyard Shift

i. Priority calls once Day Shift is in service at 0630 will be given to an incoming Day Shift officer. A Graveyard officer may be dispatched to stabilize the scene pending the arrival of the Day Shift officer to handle primary responsibilities.
ii. Non-priority calls requiring a report should be held for Day Shift after 0530

C. Priority Calls for Service

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a. Nothing in this procedure prohibits the dispatching of priority calls for service to any available unit should the need arise.
b. Supervisors will work to re-assign units as needed to ensure proper assignment of primary responsibilities.

**220.5 OFFICERS ARE CONSIDERED TO BE ON CRITICAL ACTIVITY WHEN THEY ARE**

A. Arresting suspects and booking prisoners.
B. On scene, investigating a high priority call.
C. Collecting or booking evidence.
D. Appearing in court. Attending formal training.
E. Transporting people.
F. On a special assignment as deemed by the patrol sergeant.

**220.6 DISPATCHING SEQUENCE OF ASSIGNMENT**

A. In Progress Crimes (calls where the suspect is still on scene) including crimes against persons(i.e. 273.5, 245, 242, 1146a, etc.) and Property Crimes (i.e. 459, 459V, 10851)

a. Shall be immediately voiced dispatched with alert tones to the Beat unit (if available) and a unit to back - if not then,
b. Sergeant will be notified

i. Two closest adjoining units not on critical activity,
ii. Two closest units not on critical activity citywide,
iii. Verbalize call as pending, no units available, Sergeant to copy
iv. Units on C7.

B. Urgent calls for service (calls that require an officer respond in a timely manner but there is no active physical altercation and the suspect may no longer be on scene. (i.e. 415V, 415, H&S, C8A, etc.) should be dispatched in the following sequence:

a. Shall be dispatched to the Beat unit if available (with a unit to back) if not then:

i. Closest available adjoining beat unit (with a unit to back)
ii. Closest available unit citywide (with a unit to back)
iii. Verbalize call as pending, no units available, Sergeant to copy.

C. Supplemental Information

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a. Supplemental information or pertinent to officer safety or scene safety on in-progress incidents should be verbalized immediately to responding officers.

D. Report Calls/ Low Priority Calls

a. Cold report calls with suspect information shall be dispatched to the beat unit as soon as possible. If not dispatched within 30 minutes, notify Sergeant, then continue with dispatch sequence as follows:

i. Shall be dispatched to an adjoining beat unit
ii. Adjoining to be identified as beats 1,2,3 and beats 4,5,6
iii. Depending on circumstances of the call, the Sergeant may elect to send any available officer.

b. Cold report calls with no suspect information shall be dispatched to the beat unit as soon as possible. If not dispatched within 60 minutes, notify the Sergeant, then continue with dispatch sequence as follows:

i. Dispatch will call back the reporting party and advise of delay.
ii. Shall be dispatched to an adjoining beat unit
iii. Adjoining to be identified as beats 1,2,3 and beats 4,5,6

E. Traffic Collisions

a. Traffic collisions involving City equipment, pending fatalities or accidents with known extensive injuries (i.e. 1180) shall be immediately dispatched in the following sequence:

i. One (1) Traffic CSO or one (1) Traffic Unit
ii. Beat unit
iii. Any available unit citywide
iv. Verbalize call as pending, no units available, Sergeant to copy.

b. All other traffic collisions may be referred as follows

i. One (1) Traffic CSO or Cadet if available, or, if not
ii. Beat unit
iii. Adjoining Beat unit
iv. Verbalize call as pending, no units available, Sergeant to copy.

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v. Counter report

F. Canine Units should not be dispatched primary on calls which could require extensive follow up (i.e. 288R, 261R, etc.) or calls which would require transport (i.e. 488C). They should be dispatched on the following calls and can act as primary if a beat unit is not available:

a. Felonies in progress
b. Alarm Calls
c. Prowler Calls
d. Calls with suspects on scene or in the vicinity
e. Pursuits

## 220.7 RESPONSIBILITIES

Dispatchers shall follow the Sequence of Assignment incorporating discretion or as specifically instructed by a supervisor.

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# LOBBY SECURITY

### 221.1 PURPOSE

To ensure the security of the Police Department's front lobby after normal business hours. It also outlines procedures for the responding to and handling of public inquiries and/or calls for service at the front doors during the hours the lobby is secured.

### 221.2 PROCEDURES

A. Records:

a. On normal work days, at 0700, Records staff will ensure the front doors are in the unlocked position and the newspaper is retrieved from outside the front doors. They will also turn on the lobby television.
b. At 1700, Records staff will check both the lobby restrooms, ensuring no one remains inside. Also ensure the Mark White Room door(s) are secured, if the room is not in use. Check both lobby doors to ensure the automatic locks have engaged and the doors are secure.
c. If someone is waiting in the lobby when security checks are being conducted, verify their need/reason for being there. If they are waiting for an officer, verify with Dispatch they are aware of the individual's presence. Additionally, advise the individual(s) if they leave the lobby after 1700, they will not be able to get back in without the assistance of Dispatch.
d. If there are mechanical problems with the locking mechanisms, please contact building maintenance to initiate a work order. If the mechanical issues are preventing the securing of the doors at the end of the day, notify Dispatch to advise the on-duty Watch Commander.

B. Dispatchers

a. After hours use of the Mark White Room: Those who reserve the room will be given a temporary card key that works for that time period. There is no expectation or need for dispatch staff to go open the door or assist with that room. If assistance is needed, page the building for an officer or other staff in the building to help out.
b. During the hours the lobby is secured, the public may show up for a variety of services. There is signage directing them to use the intercom located adjacent to the front lobby doors or their cellphones to contact Dispatch for assistance.
c. Please evaluate, on a case by case basis, when it is appropriate to allow an RP into the lobby to wait for an officer rather than making the RP wait outside or in a vehicle. As a general rule, victims of major crimes – DV, 261, 273.5, etc., can be let in to wait in a safe and secure area.

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d. In general, RP's should wait for an officer outside the building or in their vehicles, especially if the RPs conversation or actions during conversations via the door phone or viewed on the security cameras raise concerns about the security of the building or safety of department staff.
e. Please obtain a callback number and a description (vehicle and/or person) of those waiting out front to aid officers in finding the RP.

C. Patrol

a. The front lobby doors lock once Records closes for the day at 1700 and they will stay locked until 0700 when they automatically unlock. The doors are on a timer so they should lock/unlock automatically.
b. People coming to the Police Department after hours have an intercom adjacent to the lobby doors that allow them to contact Dispatch for assistance. Additionally, signage also provides them the telephone number to call from their cellphone(s) if they choose.
c. Department personnel's card keys provide access if they need to bring someone into the Department for an interview or take a report. The lobby or the interview rooms can be used as needed; it is the Department employee's responsibility to walk the person out and ensure the doors are secured.
d. After hours use of the Mark White Room: Those who reserve the room will be given a temporary card key that works for that time period. There is no expectation or need for Dispatch staff to go open the door or assist with that room. If assistance is needed, page the building for an officer or other staff in the building to help out.
e. If the Mark White Room is in use, the on-duty Sergeant will ensure the lobby is properly secured once the group utilizing the room has departed.

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# MAJOR CASE NOTIFICATION PROCEDURE

## 222.1 PURPOSE

To establish a procedure for a secondary-level review of significant cases handled by employees of the Roseville Police Department.

## 222.2 PROCEDURE

There are times when the on-duty patrol sergeant or watch commander reviews a report that is significant in nature and raises concerns outside the normal level of most case reports. When this occurs, the on-duty patrol sergeant or watch commander will notify the Investigations lieutenant or sergeant of the need for a second-level report review. The goal of the second-level review is to ensure the investigation is complete prior to submitting the case to the District Attorney's Office. Examples of cases that meet this criteria are:

1. Cases involving an off-duty law enforcement officer who is a suspect or is arrested.
2. Felony crimes against persons involving multiple suspects, arrestees or victims.
3. Hate crimes.
4. High level sex crimes involving a school or teacher.
5. Significant uses of force resulting in serious injury to the suspect or officers.
6. Suspicious missing person cases.
7. Cases likely to garner media attention (e.g., public official or celebrity).

These examples are meant as a guideline and do not capture every possible scenario.

Once contacted, the Investigations lieutenant or sergeant will review the report in the most expedient means possible. If the case occurs on the weekend and depending on the nature of the call, the case may not be reviewed until the first day of the workweek.

The Investigations lieutenant possesses a laptop and if contacted, will review the case as soon as possible. If the Investigations lieutenant is away on vacation or at training, the laptop will be left with the on-call Investigations sergeant.

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# MEDICAL CLEARANCE AND HOSPITAL ARRAIGNMENT

## 224.1 PURPOSE

To standardize the procedures for medical clearance and hospital arraignments.

## 224.2 OFFICER RESPONSIBILITIES

**Routine Medical Clearance:**

(a) Remain within sight of the arrestee at all times.

(b) The arrestee shall be restrained at all times unless requested by a physician to remove for a medical procedure.

1. Hospital soft restraints shall not replace the use of approved police restraints.

**Admitted (Prolonged) Medical Clearance:**

When an arrestee is admitted or on a prolonged medical clearance, officers shall follow the below procedure in addition to the responsibilities for medical clearances above.

(a) Notify their supervisor or watch commander of the delay in medical clearance or the arrestee admittance.

(b) Notify dispatch of any room changes.

(c) If only one officer is on the security detail that officer will call the on-duty watch commander or supervisor to be relieved for lunch, restroom use, and any other needed breaks. The on-duty watch commander or supervisor will arrange a patrol officer to cover security during that time.

(d) Ensure at least one arm or leg from the arrestee is securely attached to a fixed location on the hospital bed/gurney/chair unless it would be medically unfeasible. If restraints on the arrestee are not possible, the officer shall advise their supervisor.

(e) The transition from one restraint to another will be done so the arrestee is constantly restrained.

(f) Leg shackles will be used for any admitted arrestees. Leg shackles will be in the RPD office within SRMC and in the sergeants office.

(g) Remove any hospital phones from the room.

(h) Complete all necessary booking paperwork and bail computation worksheet.

## 224.3 WATCH COMMANDER RESPONSIBILITIES

Once notified by the officer the on-duty watch commander will approve whether or not to provide prolonged arrestee security pending booking at the Placer County Jail. The watch commander can opt to 849(b) PC the arrestee and cite or forward charges to the District Attorney's Office for the arrestee. If the watch commander decides to provide prolonged arrestee security staffing they will continue with the admitted arrestee arraignment procedure. If the arrestee is admitted, they

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shall be arraigned within 48 hours of arrest unless we have extenuating circumstances (such as the arrestee is unconscious or incoherent).

In addition, the watch commander will complete the following:

(a) Create a security staffing schedule for the admitted arrestee based on the amount of time of the prolonged medical clearance or arraignment in the hospital.

(b) The watch commander shall determine the appropriate number of officers on the hospital security detail. This should be based on the arrestees charge(s), propensity for violence, past criminal history, and any other known information.

(c) Brief the next on-duty watch commander of the status of the medical clearance and the arrestee security staffing schedule.

(d) The watch commander will ensure the arresting Officer completes all necessary booking paperwork and bail computation sheet.

(e) Shall contact and provide the jail Sergeant and the Court Liaison Officer with the name of the hospital where the arrestee is located, hospital room number and phone number for them to contact Roseville PD (i.e. on-duty Sergeant/ watch commander cell number). The on-duty watch commander will provide the completed booking paperwork and bail computation sheet to the Placer County Sheriff Jail Sergeant and/ or the Court Liaison Officer.

1. PCSO Jail Sergeant [redacted]
2. Placer County Court Liaison Officer - [redacted]

## 224.4 PLACER COUNTY COURT LIAISON

After the Court Liaison is contacted they will place the defendant on the arraignment calendar within a reasonable time, 48 hours. The Court Liaison will notify the appropriate court that the defendant is in the hospital and provide the court with the hospital information and details about the defendant. If the defendant is unconscious or incoherent, the court will wait to arraign until the defendant is able to understand.

## 224.5 TRANSFER OF CUSTODY TO PLACER COUNTY SHERIFF'S OFFICE

Once a defendant has been arraigned, the judge will decide whether to either remand or release the defendant. If the judge decides to remand the defendant, the Placer County Sheriff's Office will take over custody of the defendant and provide security to the defendant until they are transported to the Placer County Jail.

## 224.6 REPORT FORMS

The arresting Officer will submit a copy of the arrest report and appropriate crime report to the Records Division.

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# DEPARTMENT AWARDS PROGRAM

## 225.1 PURPOSE

The purpose of this procedure is to outline the Department Awards Program, define the awards, and the process for submission and approval of awards.

## 225.2 AWARD RIBBONS AND CRITERIA

(a) Award Ribbons are fabric uniform ribbons to be worn in conjunction with the Class A uniform.

(b) The following Award Ribbons are authorized based on the criteria listed:

1. **Gold Medal of Valor**
   Awarded for bravery, usually given for individual acts of extraordinary bravery or heroism performed in the line of duty at extreme, life-threatening personal risk. It recognizes officers whose actions could be considered having gone above and beyond the call of duty, or to recognize an officer who has performed an act of bravery displaying an extreme amount of courage while knowingly facing imminent danger.

2. **Silver Medal of Valor**
   Awarded for outstanding service and conspicuous gallantry or valor in the line of duty. This award would be considered where the Department member manifests outstanding bravery under circumstances that do not fall within the provisions required for a Gold Medal of Valor.

3. **Bronze Medal of Valor**
   Awarded for outstanding performance and/or bravery in the line of duty. It would be awarded under circumstances that do not fall within the provisions required for the Gold or Silver Medals of Valor; however the act or accomplishment was of such magnitude that the recipient is worthy of the Bronze Medal of Valor.

4. **Purple Heart**
   Awarded to a member of the Department who is wounded or receives a serious injury in the line of duty. Award is dependent on the circumstances of the incident to include the following:

   (a) The degree of injury to include serious impairment of physical condition requiring professional medical treatment to include, but not limited to loss of consciousness, concussion, bone fracture, protracted loss of body functioning, extensive suturing, and/or serious disfigurement.

   (b) Injury sustained as a direct or indirect result of action the Department member believed necessary to prevent the loss of life or serious injury to the civilians, the Department member, or other Department members.

   (c) Injury sustained as a direct result of actions taken by a suspect.

   (d) The Awards Committee should avoid granting this award based on questionable situations that might dilute the Award's importance.

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5. **Lifesaving**
   Awarded for extraordinary efforts of actions to protect and/or preserve human life that otherwise would have been lost without their direct involvement, regardless of the eventual consequences to or outcome of the victim(s) state of health.

6. **Distinguished Service**
   Awarded for particular outstanding service to the community or to the Department which reflects credit upon law enforcement in its highest tradition. The award may be given for a singular act or for a series of acts which meet the criteria for the award.

7. **Distinguished Unit**
   Awarded for particular outstanding service to the community or to the Department by a work unit or team which reflects credit upon law enforcement in its highest tradition. The award may be given to a unit for a singular act or for a series of acts which meet the criteria for the award.

8. **Critical Incident Award**
   Awarded for particular outstanding performance in the line of duty during a critical, significant incident. Awarded to those Department members who were first responders to the incident to include sworn staff and professional staff (i.e. Dispatchers). Determination of whether the incident merits award will be determined by the Chief of Police.

9. **Officer of the Year**
   Awarded to sworn officers who have been recognized by the Chief of Police as Officer of the Year.

10. **Dispatcher of the Year**
    Awarded to dispatchers who have been recognized by the Chief of Police as Dispatcher of the Year.

11. **Professional Staff of the Year**
    Awarded to Professional Staff who have been recognized by the Chief of Police as Professional Staff of the Year.

12. **Community Service**
    Awarded to members of the Department in recognition of outstanding service to the community. Additionally awarded to Department members who have received the Mark White Community Police Award or the Matt Redding Guardian Award from the Placer Law Enforcement Agencies executive board, or for Department members who have received a Pride of Roseville Award from the City of Roseville.

13. **Military Service**
    Award may be worn by a Department member who is a veteran of the United States Armed Forces. A bronze star may be displayed on the ribbon if the Department member has served in a combat zone or received a Combat Badge (USA), Combat Action Medal (USAF), or Combat Action Ribbon (USN/USMC).

(c) **Multiple Awards**

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If multiple awards are earned in the same category the following procedure identifies multiple awards:

1. Two to four additional awards identified by a bronze star on the initial awarded ribbon.
2. Five to nine additional awards identified by a silver star on the initial awarded ribbon.
3. Ten or above additional awards identified by a gold star on the initial awarded ribbon.

(d) **Awards from Previous Agency**
If an employee has been awarded a Gold, Silver, or Bronze Medal of Valor, a Purple Heart, or a Lifesaving Award from a previous law enforcement agency where they were employed, they may wear that award in accordance with this policy. The Department will provide the employee with the matching ribbon from the Department awards program that is equivalent to the award earned at the previous agency to ensure uniformity in the awards being worn.

## 225.3 UNIFORM AWARD PINS

(a) Award Pins are metal award pins to be worn in conjunction with the Department uniform.

(b) The following Award Pins are authorized:

1. **10851 CVC Pin**
   (a) Pin awarded by the CHP based on stolen vehicle recoveries during a year period.
   (b) Pin may be worn during the year following awarding.
2. **DUI Pin**
   (a) Pin awarded by MADD based on DUI arrests during a year period.
   (b) Pin may be worn during the year following awarding.
3. **Marksman Pin**
   (a) Pin awarded by the Department based on scoring on the Department range qualifications.
   (b) Pin may be worn each year the recipient continues to qualify above the standard.

## 225.4 UNIFORM WEAR

(a) Class A Uniform

1. Uniform ribbons are permitted to be worn with the Class A Uniform.
2. For Department members with more than one ribbon, ribbons to be arranged in accordance with the Class A Uniform specifications to include arranging ribbons together on gold colored ribbon racks.

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3. Ribbons to be placed on Class A Uniform in accordance with the Class A Uniform specifications and centered above the name plate.
4. No More than four rows of ribbons may be worn on the Class A Uniform.
5. Uniform Award Pins may be worn with the Class A uniform in accordance with the Class A Uniform specifications.

(b) Class B Uniform

1. Uniform ribbons are not permitted to be worn with the Class B Uniform.
2. Uniform Award Pins may be worn with the Class B Uniform.
   (a) One Uniform Award Pin may be worn at a time centered above the name plate in accordance with the Uniform Policy.
   (b) If a Unit Insignia Pin is being worn, the Uniform Award Pin shall be worn centered above the Unit Insignia Pin. Unit Insignia Pins shall be worn in accordance with the Uniform Policy.

(c) Class C Uniform

1. Uniform ribbons are not permitted to be worn with the Class C Uniform.
2. Uniform Award Pins may be worn with the Class C Uniform affixed to the LBV.
   (a) One Uniform Award Pin may be worn at a time centered above the name plate in accordance with the Uniform Policy.

## 225.5 AWARD SUBMISSION PROCESS

(a) Any Department member wishing to recommend a Department member for an award shall provide the following information in writing to the Awards Committee via the Awards Committee email group:

1. Identification of which award being recommended
2. Detailed description of the basis for the recommendation
3. For recommendations tied to specific events, include any related documentation, report, report number, etc. to support the recommendation

(b) The Awards Committee will review all submissions and make a recommendation to the Chief of Police to either grant or not grant the award.

(c) The Chief of Police or their designee (example: the Division Captain of the nominated employee) will review the award and make a final determination which could include:

1. Denial of recommendation
2. Request for additional information
3. Changing recommendation to a different, more applicable award
4. Awarding the recommendation as requested
5. Forwarding the recommendation to the Placer Law Enforcement Agency executive board for recommendation for a county-wide award

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(d) Approved award recommendations will be returned to the Awards Committee to facilitate the presentation of the award.

## 225.6 PROPER DISPLAY OF DEPARTMENT RIBBONS AND DEVICES

Please see the following attachment for the proper display of Department Ribbons and Devices:
See attachment: Department Ribbon Awards Updated 10-11-18.pdf

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# EMERGENCY CELL PHONE PING ORDER

## 226.1 PURPOSE

To establish a procedure for obtaining an emergency cell phone ping order.

## 226.2 PROCEDURE

Sergeant approval is required before obtaining an emergency cell phone ping request. The Officer must justify to the Sergeant that there is an emergency involving danger of death or serious physical injury to a person that requires access to the electronic information without delay and is in compliance with 1546.1 (h) PC. The Officer must also have reasonable cause to believe that the cell phone is in the possession of the involved party. An example of this would be as simple as a husband receives a text message from his wife implying she will commit suicide, and wife and phone are not able to be located, so the Officer would request an emergency ping from their Sergeant.

## 226.3 OFFICER RESPONSIBILITIES

A. Contact a Sergeant to obtain approval for the ping order (note in the report who approved/denied the request).

B. If approved, contact dispatch and request the emergency cell phone ping. Provide dispatch the cell phone number and cell phone provider (if known).

## 226.4 DISPATCH RESPONSIBILITIES

A. Once an approved request is received from an officer, dispatch shall contact the cell phone provider to request an emergency ping and the updates of the location of the cell phone.

B. As updates become available, dispatch will add the updates to the associated CAD call.

## 226.5 SUPERVISOR RESPONSIBILITIES

The Sergeant or designee handling the incident should direct the appropriate resources and law enforcement agencies to locate the involved party.

The supervisor must ensure appropriate documenting and court reporting is completed, to include:

A. Within three court days the Sergeant or designee needs to complete an emergency cell phone ping order with the court.

(a) Here is a link to the emergency cell phone court order fillable pdf See attachment: Emergency ping order.pdf or it can be found on the B Drive at B:\POLICE\PD-DEPT-SHARE\Report Forms\emergency ping order.pdf.

B. Attach the emergency ping order to an email and send it to [redacted] In the subject line of the email say, “Order for review” and include your name, work cell phone number and work hours in case they need to contact you.

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C. The Sergeant or designee that completed the emergency ping order shall write in a supplemental report the date and time they completed the emergency ping order as well as the response from the court including, approved, denied or no response.

D. The Sergeant or designee should not attach the order to the original case or book the order into evidence. Emergency cell phone ping order records will be maintained with the county clerk's office.

## 226.6 NON-COMPLIANCE OF PING ORDER

In cases where there is no criminal filing as a result of the emergency ping and we get a response saying the ping did not comply with 1546.1(h) PC, the Sergeant or designee shall contact the Records Manager for proper destruction of records procedures related to the investigation. In cases where there is a criminal filing as a result of the emergency ping and we get a response saying the ping did not comply with 1546.1(h) PC, the Sergeant or designee shall consult with the District Attorney's Office prior to any destruction of records.

## 226.7 NOTIFICATION TO THE DEVICE OWNER

For all emergency cell phone pings we need to alert the device owner contemporaneously that we obtained their electronic information and location by an emergency ping. The alert to the device owner can be completed by any of the following means: the device owner can be told verbally if they are located, by texting the device, emailing the device, calling the device, leaving a voicemail on the device, social media post, department letter, or any other method pursuant to 1546.1PC. The Officer shall note in the report how the device owner was alerted that we obtained their electronic information and location.

If an Officer or Sergeant has questions about an emergency ping order they shall contact Investigations or the on-call Investigations Supervisor.

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# CLEANUP AND RESTORATION CALL OUT

## 227.1 PURPOSE

To establish call-out procedures for a cleanup and restoration company for incidents occurring on public or city property (i.e. street, sidewalk, city park, city property).

## 227.2 PROCEDURE

(a) If the clean-up is outside the scope of the Fire Department or Parks Department, the officer shall obtain Watch Commander approval prior to contacting Risk Management. Risk Management will contact the clean-up and restoration company to respond. If the officer is unable to contact Risk Management, they shall attempt to contact the clean-up and restoration company directly to respond.

(b) Whether during normal business hours or after hours, an effort will be made to contact the City's Risk Management Department prior to directly contacting the cleanup and restoration company.

1. Risk Management
   (a) (916) 774-5202 / (916) 774-5207
   (b) After Hours [redacted]
2. ServPro (Cleanup and restoration company)
   (a) (916) 632-2250
3. BELFOR USA (Sacramento Office)
   (a) (916) 399-1865
   (b) 24 Hour Emergency Line (855) 399-1865

(c) Billing for cleanup services will be handled directly by [redacted], Police Department.

## 227.3 POTENTIAL CIRCUMSTANCES FOR CONTRACTING CLEANUP AND RESTORATION

(a) Patrol car cleanup

(b) Crime scene residues

(c) Suicide/death accidents

(d) Homicide cleanup

(e) Blood cleanup

(f) Accident cleanup

(g) Animal waste/remains

(h) Chemical spills

(i) Chemical agent cleanup

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(j) Meth lab cleanup

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# 72-Hour Parking Violations/Abandoned Vehicles

## 228.1 PURPOSE

The purpose is to provide a procedure for personnel to follow when handling calls regarding vehicles parked in violation of the Roseville City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669 and RMC 11.20.310.

## 228.2 CALL TAKING

(a) Enter the address in a call for service (CFS) using the call type 72. This CFS will pend on a new tab (titled 72HR) for CSO's to enter into the abandoned vehicle database.

(b) In the cases where the CFS needs to be entered into CAD, the call taker should obtain the vehicle location/description, and if possible a license plate number. Run the vehicle for wants through C.L.E.T.S. If the vehicle has been reported stolen change the call type to LOCATEV and have the radio dispatcher process the call accordingly. Make sure to ask the reporting party when the vehicle arrived and if they saw anyone near the vehicle or if they know where it belongs.

(c) If the vehicle is parked on private property then the property owner or manager is responsible for the removal of the vehicle and the call will not need to be documented in CAD unless it is something more than information only.

(d) In cases where the vehicle is on private property and is in violation of either the unimproved surface or abatement ordinances and the property owner is not removing the vehicle, the caller can be directed to go on-line to report it/initiate the process via the PD website.

## 228.3 COLLECTOR APPLICATION USE AND ACCESSIBILITY

The Collector application is used to manage the 72-hour tow program. CSO's and cadets working in the field can report abandoned vehicles using the Collector application submission form. Officers may also use the Collector application to view all open abandoned vehicle submissions throughout the City so that duplicate work is not being done (i.e. you report an abandoned vehicle that another employee has already reported). The Collector application may be accessed as follows:

(a) In the Collector application, under the Police group (located at the bottom under Groups), check the "Abandoned Vehicles – VIEW ONLY" map to see if a vehicle has been reported and is currently an active request.

(b) If you have marked a vehicle or you want to request a vehicle to be marked, complete the Online Reporting Form located on the Police Department website under Online Reporting. In the notes section of the form include the following:

1. Whether or not the vehicle has already been marked.
2. If marked, what date and time the vehicle was marked.
3. Officer name or badge number.
4. Associated incident number if available.

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(c) By submitting this form, the request will be sent to the new Abandoned Vehicles database and will populate onto the map for action to be taken.

## 228.4 VEHICLE MARKING AND TOWING

### 228.4.1 MARKING VEHICLES FOR 72-HOUR VIOLATIONS

(a) Create a call using the call type 72HR. You may also advise dispatch of your location and request that they create a call.

(b) Run the vehicle in New World for wants and vehicle history.

(c) Add the vehicle information to the vehicle tab.

(d) Complete the "72-Hour Tow Warning Notice" and place it on the vehicle.

(e) Chalk the driver side rear tire on the tread at 12 and 3 o'clock position.

(f) Update the CAD and Collector application entry with most recent action and clear the call with comments.

### 228.4.2 TOWING VEHICLES FOR 72-HOUR VIOLATIONS

(a) Recheck the vehicle after 72 hours by creating a call using the call type 72RCK. You may also advise dispatch of your location and request that they create a call.

(b) Add the vehicle information to the vehicle tab.

(c) If the vehicle has not moved based on the location of the initial chalk marks, tow per Vehicle Code § 22651(K).

(d) Update the CAD and the Collector application with the most recent action and clear the call with comments.

### 228.4.3 VEHICLES PRESUMED TO HAVE MOVED

In an effort to address chronic 72-hour tow complaints where the vehicle is presumed to have moved, the following procedure will be followed:

(a) Upon first complaint the vehicle will be marked and re-checked as stated in 228.3.1 and 228.3.2 and update all information info the CFS.

(b) Upon second complaint within an eight week period the vehicle will be marked and re-checked as stated in 228.3.1 and 228.3.2.

(c) Upon the third complaint within an eight week period the registered owner of the vehicle will be contacted by phone or in person and advised no further warning notices or visual clues will be used and the vehicle will be monitored intermittently for compliance.

(d) If after monitoring the vehicle, the owner is found to be in compliance, no further action may be taken and the call can be cleared from CAD with the information documented in the CFS and Collector application.

1. The vehicle will be placed on a "Do Not Respond" list for 6 months.

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228.4.4 VEHICLE ABATEMENT/UNIMPROVED SURFACE

(a) Create a call using the call type 72RCK. You may also advise dispatch of your location and request that they create a call.

(b) Run the vehicle in New World for wants and vehicle history.

(c) Add the vehicle information to the vehicle tab.

(d) Complete the "abatement or unimproved surface warning notice" and place it on the vehicle.

(e) Update the CAD and Collector application entry with most recent action and clear the call with comments.

(f) Recheck the vehicle after 5 days by creating a call using the call type 72RCK. You may also advise dispatch of your location and request that they create a call.

(g) If the vehicle is still out of compliance, forward the complaint to Code Enforcement.

(h) Update the CAD and the Collector application with the most recent action and clear the call with comments.

## 228.5 NEW WORLD PENDING CALL FILTERS

Although calls regarding 72-hour tows will pend in their own tab in the dispatch computer aided dispatch system, they may be visible on the main patrol pending calls screen. Personnel can adjust their New World filters for the pending call screen to eliminate these calls from their view.

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# Commercially Sexually Exploited Children (CSEC) Screening and Reporting

## 229.1 COMMERCIALLY SEXUALLY EXPLOITED CHILDREN (CSEC) SCREENING AND REPORTING

See attached procedure for at-risk criteria screening and reporting procedure: See attachment: CSEC protocols and at risk criteria.pdf

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# Handling of Currency

## 230.1 PURPOSE

The purpose of this procedure is to create a consistent way of handling and processing currency in the field, during the booking process, and when collecting for evidentiary purposes. This procedure will help ensure a system of accountability.

This procedure encompasses the following Roseville Police Department policies: 602.4.1, 802.3.4, and 900.4.2

## 230.2 LOCATING CURRENCY IN THE FIELD

When locating currency on a subject, in a residence, or in other locations, department personnel should, if feasible, do the following:

(a) Ask the subject(s) how much money they have?

(b) Count the currency in the subject(s) presence.

(c) Confirm the subject(s) agree on the total amount of currency.

1. If there are claims of missing currency department personnel will contact their Sergeant or the Watch Commander.

(d) Once practicable, and before clearing the call, department personnel will give the money back to the subject(s) if it has no evidentiary value.

This section does not include coins and other change located in a vehicles ashtray, clothing pocket(s) or wallet.

## 230.3 COLLECTING CURRENCY IN THE FIELD AS EVIDENCE

Department personnel will come into contact with currency in various situations in the field. While each situation is different, generally the following steps should be taken by personnel when collecting the currency as evidence:

(a) Count all currency in front of the subject(s).

(b) Note all denominations of all currency on the approved Property and Evidence currency envelope.

(c) Have a witness officer count the currency.

(d) Both officers sign and date the envelope.

(e) When feasible, have the suspect(s) initial the currency envelope.

(f) Before clearing the call, seal the Property and Evidence currency envelope.

(g) Notify your Sergeant or the Watch Commander of the seizure.

1. If the dollar amount is over $1000, the Watch Commander also needs to count the money and initial the currency envelope prior to it being booked into evidence.

(h) Book the money into property and evidence without delay.

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(i) Document in the appropriate police report.

### 230.4 CURRENCY AT THE JAIL

When arresting a subject and booking them into the appropriate county jail, Officers shall ensure their currency is counted and booked with the subject according to jail protocol. When feasible the subject should sign their property sheet acknowledging the currency was booked into the jail facility.

### 230.5 LARGE VOLUME OF CURRENCY

If department personnel locate a large volume of currency, at the discretion of the sergeant/Watch Commander, the currency may be packaged and sealed on scene, uncounted. The following steps should be taken, if feasible:

(a) Ask the subject(s) what is the total amount of currency.

(b) Officer and witness officer will collect the currency.

(c) Officer and witness officer will seal the package, sign and date the package.

(d) Officer and witness officer will take the package to the bank to be counted.

(e) If the bank is closed, an officer will book the currency into Property and Evidence.

(f) The next business day, an officer will take the currency to the bank to be counted then book the currency back into Property and Evidence.

(g) Collect the bank receipt for the counted currency and book it into Property and Evidence.

(h) The officer shall document appropriately in subsequent police reports, to include chain of custody as well as relative counting, packaging, and transporting methods.

Officers should video the collection of currency, sealing the bag, and signing it to mitigate potential claims.

### 230.6 CRIME SUPPRESSION UNIT

The Crime Suppression Unit is specifically trained in asset seizure. Due to their training and job duties they will be able to directly deposit currency into the Placer County Treasury DA Asset Seizure account. This step is in lieu of booking the currency into RPD Property and Evidence.

### 230.7 DEPOSITING THE CURRENCY

When currency is booked into Property and Evidence the following steps will be taken by Property and Evidence personnel and the Crime Suppression Unit personnel:

(a) If the total amount of currency is over $500.00, Property and Evidence will notify the CSU Sergeant via email.

(b) The CSU Sergeant will assign the case to a CSU Detective.

(c) The CSU Detective will make the determination if currency should be seized, and if so notify Property and Evidence.

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(d) When obtaining the currency, Property and Evidence will count the money in front of the CSU Detective to ensure the correct amount is notated from the booking officer.

(e) The CSU Detective and Property and Evidence will both sign the property envelope to notate the agreed amount.

(f) The CSU Detective will take the money directly to the bank for deposit into the Placer County Treasury DA Asset Seizure account.

(g) CSU Detective will write an asset seizure report, notify Placer County DA's office, and follow CSU procedures.

## 230.8 COUNTING METHODS

Whenever a money counter machine is used, the money must also be manually counted and verified. Money counter machines are to be used as a supplemental counting method only.

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# Racial Identity and Profiling Act (RIPA)

## 232.1 PROCEDURE

This procedure has been created to outline a process for compliance with the Racial Identity and Profiling Act of 2015. It is the intent of the Roseville Police Department to gather and report the required data and no part of this procedure should be interpreted in a way to conflict with any currently existing law. The Roseville Police Department's AB 953 Stop Data Collection Application may be modified as needed to maintain compliance with required data reporting.

## 232.2 DATA COLLECTION REQUIREMENT

Every peace officer is required to complete an AB 953 report following interactions described in section 233.4 of this procedure. Officers must report their perceptions of specified characteristics when a civilian is detained, searched, or has their property searched. An officer's perception shall be based on their personal observations and interactions with the person detained. The officer shall not ask the citizen any additional identifying questions, refer to their driver's license or identification card, or ask another person for information, which would verify the identity of the person detained.

## 232.3 PERSONAL IDENTIFICATION INFORMATION (PII)

In no circumstance shall an officer include any individual's personal identification information into the narrative field of an AB 953 report. This would include information such as names, identification numbers, social security number, cross-reference number, or any other unique information, which could be used to identify the specific individual who was the subject of the interaction.

## 232.4 REPORTABLE INTERACTIONS

Peace officers shall complete an AB 953 report for the following:

A. For every person detained;
B. For every person searched to include consent searches and "pat searches";
C. When property in their possession is searched;

Regardless of the initial reason for the encounter, unless it falls under an exception listed in this procedure (In compliance with 11 CCR 999.227).

All AB 953 reports should be completed by end of watch unless exigent circumstances exist and the on duty watch commander gives approval. Roseville Police Dept Policy Manual: 401.4.2 REPORTING OF STOPS

## 232.5 REPORTING WHEN THERE ARE MULTIPLE OFFICERS OR MULTIPLE AGENCIES

When there are multiple officers interacting with the detained or searched individual(s):

A. Only one AB 953 report shall be submitted for each stop (search and/or detention), regardless of the number of officers involved in each interaction.

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B. The officer with the highest level of interaction with the individual is responsible for completing the AB 953 report.

C. All reportable actions taken by any officer during the detention or search shall be included in the AB 953 report.

D. When there are multiple agencies at the scene and interacting with the detained or searched person(s):

1. Only the primary agency with investigative jurisdiction for the incident shall complete the AB 953 report through their reporting system.

2. In no case should duplicate reports be submitted for the same indivudual by multiple officers or multiple agencies.

## 232.6 MENTAL HEALTH EMERGENCY / COMMUNITY CARETAKING

When officers respond to a mental health emergency or community caretaking scenario where a reportable interaction occurs per section 233.4, officers will complete the AB 953 report taking care to input the following data in the appropriate fields.

A. Reason for the stop.

1. Select "Reasonable suspicion that person was engaged in criminal activity"

B. Basis of reasonable suspicion

1. Select "Other reasonable suspicions of a crime"

C. Reason for stop narrative

1. Type "Community caretaking"

D. Offense Type

1. Select "Community caretaking"

## 232.7 INTERACTIONS WITH STUDENTS IN A K-12 PUBLIC SCHOOL

Peace officers shall complete an AB 953 report only if the following interactions occur with students on the grounds of a K-12 public school:

A. Any interaction that results in a temporary custody under Welfare and Institutions Code section 625, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.

B. Any interaction in which the student is questioned for the purpose of investigating whether the student committed a violation of law, including violations of Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7, or to determine whether the student is truant.

C. Any interaction in which an officer engages in one or more of the actions as described in section 233.4 of this procedure.

D. The officer shall provide the name of the school where the stop took place. The officer shall also indicate that the stop is of a student.

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Peace officers shall not complete an AB 953 report in the following interactions with students on the grounds of a K-12 public school:

A. Any detention or search of all persons as part of a neutrally applied formula that is not based upon personal characteristics. Such as a security checkpoint.

B. The interaction only includes searches conducted at the entries or exits of school facilities by screening devices, and secondary screenings that result from that initial screening.

1. Example : All students entering a school are required to pass through a metal detector. A school police officer searches a student's person or belongings because a metal detector is activated. The interaction shall not be reported.

2. Example : An officer searches a student's backpack because he or she suspects the backpack contains narcotics. The interaction is reportable.

## 232.8 GENERAL EXCEPTIONS TO AB 953 REPORTING REQUIREMENTS

Peace officers are not required to complete an AB 953 report in the following circumstances:

A. Any stop or search that occurs in a custodial setting or on custodial grounds. However, peace officers who work in a custodial setting must report detentions or searches, which occur in non-custodial settings (an example would be a deputy who is assigned to the jail, but detains a citizen while working an off-duty job at a football game).

B. Detentions that occur during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents

1. For the purposes of this section, the incident commander (or designee) shall make the determination if an incident meets the criteria for a critical incident.

C. Detentions that occur during an active shooter incident, meaning an individual is actively engaged in killing or attempting to kill people in a populated area.

D. Detentions that occur during, or as a result of, routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from that screening.

E. Any type of crowd control in which persons are directed to remain at a location or routed to a different location for public safety purposes.

F. Interactions during which persons are detained at a residence so that officers may check for proof of age, solely for the purpose of investigating possible underage drinking.

1. Example : An officer is dispatched to a residence to investigate a noise complaint. Upon arrival, the officer suspects that some of the persons at the house party are engaged in underage drinking, and he or she detains the persons to request identification to verify proof of age. Because the only action the officer takes is to detain the persons for the sole purpose of verifying proof of age, these interactions do not require an AB 953 report.

2. Example : At that same party, the officer, in addition to detaining a person to question him/her, also asks to search the person. Regardless of whether the

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person consents to the search or is actually searched, that interaction will require an AB 953 report.

G. Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity that is not based on an individualized suspicion or personal characteristic.

1. Example: A checkpoint or roadblock, including a DUI sobriety checkpoint, that stops all vehicles or stops randomly selected vehicles using a neutral formula, not based on individualized suspicion or personal characteristics, does not require an AB 953 report.

H. Diversion of traffic or individuals as a result of any routine traffic control not based upon individualized suspicion personal characteristics.

I. Interactions with passenger(s) of traffic stops who are not the subject of an investigation or enforcement action

1. Example: Any individual(s) being asked to exit the vehicle simply because it is being towed.

J. Interactions with the targeted subject(s) of a warrant, search condition, home detention, or house arrest while inside of their residence. However, an AB 953 report is required for any interactions with persons in the home who are not the subject of the warrant or search condition if the officer takes any of the actions listed in section 233.4 of this order.

K. Consensual encounters that do not result in a search.

## 232.9 ENTERING STOP DATA

Peace officers shall determine prior to clearing the call if an AB 953 report is required for an individual contacted during the call. If an AB 953 report is required, only officers who will be completing an AB 953 report should open the Brazos software and complete the appropriate stop data. The officer will use the stop data function to add all appropriate data making sure to sync their Brazos application prior to the end of watch. This will allow the data to move from the application to the server. Brazos will be available on all department cellular telephones.

A. Only one AB953 report shall be submitted per stop (search and/or detention).

1. Multiple subjects on the same stop should be inputted on the same AB953 report.

B. When inputting stop data officers shall not use the exact address of the stop location. Officers should use the nearest intersection as the stop location

1. Example: Officers contact a subject and search them at 134 Main St. Instead of reporting the contact was at 134 Main Street they shall notate the stop was at Main St and Washington Blvd.

2. The one exception to this rule is when the contact occurred on school grounds. Officers shall use the exact address and school name.

C. If criminal code is not located select "other code not found in table".

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## 232.10 APPROVER RESPONSIBILITIES

Approvers shall log in to the AB 953 report system (Brazos) to review and approve or reject officer's AB 953 reports. The primary purpose of the review is to ensure no primary identification information has been included in the report. If any primary identification information is found in the report, the approver shall reject the report.

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# TARASOFF THREAT

## 233.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish guidelines when a licensed psychotherapist files a Tarasoff Warning with Communications personnel. These guidelines are in place to assist a licensed psychotherapist with meeting his or her duties under Welfare & Institution codes, as well as to warn and protect potential victim(s) who may be in danger of a patient under the psychotherapist's care.

A Tarasoff warning is the result of Tarasoff v. Regents of the University of California (17 Cal.3d 425[1976]); a case in which the Supreme Court of California held that mental health professionals have a duty to protect individuals who are being threatened with bodily harm by a patient.

## 233.2 REQUIREMENTS

(a) Pursuant to section 8100(b)(1) W&I Code, any person who communicates to a licensed psychotherapist, a serious threat of physical violence against a reasonably identifiable victim(s), is prohibited from possessing, having under custody or control, purchasing or receiving, or attempting to purchase or receive any firearms or other deadly weapons for five years.

(b) Pursuant to 8105(c) W&I code, licensed psychotherapists shall, within 24 hours, report the identity of persons subject to this prohibition to local law enforcement.

(c) Law enforcement agencies must complete and submit the DOJ Firearms Prohibition Form (FD 4074) within 24 hours of the Tarasoff notification.

(d) The firearms prohibition begins the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency.

## 233.3 PROCEDURE

The call taker will take information from the psychotherapist or health professional and list them as the reporting party. The call taker will enter the call for service using the call type of TARASOFF and obtain the following information:

(a) Name, phone number and relationship of the reporting party.

(b) Whether the psychotherapist did or did not believe the threat to the victim to be credible at the time it was made.

(c) Whether the psychotherapist did or did not place a W&I 5150 hold on the patient when the threat was communicated.

(d) If the psychotherapist did not place a W&I 5150 hold at the time the threat was communicated, ascertain why the psychotherapist now believes the patient's threat to be credible and confirm whether the psychotherapist will be placing a W&I 5150 hold on the patient.

(e) Name, date of birth, address, phone number, associated vehicle, and current location of the patient.

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(f) Name, address, phone number, current location, and relationship of the victim to the patient.

(g) Any other pertinent information

Communications personnel who receive the initial call will confirm the patient being reported and/or the victim resides in the City of Roseville. If the patient and victim both reside outside the City of Roseville, communications personnel will direct the psychotherapist to the jurisdiction where the patient and victim live.

(a) The call taker will complete the following:

1. Notify the on duty watch commander of the call for service.
2. Send an email notification to policetarasoff@roseville.ca.us
3. Dispatch the call when a patrol officer is available.

(b) Officer(s) assigned to the Tarasoff call shall complete the following:

1. Take a report to assist in documenting any criminal acts, suspect and victim identification, and victim notification.
2. Upon receipt of a verbal or written report from a licensed psychotherapist of a subject who fall under W&I 8100(b)(1), the officer must complete the DOJ Firearms Prohibition From (FD 4074).
3. If needed, complete the DOJ Firearms Prohibition Form (FD 4074) and give it to the dispatch supervisor.See attachment: DOJ Firearm Prohibition Form.pdf
   (a) If the dispatch supervisor is not available, officers shall give the form to the RFD dispatcher.
4. Send a copy of the completed report to the RPD Threat Assessment Officer.
5. If during an investigation a call for service type changes to a Tarasoff report the officer shall comply with the following before proceeding:
   (a) Notify the on duty watch commander
   (b) Request communications to send a page for a Tarasoff report.

(c) Without delay, the dispatch supervisor/RFD dispatcher will fax the completed form to DOJ and route the form to the RPD Records Division.

## 233.4 VICTIM NOTIFICATION

Pursuant to California Civil Code 43.92 (Tarasoff Statute), it is a psychotherapist's duty to make "reasonable efforts to communicate the threat to the victim or victims and to a law enforcement agency".

The patrol officer should make all reasonable attempts to identify and notify the victim(s) of the information provided by the psychotherapist. The victim(s) should be advised to take any steps the victim(s) deems necessary to protect his or her self.

The Roseville Police Department may be requested by an outside law enforcement agency to notify a potential victim who may be located in the City of Roseville. When this occurs, results of

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the notification should be documented in the CAD system. The original requesting agency will be advised of the notification results and given the CAD event number as reference.

### 233.5 CONFISCATION OF FIREARMS

Firearms may be confiscated from a patient under W&I Code 8102.

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapons. Any firearm or other deadly weapon should be confiscated in a manner consistent with current search and seizure law (Welfare and Institutions Code § 8102(a)). Officers are cautioned that a search warrant may be required prior to entering a residence or other place to search.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number), indicating the location where the weapon may be recovered, and any applicable time limit for recovery (Penal Code § 33800).

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# Chapter 3 - COMMUNICATIONS UNIT OPERATIONS MANUAL

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# COMMUNICATIONS UNIT OPERATIONS MANUAL

### 300.1 COMMUNICATIONS UNIT OPERATIONS MANUAL

Please see the following attachment to the Communication Unit Operations Manual:

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# TEXT TO 911

## 301.1 PURPOSE AND SCOPE

This procedure establishes guidelines for accepting and processing calls for service that come into the dispatch center via text messaging.

## 301.2 BACKGROUND

Text to 911 provides equal access to emergency service for the Deaf and Hard of Hearing Community as well as an alternate method of reporting emergencies when traditional avenues are unavailable. The Short Message Service (SMS), also known as text messaging, provides support for wireless subscribers to send 911 SMS text messages to Public Safety Answering Points (PSAPs) and will be processed with the same standards as a 911 call coming in by traditional means.

## 301.3 PROCEDURE

Calls received via text message will come into the Center on the 911 telephone console on the main screen. It will ring like a traditional 911, but the line showing active will be the TEXT box on the main screen. There are 4 text lines and the text message could come in on any of those lines.

The dispatcher can either use the drop down preset messages or manually type the questions to the caller. Dispatchers will not use jargon, abbreviations, acronyms, or emoji's but shall spell out the questions in plain English to avoid any misunderstandings.

After the dispatcher makes a connection with the texter, he/she should do the following:

(a) Ask if it is safe to receive a voice call from 911. If so, the dispatcher should call the texter and end the session when a voice conversation is established (note this info in the CFS).

    1. If that is not a possibility, then the dispatcher will attempt to get as much information as possible to complete the CFS.

(b) Process like a traditional 911 call by asking the standard questions of "where, what, who, when, weapons, how, etc" following established policies and procedures.

(c) On high priority calls, leave the text session open and update the CFS accordingly until assistance arrives on scene.

(d) End each text to 9-1-1 CFS with the comment of "text session ended" so the radio dispatchers are aware if you have an open conversation or not.

## 301.4 TEXT MESSAGES IN A FOREIGN LANGUAGE

Currently there is no transfer available to a language line translation service. If it is determined that a language interpretation service is needed, a voice call will need to be placed and connected with the translation service using established policy and procedure.

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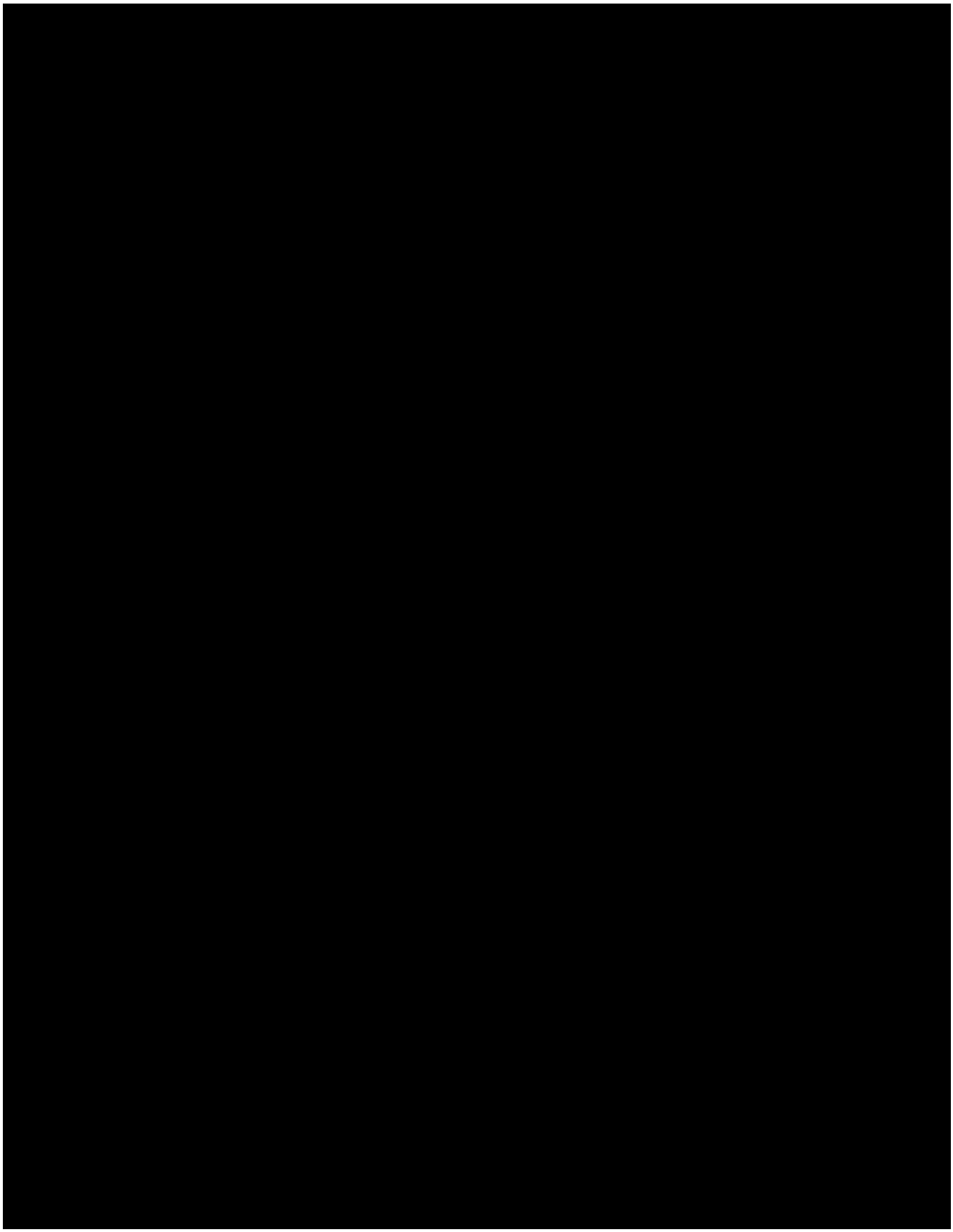
# CLETS RADIO ENCRYPTION



# CRIME SUPPRESSION UNIT OPERATIONS MANUAL

## 400.1 PURPOSE

To provide guidelines for the management of the Department's Crime Suppression Unit (CSU) and define the responsibilities of detectives assigned to CSU.

## 400.2 GOALS

The goal of the Crime Suppression Unit is: "To improve the quality of life for the Citizens of Roseville through proactive measures."

CSU will achieve this goal through an innovative mixture of investigative techniques. These techniques will include, but not be limited to, semi-marked patrols, undercover operations, and combinations of these techniques.

The objectives of the Crime Suppression Unit are:
- Assist Patrol, Investigations, and other regional teams
- Gang Enforcement
- Monitor Known Offenders
- Narcotics Enforcement
- Human Trafficking
- Massage Issues

## 400.3 UNIT MANUAL

All detectives assigned to the Crime Suppression Unit shall familiarize themselves with the Unit Manual and all CSU policy directives.

## 400.4 UNIT PHILOSOPHY

The overriding philosophy of the Crime Suppression Unit is that crime can be deterred from occurring through highly proactive measures. The Department Mission Statement: "We are dedicated to providing outstanding customer service. With public trust and support, we will reduce crime while ensuring safety and care for all," will serve as a guide for CSU detectives in their daily pursuit to deter criminal activity. CSU detectives will treat members of the community with dignity and respect, while at the same time showing an unrelenting pressure on the criminal element to ensure the safety of the community they serve.

## 400.5 UNIT STAFFING

(a) The Crime Suppression Unit will consist of one Sergeant and a minimum of five detectives.

(b) CSU is assigned to the Services Division.

(c) CSU detectives report directly to the CSU Sergeant.

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1. If the CSU Sergeant is not on-duty, CSU detectives fall under the supervision of a designated OIC and/or the Watch Commander or on-duty Patrol Sergeant.

(d) Minimum Staffing

1. There is no specific minimum staffing for CSU.

(e) Length of Service

1. Detectives are assigned to CSU for three years.
2. Sergeant is assigned to CSU for three years.
   (a) Each position is eligible for 2 one year extensions based on merit.

## 400.6 OBJECTIVES

### 400.6.1 PATROL ASSISTANCE

(a) Assist Patrol officers with high priority calls for service where additional officers are needed.

(b) Assist Patrol officers during periods of unusually high call volume.

(c) CSU detectives shall not be dispatched to Patrol calls, but may respond at their own discretion or at the direction of the CSU Sergeant.

### 400.6.2 INVESTIGATIONS ASSISTANCE

(a) Assist Investigations detectives with operations when additional manpower is needed.

(b) Assist other Regional Investigations units with operations when additional manpower is needed.

### 400.6.3 GANG ENFORCEMENT

(a) General gang suppression

(b) Gang investigation assistance

(c) Gang intelligence

### 400.6.4 KNOWN OFFENDERS

(a) Identify those persons on parole and/or probation.

(b) Work with local and state agencies to find available resources for those on parole and/or probation.

(c) Work with local and state agencies to monitor those persons on parole and/or probation.

(d) Aggressively investigate those persons, on parole and/or probation, who have committed fresh violations.

(e) Using all available resources hold those known offenders who have violated the terms/conditions of their supervised release accountable for their actions.

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400.6.5 NARCOTICS

(a) Identify groups and individuals involved in the transportation/sales of illegal substances.

(b) Devise strategies for addressing those groups and individuals.

(c) Work in conjunction with other state and regional assets to address this issue.

(d) Maintain an asset seizure program.

400.6.6 HUMAN TRAFFICKING

(a) Utilizing a “Victim Centered” approach to address the issue with a two-pronged approach, addressing both the “Supply” and the “Demand” side of the problem.

(b) Collaborate with local and state resources to address the issue.

(c) Collaborate with NGO to assist / identify potential victims and resources for recovery.

400.6.7 MASSAGE ISSUES

(a) Address complaints through proactive investigative measures.

(b) Work with Code Enforcement to identify potential problem business.

(c) Complete random compliance checks and inspections.

## 400.7 CSU SERGEANT

(a) The CSU Sergeant reports to a designated Services Lieutenant.

(b) The CSU Sergeant is responsible for the supervision of CSU detectives, generally reviewing all reports generated by CSU detectives, assigning projects to CSU detectives, assisting CSU detectives with investigations, and overseeing compliance with CSU related grant projects.

(c) If the CSU Sergeant is not on-duty, CSU detectives fall under the supervision of a designated OIC, and/or the Watch Commander or on-duty Patrol Sergeant.

(d) The CSU Sergeant is responsible for overseeing the maintenance and selection of CSU related equipment.

## 400.8 CSU DETECTIVES

(a) CSU Detectives report directly to the CSU Sergeant.

(b) CSU Detectives are responsible for:

1. Assisting Patrol, Investigations, and other regional teams
2. Gang investigations
3. Gang intelligence
4. Known offenders
5. Narcotics Investigations
6. Human Trafficking and Pimping/Prostitution related incidents

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7. Warrant service
8. Issues surrounding massage ordinances
9. Projects and assignments as directed by the CSU Sergeant

(c) DETECTIVE SELECTION CRITERIA:

1. Detectives will be selected for service with CSU based on the following:
   (a) Work ethic and attitude
   (b) Shows ability and desire to work as a member of a close knit team
   (c) Adherence to Department policy and procedures
   (d) Highly proactive work history
   (e) Training and experience in gang and narcotics investigations
   (f) Overall training and experience
   (g) Attendance record
   (h) High self-motivation

400.8.1 CSU DETECTIVE SELECTION PROCESS

(a) Detectives will be selected by the Chief of Police following a selection process outlined by the Division Commander.

(b) Assignment to CSU is not permanent and detectives serve at the pleasure of the Chief of Police.

1. Failure to meet the standards of CSU during the officer's assignment can result in the detective's reassignment out of the unit prior to the completion of the three year assignment.

400.8.2 CSU DETECTIVE AND CSU SUPERVISOR TRAINING

(a) Detectives assigned to CSU should be provided with the following training:

1. ICI Core Investigation Course
2. ICI Basic Gang Investigation Courses
3. Interview and Interrogation Course
4. Basic Search Warrant Training
5. Drug Abuse Recognition (DAR) Courses
6. Annual Updated Gang Training Courses
7. Asset Forfeiture State and Federal – the basic course and annual training
8. Confidential Informant Management
9. Basic Narcotics Investigations Course
10. Human Trafficking and Pimping/Prostitution Training

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(b) The CSU Supervisor should be provided with the following training:

1. All training listed for CSU Detectives
2. Narcotics Supervisor's Course
3. Advanced Asset Seizure
4. Courses designed for supervisors charged with the day-to-day operations of narcotics teams, gang team, and/or high-risk teams

## 400.9 CSU UNIFORMS

(a) Detective uniforms may vary depending on the specific assignment. Uniforms for day-to-day operations will include the following, and will be at the direction of the CSU Supervisor:

1. Standard Roseville Police Department Uniform (class B)
2. Class C uniform including BDU Pants, 5.11 polo long or short sleeve (no arm patches) and Tactical vests.
3. Uniform CSU T-shirt. This t-shirt will be worn in conjunction with plainclothes, and/or a load bearing vest (LBV).
4. Plainclothes for a specific assignment / operation with approval of the CSU Sergeant or Lieutenant.

## 400.10 CSU VEHICLES

(a) A combination of marked and unmarked units will be assigned to CSU detectives.

(b) Detectives are responsible for the maintenance of their assigned cars.

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# Chapter 5 - FUNERAL PROCEDURE MANUAL

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# FUNERAL PROCEDURE MANUAL

### 500.1 FUNERAL PROCEDURE MANUAL

Please see the following attachment to the Funeral Procedure Manual: See attachment: FUNERAL PROCEDURE MANUAL PDF.pdf

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# Chapter 6 - HI-TECH FORENSIC EVIDENCE TEAM MANUAL

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# HI-TECH FORENSIC DETECTIVE TRAINING PROTOCOL

## 600.1 PURPOSE

To provide a training protocol for newly assigned forensic detectives.

## 600.2 HI-TECH FORENSIC EVIDENCE DETECTIVE TRAINING

Each Detective should receive the following P.O.S.T. training based on availability and need:

(a) Introduction to Internet Crime 8-Hour Course
(b) Investigation of Computer Crimes 40-Hour Course
(c) Seizure & Exam of Computers 40-Hour Course
(d) Advanced Internet Investigations 80-Hour Course
(e) Computer Digital Evidence Recovery 80-Hour Course
(f) Cell Phone Forensic Exam Course 40-Hour Course

Detectives should make every effort to stay abreast of changes in technology and forensic examination techniques.

## 600.3 PROCEDURES

(a) The Hi-Tech Forensic detectives can be used to assist in the recovery of evidence of a technological nature. Once the evidence is recovered the detective(s) should work with the officer/ investigator to properly secure the evidence and have it booked into property as evidence.

## 600.4 SCHEDULING

(a) The Hi-Tech Forensic Evidence Detectives will be used in an as needed capacity and generally during their normal business hours. Occasionally a Detective may be required to respond to a scene in order to conduct a forensic analysis of evidence or assist in the seizing of technology-related evidence. If a Detective is required to respond for an analysis during their off-duty hours, they will be compensated as prescribed by their individual bargaining unit's overtime language.

(b) When a forensic examination is needed immediately, and there are no Detectives available, the on-duty Watch Commander should contact the Investigations Sergeant and request a member of the team respond to conduct the examination.

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# Chapter 7 - KEEP WATCH SURVEILLANCE PROGRAM MANUAL

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# KEEP WATCH SURVEILLANCE PROGRAM MANUAL

### 700.1 KEEP WATCH SURVEILLANCE PROGRAM MANUAL

Please see the following attachment to the Keep Watch Surveillance Program Manual: See attachment: KEEP WATCH SURVEILLANCE PROGRAM MANUAL UPDATED 2017.pdf

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# Chapter 8 - PROPERTY DIVISION PROCEDURES MANUAL

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# PROPERTY DIVISION PROCEDURES MANUAL

### 800.1 PROPERTY DIVISION PROCEDURES MANUAL

Please see the following attachment to the Property Division Procedures Manual:See attachment: PROPERTY DIVISION PROCEDURES MANUAL UPDATED December2020.pdf

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# Chapter 9 - TRAFFIC DIVISION OPERATIONS MANUAL

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# TRAFFIC DIVISION OPERATIONS MANUAL

### 900.1 TRAFFIC DIVISION OPERATIONS MANUAL

Please see the following attachment to the Traffic Division Operations Manual: See attachment: TRAFFIC DIVISION OPERATIONS MANUAL UPDATED JULY 2017.pdf

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# Chapter 10 - REGIONAL SWAT TEAM PROCEDURES

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# REGIONAL SWAT TEAM OPERATIONS MANUAL

### 1000.1 REGIONAL SWAT TEAM OPERATIONS MANUAL

Please see the following attachment to the Regional SWAT Operations Manual:

[redacted]

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# TACTICAL RESPONSE VEHICLE PROCEDURE MANUAL

### 1001.1 TACTICAL RESPONSE VEHICLE PROCEDURE MANUAL

Please see the following attachment to the Tactical Response Vehicle Procedure Manual: [redacted]

# Chapter 12 - INVESTIGATION PROCEDURES

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# National Integrated Ballistic Information Network (NIBIN)

## 1200.1 PURPOSE

The purpose of this procedure is to clearly establish guidelines for the Department's use of NIBIN testing. NIBIN allows for agencies to compare their ballistic evidence with evidence collected by other local, regional and national level agencies allowing for investigative links to be identified.

Any firearm coming into the possession of the Roseville Police Department as a firearm used in the commission of a crime, evidence or found, will be processed following the guidelines set forth in this procedure. Firearms booked as safekeeping will be excluded from processing. Firearms booked for destruction will be evaluated on a case by case basis.

## 1200.2 DEFINITIONS

NIBIN - National Integrated Ballistic Information Network.

IBIS - Integrated Ballistic Information System.

NIBIN Lead - an unconfirmed, potential association between two or more pieces of firearms ballistic evidence based on a correlation review of the digital images in the NIBIN database.

NIBIN Hit - the result of two or more firearms ballistic evidence acquisitions that have been confirmed as a match by a firearms examiner.

E-Trace - the ATF’s paperless firearms tracing system that allows systematic tracking of a firearm from its first sale by the manufacturer/importer through the distribution chain to the first retail purchaser.

## 1200.3 PRELIMINARY FIREARM EXAMINATION

When inspecting a firearm for NIBIN testing, department personnel should do the following:

(a) Always keep the muzzle pointed in a safe direction and keep any fingers or other objects away and out of the trigger guard/area.

(b) Check for the weapon safety (if the weapon has one) and ensure that it has been placed on “Safe”.

(c) Be sure the firearm is in an unloaded condition by both visually and physically inspecting the weapon. Ensure the ammunition source has been removed (i.e. magazine, chamber contents, etc.). Open the action and both visually and physically inspect that the ammunition source and chamber are clear of ammunition or other obstructions.

(d) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(e) Accurately record/document the condition of the gun when received.

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1. Consider photographing the firearm prior to rendering it safe, and document/ photograph each step of the rendering safe procedure.
2. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc.
3. Accurately record/document cylinder chamber and magazine contents.

(f) Package ammunition separately.

### 1200.4 PROPERTY BOOKING

Any employee taking possession of a firearm shall book the firearm into Property and Evidence following standard procedures.

### 1200.5 OFFICER RESPONSIBILITY

In an attempt to protect forensic evidence, employees should wear a pair of clean exam gloves (Nitrile, latex, etc.) when collecting or touching any firearm and/or casings. If an employee is unable to put on a pair of gloves prior to touching the firearm, as may occur in certain circumstances, the employee should clearly document this in the report so that CSI Personnel are aware when processing the firearm. Once the firearm has been rendered safe, the firearm will be placed in a clean, never used bag or box. Nothing should be placed through the chamber/barrel, to include a zip-tie. In order to secure the firearm, a zip-tie can be placed through the ejection port toward the bottom of the magazine well/grip. The same care should be observed when dealing with the magazine and/or ammunition.

### 1200.6 DOCUMENTATION

Case reports should document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

The report(s) shall include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

Reports for firearms accepted for destruction should include a detailed description as to why the firearm is being turned in, ownership history, if known, and any known or potential problems with the firearm. The background or history of subject turning in the firearm may also be helpful. This information will be used to help determine if firearms booked for destruction should be processed through NIBIN.

### 1200.7 FIREARM TRACE (E-TRACE)

Any firearm coming into the possession of the Roseville Police Department (firearm used in the commission of a crime, evidence or found) will be entered into CLETS (a firearm trace completed), by Property and Evidence personnel who shall ensure a firearms trace is triggered.

### 1200.8 FORENSIC PROCESSING

In order to preserve evidence that may be destroyed during the test firing process, CSI personnel will process the firearm for DNA as well as latent prints. The DNA swabs and any Automated

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Fingerprint Identification System (AFIS) quality prints will be booked into Property and Evidence for possible future testing.

## 1200.9 FUNCTION TESTING AND TEST FIRE

After forensic processing, CSI personnel will coordinate with a Range Officer to conduct test firing of the firearm. The Range Officer will conduct a function test of the firearm and then shoot three (3) test fires with new factory ammunition. The three (3) fired cartridge casings will be collected and booked by the CSI personnel accompanying the Range Officer.

Prior to test firing the weapon, the Range Officer will note all details of the firearm, to include:

(a) Nomenclature.

(b) Brand, make, manufacturer, serial number, etc.

(c) Factory status, after market, or custom accessories noted.

(d) Magazine capacity and total round capacity when the firearm is fully loaded.

The Range Officer will conduct a function test of the firearm, noting that the specific accessories of the firearm are or are not in proper working order (i.e. trigger, sight system, safety, etc.). Consultation with the CA DOJ criminologist that specializes in firearms ballistics may be required for more complex cases prior to test firing. If ballistic analysis of fired bullets is required in the course of an investigation, consultation with the assigned Roseville PD detective or CSI personnel and CA DOJ shall be conducted prior to the test firing procedure.

## 1200.10 NIBIN ENTRY

A member of CSI personnel that has successfully completed the Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Training and Competency Testing Requirements for Integrated Ballistics Identification System (IBIS) Data Acquisition, will transport the casings to an IBIS Brass Trax site and enter them into NIBIN.

## 1200.11 LEAD NOTIFICATION

Any NIBIN Leads that are received will be forwarded to Investigations for expedited follow-up. The original case officer, assigned detective, CSI, crime analysts, District Attorney's office and any other designated Command Staff will also receive notification of the NIBIN Lead.

The detective assigned to a given case will be responsible for conducting follow-up on information contained in the NIBIN Lead to determine its relevancy.

### 1200.11.1 HIT CONFIRMATION

If confirmation of the NIBIN Lead is desired, the detective will send a CSI Processing Request to have the ballistic evidence transferred to the DOJ and/or the ATF in order to have the NIBIN Lead confirmed as a NIBIN Hit.

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# Attachments

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