

Marin Municipal Water District

Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence 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 and will behave in a manner that does not bring discredit to me or to my agency. I will 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 both in my personal and official life, I will be exemplary in obeying the law and the regulations of the District. 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, political beliefs, aspirations, 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT

The mission of the Watershed Protection Program is the protection of the watershed and its visitors. This Program provides key visitor services including enforcement of regulations, firefighting, search and rescue, emergency medical services, resource management, maintenance and environmental education. Park Rangers are protectors, explainers, hosts, and caretakers. Rangers are expected to be knowledgeable, helpful, courteous, and professional. Rangers shall find visitors when they are lost, assist visitors when they are injured, rescue visitors when they are stranded, and enforce District Land Use Regulations when others do not obey. Each one of these tools plays an important role, and together they make the watershed safe and well-protected.

Although Rangers are not expected to place themselves in unreasonable or unnecessary danger, some risks are inherent to the duties and responsibilities of this program.

In order to carry out the mission of protecting District watershed lands and its visitors, Park Rangers must: maintain certain mental and physical abilities and skills as noted in the job descriptions, utilize their enforcement authority, equipment, and training to stop or deter illegal, dangerous, or disturbing acts; and maintain their skills and training in enforcement, wildland firefighting, emergency medical services, search & rescue, environmental education, resource management, watershed protection, and maintenance.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority and Primary Duty of Park Rangers

101.1 PURPOSE AND SCOPE

District Park Rangers are granted their law enforcement authority and peace officer status by Penal Code Section 830.34 (d) and Water Code Section 71341.5. The District does not tolerate abuse of law enforcement authority.

101.2 PRIMARY DUTY OF PARK RANGERS

The primary duty of Park Rangers, as provided in Penal Code Section 830.34(d), is the protection of District property and persons thereon.

Park Rangers, whenever possible, shall confine their on-duty law enforcement activities to their primary duty. Park Rangers are not authorized to exercise their peace officer powers off-duty, except as provided below.

Park Rangers, as sworn peace officers, have statutorily-enacted, mandatory duties which may require them to act outside the areas of their primary duty or while off-duty. Such mandatory duties include, but are not limited to:

- (a) Penal Code Section 142's duty to receive or arrest a person charged with a criminal offense;
- (b) Business & Professions Code Section 25619's duty to enforce ABC provisions;
- (c) Fish & Game Code Section 10508's duty to enforce fish and game laws within game refuges;
- (d) Penal Code Section 11165.7(a)19's duty to report child abuse;
- (e) Welfare & Institutions Code Section 15630's duty to report elder abuse;
- (f) Penal Code Section 335's duty to enforce gaming laws;
- (g) Food & Agriculture Code Section 20433's duty to protect cattle;
- (h) Health & Safety Code Section 121615's duty to protect against rabies;
- (i) Penal Code Sections 597(f) and 597.1's duty to protect abandoned and neglected animals; and
- (j) Penal Code Sections 13701 and 13702's duty to respond to domestic violence calls.

In some instances, a peace officer's failure to comply with such a statutorily-enacted, mandatory duty may constitute a criminal offense.

In many instances, whether on or off duty, Park Rangers may comply with statutorily-enacted, mandatory duties by merely referring the matter to the appropriate law enforcement agency or jurisdiction. In other cases, reporting events to a 911 operator may well constitute the only required action.

It is the policy of the District that Park Rangers, to the extent possible, strictly limit their involvement in off-duty law enforcement activities. Referral to the appropriate agency is the preferred action whenever possible.

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Law Enforcement Authority and Primary Duty of Park Rangers

Park Rangers whenever practical should contact their supervisor if question arises as to whether they should take action outside the areas of their primary duty or while off duty.

101.3 CONSTITUTIONAL REQUIREMENTS

Park Rangers shall observe and comply with every person's clearly-established rights under the United States and California Constitutions.

Park Ranger and Chief Ranger Requirements

103.1 PARK RANGER REQUIREMENTS

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers employed within the State of California shall receive certification by POST within prescribed time periods. Water Code Section 71341.5 mandates that every Park Ranger employed by the District shall conform to the standards for peace officers adopted by POST. Any Park Ranger who fails to conform to POST standards shall not have the powers of a peace officer.

103.2 CHIEF RANGER REQUIREMENTS

The Chief Ranger (Watershed Protection Manager), like Park Rangers, shall conform to the standards for peace officers adopted by POST.

Oath of Office

104.1 PURPOSE AND SCOPE

Park Rangers employed by the District are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, all Park Rangers 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.

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106.1 PURPOSE AND SCOPE

The manual of the Marin Municipal Water District applicable to sworn Park Rangers is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of the District specifically for the performance of law enforcement by sworn Park Rangers. All sworn Rangers are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that law enforcement work 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 Park Rangers of the District under the circumstances reasonably available at the time of any incident.

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the General Manager. Since it is not practical for the General Manager to prepare and maintain the manual, the following delegations have been made:

106.2.1 WATERSHED PROTECTION MANAGER (CHIEF RANGER)

The Chief Ranger shall be considered the authority for the provisions of this manual and shall continue to issue Interim Directives which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 DISTRICT MANAGEMENT STAFF

For the purposes of this manual Management Staff shall consist of the following:

- General Manager
- General Counsel
- Division Manager, Facilities and Watershed Management
- Division Manager, Human Resources
- Watershed Manager
- Watershed Protection Manager (Chief Ranger)

The Management staff shall review all recommendations regarding proposed changes to the manual.

106.2.3 OTHER PERSONNEL

All District employees suggesting revision of the contents of the Policy Manual shall forward their suggestions, in writing, to the Chief Ranger, who will consider the recommendations and forward them to management staff.

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106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Interim Directives may be abbreviated as "ID"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

106.3.2 DEFINITIONS

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

Adult - Shall mean any person 18 years of age or older

CHP - Shall refer to the California Highway Patrol

Distribution System Operators - Two way radio and telecommunications operators employed by the Marin Municipal Water District

District - Shall mean the Marin Municipal Water District

M.M.W.D. - Shall mean the Marin Municipal Water District

DMV - Shall mean the Department of Motor Vehicles

Employee/Personnel - Shall apply to any person employed by the District

Field Supervisor/Supervisor - That person in the Park Ranger classification designated to assume leadership responsibilities based on rank or seniority. In the absence of the Chief Ranger, Senior Park Ranger and a designated supervisor (acting assignment), the Senior On Duty Ranger assumes field supervisor duties as needed.

Juvenile - Shall mean any person under the age of 18 years

Manual - Shall refer to the Marin Municipal Water District Policy Manual for Park Rangers

MCSO - Marin County Sheriff's Office

Member - Term applied to all persons who are employed by the District and shall include sworn officers and non-sworn employees. This includes volunteers.

Park Ranger - Applies to those employees, regardless of rank, who are sworn employees of the Marin Municipal Water District. Job titles include, Park Ranger I, Park Ranger II, Senior Park Ranger, Park Ranger Supervisor and Watershed Protection Manager (Chief Ranger).

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his or her assigned duties

Order - An instruction either written or verbal issued by a superior

POST - Shall mean the California Commission on Peace Officer Standards and Training

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Rank - Shall mean the title of the classification held by a Park Ranger

Senior On Duty Ranger - The highest ranking Ranger, based on seniority who, in the absence of the Chief Ranger, Senior Park Ranger or acting assignment, assumes leadership responsibilities for a period of time that is less than a complete shift.

Shall - Indicates a mandatory action

Shift - Hours of the day of regularly scheduled work time. (typically 7 AM to one hour after sunset).

Should (or may) - Indicates a permissive or discretionary action

106.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- General Manager
- General Counsel
- Human Resources Manager
- Division Manager, Facilities and Watershed Management
- Watershed Manager
- Chief Ranger
- Senior Park Ranger
- Sky Oaks Ranger's Office.

A computerized version of the Policy Manual will be made available on the District's network for access by employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from the General Manager.

106.4 MANUAL ACCEPTANCE

As a condition of employment, all Park Rangers are required to read and obtain necessary clarification of the District's policies. All Rangers are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to this Policy Manual, and understand they are responsible to read and become familiar with its contents.

106.4.1 REVISIONS TO POLICIES

All Park Rangers are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the District's electronic document management system under the title Recent Policy Manual Revisions. The Chief Ranger will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each Ranger shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

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Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Watershed Protection Section establishes a practical and efficient means to accomplish its mission and goals and to provide for the best possible service to the public.

200.2 ORGANIZATIONAL STRUCTURE

The General Manager is responsible for administering and managing the Marin Municipal Water District. The Division Manager, Facilities and Watershed Management, is responsible for administering the activities of the Division. The Watershed Manager administers the activities of the Watershed Management Department which includes Protection, Resources, Maintenance and Fisheries. The Watershed Protection Manager (Chief Ranger) manages the Watershed Protection Section which includes the following work units:

- Protection Management
- Patrol
- Support Services

200.2.1 PROTECTION MANAGEMENT

Watershed Protection is managed by the Watershed Protection Manager (Chief Ranger) whose primary responsibility is to provide general management direction and control for Watershed Protection.

200.2.2 PATROL

The Patrol activities are coordinated by the Senior Park Ranger whose primary responsibility is to provide general direction and control for that Unit. The Patrol Unit consists of Park Rangers and MCSO Watershed Deputies.

- (a) District Park Rangers are sworn peace officers (unarmed) who work on the watershed lands daily, performing patrol, enforcement, various public safety, and emergency response duties as well as maintenance and resource management activities. They observe for violations of District regulations. They are expected as peace officers to enforce regulations written to protect the watershed lands and its visitors by educating, counseling, and warning offenders, and by issuing citations or exercising their powers of arrest. Rangers are expected to enforce District regulations in a manner that will not expose themselves to unreasonable or unnecessary risks to their personal safety. When safety is questionable, they should request assistance from, or refer the problem to the Watershed Sheriff's Deputies or to other law enforcement agencies.
- (b) Watershed Sheriff's Deputies are sworn peace officers employed by the County of Marin who are assigned to the District on a contractual basis. Their function is to patrol District watershed lands full-time to enforce the law, particularly preventing misdemeanors and infractions that result in damage to the environment and compromise the safety and enjoyment of watershed visitors. Watershed Deputies provide an armed peace officer presence and serve as the lead officer in the event

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Organizational Structure and Responsibility

of a major crime occurring on the watershed. Any felony, including violent crimes and crimes against persons, typically will be assigned to a Watershed Deputy. The Deputies receive their law enforcement training and supervision from the Sheriff's Office. They maintain daily contact with the Sheriff's Office so that they may properly coordinate with other officers.

200.2.3 SUPPORT SERVICES

Support Services include the Watershed Services Aide, Watershed Administrative Assistant and the Distribution System Operators. The Watershed Administrative Assistant and the Distribution System Operators do not report directly to Protection Management. However, each provides logistical and operational support critical to the Watershed Protection Section. For the purposes of this manual, they are included within this work unit. Key activities of Support Services include administrative support, visitor services, field logistical support, document management, communications, parking enforcement, management of found property, information management and radio communication.

Interim Directives

204.1 PURPOSE AND SCOPE

Interim Directives establish an inter-District communication vehicle that may be used by the Chief Ranger to make immediate changes to policy and procedure consistent with the current Collective Bargaining Agreement and as permitted by Government Code § 3500 et seq. Interim Directives will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 INTERIM DIRECTIVE PROTOCOL

Interim Directives will be incorporated into the manual as required upon approval of the General Manager. Interim Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

Any Interim Directives 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, 08-01 signifies the first Interim Directive for the year 2008.

204.2 RESPONSIBILITIES

204.2.1 MANAGEMENT STAFF

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

204.2.2 CHIEF RANGER

The Chief Ranger or his/her designee, with approval of the General Manager, shall issue all Interim Directives.

Emergency Operations Plan (EOP)

206.1 PURPOSE AND SCOPE

The District has prepared an Emergency Operations Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. The General Manager or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

206.3 LOCATION OF MANUALS

A copy of the EOP manual for watershed employees shall be available in the Watershed Manager's office and the Ranger's office. All Watershed Protection Staff should familiarize themselves with the Emergency Operations Plan and what roles Protection personnel will play when the plan is implemented.

Training Policy

208.1 PURPOSE AND SCOPE

It is the policy of the District to administer a training program that will provide for the professional growth and continued development of all employees. Consistent with this policy, Watershed Protection will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that is consistent with watershed protection policy and meets the needs of watershed visitors.

208.2 PHILOSOPHY

The District seeks to provide ongoing training and encourages all Park Rangers 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. For law enforcement purposes, whenever possible or required the District will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

208.3 OBJECTIVES

The objectives of the Training Program are to:

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

208.4 TRAINING PLAN

A training plan will be developed and maintained by the Chief Ranger. It is the responsibility of the Chief Ranger 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
- Field Skills

208.5 TRAINING NEEDS ASSESSMENT

Protection Management will conduct an annual training-needs assessment of the Section. Upon approval, the needs assessment will form the basis for the training plan for the fiscal year.

Electronic Media Use Policy (MMWD Policy No. 26)

213.1 PURPOSE AND SCOPE

I. PURPOSE

This policy governs the use of electronic media by Marin Municipal Water District (MMWD or District) employees and to ensure the District complies with all legal requirements pertaining to related product use, acquisition and installation.

II. SCOPE

This policy applies to electronic media and all documents, recordings, and other data contained in or recoverable from such media, used by MMWD.

A. Electronic media

Electronic media includes all types of electronic equipment, such as computers, computer peripherals, computer software, laptops, palmtops, voice mail, electronic mail (e-mail), Internet access, World Wide Web access, online information services, and any other electronic type of equipment (including land line and wireless telephones), including software that MMWD deems as electronic media.

B. MMWD Equipment.

This policy applies to all electronic media provided by MMWD as well as electronic media used on MMWD,s property for MMWD,s business purposes.

213.2 POLICY

III. POLICY

It is the policy of MMWD to provide District wide electronic media based tools to the District's directors, employees, and agents. Although there are concerns with using these tools, the District recognizes these tools as valuable for gathering and disseminating information and encourages the productive, work related use of them. These tools hold promise to enhance and improve communications. Open communication, cooperation and teamwork are shared responsibilities and essential to the successful performance of our work.

Electronic media are provided for the use of MMWD,s employees for business related purposes. During work hours, they may not be used for personal purposes or any other purposes unrelated to MMWD,s business. Lunch breaks and work breaks are not considered work hours. Employees shall have no expectation that the information they convey, create, file or store in such media, whether during or outside of work hours will be confidential or private. At no time shall MMWD property be used for commercial purposes outside the scope of MMWD business.

Electronic media may not be used for any other prohibited purpose, including illegal activities, messages which may constitute discrimination or harassment under state or federal law, or other inappropriate purposes defined in section VII below.

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Electronic Media Use Policy (MMWD Policy No. 26)

MMWD Management, Supervisors, as well as the Information Systems (I.S.) staff of MMWD reserve the right to enter, search, monitor, copy and/or retrieve the computer files, voice mail, e-mail, or any type of electronic file of any employee, without notice, for business purposes, including, but not limited to; obtaining business-related information; investigating violations of this or any other MMWD policy, including, theft, disclosure of confidential business or proprietary information, using the system for personal reasons during work hours, or for any other purpose unrelated to MMWD,s business; or for monitoring work flow or productivity.

Activity reports will be generated routinely and at will for distribution to District management for review. These reports will include very detailed information concerning electronic media use by MMWD users.

IV. USE OF ELECTRONIC MEDIA

A. Computers, Computer Software, Laptops And Computer Files

MMWD,s computers, software and files stored on the computer or network are MMWD,s property and may only be used for its business purposes. Although employees have passwords that restrict access to their computers, MMWD may access any files stored on or deleted from the computer system. MMWD reserves the right to access such information for any purpose at any time. All software that resides on any of MMWD's computers must be licensed to MMWD. Employees must receive advance approval from the I.S. Department before buying or installing personal software programs on MMWD's computers. All software installation on the file server or Personal Computer hard drives will be coordinated through the Information Systems Department. No software (including games, screen savers, and utilities) may be brought from home or other unapproved outside sources (such as the Internet) and installed on the District's Personal Computer's or any file server. No District software will be copied for use outside of the District, unless it is legal to do so, and coordinated through I. S..

B. Online Information Service Use

Use of online information services, such as the Internet and the World Wide Web, is restricted to approved plans/services provided by the MMWD. Online information services may be used only for MMWD,s business-related purposes and limited personal use. Access to online information services will be limited to an appropriate amount of time. The standard for an appropriate amount of time will be established at the discretion of the Division Head or supervisor. External connections to MMWD's internal network are not permitted unless expressly authorized. All software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading or modifying any such files without the permission of I.S. and the copyright holder.

C. Telephones (land line and wireless)/ Voice Mail/ Telephone Call Records

Personal (i.e., non-MMWD) business telephone calls are allowed but should be kept to a minimum and in strict compliance with all other terms of this policy. The standard for a minimal amount of calls will be established at the discretion of the Division Head or supervisor. The employees shall reimburse the District for the expenses of all personal calls. Employees who must work after normal working hours are allowed to make a personal call at District expense. The intent of this is to allow the employee to notify his/her family, etc. about the need to work late. If approved by the Division Manager, the District may reimburse employees for telephone charges when using their personal wireless phone for MMWD Business.

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Electronic Media Use Policy (MMWD Policy No. 26)

Although employees have passwords that restrict access to voice mail messages left for them on the system, employees should be aware that the MMWD can access any messages stored in the voice mail system, and records of telephone calls made and received, and may do so for any reason at any time. Therefore, employees may not assume that such messages and call records are confidential.

D. E-mail

Electronic mail addressed to, generated by, or received on MMWD,s computers or servers is the property of the MMWD. E-mail is a permanent, binding, and admissible "document" in court. When using District e-mail, the employee is acting as a representative of the MMWD. As such, e-mail users should act accordingly so as not to damage the reputation of The District. Confidential financial or customer data should not be sent via e-mail. Employee medical, personal, or financial information must never be divulged by e-mail or other media. Personal e-mail messages are allowed but should be kept to a minimum and in strict compliance with all other terms of this policy. The standard for a minimal amount of messages will be established at the discretion of the Division Head or supervisor. As with voice mail, although employees have passwords that restrict access to their computers, the MMWD may access any files or e-mail messages stored on or deleted from the computer system. The MMWD reserves the right to access such information for any purpose at any time.

E. Information Retrieval

Information or files deleted by an end user from electronic media are not necessarily permanently deleted from the system. It is possible to recover end user deleted computer files, deleted e-mail, deleted voice mail messages, or any other deleted digital data at any time.

F. Virus Protection

MMWD computers will have virus protection software installed, however, no virus protection software package will detect every possible virus. Employees should assume that any media from outside the District (diskettes, CD's, zip disks, Internet E-mail attachments, files downloaded from the web, etc...) could contain a virus. Unsolicited files should be extremely suspect. Do not open any file with which you have any concern or suspicion. All computer users shall take the responsibility to scan and report any detected virus or abnormal computer activity after receiving any media from outside the District. If there are any questions or problems, I.S. staff should be contacted immediately.

G. Passwords

The District will require passwords to access computer based systems. These passwords, with a login ID, represent a specific individual to the system for security purposes. Passwords should be complex enough so that they can not be easily guessed. A combination of numbers, letters, and characters is recommended. Passwords must not be shared or compromised. If you suspect your password has been compromised, contact the appropriate I.S. staff for instructions on how to change the password immediately. Nobody should ever attempt to login as another individual.

H. Other Disclosure

In addition to the foregoing provisions, employees should note that data, files, messages and information on MMWD,s computers, servers, or voice mail may be subject to disclosure, either as "public records" or pursuant to discovery in litigation.

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Electronic Media Use Policy (MMWD Policy No. 26)

V. ALLOWABLE USES OF ELECTRONIC MEDIA

Allowable uses of electronic media for MMWD,s business purposes include the following:

- A. Facilitating performance of job functions;
- B. Facilitating communication of information within the MMWD;
- C. Coordinating meetings of individuals, locations and resources of the MMWD;
- D. Communicating with outside organizations as required in order to perform an employee's job function.

VI. PROHIBITED USES OF MMWD ELECTRONIC MEDIA

Prohibited uses of MMWD electronic media include, but are not limited to the following:

- A. Using the Electronic Communications Systems for any unlawful purpose, such as in violation of copyright or patent rights or for criminal purposes;
- B. Transmitting confidential financial or customer data or confidential personnel or medical information concerning other MMWD employees;
- C. Displaying, downloading or transmitting material, images, messages or cartoons that are sexually explicit or that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;
- D. Displaying, downloading or transmitting messages or images that are threatening, derogatory, defamatory, obscene or otherwise inappropriate;
- E. Soliciting or proselytizing others for commercial ventures, religious or political causes, outside organizations, or other not job-related matters.
- F. Intentionally disrupting network traffic or crashing the network and connected systems (for example, sabotaging, intentionally introducing a computer virus);
- G. Accessing or attempting to access others' accounts or files without authorization and with no substantial business purpose;
- H. Vandalizing the data of another user;
- I. Forging electronic mail messages;
- J. Wasting system resources;(for example, downloading unneeded files or images, "spamming" E-mail, and storing unneeded files); and
- K. Sending personal messages such as chain letters; and using electronic media inappropriately, in a way deemed by MMWD to violate the intended purpose of any electronic media.

VII. VIOLATIONS OF POLICY

Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including discharge.

Administrative Communications

214.1 PURPOSE AND SCOPE

Administrative communications of the District are governed by the following policies:

214.2 CORRESPONDENCE

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

214.3 SURVEYS

All surveys regarding Watershed Management activities made in the name of the District shall be authorized by the Watershed Manager.

Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper leadership is available for all shifts. The District intends to balance the Park Ranger'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 District.

216.2 MINIMUM STAFFING LEVELS

The Chief Ranger will endeavor to maintain adequate staffing levels whenever possible. The Senior Park Ranger will determine patrol staffing levels based on the day of the week and time of day.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate time off and other unforeseen circumstances, a Park Ranger may, with prior authorization, serve an acting assignment as a shift supervisor in place of the Senior Park Ranger or Chief Ranger.

Out of State Peace Officers in California

217.1 PURPOSE AND SCOPE

Pursuant to 18 United States Code 926C, any full-time or retired out-of-state peace officer is authorized to carry a concealed firearm in California.

217.2 POLICY

Any full-time or retired out-of-state peace officer is authorized to carry a concealed firearm in California. subject to the following conditions:

The officer shall have in his/her possession a photographic identification from the issuing law enforcement agency which indicates that the officer has met the state's training and qualification standards within not less than one year prior to the date of issuance.

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

Out-of-state peace officers are not authorized to carry a concealed firearm into government buildings or areas otherwise expressly restricted by state or local law.

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Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide Park Rangers of the District with 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, each Ranger is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 PHILOSOPHY

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

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

The District recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting Park Rangers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of the District that Park Rangers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the Ranger at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable peace officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that peace officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation a Ranger might encounter in the field, it is recognized that each Ranger must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a Park Ranger to actually sustain physical injury before applying reasonable force.

300.2.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such Ranger be deemed the aggressor or lose his/her

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right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Penal Code § 835(a)).

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether a Park Ranger has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the Ranger at the time).
- (b) Ranger/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the Ranger under the circumstances).
- (f) Seriousness of the suspected offense or reason for contact with the individual.
- (g) Training and experience of the Ranger.
- (h) Potential for injury to citizens, Rangers and suspects.
- (i) Risk of escape.
- (j) Other exigent circumstances.

It is recognized that Rangers are expected to make split-second decisions and that the amount of a Ranger's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each Ranger is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized, however, that circumstances may arise in which Rangers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the District. Rangers may find it more effective or practical to improvise their response to rapidly unfolding conditions 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 reasonably necessary to accomplish a legitimate law enforcement purpose.

300.2.3 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each Ranger is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of Rangers and the public. Non-deadly force applications may include, but are not limited to, leg restraints (Policy 306) and control devices described in Policy Manual §§ 306 and 308 respectively.

Non-deadly force applications may include but are not limited to leg restraints, control devices and [EMDT device] described in Policy Manual §§ 306 and 308 respectively.

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300.2.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Rangers may only apply those pain compliance techniques for which the Ranger has received District approved training, and only when the Ranger reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Rangers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the Ranger(s) or others if the technique is not used
- (b) The potential risk of serious injury to the individual being controlled
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- (d) The nature of the offense involved
- (e) The level of resistance of the individual(s) involved
- (f) The need for prompt resolution of the situation
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives

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

300.2.5 CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained Ranger may be effective in quickly restraining a violent individual. However, due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The Ranger shall have received District approved training in the use and application of the carotid restraint.
- (b) The carotid restraint may only be used when the Ranger reasonably believes that such a hold appears necessary to prevent serious injury or death to a Ranger or other person(s).
- (c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel.
- (d) The Ranger shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.
- (e) Any Ranger applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (f) The use or attempted use of the carotid restraint shall be thoroughly documented by the Ranger in any related reports.

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the Ranger reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

- (a) A Ranger may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.

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- (b) A Ranger may use deadly force to stop a fleeing suspect when the Ranger has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the Ranger reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by a Park Ranger shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in District policy and/or law.

300.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury
- (b) The individual has expressed a complaint of pain
- (c) Any application of a control device
- (d) The individual has been rendered unconscious

300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.5 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved Ranger(s)
- (b) Ensure that any injured parties are examined and treated
- (c) Separately interview the subject(s) upon whom force was applied
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas
- (e) Identify any witnesses not already included in related reports
- (f) Review and approve all related reports

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In the event that the supervisor believes that the incident may give rise to potential civil litigation, a separate potential claim form should be completed and routed to appropriate channels.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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.

Critical Incident County Protocol

301.1 PURPOSE AND SCOPE

This order sets forth procedures concerning the investigation of critical incidents involving a police officer. Critical incidents are defined as those situations in which a shooting, serious injury, or death has occurred to either an officer or a citizen as a result of a police action or while in police custody. The Marin County Law Enforcement Chiefs' Association has adopted this policy as a countywide policy.

301.1.1 DEFINITIONS

- (a) Officer Involved Critical Incident: Is an incident occurring within the Marin Municipal Water District jurisdiction involving two or more people, in which a police agency employee is involved as an actor, victim, or custodial officer, where a fatal injury (including an injury which is so severe that death is likely to result) occurs. Such incidents include, but are not limited to, the following:
1. Intentional and accidental shootings, including police tactical incidents involving special response teams.
 2. Intentional and accidental use of any other dangerous or deadly weapons.
 3. Assaults upon police officers; assaults on other police employees who are on duty.
 4. Attempts by police employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
 5. Physical altercations, mutual combat, and domestic violence in which the police employee is acting in a private citizen capacity.
 6. Any fatal injury in police custody, but excluding fatal injuries of prisoners which occur while the inmate is under physician's treatment for a disease or a natural condition which has been diagnosed prior to death and which does not involve custodial trauma, custodial suicide, or custodial ingestion of toxic substance.
 7. Any fatal injury to a person who is a passenger of a police officer (such as ridealong, emergency transports, etc.)
 8. Vehicular collisions injury with the following exclusions:
 - (a) Off-duty, non-sworn police employees who are not at the time of the incident acting for an actual, apparent or purported law enforcement purpose
 - (b) Solo vehicular collisions in which the only injury is suffered by a police employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other occupied vehicle
 - (c) Police pursuits wherein the suspect vehicle which is being pursued by police vehicle(s) collides with another vehicle, a pedestrian or an object, where that collision did not result from collision contact between the suspect vehicle and a police vehicle or from "enforcement intervention."
- (b) Police Employee: Shall include employees, temporary and volunteers, of all law enforcement agencies, which are members of this Protocol Agreement. This Protocol shall apply to police employees as follows:

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1. Full-time, part-time, and hourly sworn officers, whether on-duty or off-duty and whether acting for a law enforcement or a private purpose at the time of the incident.
 2. Civilian full or part-time, who are on-duty at the time of the incident, or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the incident.
 3. Reserve police officers who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the incident.
 4. Temporary employees and volunteers, whether paid or unpaid, who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the incident. This category includes informants when they are working under the direct control and supervision of a police officer.
- (c) Actor:
1. A person whose act is a proximate cause of a fatal injury to another person; or
 2. A person who intends that this act be a proximate cause of serious bodily injury or death to another person who is actually killed by another.
- (d) Victim
1. The person who is injured by the act of the actor, whether or not intentionally.
 2. When used in this Protocol, this word does not imply existence of criminality; it is used simply to designate the person who is physically injured.
- (e) Proximate: A cause which, in a natural and continuous sequence, produces the fatal injury, without which cause the injury would not have occurred. Reasonable foreseeability (not a word) of the fatal injury is not a factor relevant to this definition.
- (f) Fatal Injury: Death or injury, which is so severe that death, is likely to result.
- (g) Venue Agency: The agency, or agencies, within whose geographical jurisdiction the incident occurs.
- (h) Employer Agency: The agency by which the involved police employee is employed or is affiliated. (In many cases the venue agency will also be the employer agency.)
- (i) Criminal Investigators: Those investigators assigned by the venue agency(cies) the employer agency(cies), and the California Highway Patrol (when applicable) to conduct the criminal investigation of the incident.
- (j) Administrative Investigators: Those investigators assigned by the employer agency to conduct the administrative investigation of the incident.
- (k) Member Agency: The law enforcement agencies in Marin County which are members of this Protocol Agreement.

301.2 INVOCATION OF THIS PROTOCOL

- (a) Automatic and Immediate:
1. Upon the occurrence of an Officer involved Critical Incident (as defined above), this Protocol is automatically and immediately in effect.
- (b) Optional:
1. Each member agency of this agreement, when in the capacity of a venue agency or employer agency, may, itself, invoke this Protocol upon the occurrence of any sensitive event involving a police employee which may have possible criminal

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liability attached. Upon this unilateral invocation, the matter will be investigated under the provisions of this Protocol.

(a) Examples:

1. A fatality which is not covered by this Protocol
2. An officer-involved incident where the injuries are not fatal
3. Any other sensitive event involving a police employee where criminal conduct is a possibility to be investigated.

2. The District Attorney has discretion to decline participation in optional invocations.

(a) In lieu of invoking this Protocol, the involved agency(cies) may, of course, investigate the matter by itself or may seek aid from other agencies.

301.3 INVESTIGATIVE AGENCY FORMAT AND RESPONSIBILITIES

To properly recognize and accommodate the various interests and the various rules of law which may be involved in any accident, investigations of these matters must be performed under two separate investigative formats:

- (a) The criminal investigation
- (b) The administrative investigation

301.4 CRIMINAL INVESTIGATION

The criminal investigation has investigative priority over the administrative investigation and it begins immediately after an incident has occurred.

- (a) The criminal investigation is performed by criminal investigators from the venue agency(cies), the employer agency(cies) and the California Highway Patrol (when applicable). Additionally, a deputy district attorney may assign district attorney duties when appropriate. The participating agencies are co-equal within the investigation, but the venue agency shall be the lead agency and has the ultimate authority to decide irreconcilable investigative issues. The venue agency may relinquish this to the employee agency or to the Sheriff upon mutual agreement.
- (b) The task force goal is to develop all available relevant information about the incident. This information will be used in two ways:
 1. To determine presence or absence of criminal liability on the part of all those involved in the incident; specifically:
 - (a) To determine whether the nature and the quality of the conduct involved is prohibited by statutes which provide for criminal penalties upon conviction; and
 - (b) If criminal conduct does exist, determine the identity of the person(s) responsible for that conduct; and
 - (c) If criminal conduct does exist, determine the degree of the crime(s); the existence of any factual or legal defenses to that crime; and, to determine the presence or absence of any factors which would mitigate or aggravate punishment for that crime.
 2. To incidentally provide factual information to the employer agency's management for its internal use. (While the criminal investigators do not direct their investigative attention to administrative concerns, it is recognized

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that the criminal investigation's results are of proper interest to agency management for its internal use and those results are fully available for that purpose.)

- (a) The investigation is required to follow the rules of law which apply to all criminal proceedings including constitution, statutory and case law regarding rights which are covered by the United States Constitution's 4th, 5th, 6th and 14th Amendments.
- (b) It is performed in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation that is free of conflicts of interest.
- (c) Within the task force, the criminal investigators will be divided into one or more teams (the number depending upon the complexity of the incident and upon the number of people to be interviewed). Each team will consist of one criminal investigator from the venue agency(ies), the employer agency(ies), the California Highway Patrol (when applicable). The task force investigation will be led by a primary team which is composed of the primary investigator from each of the task force agencies.

301.4.1 VENUE DETERMINATION

- (a) When an incident occurs in part in two or more jurisdictions, each of those jurisdictions is a venue agency.
- (b) When an incident occurs on the boundary of two jurisdictions, or at a location where the relevant boundary is not readily ascertainable or is in dispute, the venue agency(ies) shall be:
 1. The employer agency, if the actor is employed by either boundary agency.
 2. Both boundary agencies, if actors are employed by both.
 3. The agency which has the greater interest in the case by virtue of having the predominant police involvement in the incident or by virtue of having had the majority of acts leading up to the fatality occur within its jurisdiction.
- (c) For custodial deaths, the agency having custody of the person at the time distress was first discovered is a venue agency. Also, a venue agency is the one within whose jurisdiction any fatal stroke was inflicted.
 1. If the death was caused by conduct that was apparently criminal, the lead venue agency is one within whose geographical jurisdiction the act occurred. If there is apparently no criminal conduct involved in the cause of death, the lead venue agency is the one having custody of the victim when distress was first discovered.
- (d) Special venue situations:
 1. Districts
 - (a) Marin Community College District shall be venue agencies for incidents occurring on their property. City police departments and the Sheriff's office having concurrent jurisdiction, will participate in the criminal investigation only upon request of these districts.
- (e) If an on-duty police officer is involved as the actor in an incident which occurs within the jurisdiction of another member agency, and if that officer was acting in the

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performance of his/her duty at the time of the incident, the/a venue agency may elect to relinquish its role in the criminal investigation to the other task force agencies.

- (f) When a venue or employer agency lacks sufficient resources, or when it believes it cannot properly investigate an incident for another reason, it has two options:
 1. Obtain criminal investigative assistance from other member agency(ies). Borrowed officers would then be assigned to the criminal investigation task force as members of the requesting agency.
 2. Relinquish criminal investigative responsibility to another member, agency, or to the California Department of Justice.

301.4.2 VEHICLE COLLISION INCIDENTS

Accidental collision fatalities shall be investigated by task force criminal investigators joined by accident investigation specialists from the California Highway Patrol (CHP). At the request of the venue agency, the CHP investigators have the primary responsibility for documentation, collection and preservation of physical evidence.

If the fatality results from a collision that was not accidental; e.g., use of "enforcement intervention techniques; OR, if vehicle movement was merely incidental to a fatality which was caused by non-vehicular means, the CHP's investigators may be used by the task force for that phase of the event, but the CHP investigators, role will be limited to investigation of physical movement of the vehicle(s) and to accident reconstruction.

301.4.3 SCENE SECURITY

Each agency has initial responsibility for immediately securing crime scene(s) within its territorial jurisdiction. This responsibility includes preservation of the integrity of the scene(s) and its/their contents, access control, and the identification and sequestration of witnesses. Responsibility may be changed by mutual agreement as the investigation proceeds.

301.4.4 RESPONSIBILITY FOR PHYSICAL EVIDENCE COLLECTION, PRESERVATION AND ANALYSIS

- (a) The lead agency has the responsibility for documentation of the scene(s) and for the collection, preservation and analysis of physical evidence except in some vehicular fatalities.
- (b) The lead agency shall request trained and experienced evidence collection personnel from the California Department of Justice to assist in scene documentation, collection, preservation and analysis. Response time for Department of Justice Lab personnel may be several hours.
- (c) See Attachment C for immediate evidence collection duties that must be performed at the scene.
- (d) Evidence personnel from the lead agency or, at the request of the lead agency the Marin County Sheriffs Department, shall perform the duties listed in Attachment B prior to the arrival of Department of Justice lab personnel and to work as a team with lab personnel after their arrival. Scene processing beyond that shown in Attachment B shall wait until the arrival of Department of Justice lab personnel unless otherwise directed by the task force investigators.
- (e) Prior to final relinquishment of the scene, the task force investigators and the criminalist will provide the administrative investigators opportunity to assess the need for further evidence processing.

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301.4.5 NOTIFICATIONS

Upon identifying an occurrence as an Officer-Involved Critical Incident, the venue agency(cies) shall make the following notifications as promptly as possible to:

- (a) Intradepartmental officers, as required by that agency's procedures.
- (b) The employer agency, if applicable and if not yet aware.
- (c) A member of the on-call District Attorney's Office.
- (d) Notification to the Department of Justice laboratory is made directly to the Santa Rosa Criminalist Supervisor, (707) 5762415, during working hours. At other times, contact the Department of Justice Command Center, (916) 7392771 to have the Santa Rosa laboratory personnel notified.
- (e) For vehicular collision critical incidents notify the California Highway Patrol supervisor at their 24-hours police use only number.
- (f) The Coroner's Office, upon confirmation of a fatality. This is a required notification. (Body removal can be delayed as necessary for evidence processing.)

301.4.6 SCENE PROCEDURES

- (a) Emergency lifesaving measures have the first priority.
- (b) If a person is transported to a hospital with "fatal injuries," an uninvolved officer should accompany that injured person in the same vehicle in order to:
 1. Locate, preserve, safeguard and maintain the chain of physical evidence.
 2. Obtain a dying declaration (Evidence Code § 1242); a spontaneous statement (Evidence Code § 1240); a contemporaneous statement (Evidence Code § 1241); a statement of then-existing or previous mental or physical state (Evidence Code § 1250, 1251).
 3. Maintain custody if the person has been arrested.
 4. Provide information to medical personnel about the incident as relevant to treatment, and obtain information from medical personnel relevant to the investigation.
 5. Identify relevant people, including witnesses and medical personnel.
 6. Be available for contacts with the victim's family, if appropriate.
- (c) The scene(s) must be secured immediately with a perimeter established for each a sufficient distance away to safeguard evidence. In some circumstances, an inner and an outer perimeter are appropriate.
 1. Access to the scene(s) must be limited to only those officials who must enter for an investigative purpose.
 2. A written log shall be established as quickly as possible to identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
 3. When not needed for lifesaving efforts, entry by fire and ambulance personnel should be restricted to the absolute minimum necessary to perform the needed duties.
 4. No items shall be moved inside the scene(s) or removed from a scene without approval of the Investigative Venue Department and the Criminalistics Laboratory unless absolutely necessary for public or officer safety, or for preservation of evidence. If removal without approval is necessary, the removal must be witnessed and logged. The log shall state the identity of the person

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removing the described object, the reason for removal, a witness to the removal, and the time of removal. The item should be photographed prior to removal.

- (d) If any type of weapon or instrument was involved in the critical incident, the supervisor at the scene will promptly see to the security and/or collection of such items as follows:
1. If the area is secure, loose weapons or instruments shall be left in place and undisturbed.
 2. If the area is not secure, the supervising officer at the scene shall decide whether the items can be safely left in place or whether prompt removal is necessary. If such items must be moved or removed from protection, they should be photographed in place prior to removal, if possible.
 3. If an involved officer still has personal possession of a weapon used in the incident, the supervising officer at the scene shall promptly, but discreetly; i.e., in private, out of view of the public and other officers, if possible; obtain possession of the weapon. Sidearms must not be removed from their holsters; obtain the entire gun belt, if necessary, to avoid removing the weapon from its holster. Sidearms should be replaced by the supervisor as quickly as possible if the officer so wishes, unless reason dictates otherwise.
 4. In shooting cases, the supervising officer will check the firearms of all officers who were present at the time of the incident to insure that all discharged firearms are identified and collected, and to specifically document those weapons which were not fired.
 5. The supervising officer collecting any weapon or instrument will make note of its readily visible general description and condition the appearance and the location of any trace evidence adhering to the extent these observations can be made without removing it from its holster or otherwise compromising physical evidence. The location where the weapon or instrument was first observed by the supervising officer and the identity of the person or location from which the weapon or instrument was received also be recorded.
 - (a) In firearms cases, the supervising officer will also make note of whether the firearm is cocked, has its safety "on" or "off," has its hammer back, any apparent jamming of either fired or not fired ammunition; the location and position of the weapon's magazine; e.g., fully or partially inserted, completely separate from the firearm, missing, etc., to the extent possible without removal of the weapon from its holster.
 1. If the mechanism of a firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.
 2. If the firearm is cocked (or if a semiautomatic pistol cannot be determined to be cocked or not), the safety may be put "on" by the supervising officer, who must make note of that fact. If the firearm's hammer is back, it may be lowered, but note must be made of that fact.
 - (b) Any officer receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number, if readily visible without removing the weapon from its holster or otherwise compromising physical evidence and shall otherwise maintain the chain of evidence.
 - (c) Otherwise, weapons and instruments will not be disturbed in any way. They shall not be handled by anyone other than the supervising officer

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and that officer shall handle them minimally to preserve the exact state of the weapon instrument when received.

1. The collected weapons or instruments shall be transferred to the criminalist upon their arrival.
 2. If the supervising officer at the scene was an actor or victim in the incident, the responsibility for security and/or collection of weapons and instruments shall rest with an uninvolved supervisor or the next-in-line uninvolved officer at the scene.
 3. Twelve rounds of the same caliber of ammunition fired will be collected by the criminal investigators from each shooting officer (or from another appropriate source, if the officer has insufficient similar rounds remaining).
 4. Firearms that do not need to be retained in evidence, as deemed by the criminal investigators, will be returned to a designated representative of the employer agency promptly after the Criminalistics Laboratory has inspected and tested them.
- (e) Any other physical evidence at the scene which is in danger of being contaminated, destroyed or removed must be promptly and effectively observed, recorded and then protected for subsequent collection. Evidence adhering to live participants (such as bloodstains), footprints and fingerprints, volatile substances, various samples of trace evidence, and firearms discharge evidence, are examples.
- (f) Transporting and sequestering of involved officer:
1. Officers who were present at the scene at the time of the critical incident, whether actors or witnesses, will be relieved of their duties at the scene as promptly as possible and shall be sent to their own police station, unless other suitable and agreeable arrangements are made for the Officer(s) not involved in the critical incident shall be assigned to accompany these officers, either in a group or individually. An uninvolved officer should drive actors to the station.
 2. If circumstances prohibit removal of all witnessing and involved officers from the scene at once, those officers who were actors should be relieved first.
 3. An assessment of evidence collection regarding the involved employee shall be made and evidence collected prior to the employee engaging in any activity that may destroy evidence.
 4. An uninvolved officer shall remain with the involved officers, either in a group or individually, until they can be interviewed. The sequestering officers are present to ensure the officers have privacy, that their needs are accommodated, and to ensure the integrity of each officer's later statements to investigators. The sequestering officers shall not be present during confidential (privileged) conversations.
 5. Involved officers are not to discuss the case among themselves, with sequestering officers, or with others, except their representatives.
 6. While awaiting interviews, involved officers are encouraged to relax and to carefully reflect upon what occurred. They may wish to make notes for their future use, especially for later interviews.
- (g) Custodial death scenes

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1. When an incident occurs in a jail facility or other location where inmates may have witnessed something, inmates should be identified and separated, if possible, pending interviews by criminal investigators.

301.4.7 INTERVIEWING POLICE EMPLOYEES

(a) The Public Safety Officers Procedural Bill of Rights

1. This statute has limited application to many interviews conducted by task force interview teams.
 - (a) The Act is applicable only to Public Safety Officers (defined in § 3301 to include most peace officers, except Coroners and Deputy Coroners, municipal utility district security officers, and railroad police). It is not applicable to police agency employees who are not peace officers.
 - (b) The act is not applicable to interviews with Public Safety Officers who are being interviewed by other than their employing agency.
 - (c) The Act is not applicable to interviews with Public Safety Officers (even when being interviewed by their employing agency) when the investigation is concerned solely and directly with alleged criminal activities.
2. In interview situations where an involved officer is being interviewed by a task force interview team, AND when an investigator from the involved officer's employer agency is part of that interview team, AND when the involved officer is suspected of criminal violation, AND when the interview "could lead to punitive action," the following options may be available:
 - (a) Comply with Government Code §§ 3300, et seq.
 - (b) If and when the interview becomes a custodial interrogation, the Miranda cases are applicable.
 - (c) Officers need not and shall not be advised of their Miranda Rights unless:
 1. Under arrest
 2. Information available to the investigator causes the investigator to believe the officer is criminally liable.
 3. The officer makes incriminating statements during the interview.
 - (d) During the interview the following personnel may view the process:
 1. Assigned investigators
 2. Administrative investigator
 3. Officer's legal representative
 - (e) The involved officer will be directed to an available work area where he/she will be protected from inquires from involved personnel.
 - (f) To insure proof of voluntary statements in a noncustodial interview, the task force interviewers may wish to advise certain interviewees of the following:
 1. The interviewee is not in custody and is free to leave at any time.
 2. The interviewee is not obligated to answer any questions asked by the investigators and no punitive action will be taken if the interviewee refuses to be interviewed by the task force team.

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- (g) Government Code § 3304(a) permits heads of law enforcement agencies to order their officers to cooperate with criminal investigations being performed by other agencies. Failure to comply with such orders, may result in a charge of insubordination. When applicable, interviewees may be advised of this provision. However, officers will not be compelled by threats of administrative punitive action (or otherwise) to answer questions of task force interviewers which would be self incriminating.
- (h) Interviews will be conducted separately and no more than two investigators will be present during questioning. Officers may request the presence of a legal representative. The representative shall not be allowed to ask questions which would obstruct or otherwise interfere with the investigative process. However, the representative may invoke Miranda to protect the officer from self-incrimination.
- (i) The interviewing investigator shall be sensitive to the physical needs and emotional well being of the officer. When appropriate, food and drink shall be provided.
- (j) Interviews will normally be fully tape recorded and the officer will be advised of such.
- (k) The interviewees will be considered as witnesses or victims unless the circumstances dictate otherwise.
- (l) Police employees have the same rights and privileges regarding task force interviews that any other citizen would have, including the right to consult with a representative prior to interview and the right to have the representative present during the interview.
 - 1. The representative should be allowed to consult about the facts of the incident privately with only one police employee at a time.
 - 2. If the representative is not a doctor, lawyer, psychotherapist or priest, or an agent of such professional, the contents of private conversations between the representative and the police employee/client are not privileged.

301.4.8 INTOXICANT TESTING

- (a) Criminal Investigation Police employees have the same rights and privileges that any civilian would have regarding intoxicant testing. As standard procedure, an actor shall be requested to voluntarily submit to a blood test to determine if intoxicants are present. If the actor refuses to submit to a test and when force investigators determine that a police employee's state of sobriety is relevant to the investigation, they have these options:
 - 1. Obtain the blood and/or urine sample incidental to valid arrest.
 - 2. Obtain a search warrant.
 - 3. When applicable, California Vehicle Code § 23157 for vehicular driving incidents.
 - 4. If an arrestee refuses to comply with the request for a sample, attempts will be made to obtain the sample in accordance with case law.
- (b) Administrative Investigation:
 - 1. Intoxicant test results obtained by task force investigators are available to the administrative investigators.

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2. In the event the task force does not obtain samples for intoxicant testing, the employer agency may then seek to obtain samples. The task force investigators have the first opportunity, however.
3. Authority for the employer agency to obtain samples includes:
 - (a) Valid consent
 - (b) Ordering the employee to provide the samples based on the employment relationship.
 - (c) Some departments have blanket orders regarding employee intoxicant testing while other departments make decisions on a case-by-case basis.
 - (d) Miscellaneous
 1. Blood is the best fluid for testing for under the influence of alcohol or drugs. Urine is best for drug screening. Optimally, samples of both should be obtained for most complete results.
 2. Samples should be collected promptly after the incident for most meaningful results.
 3. A police employee may volunteer to provide sample(s) for intoxicant testing, even if task force and administrative investigators haven't obtained samples. Similarly, a person from whom task force or administrative investigators have obtained samples may request that another sample be taken for independent testing. The taking of this sample and subsequent testing will not be at the expense of the task force or employer. Such a request will be promptly honored.

301.4.9 AUTOPSY

At least one member of the task force's primary investigative team will attend the autopsy, as will a District Attorney's representative from the task force. Investigators representing other task force agencies may also attend.

The autopsy pathologist will receive a complete briefing prior to the post-mortem examination. This briefing, which includes all information known to that time which may be relevant to the cause, manner and means of death to be attended by at least one member of the task force's primary team, a District Attorney's representative and a criminalist or evidence specialist.

301.5 DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office has the following roles in incident investigations:

- (a) Participate co-equally with the venue and employer agency(cies) and the California Highway Patrol (when applicable) in the task force performing the criminal investigation.
- (b) Assist and advise the task force on various criminal law issues which may arise, such as Miranda, voluntary statements, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, legal defenses.
- (c) Upon completion of the criminal investigation, analyze the facts of the incident as well as the relevant law to determine if criminal laws were broken. If so, prosecute as appropriate.

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The District Attorney has separate investigate authority. When deemed appropriate by the District Attorney, or designee, the District Attorney's Office may perform an independent investigation separate from the task force.

301.6 REPORT WRITING

- (a) All criminal investigators will write reports documenting their participation in the investigation.
- (b) The investigators within each task force team will allocate and divide among themselves the responsibility for documenting interviews and observations.
- (c) The lead agency has the ultimate responsibility for report writing and for collecting reports from other agencies.
- (d) Prompt completion and distribution of reports is essential. All involved agencies and investigators will strive for report completion and distribution within 30 days after the incident.

301.7 ADMINISTRATIVE INVESTIGATION

In addition to its concern about possible criminal law violations by civilians and its own employees who are involved in an incident (which concerns are addressed by the criminal investigation), the employer agency also has need for information about the incident for non-criminal purposes.

301.7.1 INTERNAL AFFAIRS

Determination of where or not its employees violated departmental regulations.

301.7.2 AGENCY IMPROVEMENT

Determination of the adequacy of its policies, procedures, programs, training, equipment, personnel programs and supervision.

301.7.3 GOVERNMENT AND COMMUNITY RELATIONS

Informing itself of the incident's details so it may adequately inform its parent governmental body, and so it may be responsive to comments about the incident from the public and the media.

301.7.4 CLAIMS AND LITIGATION

- (a) Preparing for administrative claims and/or civil litigation that may be initiated by, or against, the agency.
- (b) The employer agency may investigate these concerns as it wishes, if not in conflict or competition with the criminal investigation, using one or more investigative units.
- (c) The initiation of investigations for such purposes, and the extent of those investigations is, of course, solely the responsibility of the employer agency.
- (d) Interview statements, physical evidence, toxicology test results and investigative leads which are obtained by administrative investigators by ordering police employees to cooperate shall not be revealed to criminal investigators without approval of the District Attorney's Office. Other results of the administrative investigation may or may not be privileged from disclosure to others, including the task force investigators, depending upon applicable law. (For example, see California Penal Code § 832.6; California Government Code §§ 3300 et seq; *Vela v. Superior Court*, 108 CAL. App.3d 141).

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- (e) The employer agency may assign an administrative investigator upon being notified of the incident. This officer can function as a liaison between the employer and the task force, can gather information for the agency, and can be the task force's contact for personnel matters, even if no actual investigation is then warranted by that officer.
- (f) The task force will promptly and periodically brief the administrative investigators of the criminal investigations progress. The administrative investigators will have access to briefing, the scene(s), physical evidence, and interviewees' statements.
- (g) Administrative investigators are not bound by some of the same investigative restrictions that apply to criminal investigators.

301.8 MEDIA RELATIONS

- (a) The interests of the public's right to know what occurred must be balanced with the requirements of the investigation and with the rights of involved individuals.
- (b) As in all other cases, care must be taken to insure that intentionally misleading, erroneous or false statements are not made.
- (c) Agencies and individuals who are not well informed and not intimately involved with the investigation's results and progress shall not make statements to the press.
- (d) While any agency cannot be prohibited from making statements to the news media about an incident, these guidelines are established.
 - 1. The lead agency has the responsibility for making press releases about the incident and its investigation for the first 48 hours.
 - (a) Officers in close contact with the task force are in the best position to comment about the facts of the case and the progress of the investigation.
 - 2. The employer agency:
 - (a) If the employer agency is not also the venue agency, fewer problems will arise, especially at the early stages of the investigation, if the employer agency limits its comments to the following areas:
 - 1. The employer/employee relationship
 - 2. The status of any administrative investigation.
 - 3. Information which has been cleared for release by the task force
 - 3. Criminalistics Laboratory
 - (a) Information released will usually be confined to general laboratory procedures, scientific facts and principles, and testing procedures. Specific results of searching, testing and analysis will generally not be released without clearance from an investigator from the Protocol's primary team.
 - 4. Coroner
 - (a) Autopsy findings, including the condition of the deceased, the cause of death, and toxicology results, after the involved agencies have received this information.
 - (b) The identity of those present at the autopsy, including the identity and affiliation of the pathologist.
 - (c) The general nature of further medical testing or medical investigation to be done.

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- (d) Information obtained by Coroner's investigators directly from medical sources, the deceased family members, or witnesses. Information obtained from the Incident Investigators or from the involved agencies will not be released by the Coroner's Office without prior clearance from those agencies.
- (e) Information regarding the holding of a Coroner's Inquest.
- (f) Comments upon the verdict of a Coroner's Inquest Jury, or upon any testimony or evidence presented to the jury.
- (g) The role of the Coroner's Office in the investigation of death, in general terms.

301.9 ACCESS TO REPORTS AND EVIDENCE

- (a) Material created or collected by the task force investigation, as well as by the Criminalistics Laboratory and other participating agencies, will be made available in a timely manner to those agencies which have an interest in the investigation.
- (b) The material will include:
 - 1. Reports, written and collected
 - 2. Access to physical evidence
 - 3. Photograph, diagrams, and videotapes
 - 4. Audio tape recording
- (c) When the task force and/or District Attorney's Office concludes that the physical evidence collected by the criminal investigators is no longer needed for criminal law purposes, the employer agency shall be notified of that decision so it can assume responsibility for preservation of such evidence, if it desires.

Critical Incident Debriefing and Peer

303.1 PURPOSE AND SCOPE

The purpose of this order is to establish procedures for critical incidents. The District's objective is to keep all Park Rangers emotionally, mentally and physically healthy by providing and organizing support services for any Ranger who experiences a critical incident.

303.2 POLICY

It is the policy of the Marin Municipal Water District that when a critical incident occurs, a prompt evaluation and notification will be completed to determine the need for a Critical Incident response and subsequent debriefing.

- (a) The District provides professional counseling resources to employees and their families through an Employee Assistance Program and other contractual psychological services. These confidential services are available without the need for District authorization or referral.
- (b) Park Rangers, in the course of their work, may become involved in critical incidents which have a significant emotional impact on them and their families. The District provides professional Critical Incident Stress Debriefing Services to address such situations. Critical Incident Stress Debriefing Services are specialized services intended to prevent the development of emotional problems and to help maintain personal and occupational well-being. Command officer authorization is required to obtain these services.
- (c) Critical Incident Stress Debriefing Services are CONFIDENTIAL!

303.3 CRITICAL INCIDENT

Any event which is extraordinary and produces significant emotional and physical reactions in emergency personnel. The critical incident is so unusual that it effects the normal abilities which emergency personnel have to cope with a situation. It is often a normal person having a normal reaction to an abnormal event.

303.4 PROCEDURES

When a critical incident occurs, any involved Park Ranger and/or the field supervisor may request assistance. This may be in the form of a defusing, one on one contact, and/or a formal debriefing.

- (a) Defusing: Defusing meetings are small group meetings which are provided as close as possible to the conclusion of the event. They are aimed at the core working group that was most seriously affected by the event and should be given within eight hours. Defusings may be provided by peers, chaplains, mental health professionals, or teams of those individuals. A well run defusing may eliminate the need to provide a formal debriefing and/or improve the willingness of the personnel to communicate in the formal debriefing, if one is necessary.
 1. To request a Critical Incident Stress Defusing, contact Marin County Fire Department, Woodacre, (415) 499-6717.

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- (b) Debriefing: Debriefing meetings are formal meetings with all personnel involved in a critical incident. The debriefing is conducted by members of a Critical Incident Stress Debriefing Team, a Mental Health Professional or Clergy. The on-duty supervisor in the appropriate Chain of Command of involved Ranger(s) is responsible for initiating Critical Incident Stress Debriefings.

Upon notification, the contact Team member or his designee will respond to assess the needs of the involved participants and coordinate additional resources, if needed.

A formal debriefing should be completed for involved Ranger(s) within 72 hours after a critical incident concludes.

A formal debriefing will occur for all Ranger(s) directly involved in the critical incident.

The on-duty supervisor, or a Peer Support member, will identify the involved persons in a particular incident and insure that each of them are notified of the date, time, and location of the required debriefing.

Any person indirectly involved in a critical incident should be allowed to participate in Critical Incident Stress Debriefing services, at his or her request.

Family members of Ranger(s) affected by the critical incident are eligible for Critical Incident Stress Debriefing services.

To Request a Critical Incident Stress Debriefing, contact the District's Employee Assistance Program (EAP) provider, Managed Health Services, (800) 327-0556

Firearms

305.1 CARRYING & USE PROHIBITED

Park Rangers are prohibited from carrying or using firearms while on duty. Firearms of any kind are not permitted in the workplace, including but not limited to packs, purses, desks, lockers, District vehicles, private vehicles or any other place or location. Park Rangers securing any firearms as evidence or found property shall place them in the evidence locker as soon as practical. Park Rangers may transport such firearms taken as evidence or found property only for the official purpose of so securing them. Park Rangers also are strictly prohibited from carrying or using firearms off-duty for any purpose related to their District employment, their sworn peace officer status or any off-duty law enforcement activity. However, Park Rangers may use or carry firearms as any private citizen may do under the law, for purposes unrelated to their District employment or peace officer status.

Leg Restraint Device

306.1 PURPOSE AND SCOPE

The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, policy and procedures for the proper use of these devices.

306.2 POLICY

When a Ranger deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only restraint devices approved by the District shall be used, and only in the District approved manner for such temporary immobilization of the legs.

306.3 AUTHORIZED RESTRAINT

The WRAP Restraint manufactured by Safe Restraints, Inc., Park City, Utah is the only restraint authorized by the District. Rangers shall only use the WRAP Restraint restraint supplied by the District.

306.4 USE GUIDELINES

In determining whether to use the restraint, Rangers should consider the following:

- (a) If the Ranger and/or others are subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect.
- (b) If it is reasonable to protect the suspect from his/her own actions which would place him/her or her in danger 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.
- (c) **The restraint shall be used only after a person has been handcuffed.**

306.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

306.5 PROCEDURE

The restraint device is designed to reduce the likelihood of injury to the restrained person or others, and to reduce the likelihood of property damage caused by the restrained person by preventing them from using his/her legs in a manner likely to result in injury or damage.

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The restraint will only be used to bind and immobilize a person's legs. Only those Rangers trained in the use of the restraint are authorized to employ it on any person. The following guidelines shall be used when applying the restraint device:

- (a) If practical, Ranger(s) should notify a supervisor of the intent to apply the restraint. In all cases, a supervisor shall be notified as soon as practical after the application of the restraint.
- (b) Once the person's legs have been bound, the safety clip of the restraint may be attached to the chain of the handcuffs, insuring enough slack is left to allow the person to sit in an upright position.
- (c) Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility or the person no longer poses a threat.
- (d) Once secured, the person should be placed in a seated or upright position and shall not be placed on his/her stomach for an extended period as this may potentially reduce the person's ability to breathe.
- (e) The restrained person should be constantly watched by a Ranger while in the restraint. The Ranger is to ensure the person does not roll onto and remain on his/her stomach.
- (f) The Ranger should look for signs of labored breathing and, where practical, take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

306.5.1 TRANSPORTING RESTRAINED PERSONS

When transporting a person who has been restrained, officers shall observe the following procedures:

- (a) Restrained suspects may be transported in a patrol unit. They should be seated in an upright position and secured by a seat belt. The long lead of the restraint should be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the person cannot be transported in a seated position he/she should be taken by ambulance/paramedic unit.
- (b) When taken by ambulance/paramedic unit, the restrained person shall be accompanied by an officer. The transporting officer should inform medical personnel that positional asphyxia is a concern and that the person should remain in an upright position where practicable. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath them.
- (c) Rangers shall inform the jail staff that a restraint device was used on the arrestee prior to arrival at the jail.

306.6 DOCUMENTATION

Anytime the restraint device is used, the circumstances requiring its use shall be documented in the related report(s). The Ranger should include the following in the report:

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

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to Park Rangers and suspects, the District authorizes the use of two control devices. These control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to Rangers and suspects. The below procedures are for the use and maintenance of these two control devices (e.g., ASP baton and oleoresin capsicum (OC) spray). Only those control devices that have been approved by the General Manager or his/her designee are authorized to be carried by Park Rangers.

308.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the circumstances.

308.1.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected by the designated instructor for a particular control device.

308.1.3 TRAINING FOR CONTROL DEVICES

- (a) Only Rangers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.
- (b) Training for all control devices should occur every two years at a minimum.
- (c) All training and proficiency for control devices will be documented in the Ranger's training file.
- (d) Rangers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training. If, after two additional attempts, a Ranger still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the Ranger may be subject to discipline.

308.2 BATON/ASP GUIDELINES

The baton/ASP is authorized for use when, based upon the circumstances perceived by the Ranger, lesser force would not reasonably appear to result in the safe control of the suspect.

308.3 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain District issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to Rangers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

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308.3.1 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

308.3.2 CARRYING OF OLEORESIN CAPSICUM SPRAY

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

Canisters involved in any type of malfunction or damage shall be turned in to the Defensive Tactics Instructor for exchange. Damage to District Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

308.3.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

308.3.4 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report.

308.4 RESPONSIBILITIES

308.4.1 CHIEF RANGER RESPONSIBILITIES

The Chief Ranger shall monitor the use of control devices in the same manner as all other use of force incidents.

- (a) The Chief Ranger or the Senior Park Ranger may authorize the use of an approved control device by selected personnel provided the person(s) authorized has/have the required training. The request for a control device should be made through the Senior Park Ranger.
- (b) The Senior Park Ranger shall review each use of control devices by any personnel within his or her command.
- (c) The Chief Ranger shall ensure training on the use of control devices is provided as needed.

308.4.2 DEFENSIVE TACTICS INSTRUCTOR RESPONSIBILITIES

The Defensive Tactics Instructor or a designee assigned by the Chief Ranger shall control the inventory and shall issue all control devices. All damaged, inoperative and/or expended control devices shall be returned to the Defensive Tactics Instructor for disposition, repair or replacement.

308.4.3 MAINTENANCE RESPONSIBILITY

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

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308.5 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.

Vehicle Pursuit Policy

315.1 PURPOSE AND SCOPE

It is the policy of the District that Park Rangers shall not engage in vehicle pursuits under any circumstances. The primary purpose of this policy is to provide Rangers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Park Rangers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of themselves, the public and other pursuing officers.

315.2 ALL VEHICLE PURSUITS PROHIBITED

It is District policy that all vehicle pursuits, whatever the circumstances, conducted by Park Rangers are strictly prohibited. District lands, District vehicles and other factors would expose District employees, innocent citizens and fleeing violators to too great a risk of pursuit-related accidents and serious injury or death. Therefore, Park Rangers shall not engage in any vehicle pursuits either on or off District land and on or off duty.

315.3 VEHICLE PURSUITS DEFINED

A vehicle pursuit is 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 roadway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

315.4 VEHICLE TRAILING VERSUS VEHICLE PURSUIT

The term "trail" means to follow the path of the fleeing suspect's vehicle at a safe speed and distance while obeying all traffic laws and without activating emergency equipment. The purpose of trailing is, whenever possible, to safely follow the fleeing suspect's vehicle in order to keep it in sight until it stops or until other law enforcement officers may be notified and/or advised of the fleeing vehicle and its direction of travel.

315.5 PARK RANGERS' RESPONSIBILITIES WHEN VEHICLE FLEES

Whenever safely possible, a Park Ranger may trail a suspect's fleeing vehicle while notifying other law enforcement officers of the vehicle's status and location. Park Rangers may trail such vehicles only while driving with due regard and caution for the safety of others. Park Rangers at all times must remember that the immediate apprehension of a suspect generally is not more important than the safety of the public, District employees, other law enforcement personnel and fleeing violators.

Ranger Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

Rangers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Rangers 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 Ranger 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.

Medical emergencies and wildland fire calls are Code-3 calls unless advised otherwise. Any call that is not dispatched as Code-3 is a routine call. Rangers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

316.3 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 Rangers, 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 Ranger shall immediately notify the communications center with primary management responsibility for the incident. If circumstances permit, the requesting Ranger should give the following information:

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

316.4 INITIATING CODE 3 RESPONSE

If a Ranger believes a Code-3 response to any call is appropriate, the Ranger shall immediately notify the appropriate communications center. Generally, only one unit should respond Code-3 to any situation. The field supervisor will make a determination as to whether one or more Rangers driving Code-3 is appropriate and the primary communications center will be advised.

316.5 RESPONSIBILITIES OF RESPONDING RANGER(S)

Park Rangers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Rangers shall reduce speed at all street

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intersections and on unpaved roads 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 field supervisor. If, in the Ranger's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the Ranger 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 Ranger should immediately notify the primary communications center. A Ranger shall also discontinue the Code-3 response when directed by a supervisor.

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

316.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the field supervisor shall verify the following:

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

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

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

When making the decision to authorize a Code-3 response, the 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

316.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the Ranger must terminate the Code-3 response and respond accordingly. In all cases, the Ranger shall notify the field supervisor or primary communications center of the equipment failure.

Domestic Violence, Uniform Marin County Law Enforcement Policy

321.1 PURPOSE AND SCOPE

Policy Statement:

Law enforcement agencies of the County of Marin and all incorporated cities within Marin County will respond to acts of domestic violence as a crime, regardless of the relationship of the parties.

The official response to cases of domestic violence shall stress the enforcement of laws to protect victims and shall communicate the attitude that domestic violence is criminal behavior and will not be tolerated.

The overriding goal of law enforcement is to optimize and coordinate available resources for the handling of domestic violence cases.

Victims of domestic violence will be treated with respect and dignity and will be given all available assistance by law enforcement personnel responding to an incident of domestic violence.

Law enforcement officers should arrest all batterers in all situations where an arrest is legally permissible for acts of domestic violence. Officers shall make reasonable efforts to identify the primary/predominant aggressor in the incident. (Penal Code § 13701(b).) Every effort should be made to prevent dual arrests.

Training will be provided regularly to enhance law enforcement's response to domestic violence incidents.

321.1.1 DEFINITIONS

- (a) Abuse: Means intentionally or recklessly causing, or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. (Penal Code § 13700(a).)
- (b) Domestic Disturbance: Is an argument or disagreement within the family or between cohabitants, or persons in a dating relationship, that does not involve violence, threats or violence, or court order violations. Officers will prepare a brief written report or other retrievable documentation on any domestic dispute reported to Marin County law enforcement agencies.
- (c) Domestic Violence: Is abuse committed against an adult or fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this definition, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:
 - 1. Sexual relations between the parties while sharing the same living quarters
 - 2. Sharing of income expenses
 - 3. Joint use or ownership of property

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4. Whether the parties hold themselves out as husband and wife
 5. The continuity of the relationship, and
 6. The length of the relationship. (Penal Code § 13700(b).)
- (d) Domestic Violence Order: Is a protective order which is issued pursuant to the Domestic Violence Protection Act (Family Code §§ 6200 - 6218, 6320 6322), the general provisions of the Family Law Code §§ 240, et seq., or the Uniform Parentage Act (Family Code §§ 7710, et seq.).
- (e) Emergency Protective Order (EPO): Is obtained by a police officer in the field when an officer believes a victim of domestic violence or a family of household member is in immediate or present danger of domestic violence. It is an ex parte order issued by a judge to restrain certain acts of abuse, and/or to exclude a person from a dwelling, and/or other specified acts, and/or to provide for child custody (Family Law Code §§ 6215, 6240, et seq.) A judicial officer may issue an EPO where the law enforcement officer asserts reasonable grounds to believe either or both of the following:
1. That a person is in immediate and present danger of domestic violence, based on the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought
 2. That a child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family of house hold member.
 3. The expiration of such an order is the earlier of the following:
 - (a) The close of judicial business on the fifth court day following the day of its issuance; or
 - (b) The seventh calendar day following the day of its issuance. (Family Code § 6256.)
- (f) Officer is defined as any officer or employee of a local police department or sheriff's office, and any peace officer of the California Highway Patrol, the California State Police, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in California Penal Code § 830.2, or a housing patrol officer, as defined in subdivision (d) of California Penal Code § 830.31. (Penal Code §13700(c).)
- (g) Pro-Arrest Policy: Refers to a philosophical position which prioritizes arrest over misdemeanor citation, letter notification or warrant in every situation where an arrest on probable cause is legally permissible.
- (h) Protective Order: Is an order which requires a person to restrain from doing a particular act or acts. It is issued by the Criminal Court, with or without notice to the person who is to be restrained. A Protective Order will remain in effect for a set period of time which is stated on the face of the order. A Protective Order shall be in writing and entered into CLETS.
- (i) Stay Away Order: Is an order in a criminal case involving domestic violence where there is a likelihood of harassment of the victim by the defendant. A Stay Away Order may remain in effect as long as the defendant is under a court's jurisdiction, including any sentence or probationary period, or until modified by the court. Stay Away Orders may be issues pursuant to Penal Code § 136.2 while criminal prosecution is pending. Stay Away Orders were previously issued under Penal Code § 13720. Although this section has been repealed, those orders still in effect are valid and enforceable. A Stay Away Order shall be in writing and entered into CLETS.

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- (j) Victim: Means a person who is a victim of domestic violence. (Penal Code § 13700(d).)
- (k) A traumatic condition: Is a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force. (Penal Code § 273.5(c).)
- (l) Primary/Predominant Aggressor: Is the person determined to be the most significant, rather than the first aggressor. (Penal Code § 13701(b).)

321.1.2 REPORTING REQUIREMENTS

California Legislature. (Penal Code § 13730.)

- (a) The report shall be identified as a domestic violence incident report.
- (b) The report shall document whether a weapon was involved.
- (c) The report shall identify whether or not the suspect was under the influence of alcohol or drugs.
- (d) The report shall note whether any law enforcement agency has previously responded to a domestic violence incident at the same address involving the same parties. (Penal Code §13730(c)(2).)
- (e) The investigating officer must make reasonable efforts to identify the primary aggressor. (Penal Code §13701(b).)
- (f) The victim of domestic violence shall be provided the incident report case number, at the scene when possible, or at a later date.

321.1.3 COMMON CHARGES

A situation involving domestic violence may result in, but is not limited to, a violation of one or more of the following sections of the Penal Code and Health and Safety Code:

- (a) 136.1 PC -Intimidating or dissuading a witness
- (b) 148 PC -Resisting arrest
- (c) 166.4 PC -Criminal contempt
- (d) 187 PC -Murder
- (e) 203 PC -Mayhem
- (f) 207 PC -Kidnapping
- (g) 236 PC -False imprisonment
- (h) 240 PC -Assault
- (i) 242 PC -Battery
- (j) 243(d) PC -Battery with serious bodily injury
- (k) 243(e) PC -Battery against a spouse, cohabitant, or person who is a parent of defendant's child, or former spouse, fiancé'/e', or former fiancée' or person with whom the defendant currently has, or has previously had a dating relationship. (Amended as of 1/1/99.)
- (l) 245 PC -Assault with a deadly weapon or by means of force likely to produce great bodily injury.
- (m) 246 PC -Shooting at an inhabited dwelling
- (n) 262 PC -Spousal rape

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- (o) 273a PC -Child endangerment
- (p) 273d PC -Corporal injury to child
- (q) 273.5 PC -Spousal abuse
- (r) 273.6 PC -Violation of restraining order
- (s) 417(a) PC -Brandishing a weapon
- (t) 418 PC -Forcible entry into the home of another
- (u) 422 PC -Terrorist threats
- (v) 459 PC -Residential burglary
- (w) 591 PC -Malicious destruction of a telephone
- (x) 594(b) PC -Vandalism
- (y) 597 PC -Cruelty to animals (implication is that the victim will suffer the same fate)
- (z) 602.5 PC -Trespassing
- (aa) 603 PC -Forcible entry with damage to property
- (ab) 646.9 PC -Stalking
- (ac) 647(f) PC -Public drunkenness
- (ad) 11550 HS -Under the influence of drugs
- (ae) 653(m) PC -Threatening or harassing phone calls
- (af) 12020(a) PC -Possession of a dangerous weapon
- (ag) 12025(a) PC -Possession of a concealed firearm
- (ah) 12031 PC -Possession of a loaded firearm

321.2 911 OPERATOR/DISPATCHER RESPONSE TO DOMESTIC VIOLENCE CALLS

The dispatcher who receives a call reporting threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Penal Code § 136.2, and restraining orders, shall rank the call among the highest priority calls (Penal Code § 13702). The dispatcher will dispatch officers to every reported incident. The dispatcher, whenever possible, should dispatch two officers to the scene.

Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance (Penal Code § 13702).

No dispatcher or 911 operator, in speaking with a victim of domestic violence, will discuss the victim's desire to "press charges," "drop charges," or "prosecute." It is inappropriate for any dispatcher or 911 operator to make any comment or statement which seeks to place the responsibility for enforcement action with the victim.

Follow your agency's protocol for handling of 911 calls. The following information is vital to domestic violence calls for assistance:

- What is the emergency?
- What address?
- What apartment number?
- Call back number?
- Other phone number where caller might be located?

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- Has anyone been injured? If yes, is an ambulance needed?
- Who is the suspect and is he/she present? If not, a description of the suspect and his/her expected whereabouts.
- Are weapons involved or available? If yes, what kind?
- Who am I speaking to? Are you the victim? If no, are you a witness?
- What has happened? What is happening now?
- Are there children present? How many?
- How are you related?
- Is the offender under the influence of drugs or alcohol? If yes, what substance?
- Does the victim have a current restraining order? Has the suspect been served with the order?
- If possible, continue to gather additional information such as:
 - Have the police been to the address before?
 - Have they been involved in prior domestic violence incidents, etc.?
 - The dispatcher or 911 operator should make every effort to keep a victim of domestic violence on the telephone until officers arrive.

The Safety of domestic violence victims, whether the threat of violence is immediate or removed, should be the primary concern of 911 operators. 911 operator shall advise victims to protect themselves as best they can, including but not limited to, waiting for officers at a friend's house or simply leaving the residence if the batterer may return. Advise the caller that if he/she chooses to leave for safety purposes to remember to take keys, money and a credit card if there is time. If the victim chooses to leave, the dispatcher should obtain information where he/she intends to go and how he/she can be contacted. The victim should be instructed to contact law enforcement when he/she reaches a point of safety.

The 911 operator should be aware that the 911 tape frequently becomes a valuable piece of evidence in the prosecution of domestic violence cases, and should, therefore, make every effort to have the victim describe what happened in detail, as well as the suspect if he/she is available and it is safe for the victim.

321.3 PATROL OFFICER RESPONSE/INVESTIGATION IN DOMESTIC VIOLENCE CASES

(a) Enforcement of Laws in Domestic Violence Incidents.

1. An Arrest shall be made in the event that there is probable cause to believe that a felony has occurred. All suspects arrested will be booked into the county jail. A pro-arrest policy will be implemented by all departments. If an officer has probable cause to believe that a felony has occurred, an arrest shall be made irrespective of whether the officer believes the offense may ultimately be prosecuted as a misdemeanor, or not at all
2. The suspect shall be arrested without a warrant and without a citizen's arrest in the event that a misdemeanor domestic violence assault or battery occurs upon a spouse, former spouse, cohabitant, former cohabitant, upon the parent of his or her child, and upon a person with whom the suspect is having or has had an engagement relationship, whether or not an injury exists or if the injury occurs in the officer's presence. (Pursuant to Penal Code § 836(d).) [Amended as of 1/1/991 Note that an officer must arrest a suspect for a misdemeanor violation of

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- Penal Code § 273.6 even if the crime occurred outside of the officer's presence. (Penal Code § 836(c)(1).)
3. When a misdemeanor, not meeting the requirements of Penal Code Section 836 occurs outside the officer's presence, the officer must inform the victim or witness of his/her right to make a citizen's arrest and how to safely execute the arrest. (Note: Penal Code § 836(d) does not apply if parties have a purely dating relationship.)
 - (a) Whenever possible, such discussion shall be held out of the presence of the suspect. An officer shall not dissuade complainants from making a citizen's arrest. An officer shall not ask the complainant if he/she would be willing to go forward with prosecution.
 4. The existence of the elements of a crime and/or the willingness of the victim or witness to make a citizen's arrest, where appropriate, shall be the sole factors that determine the proper method of handling the incident. The following factors, for example, are not to influence the officer's course of actions in domestic violence incidents:
 - (a) The relationship or marital status of the suspect and the victim, i.e., not married, separated, or pending divorce.
 - (b) Whether or not the suspect lives on the premises with the victim.
 - (c) The existence of lack of a temporary restraining order.
 - (d) The potential financial consequence of arrest.
 - (e) The victim or witness' history or prior complaints.
 - (f) Verbal assurances that violence will cease.
 - (g) The victim or witness' emotional state.
 - (h) Injuries are not visible.
 - (i) The location of the incident (i.e., public or private).
 - (j) Speculation that the victim or witness may not follow through with the criminal justice process or that the arrest may not lead to a conviction.
 - (k) Whether the victim and suspect are of the same or opposite sex.
 5. Once a suspect is arrested on a misdemeanor offense, he/she should be booked into the county jail.
 6. In determining whether prior violence has occurred, the officer should interview the victim, suspect, children, any available neighbor or other witnesses. A warrants check, automated records, and criminal history check should also be conducted.
 7. The officer shall consider the issuance of an emergency protective order as described on pages 21, et seq., of this Uniform Marin County Law Enforcement Protocol for the Handling of Domestic Violence Cases.
 8. In both misdemeanor and felony arrests, the officer should consider preparing a declaration to increase bail above the scheduled amount, or to deny an O.R. release, if it appears that the defendant may not appear in court or if the defendant's release from custody may pose a serious threat to the victim's well-being. (Penal Code §§ 1269, 1270, 1275.) The passage of Proposition 189 in 1994 allows, in part, for no bail in felony offenses involving acts of violence on another person, or felony sexual assault on another person, when the facts are evident or the presumption great and the court finds based on

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clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others. (California Constitution, Article 1, Section 12.) The on-call judge is available for telephonic requests for bail increases. If the on-call judge does increase bail, an affidavit/order must be submitted to the judge the following morning so that she/he can sign the order, before the suspect is arraigned. The original must be delivered to the jail, with a copy to the District Attorney's Office, Superior Court Desk. The District Attorney's Office is available to assist in the preparation of the affidavit/order to increase bail. (See Appendix 4 for bail enhancement application form.)

9. An officer shall make no statements or comments about the surrounding circumstances of the incident or the victim that would tend to belittle a victim or which would tend to discourage a victim from reporting an act of domestic violence or requesting a citizen's arrest.
10. Pursuant to Penal Code §13730, an officer responding to an incident of domestic violence shall prepare a domestic violence incident report irrespective of the wishes of the victim or the presence or absence of the suspect.

321.3.1 INVESTIGATION OF DOMESTIC VIOLENCE CASES

Upon arrival at a domestic violence related incident, the officer's first duty should be to provide for the safety of the victim. Officers arriving at a domestic violence scene should conduct a thorough and diligent investigation and submit reports of all incidents of domestic violence and all crimes related to domestic violence. (Penal Code §3700.)

The Marin County policy is PRO-ARREST, in order to break the cycle of violence and to deter future abuse. (See Appendix 1 for brief overview of the cycle of violence.) At times, there are situations in which both parties have been violent toward one another. It will be necessary to determine who is the primary aggressor (predominate aggressor). The primary aggressor is the person most likely to inflict injury and the person least likely to be afraid. In identifying the primary aggressor, the officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, whether or not threats were made. It will also be necessary to look at criminal history and history of abuse, both documented and undocumented (check other jurisdictions), to make this determination. It is critical to interview all potential witnesses, including children and neighbors. Avoid mutual arrests if at all possible. Be sure that self-defense is absolutely not an issue. (See Appendices 2 and 3.)

Do not overlook the welfare of children at the scene. If the children were endangered during the violent confrontation, it will be necessary to document this, make and send a copy of the report to Child Protective Services, and, if necessary, remove the children from the home.

321.4 PROCEDURE

The following steps should be included in an officer's investigation and subsequent report:

321.4.1 OFFICER SAFETY

Exercise reasonable care for the safety of officers and parties involved.

321.4.2 ARRIVAL AT SCENE

- (a) Determine location and condition of victim.
- (b) Determine if suspect is still at scene.
- (c) Determine if any weapon is involved.

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- (d) Determine what, if any, crime has occurred.
- (e) Summon ambulance if injuries require.
- (f) Separate victim, suspect, and witnesses.
 - 1. (Note: This includes removing victim from suspect's line of sight. If it is necessary to remove one party from inside the residence to the outside area, and officer safety permits, the suspect should be removed outside and the Victim allowed to remain inside in a protected environment.)

321.4.3 PRELIMINARY INVESTIGATION

- (a) Note victim's first statements upon arrival.
 - 1. (NOTE: victim's statement may be admissible, even if he/she is unavailable pursuant to Evidence Code § 1370.)
- (b) Interview victim, suspect, and witnesses separately.
- (c) Interview children. (Were they present when the violence occurred, did they hear it, how often has violence occurred in the home?)
- (d) Document children's names and ages.
- (e) Determine and document child's demeanor
- (f) Determine suspect's and victim's activity. (Distinguish primary/predominate aggressor from the victim especially if both are injured.)
- (g) Note and photograph victim's condition and demeanor.
- (h) Photograph damaged clothing while on person.
- (i) Seize torn or damaged clothing.
- (j) Note and photograph smeared makeup.
- (k) Note and photograph evidence of injury (diagram).
- (l) Refer the victim to victim services agencies.
- (m) Refer the suspect to batterer intervention programs.
- (n) If the victim has a restraining order against suspect, obtain a copy of the order and valid proof of service. If not, inform the victim how to get an order.
- (o) Advise the victim of right to arrest in misdemeanor cases for which there is no exception under Penal Code § 836.
- (p) Advise the victim regarding an emergency protective order (EPO).
 - 1. If the victim has a restraining order which has not yet been served on suspect, inform the suspect of the order and note it in the report. If the victim has an extra copy of the order, serve on the suspect and fill out proof of service.
- (q) Advise the victim that a sample domestic violence safety plan is included in the resource pamphlet. (See Appendix 8.)
- (r) Obtain descriptive information regarding the victim: date of birth, height, weight, color of hair and eyes. (This will be useful if necessary to locate victim in future.)
- (s) Obtain alternative address and phone numbers for the victim.

321.4.4 IF SUSPECT IS TAKEN INTO CUSTODY

- (a) Record spontaneous statements.
- (b) Prevent communications between suspect and victim/witnesses.

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- (c) Record alibi statements.
- (d) Advise suspect of Miranda rights and obtain a waiver.
- (e) Obtain statements.
- (f) Request that the jail block the suspects ability to telephone the victim.
- (g) Request the jail to contact CURB (Community Unit Responding to Batterers) volunteer.
- (h) Request the jail, or the arresting agency, to notify the victim if the suspect is to be released.
- (i) Obtain bail enhancement if necessary and appropriate. (See Appendix 4).

321.4.5 EVIDENCE

- (a) Tape-record statements.
- (b) Ensure that victim's/suspect's injuries are photographed, on the day of the incident and several days thereafter.
- (c) Photograph crime scene.
- (d) Note condition of crime scene (disarray of physical surroundings).
- (e) Identify, impound and/or photograph weapons/firearms and other evidence. (Penal Code § 12028.5) For example, if the victim states the defendant wrapped the phone cord around her/his neck, seize the cord as evidence. If the victim points out property damaged by the suspect, seize it.
- (f) Preserve as evidence the 911 dispatch tape(s) regarding this incident.
- (g) Send 911 tape and initial photos to District Attorney's Office with the report.

321.4.6 MEDICAL TREATMENT (MT)

- (a) Transport victim to hospital for M.T., if necessary.
- (b) Obtain a medical records release signed by the victim at the scene. (See Appendix 5 for sample waiver.)
- (c) Send waiver signed by victim to medical facility as soon as possible and obtain copy of records for report including doctor's name, address, and phone number.
- (d) Document complaint of injuries.
- (e) Obtain names, addresses, and phone numbers of ambulance or paramedic personnel treating the victim.

321.4.7 CONFIDENTIALITY

Penal Code § 293 regarding sexual assault crimes and Government Code § 6254(f)(2) requires the ADDRESS OF THE VICTIM be deleted from crime reports for the crimes listed below. Further, these sections require DELETING THE NAME OF THE VICTIM from the crime report at the victim's request. If so requested, you should not refer to the victim by name, but rather Jane or John Doe or Victim, and submit a separate document (see Appendix 6) with the private information to the District Attorney, in a sealed envelope, when the case is submitted for review. This is applicable to the following crimes:

- (a) Sexual Assault - Penal Code §§: 261, 261.5, 262, 264, 264.1, 286, 288, 288a, or 289
- (b) Violence - Penal Code §§: 273a, 273d, 273.5, 422.6, 422.7, 422.75, or 646.9

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1. Advise victim of confidentiality if arrest is made for 273.5, 646.9, or other stated offense.
2. Ask if the victim wishes to have confidentiality. If so, prepare report as stated above. Remember to ask all female victims who have requested confidentiality, if she agrees to have her personal information turned over so that she can receive free legal and social services through the MAPELS project.

321.4.8 SUBMITTING A CRIME REPORT

- (a) Maintain objectivity in reporting. Avoid personal opinions regarding comments from victim/suspect.
- (b) Note all statements in report.
- (c) If the parties do not speak English, please note what language they do speak for the benefit of other staff attempting to contact them. Use objective interpreters (someone who is not a family member or a percipient witness) to obtain statements and/or tape-record statements.
- (d) Ensure that elements of all involved crimes are included in the report.
- (e) Document any injuries that the victim has sustained. Documentation should include a description in the police report, as well as photographs and medical reports, if medical treatment was obtained.
- (f) Was victim photographed? So note in report and send to the District Attorney with the report.
- (g) Did officers give victim referrals (Penal Code § 13701(i))? So note in report.
- (h) Referral to Certified batterers for suspects not taken into custody.
- (i) Document past history of violence, whether or not reported to law enforcement. (NOTE: Past incidents of violence may be admissible to show defendant's disposition, pursuant to Evidence Code §1109.)
- (j) Order dispatch tape and have it forwarded to the District Attorney's Office with the report. Preserve tape as evidence.
- (k) If possible, record name, address, and phone number of two close friends or relatives of the victim who will know of her/his whereabouts 6-12 months from the time of the investigation. If victim indicates he/she will be leaving the home, document when and where he/she will be.
- (l) When responding to a domestic disturbance where there is no actual violence or other violation of the law, the officer will ensure that the proper dispatch code indicting no domestic violence or other appropriate record of the incident is made.
- (m) The officer shall not advise victims of domestic violence that they can "press" charges or "drop" charges. The decision to prosecute is made by the District Attorney. The victim and suspect will be advised that once a crime report is taken he/she has no control over the decision to prosecute.
- (n) Arrests should be made pursuant to Penal Code § 836 under the following circumstances:
 1. For any felony crime, including Penal Code § 273.5
 2. For a misdemeanor Penal Code § 243(e), when the assault or battery (without injury) was upon spouse, former spouse, cohabitant, former cohabitant, franc/fiancé or former fiancé/fiancée, or parent of his or her child, pursuant to Penal Code § 836(d).

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3. An arrest shall be made for violations of Penal Code § 273.6(a) per Penal Code § 13701(b).

321.4.9 SUBMITTING A CRIME REPORT TO THE DISTRICT ATTORNEY

If the suspect is in custody before 6:00a.m., the crime report must be submitted to the District Attorney by 9:30a.m. in order for the District Attorney to review the case for charging, for afternoon arraignment.

If the suspect is not located or booked, submit the report to the District Attorney's Office within 24 hours of the incident. Note on the prosecution request form if an arrest warrant requested.

Have the records clerk include prior report of violence or contact cards with the report when submitting it to the District Attorney.

Include the victim's daytime telephone number, work number, and a number where he/she will be for the several days after the incident so that the Victim-Witness Advocate from the District Attorney's Office will be able to make contact upon receipt of the report. (NOTE: This is also important so we can show diligent efforts to locate the victim. See Evidence Code §1370.)

321.5 OBTAINING EMERGENCY PROTECTIVE ORDERS

Emergency Protective Orders (EPO) are intended as a temporary measure of protection until a victim can obtain a more permanent Temporary Restraining Order (TRO). An EPO should be requested when there is concern for the safety of the victim, regardless of whether a criminal violation occurred.

EPO's are available by telephone at all times, whether or not the court is in session. (Family Code § 6241.) The officer shall use the following procedures:

- (a) The officer shall advise the victim of the existence and availability of the orders; however, the victim's consent to obtain an EPO is not required.
- (b) An Emergency Protective Order will be prepared by a police officer whether or not a victim of domestic violence requests such protection, when the Officer believes such an order is necessary to protect the victim. If a police officer does not request or obtain an EPO, the officer should document the reasons why it was deemed unnecessary.
- (c) Have available the Application for Emergency Protective Order/Emergency Protective Order blank. (See Appendix 7.) Complete lines 1 through 8 on the application.
- (d) It is not necessary that an assaultive crime has actually occurred for the EPO to be initiated. Recent violent acts or threats of violence, coupled with the likelihood of imminent violence is the only criteria required to request the order.
- (e) The EPO covers not only the adult requesting the protection but also can provide temporary custody of minor children to the victim.
- (f) The fact that the endangered person had left the household to avoid abuse, or the fact that the suspect left the house or was arrested, does not affect the availability of the EPO. (Family Code § 6254.)
- (g) If an EPO concerns an endangered child, the child's parent or guardian who is not a restrained person, or a person having temporary custody of the endangered child, may apply to the court for a restraining order under § 213.5 of the Welfare and Institutions Code.

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- (h) Pursuant to department policy, contact the on-duty magistrate, identify yourself and state your purpose. Record on line 7 of the application who you contacted and when. The magistrate will ask you a series of questions regarding the incident, based on the answers listed on lines 1 through 6. The officer should also be prepared to answer questions relating to the incident, such as past history or whether restraining orders had been previously applied for or issues.
- (i) Record whether that application was granted or denied on line 7, and sign the form.
 - 1. If one is approved, the Emergency Protective Order section must be completed.
- (j) The approving magistrate will give specific instructions on what is to be recorded on lines 8 through 11 of the Emergency Protective Order section. The remainder of the lines may be completed after the phone call to the magistrate is finished.
- (k) The on-call magistrate will evaluate and determine the suitability of the EPO taking into consideration the following criteria:
 - 1. The victim/complainant's perception of being in imminent jeopardy.
 - 2. Whether the domestic violence related incident was assaultive in nature.
 - 3. Whether the offense committed was a felony or misdemeanor.
- (l) A law enforcement officer who requests an EPO shall reduce the order to writing and sign it (Family Code § 6270) after the court grants the order.
- (m) A law enforcement officer who requests an EPO shall do all of the following:
 - 1. Serve the order on the restrained person, if the restrained person can reasonably be located. Verbal notice is sufficient, with follow-up attempts to personally serve the restrained person.
 - 2. Give a copy of the order to the protected person or, if the protected person is a minor child, to a parent or guardian of the endangered child who is not a restrained person, if the parent or guardian can reasonably be located, or to a person having temporary custody of the endangered child.
 - 3. File a copy of the order with the court as soon as practicable after issuance. (Family Code § 6271.)
- (n) A law enforcement officer shall use every reasonable means to enforce an EPO, and when acting in good faith to enforce an EPO, an officer is not civilly or criminally liable. (Family Code § 6272.)
- (o) Call Police Records and obtain an incident or case number for the domestic violence incident. Inform records personnel that the number will also be used on an Emergency Protective Order, so that they may obtain additional information they require. Write this number in the Incident Case Number box in the upper right hand corner of the application.
- (p) Give the victim a copy of the paperwork. Admonish the victim to retain these papers until expiration of the order.
- (q) Emergency Protective Order legislation requires an officer to make a reasonable attempt to serve the restraining order. The officer who requests the EPO shall carry copies of the order while on duty in order to make reasonable attempts to serve the EPO. (Family Code § 6273.) If the restrained party is present or can be readily contacted, serve the order. Record whether and how the order has been served in the incident or crime report. Give the restrained person a copy of the order.
- (r) The restrained person should be advised that only the court may modify or rescind the order. The protected person cannot modify or rescind the order.

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- (s) Submit the court and agency copies for routing to Records at the end of the shift in the normal manner. The agency copy will be stapled to the crime or incident report. The court copy shall be submitted separately. If the restrained party was not served, attach the restrained party's copies to the reports upon submission. If the EPO was not served, the officer shall give the EPO to the watch commander of the next shift for attempts to serve the order.
- (t) Let the victim know that the County Clerk's Office maintains application forms for obtaining more permanent order. There is no charge for these applications. When the form is provided, it includes a resource card for a variety of needs that may arise, such as emergency housing, funding and counseling.

321.5.1 ENFORCEMENT OF RESTRAINING ORDERS

- (a) Domestic violence restraining orders will be enforced by all law enforcement officers. Under Penal Code § 273.6(a), it is a misdemeanor to intentionally and knowingly violate a protective order, as defined in § 6218 of the Family Code (includes EPO, TRO, and Orders After hearing) or of an order issued pursuant to § 527.6 or § 527.8 of the Code of Civil Procedure. Penal Code § 273.6(d) makes it a felony to violate a restraining order, with violence or a "credible threat" of violence (see Penal Code § 139), after suffering a prior conviction within seven years for violation of Penal Code § 273.6. Penal Code § 273.6 shall apply to the following orders:
 - 1. An order enjoining any party from molesting, attacking, striking, threatening, sexually assaulting, battering, harassing, contacting repeatedly by mail with the intent to harass, or disturbing the peace of the other party, or other named family and household members.
 - 2. An order excluding a party from the family dwelling of the other.
 - 3. An order enjoining a party from specified behavior which the court determined was necessary to effectuate the order under subdivision (a) of Penal Code § 273.6.
- (b) Orders issued in criminal cases under Penal Code § 136.2 and 1203.097, which pertain to domestic violence and harassment are punishable under Penal Code § 166(c)(1), will be enforced by all law enforcement officers.
- (c) Officers will make arrests for any violations under the above sections that they observe. If the officer did not observe the offense, or if the existence or status of the order cannot be verified, the victim must make a citizen's arrest. If the officer arrives at the scene and observes the defendant in violation of the terms of the order, the officer shall make an arrest for a misdemeanor occurring in his/her presence. Note that an officer shall arrest and book at the county jail a suspect for a misdemeanor violations of Penal Code §§ 273.6 and 166(c)(1) (for orders issued under Penal Code § 136.2), even if the crime occurred outside of the officer's presence. (Penal Code § 836(c)(1).) (See section H for details.)
- (d) Law enforcement officers receiving copies of Protective Orders will forward them to the Records Division, who will enter appropriate information in the state-wide computer system.
- (e) If at the scene of a domestic disturbance a person shows or informs the officer of the existence of a Protective Order, it is crucial to establish the present status and terms of the order. Officers shall ask the following questions to determine the current status:
 - 1. Is there a Protective Order on file? It will be filed under the name of the person restrained. If the Officer cannot verify the order, it must be enforced through a citizen's arrest procedure.

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2. What is the date of the order? Has it been signed by a Superior Court judge and filed by the court (a filed document has the court clerk's "filed" stamp and the date filed on the upper portion of the first page of the document usually in the upper right hand corner)?
 3. What is the expiration date? If there is no expiration date stated on the face of the domestic violence restraining order, it is valid for three years. (Family Code § 6345.)
 4. What are the terms of the order?
 5. Is there a Declaration of Service on file, proof of notice in court, or has another officer given the needed notice to the person to be restrained?
- (f) The existence of the following information shows that the suspect has the needed knowledge to be in violation of the Order.
1. The elements of the crime require willful disobedience of the terms of the order. A violation of Penal Code § 273.6 requires an "intentional and knowing" violation.
 2. If this information is not established, the suspect cannot be arrested at the time of the disturbance.
 3. If the Declaration of Service is not on file and notice by another officer has not been established, proceed to give a copy of the order, if available, to the suspect.
 - (a) If the victim has an extra copy of the order then serve the order on the suspect to keep.
 4. Advise the suspect that they are now subject to the terms of the order and can be arrested for any further violations.
 5. Report through your department procedure that you have served a copy of the order on the defendant
 6. Release a copy of the Proof of Service to the victim, and file the Proof of Service as part of the report and the department will ensure that the original Proof of Service is filed with the appropriate court.
- (g) If the victim does not have a copy, advise him/her to carry one in the future, and to have an extra copy for service on the suspect if he/she has not been served.
1. Advise the suspect that there is an order in effect.
 2. The officer can have the terms of the order read over the phone by the records staff and can then inform the suspect.
 3. An arrest may be made at this time if the suspect refuses to comply with the terms of the order.
- (h) It is the policy of law enforcement agencies within the County of Marin, that if there is probable cause that a protective order issued under § 6200 et al; (EPOS; TROs; Orders after Hearing) § 7700 et al; and § 136.2 of the Penal Code, (criminal protective order) has been violated, the perpetrator shall be arrested, absent exigent circumstances (which should be spelled out in the report) (pursuant to Penal Code § 137019(b)). Anyone so arrested for a misdemeanor violation of a protective order for domestic violence will be booked in Marin County Jail and NOT released on a promise to appear citation. It is further the policy, that anyone booked into Marin County Jail by any agency for a misdemeanor violation of a protective court order will not be released except upon a court order or required posting of bail. (Ref. 853.6

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P.C. and MCSO ADM OP 94-01.) A copy is to be submitted with the work copies of the case and arrest reports.

- (i) If a Protective Order violation has occurred and the suspect is not present, the officer will submit a crime report of the appropriate misdemeanor violation. Under no circumstances shall an officer fail to prepare a crime report on a restraining order violation simply because the suspect is no longer present.

321.6 FOLLOW UP INVESTIGATION IN DOMESTIC VIOLENCE CASES

- (a) All domestic violence reports prepared by officers pursuant to Penal Code §§ 13700, et seq., shall be referred to investigations personnel for review and follow-up investigation as needed.
 - 1. "Investigations personnel" refers to a detective, investigative specialist, or other designated personnel.
 - 2. Investigations personnel receiving domestic violence-related crime and arrest reports shall process them in the same manner as all other criminal violations.
 - 3. Whenever possible, investigative personnel will be specifically designated to handle domestic violence cases based on an investigator's desire to handle such cases.
- (b) Follow-up investigations should be geared to the requirements of the District Attorney's Domestic Violence Unit.
 - 1. At a minimum, follow-up investigations submitted to the District Attorney for consideration should include the following:
 - (a) Verify the inclusion of all investigative steps described above regarding patrol officer response/investigation.
 - (b) Obtain medical records, if available.
 - (c) Obtain a copy of the 911 tape involving the original call for assistance.
 - (d) Interview background witnesses who may not have been available to the patrol officer at the time of the incident (e.g., neighbors).
 - (e) Re-interview witnesses as necessary
 - (f) Contact the victim and witnesses to inform them of the status of the case and the intended referral to district attorney.
 - (g) Obtain subsequent photographs of injuries to the victim (particularly where there were no initial photos taken or the initial photos did not show injuries to the victim).
 - 2. Follow-up investigation shall not consider the desire of the victim to "drop" charges in assessing whether the case should be submitted to the District Attorney Domestic Violence Unit.
 - 3. Investigative personnel handling domestic violence cases should analyze each domestic violence case by asking the following questions:
 - (a) Can the elements of the offense be established without the testimony of the victim: i.e., did the victim make a spontaneous statement? Are there any eye witnesses to the offense? Did the victim make a detailed statement of the offense to an officer (preferably tape-recorded) or to another person who can impeach the victim if they appear in court and testify falsely? Is there other corroborating evidence, such as injuries or a 911 tape, that would support the charge?

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- (b) The case should be evaluated for referral to the District Attorney's Office for review regardless of the victim's wishes.
- 4. Under no circumstances should a victim be asked if he/she wishes to "press charges" or "drop charges." Investigative personnel shall not ask a victim if they want to "prosecute" their partner. The victim should be informed that the decision to proceed is out of his/her control.
- 5. If the victim presents with a different version of the incident, the person/investigator taking the statement should incorporate some of the following questions:
 - (a) Financial concerns;
 - (b) Contact with the defendant after the incident;
 - (c) Threats; dissuasion by defendant fearful of defendant;
 - (d) Child custody/visitation issues;
 - (e) Immigration concerns.

321.6.1 NOTIFICATION OF DEPARTMENT OF JUSTICE REGARDING DOMESTIC VIOLENCE RESTRAINING ORDERS

Family Code § 6385 requires that law enforcement immediately notify the Department of Justice (DOJ) upon receipt of a copy of a domestic violence restraining order and the subsequent proof of service. Notifying DOJ is accomplished via the California Law Enforcement Telecommunications System (CLETS) when the information regarding domestic violence restraining orders is entered into the Domestic Violence Restraining Order System (DV/ROS).

321.6.2 MAINTAINING RECORDS OF SERVICE OF PROTECTION ORDERS

Law enforcement agencies are required to maintain a complete and systematic record of all protection orders with respect to domestic violence incidents, including orders which have not yet been served, issued pursuant to § 136.2, restraining orders, and proofs of service in effect. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms and effective dates of protection orders in effect. (Penal Code § 13710(a).)

The terms and condition of the protection order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court. (Penal Code § 13710(b).)

Upon request, law enforcement agencies shall serve the party to be restrained at the scene or a domestic violence incident or at any time the party is in custody. (Penal Code § 13710(c).)

321.6.3 VICTIM ASSISTANCE

- (a) When a party in a domestic violence incident requests police assistance in removing a reasonable amount of personal property (e.g., a suitcase) to another location, officers shall stand by a reasonable amount of time until the party has safely done so. *Note, that an officer may not assist a restrained person in acts that would violate the restraining order or a protective order.
- (b) If a victim has injuries, whether visible or not, which require medical attention, officers shall administer first aid as appropriate and offer to arrange for proper medical treatment.

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- (c) In all domestic violence incidents, an officer should:
 - 1. Exercise reasonable care for the safety of the officers and parties involved.
 - 2. Assist in making arrangements to transport the victim to an alternative shelter if the victim expresses a concern for safety or the officer determines a need exists.
 - 3. Explain options available to the victim including the citizen's arrest process, temporary restraining orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
 - 4. Advise the victim in written form of available community resources and the state victim assistance program.
 - 5. Verify and enforce court-issued protective orders pursuant to page 25, et seq., of this Protocol.
- (d) Officers/investigators should contact the victim within 72 hours of the offense to determine if further law enforcement assistance is needed.

321.6.4 MILITARY SUSPECTS

All domestic violence incidents involving military suspects shall be handled according to this law enforcement protocol.

The intent of this policy is to eliminate all informal referrals or report-taking omissions in the handling of domestic violence incidents involving military personnel.

No informal agreements with base patrol or a suspect's commanding officer shall take precedence over a suspect's arrest and by non-military authorities.

321.7 TRAINING

- (a) Each law enforcement agency shall establish a written schedule for annual or semi-annual training for members of the agency on domestic violence. (Penal Code § 13700, et seq.)
- (b) The goals of the training are to inform officers of:
 - 1. The domestic violence laws.
 - 2. The department's domestic violence policy and procedures.
 - 3. The dynamics of domestic violence and batterer behavior.
 - 4. Police officer safety techniques.
 - 5. District Attorney Domestic Violence Unit policies.
- (c) Training should include written bulletins, videotapes, verbal reminders, updates during daily briefings and presentations given periodically by the District Attorney's Domestic Violence Unit Personnel.
- (d) The Chief of Police, Sheriff, or his/her designee, shall ensure the review of the department's training policies annually and make any revisions deemed necessary.

Search & Seizure

322.1 PURPOSE AND SCOPE

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in evaluating search and seizure issues. Specific situations should be handled according to current training and an officer's familiarity with clearly established case law.

322.2 REASONABLE EXPECTATION OF PRIVACY

Both the United States and the California Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, Park Rangers should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:

- A valid search warrant
- Exigent circumstances
- Valid consent

322.2.1 PARK RANGER'S SEARCH PROTOCOL

- (a) Park Rangers shall conduct person searches with dignity and courtesy.
- (b) Park Rangers conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Park Rangers should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the Ranger, a Ranger/officer of like sex should be summoned to the scene to conduct the search.
- (e) A search may be undertaken of a member of the opposite sex when it is not practical to summon a ranger/officer of like sex. In these instances, Rangers will adhere to the following guidelines:
 1. A supervisor and/or one other Ranger/officer should witness the search, if practical.
 2. Rangers will use the back side of their hands and fingers to search sensitive areas of the opposite sex including the breast, crotch and buttocks areas.
- (f) The Ranger will explain to the person being searched the reason for the search and how the officer will conduct the search.

322.3 SPECIFIC SITUATIONS

322.3.1 RESIDENCE

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in

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areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

322.3.2 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the Ranger has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location
- (b) There is probable cause to believe that the item is linked to criminal activity
- (c) The location of the item can be legally accessed

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

322.3.3 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death
- (b) Serious damage to property
- (c) Imminent escape of a suspect
- (d) The destruction of evidence

An exigent circumstance created by the Ranger's own conduct as an excuse for a warrantless entry is not generally permitted.

322.4 CONSENT

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal).
- Obtained from a person with authority to give the consent.
- Does not exceed the scope of the consent given.

Unless unusual circumstances would not otherwise prevent the use of the District's Consent to Search form, Rangers should have the individual read the form, ensure he/she understands it, and provide them with a copy after he/she has signed it.

If unusual circumstances prevent the use of the Consent to Search form, Rangers should describe such circumstances in related report(s).

While there is no requirement that an individual be told of their right to refuse consent, such a warning and the use of the Consent to Search form provide strong support for the validity of any consent.

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Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by Park Rangers.

324.2 AUTHORITY TO DETAIN

Legal authority for taking custody of juvenile offenders is found in Welfare and Institutions Code § 625.

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625).

324.3 TEMPORARY CUSTODY

No juvenile may be held in temporary custody at a Marin Municipal Water District facility without authorization of the Chief Ranger or his/her designee. An individual taken into custody for Welfare and Institutions Code § 300 or § 601 shall be processed as soon as practical. Juveniles detained under Welfare and Institutions Code § 602 may not be held at this facility for more than six hours from the time of arrival at the Marin Municipal Water District. When a juvenile is taken into custody, the following steps shall be taken by the arresting Ranger or the detective assigned to the case:

- (a) Once the detained juvenile has been placed in secure or non-secure custody, complete the Juvenile Detention Log located in the Ranger's office
- (b) Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627)
- (c) Submit a completed report to the Chief Ranger for approval

Status offenders and abused or neglected children (juveniles falling within provisions of Welfare and Institutions Code §§ 300 and 601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

324.3.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

- (a) Access to toilets and washing facilities
- (b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, jailer or as directed by a supervisor
- (c) Access to drinking water
- (d) Privacy during visits with family, guardian, or lawyer

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- (e) Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one hour after being taken into custody, the detaining Ranger shall advise and provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (Welfare & Institutions Code § 627 and Penal Code § 851.5)

324.3.2 NON-CONTACT REQUIREMENTS

There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained in the jail, except as provided below (208 Welfare and Institutions Code, Title 15 California Code of Regulations §§ 1544, 1546)).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners allowed
- (b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, a Ranger shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner
- (c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
 1. Booking
 2. Medical screening
 3. Inmate worker presence while performing work necessary for the operation of the Marin Municipal Water District such as meal service and janitorial service
 4. Movement of persons in custody within the Marin Municipal Water District

324.4 TYPES OF CUSTODY

The following provisions apply to types of custody, and detentions of juveniles brought to the Marin Municipal Water District facility.

324.4.1 NON-SECURE CUSTODY

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in a facility, however the custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

324.4.2 SECURE CUSTODY

A juvenile may be held in secure detention in the jail if the juvenile is 14-years of age or older and, if in the reasonable belief of the peace officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14-years of age, or who does not, in the reasonable belief of the peace officer, present a serious security

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risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody are met (Welfare and Institutions Code § 602, Title 15 California Code of Regulations § 1545).

- (a) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the Ranger may take into account the following factors:
 - 1. Age, maturity, and delinquent history of the juvenile
 - 2. Severity of the offense(s) for which the juvenile was taken into custody
 - 3. Juvenile's behavior, including the degree to which the minor appears to be cooperative or non-cooperative
 - 4. The availability of staff to provide adequate supervision or protection of the juvenile
 - 5. The age, type, and number of other individuals who are detained in the facility.
- (b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
 - 1. Juvenile is 14-years of age or older
 - 2. Juvenile is taken into custody on the basis of having committed a criminal law violation as defined in Welfare and Institutions Code § 602
 - 3. Detention at this facility does not exceed six hours from the time of arrival at the police station, when both secure and non-secure time is combined
 - 4. Detention is for the purpose of giving the Ranger time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to Juvenile Hall
 - 5. The Ranger apprehending the juvenile has reasonable belief that the juvenile presents a "serious security risk of harm to self or others." Factors to consider include:
 - (a) Age, maturity, and delinquent history of juvenile
 - (b) Severity of offense for which taken into custody
 - (c) Juvenile's behavior
 - (d) Availability of staff to provide adequate supervision or protection of the juvenile
 - (e) Age, type, and number of other individuals detained at the facility

324.4.3 SECURE DETENTION OF JUVENILES

While in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the juvenile or and others from harm.

- (a) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:
 - 1. A Ranger must be present at all times to ensure the juvenile's safety while secured to a stationary object.
 - 2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.

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3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the designated supervisor and the reason for continued secure detention shall be documented.
- (b) In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
1. Constant auditory access to staff by the juvenile;
 2. Unscheduled personal visual supervision of the juvenile by the involved Ranger, no less than every 30 minutes. These visual checks shall be documented.
- (c) Males and females shall not be placed in the same locked room unless under direct visual supervision.

324.4.4 JUVENILE'S PERSONAL PROPERTY

The Ranger placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible Ranger or locked in a juvenile property locker until the juvenile is released from the custody of the Marin Municipal Water District.

324.4.5 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by a designee of the Ranger, and the visual inspection shall be logged on the Inspection Log in the Ranger's office.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Ranger shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs shall be turned into the Ranger or his/her designee at the end of each month.

324.4.6 MANDATED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

- (a) Reasonable access to toilets and washing facilities
- (b) Food, if the 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. All food given to a juvenile in custody shall be provided from the jail food supply
- (c) Reasonable access to drinking water
- (d) Privacy during family, guardian, and/or lawyer visits
- (e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody)

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324.4.7 FORMAL BOOKING

No juvenile shall be formally booked (Welfare and Institutions Code § 602 only) without the authorization of the arresting officer's supervisor, or in his or her absence, the Ranger.

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 Ranger or Detective 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

324.4.8 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
 1. Parent or legal guardian
 2. An adult member of his/her immediate family
 3. An adult person specified by the parent/guardian
 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Ranger
- (b) If the six hour time limit has expired, the juvenile should be transported to the juvenile hall to accept custody
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
 1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
 2. If the arresting officer or the Ranger believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.
 3. The arresting officer may complete an Application for Petition form on behalf of the juvenile and forward it to the Watershed Protection section for processing.
 4. The juvenile may be transferred to Juvenile Hall with authorization of the appropriate supervisor or the Ranger when the violation falls within the provisions of Welfare and Institutions Code § 602.
- (d) If a juvenile is to be transported to Juvenile Hall, the following forms shall accompany the juvenile:
 1. Application for Petition.
 2. Three copies of the applicable reports for each juvenile transported. In certain cases Juvenile Hall may accept custody of the juvenile based on the petition and the agreement that facsimile copies will be forwarded as soon as completed.

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3. Any personal property taken from the juvenile at the time of detention

324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
 2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.
 3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.
 - (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
 - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
- (c) Any juvenile student 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 school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such 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).

324.6 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. Rangers shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

A copy of the current policy of the Juvenile Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this

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procedure in the Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

324.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Ranger and the appropriate supervisor to ensure that personnel of those bureaus act within legal guidelines.

324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Ranger shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting Ranger or the discovering Ranger should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

- (a) The Juvenile Court
- (b) The parent, guardian, or person standing in loco parentis, of the juvenile

324.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting Ranger 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 himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Ranger if he/she believes the juvenile may be a suicide risk. The Ranger will then arrange to contact a mental health team for evaluation, or to contact Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

324.7.3 USE OF RESTRAINT DEVICES

Policy Manual § 306 refers to the only authorized restraint device. It is District policy that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

- (a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others
- (b) Is a serious and immediate danger to himself/herself or others
- (c) Otherwise falls under the provisions of Welfare and Institutions Code § 5150

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Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the Ranger.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

The Ranger shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision shall be documented in the police report.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment, or as a substitute for treatment.

324.7.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

324.7.5 DEATH OF A JUVENILE WHILE DETAINED

The District Attorney's Office and the Coroner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at District Facilities. The Support Services Ranger or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Marin Municipal Water District, the following shall apply:

- (a) The Manager or his or her designee shall provide to the California Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the Department of Corrections and Rehabilitation within ten calendar days after the death.
- (b) Upon receipt of a report of death of a juvenile from the Manager or his or her designee, the Department of Corrections and Rehabilitation may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 California Code of Regulations § 1341. Any inquiry made by the Department of Corrections and Rehabilitation shall be limited to the standards and requirements set forth in these regulations.
- (c) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:
 1. Manager or his or her designee
 2. The health administrator
 3. The responsible physician and other health care and supervision staff who are relevant to the incident

324.7.6 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the station but should only be released to their parent, legal guardian, or responsible adult.

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324.8 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Marin Municipal Water District when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency (Title 15, California Code of Regulations § 1431). In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity
- Minor is known or suspected to have ingested any substance that could result in a medical emergency
- A juvenile who is intoxicated to the level of being unable to care for him or herself
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

- (a) A juvenile detained and brought to the Marin Municipal Water District who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:
 1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
 2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
 3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Marin Municipal Water District, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, Rangers will ensure constant audio monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.
 1. The 15 minute checks of the juvenile shall be documented on the Juvenile Detention Log in the Ranger's office.
- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.

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- (d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.
- (e) A medical clearance is required before the juvenile is transported to Juvenile Hall if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

Elder Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Park Rangers with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Marin Municipal Water District to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare and Institutions Code § 15610; et seq. and Penal Code § 368).

Dependent Adult - means any person residing in this state, between the ages of 18 and 64-years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent Adult includes any person between the ages of 18 and 64-years who is admitted as an inpatient to a 24-hour health facility, as defined In Health and Safety Code §§ 1250, 1250.2, and 1250.3.

Elder - means any person residing in this state, 65-years of age or older.

Fiduciary Abuse - means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

Abuse of an Elder or a Dependent Adult - means physical abuse, neglect, fiduciary abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Adult Protective Services Agency - means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Neglect - means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- (a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
- (b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Welfare and Institutions Code § 15630, the Marin Municipal Water District is considered a mandated reporter. "Any Park Ranger who has observed an incident that reasonably appears to be physical abuse, observed a physical injury where the nature of

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the injury, its location on the body, or the repetition of the injury clearly indicates that physical abuse has occurred or is told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse shall report the known or suspected instance of abuse by telephone immediately or as soon as possible, and by written report sent within two working days."

326.3.1 CHIEF RANGER RESPONSIBILITY

The Chief Ranger is responsible for the following:

- (a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Retain the original elder/dependent abuse report with the initial case file.

326.4 RANGER'S RESPONSE

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

326.4.1 INITIAL RESPONSE

Rangers may be called upon to effect a forced entry (for example, into a vehicle) as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, Rangers should seek supervisory approval. Rangers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

326.4.2 STABILIZE THE SITUATION

Rangers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Rangers shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately
- (c) Assess and define the nature of the problem. Rangers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention
- (d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

326.4.3 SUPPORT PERSONNEL

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

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- A Supervisor
- Watershed Deputy or MCSO Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility

326.4.4 EMERGENCY PROTECTIVE ORDERS

In any situation in which a Ranger reasonably believes that an elder or dependant 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 Ranger may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

326.5 ELDER ABUSE REPORTING

Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810.

Rangers investigating elder/dependent abuse shall complete State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

Anti-Harassment and Discrimination (MMWD Policy No. 29)

329.1 MMWD POLICY NO. 29

All District employees, including Park Rangers, are subject to the provisions of the District's Anti-Harassment and Discrimination Policy No. 29. Please refer to the District's policy binder located in the Sky Oaks Ranger office for a copy of this policy.

Child Abuse Reporting

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures to Park Rangers for reports of suspected child abuse and the taking of minors into protective custody.

330.2 DEFINITIONS

For purposes of this section the following definitions are provided:

Child - means a person under the age of 18-years.

Child Abuse - means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code § 273a (willful cruelty or unjustifiable punishment of a child) or Penal Code § 273d (unlawful corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Penal Code § 11165.6).

Child Protective Agency - means a police or sheriff's department, a county probation department or a county welfare department. This section does not include school district police or security department.

330.3 CHILD ABUSE REPORTING

Pursuant to Penal Code § 11165.9, the District is defined as a "child protective agency". All sworn employees of the District are responsible for the proper reporting of child abuse. Any Park Ranger who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report pursuant to Penal Code § 11166.

330.3.1 MANDATORY NOTIFICATION

Pursuant to Penal Code § 11166.1, when any sworn personnel of the District receives a report of abuse occurring at the below listed facilities, notification shall be made within 24 hours to the licensing office with jurisdiction over the facility.

- A facility licensed to care for children by the State Department of Social Services
- A report of the death of a child who was, at the time of death, living at, enrolled in or regularly attending a facility licensed to care for children by the State Department of Social Services, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility

Additionally, an immediate notification is required to the appropriate licensing agency if the suspected child abuse occurs while the child is being cared for in a child day care facility, involves a child day care licensed staff person, or occurs while the child is under the supervision of a community care facility licensee or staff person.

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330.3.2 POLICE REPORTS

Park Rangers responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a general report. No suspected child abuse report is required if the incident is documented in a general or miscellaneous report.

330.3.3 RELEASE OF REPORTS

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810.

330.4 INVESTIGATION RESPONSIBILITY

All investigations related to Child Abuse will be referred to the Marin County Sheriff's Office.

The duties of the Sheriff's Office detectives assigned to investigate child abuse include but are not limited to:

- (a) Responsibility for the investigation, collection of evidence, and preliminary preparation for prosecution of all cases of child abuse and molestation
- (b) Investigation into the deaths of children that could be attributed to abuse, molest, or Sudden Infant Death Syndrome (SIDS)
- (c) Investigate reports of unfit homes, child abandonment, child endangering, or neglect
- (d) Provide follow-up on suspected child abuse reports (compliance calls)
- (e) Provide appropriate training to patrol personnel
- (f) Coordinate with other enforcement agencies, social service agencies, and school administrators in the application and enforcement of the laws regarding child abuse cases

330.5 PHYSICAL EXAMINATIONS

If the child has been the victim of sexual abuse requiring a medical examination, the Park Ranger should arrange for transportation of the victim to the appropriate hospital. The Ranger will need to fill out the Medical Report - Suspected Child Sexual Abuse form (OCJP form 925) prior to the doctor doing the examination.

330.6 TEMPORARY CUSTODY OF JUVENILES

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse.

Persons Missing on District Land

332.1 PURPOSE AND SCOPE

Missing Person(s) investigations and searches on District lands will be conducted in coordination with the Marin County Sheriff's Office. This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14213 and §§ 14250 and 14251, as well as 42 USC 5779(a), specify certain requirements relating to missing persons.

332.1.1 DEFINITIONS (PENAL CODE § 14213)

Missing Person - Any person whose whereabouts are unknown to the reporting party including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Penal Code § 277.

Missing person also includes any child who is missing voluntarily, involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

At-Risk - Includes, but is not limited to, evidence or indications of any of the following:

- The person missing is the victim of a crime or foul play
- The person missing is in need of medical attention
- The person missing has no pattern of running away or disappearing
- The person missing may be the victim of a parental abduction
- The person missing is mentally impaired
- The person missing is exposed to adverse weather or is otherwise unprepared for the existing environmental conditions

Child - While California considers a child to be a person under eighteen years of age, for purposes of this section federal law considers any person under the age of twenty-one years to be a child.

332.2 REPORT ACCEPTANCE

Park Rangers and Support Services personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of other calls and/or reports relating to crimes involving property (Penal Code § 14205(a)). Reports shall be taken on missing persons regardless of jurisdiction.

Rangers should handle the initial missing person report. Rangers shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person at-risk or a child under 16- years of age, Rangers will initiate an investigation after an initial search (hasty search).

In all cases involving a person at-risk or a child under 16 years of age, the handling Ranger shall ensure that the Chief Ranger and appropriate management staff shall be notified.

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332.2.1 INVESTIGATION DILIGENCE

Members of Watershed Protection (as identified in this manual) shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over other calls and/or the handling of reports relating to crimes involving property. (Penal Code § 14205). The required actions include the following:

- (a) Make an assessment of reasonable steps to be taken to locate the person
- (b) If the missing person is under 16-years of age, or there is evidence the person is at-risk, a "be-on-the-lookout" (BOLO) radio transmission will be initiated without delay by Marin Communications Center

The agency having jurisdiction over the missing person's residence will normally assist with the case after the initial report is taken. However, Watershed Protection members together with MCSO personnel (unified command) should assist in the investigation of a person last seen in this jurisdiction.

332.3 REPORT HANDLING

Missing person reports require special handling and timely notifications. A reference chart is attached at the end of this section.

332.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the District takes a missing person report, the field supervisor or the Ranger that receives the report shall promptly notify the Marin County Sherriff's Watch Commander and forward a copy of the report to him/her for forwarding to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen. (Penal Code § 14205(c))

332.3.2 TELETYPE NOTIFICATIONS

When a missing person is under the age of 21, Ranger personnel shall send a teletype to the Department of Justice and the National Crime Information Center within two hours after accepting the report (42 U.S.C. 5779(a) and 42 U.S.C. 5780(3)).

332.3.3 AT-RISK REQUIREMENTS

If a missing person is under 18-years of age and at-risk or under 12-years of age and missing for more than 14 days, the handling Deputy shall immediately submit to the dentist, physician/surgeon, or medical facility the signed request for dental or skeletal X-rays or both.

In all cases the handling deputy may confer with the coroner or medical examiners and may submit reports including the dental/skeletal X-rays within 24 hours to the Attorney General's office for submission to the center.

332.3.4 MISSING MORE THAN 45 DAYS

If a person is still missing after 45-days, the Deputy must check with the appropriate coroner(s) or medical examiner(s) and send to the Department of Justice both Department of Justice forms and dental records along with a photograph and this must be noted on Department of Justice form SS-8568. If dental records are unobtainable, this should be noted on Department of Justice form SS-8568.

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332.4 MISSING PERSONS LOCATED

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

If a missing person under the age of 21 is located, the detective must ensure that a teletype is sent within 24-hours to the Department of Justice noting that information.

When all other missing persons are located, the detective (if the case has been assigned) must ensure that a teletype is sent within seven days to the Department of Justice noting that information. If no detective has yet been assigned a Watershed Deputy shall be responsible for sending the teletype.

332.5 REFERENCE CHART

| | ENTRY INTO MUPS/ NCIC | BOLO TELETYPE | CORONER CHECK | DOJ FORM (SS 8567) | SEND DENTAL X-RAYS | SEND PHOTO | SCHOOL NOTICE |
|--------------------------------|-----------------------|---------------|-------------------------------|---|--------------------------------|--------------------------------|--|
| CHILD "AT-RISK" | Immediate | Without delay | Within 24 hours | Within 24 hours to DOJ | Within 24 hours to DOJ | Within 24 hours to DOJ | Within 10 days, written notice & photo |
| CHILD NOT "AT-RISK" (under 21) | Within 4 hours | Without delay | After 14 days immediate check | After 14 days, within 24 hours | After 14 days, within 24 hours | After 14 days, within 24 hours | Within 10 days, written notice & photo |
| ADULT "AT-RISK" | Within 4 hours | Without delay | After 45 days immediate check | Mandated after 45 days, but DOJ wants form ASAP | After 45 days | Not mandated | N/A |
| ADULT NOT "AT-RISK" | Within 45 days | DOJ suggests | After 45 days immediate check | After 45 days | After 45 days | Not mandated | N/A |

332.6 SCHOOL NOTIFICATION

Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records.

332.7 DNA SAMPLE COLLECTION

- (a) In any case in which a report is taken concerning a person missing under high-risk circumstances, the assigned Deputy shall, within no more than 30 days, inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal item belonging to the missing person, if available (Penal Code §14250(c)).
- (b) Such samples shall be collected in a manner prescribed by the Department of Justice, using a DOJ model kit.
- (c) After 30 days, the assigned Deputy shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports shall be sent to the Department of Justice for testing and inclusion in the DNA database.

AMBER Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is informational only for Park Rangers. It is not intended to establish a District procedure for issuing an AMBER Alert. It is the policy of the District to refer any inquiries or information that relate to this section to the Marin County Sheriff's Office.

AMBER Alert is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media, and law enforcement.

334.1.1 DEFINITIONS

Abduction - is any child under the age of 18-years, who has been unwillingly removed from their environment without permission from the child's legal guardian or a designated legal representative.

334.2 CHILD ABDUCTION CRITERIA

An AMBER Alert should only be implemented in the following cases:

- (a) A confirmed abduction (non-family)
- (b) In the event of a parental abduction in which there is reliable information that the child is being removed from California or United States jurisdiction
- (c) The victim of a parental abduction faces the threat of injury or death
- (d) When circumstances surrounding a child's disappearance are unknown, an alert may be implemented after sufficient time has elapsed and sufficient investigation has been conducted to eliminate other explanations for the child's absence

334.3 ALERT RESPONSIBILITY

The employee receiving the abduction report shall notify Marin County Communications immediately. The employee receiving the abduction report shall notify the Chief Ranger as soon as practical.

334.4 PROCEDURE

In the event of a confirmed child abduction the following procedures designed to alert the media shall be followed.

- (a) Personnel designated by the Marin County Sheriff's Office will prepare an initial press release that includes all available information which might aid in locating the child, such as:
 1. The child's identity, age, and description
 2. Photograph if available
 3. The suspect's identity, age, and description, if known

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4. Pertinent vehicle description
 5. Detail regarding location of incident, direction of travel, potential destinations, etc., if known
 6. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison
 7. A telephone number for the public to call in with leads/information
- (b) Fax the press release to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
1. Emergency Alert System sites (EAS)
 2. California Highway Patrol (CHP)
 3. CLETS message to activate the Emergency Digital Information System (EDIS)
 4. Federal Bureau of Investigation (FBI Local Office)
 5. Prompt entry of information into the Department of Justice Missing Person System (MUPS/NCIC)
 6. National Center for Missing and Exploited Children (800) 843-5678
- (e) The investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

334.5 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department Emergency Communications Bureau facilities and staff can be made available as call takers in the event of high call volume.

If a Ranger is assigned to the incident and directed to assist with Public Information Officer (PIO)/communications duties, the following will likely apply:

- (a) The Sheriff's Office will provide a telephone number for the public to call;
- (b) In the press release, the public will be directed to telephone number provided by the Sheriff's Office;
- (c) The incident PIO will handle all press releases and media inquiries. The District's PIO should be assigned to the incident to provide assistance and serve as a communication conduit to District management. Park Rangers may be directed to respond to the Sheriff's Department Emergency Communications Bureau to screen and relay information and 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 Bureau.

Victim Witness Assistance Program

336.1 PURPOSE AND SCOPE

Persons who have sustained a physical injury as a direct result of a crime of violence, those persons who are legally dependent for support upon such persons who have sustained physical injury or death and those persons who legally or voluntarily assume the medical or burial expenses of such persons may be indemnified by the State of California. These provisions are contained in Government Code, § 13959 et seq. Law enforcement agencies are charged with the responsibility of notifying the victims of violent crimes of their right to indemnification.

336.2 DEFINITIONS

Government Code § 13951 provides definitions for the following:

336.2.1 VICTIM DEFINED

"Victim" shall mean a California resident or military person who is:

- (a) A person who sustains injury or death as a direct result of a crime
- (b) Legally dependent for support upon a person who sustains injury or death as a direct result of a crime
- (c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment
- (d) Any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime

336.2.2 CRIME DEFINED

Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:

- (a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle
- (b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153
- (c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated
- (d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F))

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336.3 ADVISEMENT RESPONSIBILITY

Park Rangers reporting or investigating a crime where a victim has suffered injury as a direct or proximate cause of that crime will ensure the victim has been provided with information about the existence of the local victim center.

336.3.1 REPORTING RANGER'S RESPONSIBILITY

Crimes of this nature are the responsibility of the Marin County Sheriff's Office. If circumstances require that a Ranger assume primary reporting responsibility, the reporting Ranger shall make the required advisement as set forth in Policy Manual § 336.3. This advisement shall include referral of the victim to the Victim/Witness representative in the Marin County District Attorney's Office, 499-6450 to obtain an application for the Victim of Crimes Program. The Ranger should inform the victim of the case number for the specific crime report. The Ranger shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned Ranger shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If 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(b)(1)).
 1. Prior to any such examination, the assigned Ranger shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
 2. A support person may be excluded from the examination by the Ranger or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

336.3.2 VICTIM CONFIDENTIALITY

Rangers 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 their name not be made public. The reporting Ranger 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 (a) and (b)).

Except as authorized by law, members of this District shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

336.3.3 MCSO DETECTIVE RESPONSIBILITY

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating MCSO detective who later contacts or identifies the victim and/or dependents shall make the necessary advisement. The investigating detective shall use discretion and tact in making such advisement.

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336.3.4 SUPERVISOR RESPONSIBILITY

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. The supervisor will follow up with the assigned MCSO Detective to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

336.4 RANGER RESPONSIBILITY

The reporting Ranger shall be the liaison to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. Policy Manual § 810 regarding release of reports shall be followed in all cases.

Hate Crimes

338.1 PURPOSE AND SCOPE

Typically, the Marin County Sheriff's Office will be investigate crimes of this nature. The District recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, the District will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides Park Rangers with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Hate Crimes - Penal Code § 422.55(a) defines a hate crime as either a violation of Penal Code § 422.6 or 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

338.3 CRIMINAL STATUTES

Penal Code § 422 - Prohibits verbal, written or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family

Penal Code § 422.6 (a) - Prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat

Penal Code § 422.6(b) - Prohibits knowingly defacing, damaging or destroying the real or personal property of any person for any of the purposes set forth in Penal Code § 422.6(a)

Penal Code § 422.7 - Provides for other criminal offenses involving threats, violence or property damage in excess of \$400 to become felonies if committed for any of the purposes set forth in Penal Code 422.6

Penal Code § 422.76 - Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or the defendant's perception of the victim's sex and includes the defendant's perception of the victim's identity, appearance, or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with the victim's sex at birth

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Penal Code § 422.9 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika or burning cross) on another person's private property

Penal Code § 11412 - Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs

Penal Code § 594.3 - Prohibits vandalism to religious buildings or places of worship

Penal Code § 11413 - Prohibits use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, group facilities and other specified locations

338.4 CIVIL STATUTES

Civil Code § 51.7 - Except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

Civil Code § 52 - Provides for civil suit by individual, Attorney General, District Attorney or General Counsel for violation of Civil Code § 51.7, including damages, Temporary Restraining Order and injunctive relief.

Civil Code § 52.1 - Provides for Temporary Restraining Order and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.9.

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, the District is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

- (a) Rangers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks
- (b) Accessing assistance by, among other things, activating the Department of Justice hate crime rapid response protocol when necessary
- (c) Providing victim assistance and follow-up as outlined below, including community follow-up

338.6 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of Watershed Protection receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Ranger(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate
 - (b) A supervisor should be notified of the circumstances as soon as practical
-

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- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned Ranger(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved
- (d) The assigned Ranger(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
- (e) Depending on the situation, the assigned Ranger(s) or supervisor may request additional assistance from MCSO detectives or other resources to further the investigation
- (f) The assigned Ranger(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned Ranger(s) before the end of the shift
- (g) The assigned Ranger(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations
- (h) The assigned Ranger(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or General Counsel Penal Code § 136.2 or Civil Code § 52.1 as indicated).

338.6.1 INVESTIGATION RESPONSIBILITY

If a case is assigned to a Watershed Deputy or MCSO detective, the assigned individual will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate
- (b) Maintain contact with the victim(s) and other involved individuals as needed
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023

338.7 TRAINING

Park Rangers will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.

Disciplinary Policy

340.1 PURPOSE AND SCOPE

To provide Park Rangers with guidelines for their conduct in order that they may participate in meeting the goals of the District in serving the community. This policy shall apply to all sworn personnel. This policy is intended for internal use only and shall not be construed to increase or establish a Ranger's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

340.2 DISCIPLINE POLICY

The continued employment of each Park Ranger shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any Ranger to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

A Park Ranger's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from his or her ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the District. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient service of sworn personnel:

340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the District within 24 hours of any change in residence address, home phone number, or marital status.

340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief Ranger of such action
- (c) Using District resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records
- (d) Engaging in potentially dangerous "horseplay" resulting in injury or property damage or the reasonable possibility thereof

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- (e) Unauthorized possession of, loss of, or damage to District property or the property of others or endangering it through unreasonable carelessness or maliciousness
- (f) Failure of any Ranger to report activities on their own part or the part of any other Ranger where such activities may result in criminal prosecution or discipline under this policy
- (g) Failure of any Ranger to report activities that have resulted in official contact by any other law enforcement agency.
- (h) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief Ranger
- (i) Discourteous, disrespectful or discriminatory treatment of any member of the public or any employee of the District
- (j) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity
- (k) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact

340.3.3 DISCRIMINATION

- (a) Discrimination against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the Ranger's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. A Ranger who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the Ranger's ability to perform assigned duties
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site or upon District Lands

340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance, including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

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- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any Ranger for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the District or subverts the good order, efficiency and discipline of the District or which would tend to discredit any employee thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the District or employee thereof.
- (i) The falsification of any work related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any District record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any District property for the personal use of the Ranger or any unauthorized person(s).
- (k) The unauthorized use of any badge, uniform, identification card or other District equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the Ranger's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the Park Rangers' Policy Manual, operating procedures or other written directive of an authorized supervisor. Rangers shall familiarize themselves with and be responsible for compliance with each of the above and the District shall make each available to all Rangers.
- (n) Work related dishonesty, including attempted or actual theft of District property, services or the property of others, or the unauthorized removal or possession of District property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off-duty.
- (p) Failure to disclose, or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved District practices or procedures.
- (r) Substantiated, active, continuing association with or membership in organized crime and/or criminal syndicates with knowledge thereof, except as specifically directed and authorized by the District.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting on District premises or at any work site.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the Ranger has or reasonably should

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have knowledge of such criminal activities, except where specifically directed and authorized by the District.

- (x) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on District property except as expressly authorized.
- (y) Engaging in political activities during assigned working hours except as expressly authorized.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any Park Ranger knows or reasonably should know is unbecoming a sworn employee of the District or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the District or its employees.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) 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 District related business.

340.3.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within District facilities or to use required protective clothing or equipment
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment
- (d) Failure to maintain good physical condition sufficient to adequately perform law enforcement duties
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment

340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that Park Rangers adhere to the policies and procedures of the District and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of a Park Ranger to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a Watershed Protection supervisor toward any employee for malicious or other improper purpose

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to

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Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.4.1 WRITTEN REPRIMANDS

Any Ranger wishing to formally appeal a written reprimand must submit a written request to the Chief Ranger within ten working days of receipt of the written reprimand. The Chief Ranger will then refer the appeal to the Watershed Manager for review and consideration. Absent a written stipulation to the contrary, the Ranger will be provided with an evidentiary hearing before the Watershed Manager within 30 days. The decision of the Watershed Manager to sustain, modify or dismiss the written reprimand shall be considered final.

340.5 POST-INVESTIGATION PROCEDURES

340.5.1 CHIEF RANGER AND WATERSHED MANAGER RESPONSIBILITIES

Prior to completion of any personnel investigation of a Park Ranger, the Chief Ranger shall review the Ranger's personnel file and any other relevant materials. The Chief Ranger will then forward the investigation with recommendation(s) to the Watershed Manager. The Chief Ranger and Watershed Manager will then forward the investigation to the Division Manager with findings regarding the disposition of any allegations and recommendation(s) for the amount of discipline, if any, to be imposed. When forwarding any written recommendation, the Chief Ranger shall include all relevant materials supporting the recommendation. Actual copies of the Ranger's existing personnel file need not be provided and may be incorporated by reference.

340.5.2 RESPONSIBILITIES OF THE DIVISION MANAGER

Upon receipt of any written recommendation for disciplinary action, the Division Manager shall review the recommendation and all accompanying materials. The Division Manager may modify any recommendations and/or may return the file to the Chief Ranger for further investigation or action. Once the Division Manager is satisfied that no further investigation or action is required by staff, the Division Manager shall determine the amount of discipline, if any, to be imposed. In the event disciplinary action is recommended, the Division Manager shall provide the Ranger with written (Skelly) notice of the following information:

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count
- (b) A separate recommendation of proposed discipline for each charge
- (c) A statement that the Ranger has been provided with or given access to all of the materials considered by the Division Manager in recommending the proposed discipline
- (d) An opportunity to respond orally or in writing to the Division Manager within five days of receiving the Skelly notice
 1. Upon a showing of good cause by the Ranger, the Division Manager may grant a reasonable extension of time for the employee to respond.
 2. If the Ranger elects to respond orally, the presentation shall be recorded by the District. Upon request, the Ranger shall be provided with a copy of the recording.

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340.6 PARK RANGER RESPONSE

The pre-discipline process is intended to provide the accused Ranger with an opportunity to present a written or oral response to the Division Manager after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The Ranger shall consider the following:

- (a) This Skelly response is not intended to be an adversarial or formal hearing.
- (b) Although the Ranger may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The Ranger may suggest that further investigation could be conducted or the Ranger may offer any additional information or mitigating factors for the Division Manager to consider.
- (d) In the event that the Division Manager elects to cause further investigation to be conducted, the Ranger shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The Ranger may thereafter have the opportunity to further respond orally or in writing to the Division Manager on the limited issue(s) of information raised in any subsequent materials.
- (f) Once the Ranger has completed his/her Skelly response or, if the Ranger has elected to waive any such response, the Division Manager shall consider all information received in regard to the recommended discipline. The Division Manager shall thereafter render a timely written decision to the Ranger imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the Ranger of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Division Manager has issued a written decision, the discipline shall become effective

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a Ranger tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary Ranger, the Ranger shall have the right to an evidentiary appeal of the Division Manager's imposition of discipline pursuant to the operative Collective Bargaining Agreement (CBA) and personnel rules.

340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY PARK RANGERS

In the event that a probationary Ranger is terminated solely for unsatisfactory performance or the failure to meet District standards, the Ranger shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary Ranger for such failure to pass probation shall be so reflected in the Ranger's personnel file

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- (b) In the event that a probationary Ranger is disciplined or terminated for misconduct, the Ranger shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline
- (c) At all times during any investigation of allegations of misconduct involving a probationary Ranger, such Ranger shall be afforded all procedural rights set forth in Government Code § 3303 and applicable District policies
- (d) A probationary Ranger's appeal of disciplinary action shall be limited to an opportunity for the Ranger to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the Ranger's continuation of employment
- (e) The burden of proof for any probationary Ranger's appeal of disciplinary action shall rest with the Ranger and will require proof by a preponderance of the evidence
- (f) In the event that a probationary Ranger meets his or her burden of proof in such a disciplinary appeal, the District shall remove all reference to the underlying allegations of misconduct from the Ranger's personnel file
- (g) In the event that a probationary Ranger fails to meet his or her burden of proof in such a disciplinary appeal, the Ranger shall have no further right to appeal beyond the Division Manager.

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each Park Ranger's job. The purpose of reports is to document sufficient information to refresh the Ranger'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.

344.1.1 REPORT PREPARATION

It is the primary responsibility of the assigned Ranger to ensure that reports are fully prepared or that supervisory approval has been obtained to delay the report before going off duty. The preparing Ranger must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or a suspect is in custody.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the Ranger will be required by the supervisor to promptly correct the report. Rangers 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. Rangers shall not repress, conceal or distort the facts of any reported incident, nor shall any Ranger make a false report orally or in writing.

344.2 REQUIRED REPORTING

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

344.2.1 CRIMINAL ACTIVITY REPORTING

When a Ranger 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 Ranger is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report
- (b) In every instance where a misdemeanor crime has occurred regardless of whether the victim desires a report, the documentation shall take the form of a written crime report.
- (c) In every case where any force is used against any person by a Ranger
- (d) All incidents involving domestic violence
- (e) All arrests

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Reported missing persons (regardless of jurisdiction)
- (b) Found property and found evidence

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- (c) All incidents involving the death of a human being (see Policy Manual § 360, Death Investigations)
- (d) Traffic collisions (internal use only, see Policy Manual § 502, Traffic Accident Reporting)
- (e) Fires

344.2.3 INJURY OR DAMAGE BY DISTRICT PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a District employee. Additionally, reports shall be taken involving damage to District property or District equipment.

344.2.4 MISCELLANEOUS INJURIES

Any injury that is reported to the District shall require a report when:

- (a) An injury that meets EMT reporting protocol that occurs any time a person is on District land regardless of whether or not a Ranger provides medical care.
- (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
- (e) An injury is a result of drug overdose

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.

344.2.5 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 Ranger shall notify the California State Department of Health Services of the incident, including the nature of the injury, on a form provided by the state. Forms may be obtained from DHS Epidemiology and Prevention for Injury Control (EPIC) Branch, Tel: (910) 552-9849 (Penal Code § 12088.5).

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all Rangers 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.

344.3.1 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.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for operational consistency.

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344.3.2 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.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should note the reasons for rejection. The original report and the correction note should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the report originator to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been approved may be corrected or modified by the authoring Ranger only with the knowledge and authorization of the reviewing supervisor.

Employee Contact With Media (MMWD Board Policy No. 23)

347.1 PURPOSE AND SCOPE

This policy incorporates MMWD Board policy no. 23, Employee Contact With Media with relevant legal compliance guidelines for both media access to scenes of disasters, criminal investigations and other emergency activities and protection of restricted information.

347.2 MMWD BOARD POLICY NO. 23

Because the public receives much of its information regarding District programs, policies and operations through the media, it is important that the District assure that the media has access to the most complete and accurate sources of information available. Thus, the General Manager or his designee shall serve as the media's primary source of contact with the District. Media inquiries about official District business, including requests for explanations of District policy, should be directed to the General Manager or his designee.

All other communications with the media by District employees in which the District is a subject matter of discussion shall be conducted out of an employee's work hours with the District and clearly identified as the expression of the personal opinion of the employee.

347.3 MEDIA ACCESS

Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities 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.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations
 1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.
- (c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Manager and the expressed consent of the person in custody.

347.4 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this District. When in doubt, General Counsel should be contacted. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual § 1026)

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Employee Contact With Media (MMWD Board Policy No. 23)

1. The identities of Park Rangers involved in major incidents may only be released to the media pursuant to consent of the involved ranger or upon a formal request filed and processed in accordance with the Public Records Act.
 - (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)
 - (c) Criminal history information
 - (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
 - (e) Information pertaining to pending litigation involving the District
 - (f) Information obtained in confidence
 - (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

Court Appearance & Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that Park Rangers appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS

On-Call - When a Park Ranger has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When a Ranger receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When a Ranger remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require a Ranger's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Park Rangers who receive subpoenas related to their employment with the District are subject to the provisions of this policy. Rangers should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Rangers are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of a Park Ranger connection with a matter arising out of the Ranger's course and scope of official duties may be accomplished by personal service on the Ranger or by delivery of two copies of the subpoena on the Ranger's supervisor or other authorized District agent (Government Code § 68097.1 and Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to the District.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for a Ranger unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the Ranger named in a subpoena, his/her supervisor shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). The Senior Park Ranger shall maintain a chronological log of all District subpoenas and provide a copy of the subpoena to each involved employee.

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- (b) The Senior Park Ranger or other authorized individual accepting a subpoena on behalf of another Ranger shall immediately check available schedules to determine the availability of the named Ranger for the date listed on the subpoena.
- (c) Once a subpoena has been received by the Senior Park Ranger or other authorized individual, a copy of the subpoena shall be promptly provided to the named Ranger(s).

348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the Senior Park Ranger or other supervisor of his/her absence. It shall then be the responsibility of the Senior Park Ranger or supervisor to notify the issuing authority of the Ranger's unavailability to appear.

If the Senior Park Ranger or supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, the Senior Park Ranger, supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named Ranger within sufficient time for the named Ranger to comply with the subpoena, the Senior Park Ranger, supervisor or other authorized individual 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)).

348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, Rangers are required to provide and maintain current information on their address and phone number with the District. Rangers are required to notify the District within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If a Ranger on standby changes his/her location during the day, the Ranger will advise a supervisor or Support Services staff person of how he/she can be reached by telephone. Rangers are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse a Ranger from standby status.

348.2.6 OFF-DUTY RELATED SUBPOENAS

Park Rangers receiving valid subpoenas for actions taken off-duty not related to their employment with Marin Municipal Water District shall comply with the requirements of the subpoena. Unless the circumstances of the appearance comply with the conditions set forth in the current employee CBA, Rangers receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

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348.2.7 FAILURE TO APPEAR

Any Ranger who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS

The District will compensate Rangers who appear in their official capacity on civil matters arising out of the Ranger's official duties as directed by the current CBA. In such situations, the District will also reimburse any Ranger for reasonable and necessary travel expenses.

The District will receive reimbursement for the Ranger's compensation through the civil attorney of record who subpoenaed the Ranger.

348.3.1 PROCEDURE

To ensure that the Ranger is able to appear when required, that the Ranger is compensated for such appearance, and to protect the District's right to reimbursement, Rangers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the Ranger or District is not a party without properly posted fees pursuant to Government Code § 68097.6.

348.3.3 PARTY MUST DEPOSIT FUNDS

The party in the civil action who seeks to subpoena a Ranger must deposit the statutory fee of \$150 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the Ranger make multiple appearances must make an additional deposit in advance.

348.4 OVERTIME APPEARANCES

If the Ranger appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee CBA.

348.5 COURTROOM PROTOCOL

Park Rangers must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed Ranger shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE

Park Rangers shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM

Park Rangers shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

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348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any Park Ranger who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify the Chief Ranger without delay. The Chief Ranger will then notify the Watershed Manager, General Counsel, District Attorney's Office in criminal cases, County Counsel as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

Outside Agency Assistance

353.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Park Rangers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of the District to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of the District, when another law enforcement agency requests assistance with an arrest or detention of any person. The District may also request an outside agency to provide assistance.

353.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Chief Ranger (in his/her absence, the Senior Park Ranger) for approval. Rangers **will provide assistance that is within the scope and practice of the District Park Ranger classification**. When an authorized employee of an outside agency requests the assistance of Rangers in taking a person into custody, available Rangers shall respond and assist in making a lawful arrest. **Rangers are not authorized to assist an outside agency with the arrest of a person known or suspected to be armed**. If a Ranger receives a request in the field for assistance, that Ranger shall notify a supervisor. Only in exceptional circumstances will the District provide transportation of arrestees to county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Marin Municipal Water District personnel.

353.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the Ranger requesting assistance shall first notify a supervisor of his/her intentions. If a supervisor is not immediately available, notification will be made as soon as practical.

Handcuff Policy

354.1 PURPOSE AND SCOPE

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexcuffs, which will be considered synonymous with handcuffs for purposes of this policy.

354.2 HANDCUFFING POLICY

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the District. The arresting Ranger should consider the circumstances leading to the arrest, the attitude of the arrested person, and the age, sex, and health of the person before handcuffing. It must be recognized that officer safety is the primary concern.

It is not the intent of the District to dissuade Rangers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, a Ranger should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail.

354.2.1 IMPROPER USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety. When practical, handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

354.2.2 JUVENILES

Juveniles 14-years of age or older may be handcuffed when the act committed is of a felonious nature or when their acts have amounted to crimes where the officer has a reasonable suspicion the suspect may have a desire to escape, injure themselves, injure the Ranger, or destroy property.

Juveniles under 14-years of age generally will not be handcuffed unless their acts have amounted to a dangerous felony or when they are of a state of mind which suggests a reasonable probability of their desire to escape, injure themselves, the Ranger, or to destroy property.

354.2.3 HANDCUFFING OF DETAINEES

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to assure the safety of Rangers and others. Handcuffs should be removed as soon as it is determined that the detained person will not be arrested.

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When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for use of handcuffs.

Megan's Law

356.1 PURPOSE AND SCOPE

The purpose of this policy is **informational only for Park Rangers. It is not intended to establish a District procedure for the dissemination of information regarding certain registered sex offenders under California's Megan's Law. (Penal Code §§ 290 and 290.4). It is the policy of the District to refer any inquiries or information that relates to this section to the Marin County Sheriff's Office.**

356.2 DEPARTMENTAL DISSEMINATION OF INFORMATION

Whenever this department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Penal Code § 290 in order to ensure the public safety, such information may only be released by means determined by the Manager to be appropriate (Penal Code § 290.45(a)(1)).

Officers shall obtain approval from a supervisor prior to the public release of any information regarding a registered sex offender. Under exigent circumstances, an officer may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (Penal Code § 290.45(a)(2)).

356.2.1 LIMITATIONS ON EXTENDED RELEASE

Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

356.3 RELEASE OF INFORMATION VIA THE INTERNET

Information about a specific offender may be publicly disclosed by way of the department Internet Web site only when the Department determines that such disclosure is necessary to ensure the public safety (Penal Code § 290.46(g)).

356.3.1 INFORMATION PROHIBITED FROM INTERNET RELEASE

The following information shall not be released over the department Internet Web site (Penal Code § 290.46(a)):

- Any information identifying the victim.
- The name and address of the offender's employer.
- All criminal history of the offender, other than the specific crimes for which the person is required to register.

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356.3.2 INFORMATION PERMITTED FOR INTERNET RELEASE

For those offenders listed in Penal Code § 290.46(c)(2) and (d)(2), the following information may be included on the department Internet Web site:

- (a) The offender's full name.
- (b) The offender's known aliases.
- (c) The offender's gender.
- (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 community of residence and ZIP Code in which the registrant resides or the county in which the person is registered as a transient.
- (j) Any other information which the Department deems relevant, such as:
 - 1. Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense).
 - 2. Type of victim targeted by the offender.
 - 3. Relevant parole or probation conditions, such as prohibiting contact with children.
 - 4. Dates of crimes resulting in current classification.
 - 5. Dates of release from confinement.
 - 6. The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code § 290.46(b)(2), the address at which the offender resides may also be included on the department Internet Web site in addition to the above.

Before releasing the address of any offender, the officer shall verify that the information it is correct.

356.3.3 USE OF DISCLOSURE FORMS

Whenever information regarding any sex offender is publicly disseminated, the officer shall complete a Megan's Law Disclosure form which shall be promptly forwarded to the Watershed Deputies .

The release of such information shall also be noted by entering the notification into the comment field on the offender's Supervised Release File record.

356.3.4 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:

- (a) The offender's full name.
 - (b) The offender's known aliases.
-

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- (c) The offender's gender.
- (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 .

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. 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)(1).

356.4 PUBLIC INQUIRIES

As a general rule information may not be given over the telephone. Members of the public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan's Law Web site maintained by the Department of Justice (www.meganslaw.ca.gov). They may also submit a list of at least six persons directly to the Department of Justice on a designated form to inquire whether any of those persons are required to register as a sex offender and are subject to public notification (Department of Justice fees may apply) (Penal Code § 290.4(a)).

Management Notification

358.1 PURPOSE AND SCOPE

Incidents that are of significant nature and that fall into listed criteria require notification to certain management members of the District. It is critical that staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

358.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the management staff. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Accidents with fatalities
- Significant injury or death to employee - on or off duty
- Death occurring on District land
- Arrest of District employee
- Aircraft crash
- In-custody deaths
- Wildland fire
- Critical fire weather conditions (Red Flag Warning)
- Hazardous Materials incident

358.3 RANGER RESPONSIBILITY

The Senior On Duty Ranger is responsible for making the appropriate notifications. The Ranger shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Ranger shall attempt to make the notifications as soon as practical. Notification should be made by the District's Distribution Systems Operator.

358.3.1 MANAGEMENT STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the management staff shall be notified by the District's Distribution Systems Operator utilizing the appropriate management notification procedure.

Death Investigation

360.1 PURPOSE AND SCOPE

All death investigations will be the responsibility of the Marin County Sheriff's Office. Park Rangers are authorized to assist MCSO personnel with the investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Rangers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 CORONER REQUEST

Government Code § 27491 and Health & 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. Also, includes all deaths outside hospitals and nursing care facilities.)
- (b) Wherein the deceased has not been attended by a physician in the 20 days prior to death
- (c) Physician unable to state the cause of death. Unwillingness does not apply. 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
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse
- (g) Related to or following known or suspected self-induced or criminal abortion
- (h) Associated with a known or alleged rape or crime against nature
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents)
- (l) Occupational diseases or occupational hazards
- (m) 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

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- (o) In prison or while under sentence. 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. Includes patients 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.

360.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner 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 (Government Code § 27491.3). If such a donor card is located, the Coroner or Deputy Coroner shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or Deputy Coroner; the investigating officer shall first obtain verbal consent from the Coroner or Deputy Coroner.

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the coroner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Deputy Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When practical, 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 the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death and actions by Rangers associated to the incident response or investigation shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned Ranger suspects that the death involves a homicide or other suspicious circumstances, MCSO Investigations shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

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360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Whenever a Park Ranger determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment, he/she shall ensure that the District's Safety Officer is notified.

Identity Theft

362.1 PURPOSE AND SCOPE

The purpose of this policy is informational only for Park Rangers. It is not intended to establish a District procedure for investigating identity theft crimes. It is the policy of the District to refer any inquiries or information that relates to this section to the Marin County Sheriff's Office. 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.

362.2 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. 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 our 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 the victim of identity theft of his/her right to obtain court ordered access to the Department of Justice identity theft database pursuant to Penal Code § 530.7.
- (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.

Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Park Rangers for the handling of private person's arrests made pursuant to Penal Code § 837.

364.2 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.

364.3 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.

364.4 RANGER RESPONSIBILITIES

Any Ranger 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 Ranger 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 Ranger 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 Ranger must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the Ranger, the Ranger should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever a Ranger determines that there is reasonable cause to believe that a private person's arrest is lawful, the Ranger 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

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a District Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), Rangers shall complete a narrative report regarding the circumstances and disposition of the incident.

Anti-Reproductive Rights Crimes Reporting

366.1 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.).

366.2 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

366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of 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) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Ranger.
- (c) By the tenth day of each month, it shall be the responsibility of the Investigation Ranger to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
 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).

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of the District to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 U.S.C. 2000d)

368.1.1 DEFINITIONS

Limited English Proficient (LEP) - Those individuals whose primary language is not English. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient.

368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages Park Rangers could encounter, the District will analyze four factors in determining those measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably, therefore this analysis must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Rangers or who may benefit from programs or services within the District's jurisdiction or a particular geographic area
- (b) The frequency with which LEP individuals are likely to come in contact with Rangers, 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

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the District or Rangers.

368.2.1 QUALIFYING INDIVIDUALS

While the District 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, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, the District will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the District at no cost or choose to provide their own interpreter services at their own expense. Rangers should document in any related report whether the LEP individual

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elected to use interpreter services provided by the District or some other source. District provided interpreter services may include, but are not limited to:

368.3.1 BILINGUAL STAFF

Individual Rangers and employees need not be certified as interpreters, but need only have a competent understanding of the language involved. When bilingual employees of the District are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

368.3.2 WRITTEN FORMS AND GUIDELINES

The District will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area. When appropriate, these forms will be conspicuously posted at the front counter and otherwise available upon request. For example, the District's Personnel Complaint form and information about various district programs and services should be made readily available to LEP individuals.

368.3.3 TELEPHONE INTERPRETER SERVICES

Park Rangers may contact Marin Communications Center and request interpreter services. Additionally, Rangers will maintain a list of qualified interpreter services which may be contacted to assist LEP individuals upon approval of a supervisor.

368.3.4 FAMILY AND FRIENDS OF LEP INDIVIDUAL

While family and friends of an LEP individual may frequently offer to assist with interpretation, Rangers should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

368.3.5 POSTING OF AVAILABLE SERVICES

Forms printed in available languages should be maintained in a conspicuous location at the front counter and other appropriate areas. When such forms are either unavailable or inappropriate, the District will post a conspicuous notice that LEP services may be available.

368.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, the District will utilize the four-factor analysis to prioritize language services so that they may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever a park Ranger is required to complete a report or other documentation and translation services are provided to any involved LEP individual(s), such services should be noted in the related report.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, District personnel will make every reasonable effort to promptly accommodate such LEP individuals through any or all of the above resources.

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368.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, the District places a high priority on providing competent translation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, District personnel providing translation services or forms in these situations will make every reasonable effort to accurately translate all communications with LEP individuals.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of District personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for the District to make every reasonable effort to provide effective language services in these situations.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement include routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the District recognizes that it would be virtually impossible to provide immediate access to complete translation services to every Ranger in the field. Each Ranger and/or supervisor must, however, assess each such situation to determine the need and availability for translation services to any and all involved LEP individuals.

Although not every situation can be addressed within this policy, it is important that a Ranger is able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would also, for example, be meaningless to request consent to search if the Ranger is unable to effectively communicate with an LEP individual.

368.5 TRAINING

In an effort to ensure that all employees in public contact positions are properly trained, the District will provide periodic training in the following areas:

- (a) Employee awareness of LEP policies, procedures, forms and available resources
- (b) Employees having contact with the public are trained to work effectively with in-person and telephone interpreters
- (c) Training for management staff, even if they may not interact regularly with LEP individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff

Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA) and Civil Code § 54.1, it is therefore the policy of the District to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, Park Rangers should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- (a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- (b) The nature of the disability (e.g., total deafness or blindness vs. impairment)
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.)
- (d) Availability of resources to aid in communication

When considering these and other available information, the Ranger(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the District or its staff.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Rangers should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

370.3 TYPES OF ASSISTANCE AVAILABLE

Depending on the balance of the factors available for consideration at the time, the District will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and honored unless

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the Ranger can adequately demonstrate that another effective method of communication exists under the circumstances.

Rangers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the District or some other identified source. District provided services may include, but are not limited to the following:

370.3.1 FIELD RESOURCES

Individual Rangers are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

- (a) Hand gestures or written communications exchanged between the Ranger and a deaf or hearing impaired individual
- (b) Facing an individual utilizing lip reading and speaking slowly and clearly
- (c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual

370.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the District may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, Rangers may elect to read aloud a District form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

370.3.3 TELEPHONE INTERPRETER SERVICES

The Ranger may contact the Marin Communications Center to request a qualified interpreter service to be contacted to assist deaf or hearing impaired individuals upon approval of a supervisor. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

370.3.4 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, Rangers should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

370.4 CONTACT SITUATIONS AND REPORTING

While all contacts, services, and individual rights are important, the District will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of the District is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

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370.4.1 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as pedestrian stops, traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the District recognizes that it would be virtually impossible to provide immediate access to complete communication services to every Ranger in the field. Each Ranger and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that Rangers are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the Ranger is unable to effectively communicate with a deaf individual.

370.5 TRAINING

In an effort to ensure that all Park Rangers are properly trained, the District will provide periodic training in the following areas:

- (a) Employee awareness of related policies, procedures, forms and available resources
- (b) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff

Mandatory School Employee Reporting

372.1 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.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code § 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of Health and Safety Code § 11054, or for any of the offenses enumerated in Penal Code § 290 or in subdivision 1 of Penal Code § 291 or Education Code § 44010, the Manager or his/her designee is required to immediately report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above sections, the Chief Ranger 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.

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above sections, the Chief Ranger 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.

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

Upon arrest for one of the above sections, the Chief Ranger 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.

DNA Samples

374.1 PURPOSE AND SCOPE

All collection of DNA samples will be the responsibility of the Marin County Sheriff's Office. This policy is included in the manual for informational purposes only. The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code § 295, et seq.).

374.2 PERSONS SUBJECT TO DNA COLLECTION

While the courts may order DNA samples taken in a variety of circumstances under the Act, members of this department are only authorized to obtain DNA samples from the following individuals absent other lawful means (e.g., consent or a search warrant).

Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection flag on the individual's criminal history record or, during regular business hours, by calling the Department of Justice designated DNA laboratory at (510) 620-3300. All DNA collection flags should be verified by contacting DOJ prior to the collection of the sample (Penal Code § 298(b)(5)).

It is a misdemeanor for any qualified individual to refuse to give any or all required DNA samples following written notice of the requirement to do so (Penal Code § 298.1(a)).

374.2.1 ARRESTEES

Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to release on bail or other physical release from custody), any adult arrested or charged with any of the following felony offenses are required to provide DNA samples (Penal Code § 296.1(a)(1)(A)):

- (a) Any felony offense or attempt to commit any felony offense specified in Penal Code § 290 or felony offense which requires registration under 290 (Penal Code § 296(a)(2)(A))
- (b) Murder, voluntary manslaughter or the attempt to commit either offense (Penal Code § 296(a)(2)(B))

374.2.2 SEX AND ARSON REGISTRANTS

Any adult or juvenile who is required to register as a sex offender under Penal Code § 290 or arsonist under Penal Code § 457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. (Penal Code § 296(a)(3)).

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided (Penal Code § 296.2(c)).

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374.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under the Act, the arresting officer or other employee designated by a supervisor shall obtain DNA samples in accordance with this policy.

374.3.1 BLOOD SAMPLES

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the Department of Justice DNA lab shall be placed in Department of Justice blood vials (Penal Code § 298(a) and (b)(2)). A right thumbprint shall be placed on the sample vial along with other required identifying information.

374.3.2 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors. (Penal Code § 298(a) and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information.

(Note: If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.)

374.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples. (Penal Code § 298(b)(4)).

374.3.4 USE OF FORCE TO OBTAIN SAMPLES

If, after a written or oral request, a qualified individual refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force to obtain such sample(s) under the following conditions:

- (a) Prior to the use of reasonable force, the officer(s) shall take and document reasonable steps to secure voluntary compliance (Penal Code § 298.1(c)(1)(C)).
- (b) Prior to the use of reasonable force, the officer(s) shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused (Penal Code § 298.1(c)(1)(B)).
- (c) If the authorized use of reasonable force includes a cell extraction, such extraction shall be videotaped (Penal Code § 298.1(c)(1)(D)).

For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, trained and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance. (Penal Code § 298.1(c)(1)(A)).

374.4 PROCESSING DNA SAMPLES

All DNA samples and related materials shall be promptly forwarded to the DNA Lab using DOJ mailing tubes, labels and instructions for prompt analysis. (Penal Code § 298(a) and (b)(1)).

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374.4.1 NOTICE OF A REJECTED SAMPLE

In the event the Department of Justice notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the Department of Justice (Penal Code § 296.2(a)).

374.4.2 FOLLOW UP NOTICE TO DOJ

Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation (Penal Code § 297(c)(2)). It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

374.5 RELATED STATUTES

It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity (Penal Code § 298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes (Penal Code § 299.5(i)(1)(A)).

374.6 LITIGATION

The Chief Ranger or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 in the event the District is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

Service Animal Policy

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Marin Municipal Water District recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of any animal that is individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals may be of any type or breed and need not be certified by any governmental agency or service group.

Some service animals, such as guide dogs, may be readily identifiable but many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist individuals with disabilities.

The following examples are just some of the ways service animals may be used to provide assistance:

- 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 with disabilities who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with physical disabilities 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 or to wake the person.
- 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 schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items, find places or follow daily routines.

382.3 EMPLOYEE RESPONSIBILITIES

Under the Americans with Disabilities Act, service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Employees are expected to treat individuals with service animals with the same courtesy and respect that the Marin Municipal Water District affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations the employee may direct the partner/handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the partner/handler takes prompt, effective action

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Service Animal Policy

to control the animal. 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 and members of this department are expected to provide all services as are reasonably available to the individual with the disability.

If it is apparent or if the employee is aware the animal is a service animal, the handler/partner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- 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 question as to the animal's status should be asked. The person should not be asked questions about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

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

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 permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

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

382.4 INQUIRIES AND COMPLAINTS

Under the Americans with Disabilities Act, people with disabilities have the right to be accompanied by service animals in all public areas and the Marin Municipal Water District considers interference with or denial of this right by Park Rangers to be a serious violation of this policy. Complaints alleging violations of this policy against any Ranger will be promptly investigated and should be referred to the Chief Ranger.

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Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the watershed patrol unit of the District to ensure intra-sectional cooperation and information sharing.

400.1.1 FUNCTION

Park Rangers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of the Marin Municipal Water District watershed lands, respond to calls for assistance, act as a deterrent to crime, enforce state, local laws as well as MMWD Land Use Regulations 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, the maintenance of public order, and the discovery of hazardous situations or conditions
- (b) Public outreach activities such as interpretive talks, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature
- (d) Provide assistance to injured or distressed visitors. Transporting visitors in District vehicles from the watershed to a place of safety is deemed to be official District business per District Administrative policy No. 40, Vehicle Use Policy Sec. 2 b.
- (e) Investigation of both criminal and non-criminal acts
- (f) The apprehension of criminal offenders
- (g) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature
- (h) The sharing of information between the Patrol and other units of Watershed Protection and other sections within the District, as well as other outside governmental agencies
- (i) The application of resources to specific problems or situations within the watershed, which may be improved or resolved by Community Oriented Policing and problem solving strategies
- (j) Traffic direction and control as needed

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various units of Watershed Protection and other sections of the Marin Municipal Water District.

400.2.1 PROTECTION SUPPORT SERVICES

Protection Support Services will be the central unit for document and report management, administrative support, visitor services, field logistical support, parking enforcement, management of found property and radio communication.

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Patrol Function

400.2.2 CRIME REPORTS

A crime report may be completed by any Ranger who receives criminal information. The report will be submitted to the Senior Park Ranger for retention or follow-up investigation and forwarded to the Chief Ranger.

400.2.3 PATROL BRIEFINGS, STAFF MEETINGS

All members of Watershed Protection are encouraged to share information as much as possible. On a daily basis, Rangers are encouraged to share information via District email, at daily briefings (when practical) or at bi-weekly staff meetings.

400.2.4 INFORMATION BINDERS

Several information sources will be maintained in the Rangers Office and will be available for review. These will include, but not be limited to the daily log book, law enforcement information binder and the Violations binder.

400.2.5 INFORMATION BOARDS

A Daily Assignment board (white board) will be maintained in the Ranger Office for the display of current and upcoming assignments. A bulletin board will be kept in the Rangers Office for display of current suspect information, intelligence reports and photographs. New Interim Directives will be posted and discussed at briefings and staff meetings.

Racial/Bias Based Profiling

402.1 PURPOSE AND SCOPE

The Marin Municipal Water District strives to provide law enforcement to the District's watershed lands with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of the District to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability.

402.2 DEFINITION

Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).

402.3 POLICY

The practice of racial/bias based profiling is illegal and will not be tolerated by the District (Penal Code § 13519.4(f)).

- (a) It is the responsibility of every Park Ranger to prevent, report, and respond appropriately to clear discriminatory or biased practices.
- (b) Every Park Ranger engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
 1. To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved Ranger should include those facts giving rise to the Ranger's reasonable suspicion or probable cause for the contact.
 2. Nothing in this policy shall require any Ranger to prepare documentation of a contact that would not otherwise involve such reporting.
 3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by a Ranger in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Marin Municipal Water District will investigate all complaints of alleged racial/bias based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with the District's disciplinary policy.

402.4 TRAINING

- (a) All Park Rangers of the District will be scheduled to attend POST approved training on the subject of racial profiling.
- (b) Pending participation in such POST approved training and at all times, all Rangers are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.

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Racial/Bias Based Profiling

- (c) Each Park Ranger of the District undergoing initial POST approved training will thereafter be required to complete an approved refresher course every five years or sooner if deemed necessary in order to keep current with changing racial and cultural trends (Penal Code §13519.4(i)).

402.5 ADMINISTRATION

Each January, the Chief Ranger shall review Watershed Protection's effort to prevent racial/bias based profiling and submit an overview, including public concerns, to the Watershed Manager. This overview shall not contain any identifying information regarding any specific complaint, citizen, or Ranger.

Crime And Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first Park Ranger at the scene of a crime or major incident is generally responsible for the preservation of the scene. Rangers however, shall also consider officer safety and public safety issues including rendering medical aid for any injured parties. Once a Ranger has assumed or been assigned to maintain the integrity of the crime/disaster scene it shall be maintained until relieved by a supervisor.

406.2.1 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) Ensure no suspects are still within the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start chronological log noting critical times and personnel allowed access.

406.2.2 MEDIA ACCESS

Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities 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;
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.
- (c) No member of the District shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief Ranger and the expressed consent of the person in custody.

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Crime And Disaster Scene Integrity

The scene of a tactical operation is the same as a crime scene, except that the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. District employees shall not jeopardize a tactical operation in order to accommodate the news media and all comments to the media shall be coordinated through a supervisor or the Public Information Officer.

406.2.3 EXECUTION OF HEALTH ORDERS

Any Park Ranger of the District may execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Health & Safety Code § 100106).

406.2.4 TEMPORARY FLIGHT RESTRICTIONS

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Chief Ranger or Incident Commander.

406.3 SEARCHES AT CRIME OR DISASTER SCENES

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

406.3.1 CONSENT

While consent to search should be obtained from authorized individuals where possible, it is often more prudent to obtain a search warrant in the case of serious crimes or major investigations.

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the Watershed Protection function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program. The Ride-Along Program is deemed to be official District business per District Administrative policy No. 40, Vehicle Use Policy Sec. 2 b.

410.1.1 ELIGIBILITY

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

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

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

410.1.2 AVAILABILITY

The Ride-Along Program is available on most weekdays with certain exceptions. The ride-along times are from 10:00 a.m. to the end of the "C" closing shift. Exceptions to this schedule may be made as approved by the Senior Ranger.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Senior Ranger. 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 Senior Ranger 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 Ranger 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 District will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Park Ranger applicants, public safety professionals and all others with approval of the Ranger.

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 Ranger's vehicle at a given time.

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Ride-Along Policy

410.2.2 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 Ranger or a supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty Rangers of the District or any other law enforcement agency will not be permitted to ride-along with on-duty Rangers without the expressed consent of the Senior Ranger. 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.

410.2.4 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 Park Ranger (provided that the ride-along is not an employee of the Marin Municipal Water District) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.).

410.3 RANGER'S RESPONSIBILITY

The Park Ranger shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Rangers shall consider the safety of the ride-along at all times. Rangers 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 law enforcement unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Senior Ranger is responsible for maintaining and scheduling ride-alongs.

410.4 CONTROL OF RIDE-ALONG

The assigned Ranger 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 Ranger
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any Ranger equipment
- (c) The ride-along may terminate the ride at any time and the Ranger may return the observer to their home or to the station if the ride-along interferes with the performance of the Ranger'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) Rangers 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 a Ranger without the expressed consent of the resident or other authorized person

Hazardous Material Response

412.1 PURPOSE AND SCOPE

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

412.1.1 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.

412.2 HAZARDOUS MATERIAL RESPONSE

Park Rangers may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When Rangers 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 type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting)
- (b) Notify the appropriate fire department
- (c) Provide first-aid for injured parties if it can be done safely and without contamination
- (d) Begin evacuation of immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be necessary

412.3 REPORTING EXPOSURE(S)

Park Rangers who believe that they have been exposed to a hazardous material shall immediately report the exposure to their supervisor. **Each exposure shall be documented by the Ranger per the District's IIPP procedure** and shall be forwarded via chain of command. Should the affected Ranger be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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

412.3.1 SUPERVISOR RESPONSIBILITY

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

To ensure the safety of Rangers, District provided safety equipment is available through the District's Safety and Risk Coordinator. **At no time should a Ranger jeopardize**

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Hazardous Material Response

personal safety by taking a action outside the beyond the scope of their training or responsibility.

Hostages & Barricaded Suspects

414.1 PURPOSE AND SCOPE

All hostage situations and barricaded suspects incidents will be the primary responsibility of the Marin County Sheriff's Office. Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

414.1.1 DEFINITIONS

Hostage - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded Suspect - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first Ranger on the scene of an actual or potential hostage/barricade situation shall consider the following:

- (a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel
- (b) Notification of tactical and hostage negotiation personnel
- (c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots
- (d) Establishment of inner and outer perimeters
- (e) Evacuation of bystanders and injured persons
- (f) Establishment of central command post and appropriate chain of command
- (g) Request for ambulance, rescue, fire and surveillance equipment
- (h) Authorization for news media access and news media policy
- (i) Pursuit/surveillance vehicles and control of travel routes

414.4 REPORTING

Unless otherwise relieved by a supervisor, the initial Ranger at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist Rangers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When a Ranger responds to a call of a suspected explosive device, the following guidelines shall be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging
- (b) Secure the perimeter for a minimum of three hundred feet allowing for an entrance for support personnel
- (c) Relay as much initial information as possible to the Senior Duty Ranger without touching the device, including:
 1. The stated threat
 2. How made
 3. Exact comments
 4. Time
 5. Location
 6. Full description (e.g., size, shape, markings) of the device in question
- (d) Do not touch or transport the device to any other location
- (e) Do not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility for evacuation if a device is located within a building
- (f) Secure a perimeter around the suspected device
- (g) Consideration for support personnel such as paramedics and Fire Department personnel
- (h) A search of the area should be conducted for secondary devices or other objects foreign to the area
- (i) Found explosive or military ordnance of any type should be handled only by a Bomb Squad
- (j) When in doubt, call Marin Communications Center to request assistance from a Bomb Squad

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the Rank Ranger. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures, etc.

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Response to Bomb Calls

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront you:

- Injury to victims
- First aid (primary Fire Department responsibility)
- Evacuation of victims (primary Fire Department responsibility)

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

- (a) Fire Department
- (b) Bomb Squad
- (c) Additional Rangers and law enforcement personnel
- (d) Senior Duty Ranger
- (e) Chief Ranger
- (f) Marin County Sheriff' Office Watch Commander

416.3.2 CROWD CONTROL

No one should be allowed free access to the scene unless they have a legitimate and authorized reason for being there.

416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended for several hundred feet. Evidence may be embedded in nearby structures or hanging in trees and bushes, etc.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the Ranger should wait for the arrival of the Bomb Squad personnel.

416.4 BOMB THREATS RECEIVED AT DISTRICT FACILITY

This procedure shall be followed should a bomb threat call be received at a watershed facility and a search made for a destructive device. Rangers may also refer to District Procedure No. 2, Bomb Threats, for useful information.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions shall be asked if a call of a bomb is received at a District facility:

- When is the bomb going to explode?
- Where is the bomb right now?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

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Response to Bomb Calls

During this time, record the following:

- Time of the call
- Exact words of the person as accurately as possible
- Age and sex
- Speech patterns and/or accents
- Background noises

If the incoming call is received on a recorded line, steps shall be taken to ensure that the recording is retrieved as evidence.

416.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received at a watershed facility, the Chief Ranger or Senior Duty Ranger will be advised and fully informed of the details. The Chief Ranger or Senior Duty Ranger will then direct and assign Rangers as required for coordinating a general building search or evacuation as he/she deems appropriate.

Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This procedure describes a Park Rangers' duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If a Ranger believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall arrange for transport of that person to the designated facility for evaluation and commitment.

418.2 AUTHORITY

Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a Peace Officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the Ranger, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 PARK RANGER CONSIDERATIONS AND RESPONSIBILITIES

Any Park Ranger responding to or handling a call involving a suspected or actual mentally disabled individual or "5150" commitment should carefully consider the following:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities
- (b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons
- (c) Appropriate language usage when interacting with mentally disabled persons;
- (d) If circumstances permit, alternatives to lethal force when interacting with potentially dangerous mentally disabled persons
- (e) Community resources which may be readily available to assist with the mentally disabled individual(s)

418.3.1 TRANSPORTATION

Park Rangers will arrange for transport in a properly equipped law enforcement vehicle. When transporting any individual for a "5150" commitment, the handling Ranger should insure that Marin Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

Rangers shall secure patients in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and

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Mental Illness Commitments

ambulance personnel. The Ranger will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the Ranger and physically remain in the treatment room with the patient.

418.3.2 RESTRAINTS

If the patient is violent or potentially violent, the Ranger will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the Ranger will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION

The Ranger will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The Ranger will retain a copy of the 72-hour evaluation for inclusion in the case report. The Ranger shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

418.3.4 SECURING OF DEFENSIVE EQUIPMENT

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and Rangers determine a need to secure their defensive equipment, the equipment shall be secured in the appropriate locker at the facility.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When practical, any person charged with a crime who also appears to be mentally ill shall be booked in the Marin County Jail before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to a hospital with the approval of a supervisor.

418.5 MANDATORY CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150 and is found to own, have in his or her possession or under his or her control, any firearm whatsoever or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling Ranger. The firearm or other deadly weapon shall be booked into evidence until further processing.

The handling Ranger shall further advise the person of the below described procedure for the return of any firearm or other deadly weapon which has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 12020.

418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

- (a) Whenever the handling Ranger has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the Ranger shall detail those facts and circumstances in a report. The report shall be forwarded to the District's General Counsel who in his/her discretion may file a petition in the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

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- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the District 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 District shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or 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(s).
- (c) If no petition is initiated within the above period, the District shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the District may file a petition for an order of default.
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 12021.3(e).
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the District be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 12021.3(g)).

418.6 TRAINING

As a part of advanced officer training programs, the District will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.

Cite & Release Policy

420.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

420.2.1 DISCRETION TO ARREST

While the District recognizes the statutory power of peace officers to make arrests throughout the state, Park Rangers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of the District except in cases of hot and/or fresh (non-vehicular) pursuit, while following up on crimes committed within the District, or while assisting another agency. On-duty Rangers who discover criminal activity outside the jurisdiction of the District should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty Rangers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved Ranger shall clearly identify him/herself as a police officer.

Ranger are authorized to use verbal or written warnings to resolve minor criminal violations when appropriate.

420.3 DISTRICT PROCEDURE

The following procedure will be followed to comply with this law.

420.3.1 FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, Rangers may issue citations to all persons 18-years of age or older. Rangers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate.

420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with supervisor approval.

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Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 420.33.

420.3.3 DISQUALIFYING CIRCUMSTANCES

Penal Code § 853.6(i) specifies that a person arrested for a misdemeanor shall be released on a notice to appear unless one of following situations is present:

- (a) The person arrested is so intoxicated that he/she could be a danger to himself/herself 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 his/her own safety
 1. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care with the intention of immediately re-arresting the same individual upon discharge from the hospital unless it can be determined that the hospital can 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, 40303, and 40305.
 1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting Ranger, either be given a ten day notice to appear or be taken without delay before a magistrate in the county of arrest.
 2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the Ranger may require the individual to provide a right thumbprint (or other finger) however such print may not be used for other than law enforcement purposes.
 3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.
- (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 stated.

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 Chief Ranger for approval and included with the case file.

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420.3.4 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.33, the Ranger shall state specifically on the booking form the reason for non-release. Such reasons for non-release 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 Ranger responsible for the release of prisoners to conclude that the suspect should be held for further investigation

420.3.5 INSTRUCTIONS TO CITED PERSON

The citing Ranger shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 CITATION RELEASE ON MISDEMEANOR WARRANTS

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence
- (b) The misdemeanor cited in the warrant involves a firearm
- (c) The misdemeanor cited in the warrant involves resisting arrest
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer
- (e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics
- (f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
- (g) The person has other ineligible charges pending against him/her
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
- (i) The person refuses to sign the notice to appear
- (j) The person cannot provide satisfactory evidence of personal identification
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this section.

420.4.1 ENFORCEMENT PHILOSOPHY

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. The District does not establish ticket quotas and the number of arrests or citations issued by any Ranger shall not be used as the sole criterion for evaluating Ranger overall performance (Vehicle Code § 41603). The visibility and quality of a Ranger's work effort will be commensurate with the philosophy of this policy.

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420.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Marin Municipal Water District land use codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Marin County Juvenile Probation Department for further action including diversion.

420.6 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 a Ranger from assigning a case number if he/she feels the situation should be documented more thoroughly in a case report.

Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State [website](#).

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Park Rangers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic

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agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. This official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the Governor's Office of Emergency Services (OES), Law Enforcement Division.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

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422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain
- (f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter
- (g) The violator shall be provided with the appropriate copy of the notice to appear

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an

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individual claims immunity and cannot present satisfactory identification, the Ranger has reason to doubt the claim of immunity, or there is a possibility of physical arrest.

Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions

San Francisco, CA

(415) 744-2910, Ext. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Office of the Foreign Missions

Los Angeles, CA

(310) 235-6292, Ext. 121 or 122

(310) 235-6297 FAX

(0800-1700 PST)

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

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422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the Chief Ranger within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Ranger/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief Ranger within 48 hours of the incident. The Chief Ranger will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Park Rangers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Rangers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence

After a lawful detention or criminal arrest, Rangers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Rangers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Rangers shall not stop or detain persons solely for determining immigration status.

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- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a Ranger arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the Ranger shall promptly advise the individual 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 Ranger shall begin the notification process.

422.7.1 ARREST PROCEDURE

Whenever a Park Ranger physically arrests or detains an individual for criminal investigation and the Ranger reasonably believes the person to be a foreign national, the Ranger shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the Ranger shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention.

If the individual requests such notification, the Ranger shall contact Marin Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Rangers shall provide Marin Communications Center with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname if used;
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed in Table 1 (appendix), officers shall provide Communications Center with the information above, as soon as practical, whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of specific countries that the United States is obligated to notify may also be found at the U.S. Department of State [website](#).

Rangers should attempt to provide Marin Communications Center with request for embassy/consulate notification at the same time they provide incarceration information in order to expedite these notifications.

422.7.2 DOCUMENTATION

Park Rangers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Marin Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity while on or off-duty and occurring outside the jurisdiction of the Marin Municipal Water District.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE DISTRICT

When a Park Ranger is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the Senior On Duty Ranger or the Chief Ranger. If the request is of an emergency nature, the Ranger shall notify Marin Communications Center before responding and thereafter notify the Senior On Duty Ranger and the Chief Ranger as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE DISTRICT

Any on-duty Ranger, who engages in law enforcement activities in furtherance of his/her primary and/or mandatory duties outside the immediate jurisdiction of the Marin Municipal Water District, shall notify the Senior On Duty Ranger or the Chief Ranger at the earliest possible opportunity. Any off-duty Ranger who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Chief Ranger as soon as practical.

The Senior On Duty Ranger shall determine if a case report or other documentation of the Ranger's activity is required. The report or other documentation shall be forwarded to the Chief Ranger.

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is not a matter for police action. It is incumbent upon all Park Rangers of the District to make a personal commitment to equal enforcement of the law and equal service to the public regardless of alien status. Confidence in this commitment will increase the effectiveness of the District in protecting and serving the public.

428.2 DISTRICT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry, etc. When assisting ICE at their specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, United States Code, §§ 1304, 1324, 1325 and 1326, the District may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of the ICE has primary jurisdiction for enforcement of Title 8, United States Code.

428.3.1 BASIS FOR CONTACT

The fact that an individual is suspected of being an undocumented alien alone shall not be the basis for contact, detention, or arrest.

428.3.2 SWEEPS

The District does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, socioeconomic status, or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, sexual orientation, etc.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, the District may provide available support services (during the federal operation) upon specific prior review by the Chief Ranger and with authorization from the General Manager and the General Council.

Park Rangers should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis and with prior authorization from the General Manager and the General Council, or for officer safety. Any detention by a Park Ranger should be based upon the reasonable belief that an individual is involved in criminal activity.

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428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the Park Ranger intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the Ranger may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302a, and Penal Code § 836, if pertinent to the circumstances). A supervisor shall approve all such arrests.

428.3.6 BOOKING

If the Park Ranger is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

If a person is detained pursuant to the authority of Vehicle Code § 40302(a), for an infraction that person may be detained upon approval of a supervisor for a reasonable period not to exceed two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction involved.

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

If a Park Ranger believes that an individual taken into custody for a felony is also an undocumented alien, and there is no intention to transport to the County Jail, ICE may be informed by the arresting Ranger so that it may consider placing an "immigration hold" on the individual.

Whenever a Ranger has reason to believe that any person arrested for any offense listed in Health & Safety Code §11369 or any other felony may not be a citizen of the United States, and the individual is not going to be booked into County Jail, the Ranger upon approval by the Chief Ranger or his designee shall cause ICE to be notified for consideration of an immigration hold.

In the event an individual, who is an undocumented alien, is taken to the County Jail for booking for a criminal charge, he/she will be automatically interviewed by an employee from ICE.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The District is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sexual orientation, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement during times of crisis or to report suspicious or criminal activity will not make

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Immigration Violations

them vulnerable to deportation. Rangers should not attempt to determine the immigration status of crime victims and witnesses absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. If it is determined that a victim or witness is an illegal immigrant, he/she need not be reported to ICE unless circumstances indicate such reporting is reasonably necessary.

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The Watershed Protection Department has personnel available to handle emergency calls 24 hours per day. Calls for service after hours are directed to the Stand By Resident Ranger. Requests for service involving utilities should be handled in the following manner.

430.1.1 BROKEN WATER LINES

Reports of broken water lines are the primary responsibility of the F&W Water System Technicians. When breaks are reported on the watershed, officers will investigate and report findings to the District's Operations Center.

430.1.2 ELECTRICAL LINES

When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Pacific Gas and Electric Company should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, WATERSHED ROADS, FACILITIES ETC.

In the event of flooding or other infrastructure emergencies, on-duty or Resident Stand By Rangers should be contacted immediately. Immediate consideration should be given to activate the District's Emergency Operations Plan.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for emergencies is maintained by District Operations Center.

Aircraft Accidents

434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

434.2 RESPONSIBILITIES

In the event of an aircraft crash the Watershed Protection staffs' responsibilities are as follows:

434.2.1 PARK RANGER DUTIES

The duties of the Park Ranger's at the scene of an aircraft accident include:

- (a) Determine the nature of the accident and what assistance is needed from additional personnel
- (b) Request additional personnel to respond as needed
- (c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel
- (d) Once emergency medical assistance is established by the fire department, seal off the area and contain it for the on-scene investigation
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor;
- (f) Contact the Coroner's office if a death(s) occurs.

The fire department maintains control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Law enforcement personnel will then maintain control of the scene until the arrival of the detectives charged with determining the cause of the accident. Once the scene is relinquished to the investigating authority, personnel from the District may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

434.2.2 FEDERAL AVIATION ADMINISTRATION (FAA)

The FAA has the ultimate authority for the scene of an aircraft crash. The FAA is concerned with several aspects of a crash as described in this section.

Every effort should be made by Rangers at the scene of an injury or fatality to preserve all crash debris in its original condition and location until examined by personnel charged with determining the cause of the accident. Rangers present at the location of such accident should treat the situation as a crime scene until it is determined that such is not the case. Once the injured parties are removed from danger, control of the accident scene is the responsibility of Law Enforcement until the arrival of FAA personnel who will conduct the investigation into the cause of the accident.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants and protecting the public from further danger. If possible, any intentions to tamper with or move an aircraft involved in an accident should be cleared with the FAA investigator in advance.

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Aircraft Accidents

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If no injury or death results and the FAA 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 FAA or military authorities, or at the discretion of the pilot or the owner, if the FAA is not responding for an on-site investigation.

434.2.3 CHIEF RANGER RESPONSIBILITIES

The Chief Ranger 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 the manager of the affected airport

434.2.4 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The District Public Information Officer is responsible for the following:

- (a) If the District Public Information Officer is designated by the Incident Commander as the Incident Public Information Officer, he/she should obtain information for a press release from the on-scene commander or his or her designee
- (b) If the District Public Information Officer is not designated by the Incident Commander as the Incident Public Information Officer, he/she should assist and cooperate with the Public Information Officer designated by the Incident Commander and 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 Public Information Officer designated by the Incident Commander or in accordance with existing policy. The Public Information Officer should coordinate the release of such information with the FAA Press Information Officer.

434.3 DOCUMENTATION

Any aircraft accident (crash) within the District, regardless of whether injuries or deaths occur, shall be documented.

Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program designed to facilitate the Park Ranger's transition from either the academic setting of a law enforcement academy or from a previous work experience to the actual performance of Park Ranger duties for the Marin Municipal Water District. The program is designed to instruct and evaluate new employees in all aspects of the Ranger's duties with an emphasis on law enforcement.

It is the policy of the District to assign all new Park Rangers to a structured Field Training Officer Program that is designed to prepare the new Ranger to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is an experienced Park Ranger/law enforcement officer trained in the art of supervising, training and evaluating entry level and lateral Rangers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of four years of law enforcement patrol experience, two of which shall be with the District
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTO's

436.2.2 TRAINING

A Park Ranger 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 FTO's must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO.

436.3 FIELD TRAINING OFFICER PROGRAM COORDINATOR

The Senior Park Ranger shall be designated as the Field Training Officer Program Coordinator. The FTO Program coordinator shall have the responsibility of, but not be limited to the following:

- (a) Assignment of trainees to FTO's
- (b) Conducting FTO meetings
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed
- (d) Monitor individual FTO performance

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Field Training Officer Program

- (e) Monitor overall FTO Program
- (f) Maintain liaison with MCSO FTO
- (g) Develop ongoing training for FTO's

The FTO Program Coordinator will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position.

436.4 TRAINEE DEFINED

Any entry level or lateral Park Ranger newly appointed to the Marin Municipal Water District who has successfully completed the minimum law enforcement training as required at the time of hire or a POST approved Basic Academy.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

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.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

- (a) FTO's shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.
- (b) FTO's shall review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on their assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTO's shall be responsible for signing off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

436.6.2 SENIOR RANGER

The Senior Park Ranger shall review and approve the Daily Trainee Performance Evaluations and forward them to the Chief Ranger.

436.6.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

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436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the Ranger'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

Obtaining Helicopter Assistance (Law Enforcement Activity)

438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential law enforcement situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or Senior On Duty Ranger at an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made through the Incident Commander or the Marin Communications Center.

438.2.1 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 conducted by an outside agency

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 Rangers or law enforcement officers on the ground.

Field Interviews & Photographing of Field Detainees

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the Ranger, the decision to FI or photograph a field detainee shall be left to the discretion of the involved Ranger based on the totality of the circumstances available to them at the time of the detention.

440.2 DEFINITIONS

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

Field Photographs - Field photographs are defined as a photograph taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual are not considered field photographs.

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

Reasonable Suspicion - Articulate facts that, within the totality of the circumstances, lead an Ranger to reasonably suspect that criminal activity has been, is being, or is about to be committed.

440.3 FIELD INTERVIEWS

Park Rangers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the Ranger should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in a location is inappropriate.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The Ranger has knowledge of the suspect's prior criminal record or involvement in criminal activity.

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440.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, a Park Ranger may initiate the stop of a suspect if he has articulable, reasonable suspicion to do so. A suspect however, should not be detained longer than is reasonably necessary to determine the individual's identity and resolve the officer's suspicions.

440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever a Ranger reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the Ranger has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (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 Ranger.
- (c) The hour of the day and the location where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the Ranger shall carefully consider, among other things, the factors listed below.

440.5.1 PHOTOS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the Ranger should have the individual read and sign the appropriate form accompanying the photograph.

440.5.2 PHOTOS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if the photograph is taken during a detention based upon reasonable suspicion of criminal activity, and:

- (a) The photograph serves some legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. There must be some facts that reasonably indicate that the subject was involved in or about to become involved in criminal conduct.
- (b) The Ranger can articulate a reasonable suspicion that the individual is somehow involved in criminal activity.

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Field Interviews & Photographing of Field Detainees

If, prior to taking a photograph, the Ranger's reasonable suspicion of criminal activity has been dispelled, a non-custodial photograph shall not be taken. Further, no detention shall be prolonged for the sole purpose of taking a photograph.

440.6 SUPERVISOR RESPONSIBILITY

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. Access to field photographs shall be strictly limited to law enforcement purposes.

440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Senior Ranger with either an associated FI card, incident report, or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph.

After reviewing the photograph and related material, the Senior Ranger shall forward it to the Chief Ranger or, when appropriate, directly to a Watershed Deputy for further processing.

When a photograph is taken in association with a particular case, the Watershed Deputy may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept by the Senior Ranger in a separate non-booking photograph file in alphabetical order.

440.7.1 PURGING THE FIELD PHOTO FILE

The Senior Ranger will be responsible for periodically purging and destroying all such photographs more than one year old. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact. The request to review the status of the photograph/FI shall be directed to the office of the Chief Ranger. Upon a verbal request, the District shall send a request form to the requesting party along with a copy of this policy.

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief Ranger or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief Ranger, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief Ranger to disclose the reason(s) for the delay.

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Field Interviews & Photographing of Field Detainees

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief Ranger or his/her designee to discuss the matter.

After carefully considering the information available, the Chief Ranger or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Marin Municipal Water District policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief Ranger or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief Ranger or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Marin Municipal Water District policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief Ranger or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or Marin Municipal Water District policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief Ranger or his/her designee determines that any involved Marin Municipal Water District personnel violated existing law or department policy, the Chief Ranger or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief Ranger's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

Criminal Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of the District for Park Rangers to refer to the Watershed Deputies evidence of activities associated with criminal street gangs, suspected participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code §§ 186.20 through 186.33 of the "Street Terrorism Enforcement and Prevention Act."

442.2 DEFINITIONS

Pattern of Criminal Gang Activity - Shall mean the commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

Criminal Street Gang - Shall mean any on-going organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

Gang Related Crime - Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

442.3 FIELD CONTACTS

- (a) Field Interviews
 - 1. Park Rangers who contact individuals who are, or may be participants in criminal street gang activity should complete a F.I. card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).
- (b) Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

442.4 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the Ranger'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 to that a copy of the report be routed to the Watershed Deputies.

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Criminal Street Gangs

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

Senior On Duty Ranger

444.1 PURPOSE AND SCOPE

At all times, a patrol shift must be directed by a Park Ranger who is capable of making decisions and communicating in a manner consistent with District policies, procedures, practices, functions and objectives. To accomplish this goal, in the absence of the Chief Ranger and the Senior Park Ranger the Senior On Duty Ranger will assume the leadership role.

444.2 DESIGNATION OF AN ACTING ASSIGNMENT AS SENIOR RANGER

When the Chief Ranger or the Senior Ranger is unavailable for duty for an entire shift, in most instances the senior Park Ranger II shall be designated as acting Senior Ranger. This policy does not preclude designating a less senior Ranger II as an acting Senior Ranger when operational needs require or training permits.

Use of Audio Recorders

450.1 PURPOSE AND SCOPE

The Marin Municipal Water District shall provide each Park Ranger with an audio recorder for use while on-duty. This recorder is intended to assist the Ranger in the performance of his/her duties by providing an unbiased audio record of a contact.

450.2 PARK RANGER RESPONSIBILITIES

Each Park Ranger shall be responsible for making sure that he/she is equipped with a District issued audio recorder in good working order. When on patrol assignments Rangers shall wear the recorder in an approved holder conspicuously mounted on their utility belt. At the conclusion of each recorded contact, the Ranger shall record the ending date and time.

Each Ranger shall be responsible for maintaining his/her own recordings until the media is either full or placed into evidence/safekeeping.

450.3 NON-UNIFORMED RANGER RESPONSIBILITIES

Any Ranger assigned to a non-patrol activity may carry a District issued audio recorder at any time the ranger believes that such a device may be beneficial to the situation.

At the beginning of any recording, the ranger shall dictate his/her name, badge number and the current date and time. At the conclusion of the date or particular detail, the Ranger shall record the ending date and time.

Each Ranger shall be responsible for maintaining his/her own recordings until the media is either full or placed into evidence/safekeeping.

450.4 ACTIVATION OF THE AUDIO RECORDER

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

- (a) No member of the District may surreptitiously record a conversation of any other member of the District without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with a Rangers right to openly record any interrogation pursuant to Government Code § 3303(g).
- (b) Any Park Ranger of the District may surreptitiously record any conversation during the course of a criminal investigation in which the Ranger reasonably believes that such a recording will be beneficial to the investigation.
 1. For the purpose of this policy, any Ranger contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.

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Use of Audio Recorders

2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed Park Ranger wearing a conspicuously mounted audio recorder will have knowledge that such a contact is being recorded.
- (c) Park Rangers of the District are encouraged to activate their recorders at any time that the Ranger reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.
1. At no time should a Ranger jeopardize his/her safety in order to activate a recorder or change the recording media.
 2. Rangers are prohibited from utilizing department recorders and recording media for personal use.

450.5 RETENTION OF RECORDING MEDIA

At any time that a Ranger records any portion of a contact which the Ranger reasonably believes constitutes evidence in a criminal case; the Ranger shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

- (a) The Ranger shall further note in any related report that the recording has been placed into evidence.
- (b) Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

450.5.1 NON-CRIMINAL MATTER

At any time that a Ranger reasonably believes that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the Ranger may book the recording media into safekeeping or download the file in accordance with current procedure for storing digital files.

- (a) Under such circumstances, the Ranger shall notify a supervisor of the existence of the recording as soon as practicable.
- (b) Recording media which have been placed into safekeeping shall be retained for a period of no less than 180 days or until the related matter has been closed (e.g., internal investigation, civil litigation).

Once any recording medium has been filled, the officer shall place it into safekeeping or download the file in accordance with current procedure for storing digital files where it shall be retained for a period of no less than 180 days unless utilized in a specific case.

450.6 REVIEW OF RECORDED MEDIA FILES

Recorded files may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of Ranger conduct
 - (b) Upon approval by a supervisor, any member of the District who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation
 - (c) By the personnel who originally recorded the incident
 - (d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case
 - (e) By media personnel with permission of the Manager or authorized designee
-

Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Park Rangers with guidelines for handling and distinguishing between claims of medical marijuana use under California's Compassionate Use Act (Health & Safety Code § 11362.5) and criminal narcotics violations.

452.2 ENFORCEMENT

Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

- (a) California does not provide any exception for individuals driving under the influence of marijuana and all such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).
- (b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code § 11357, 11358 and 11359.
 - 1. Any amount possessed must be consistent with the medical needs of the qualified patient or person with valid ID card.
 - 2. The quantity and form of marijuana must also be reasonably related to the patient's current medical needs.
- (c) In any case involving the possession or cultivation of marijuana, the handling officer should inquire whether the involved individual is claiming that the marijuana is for medicinal purposes.
 - 1. If no such claim is made, the officer should proceed with normal enforcement action.
 - 2. If a claim of medicinal use is made, the officer should proceed as outlined below.

452.3 MEDICINAL USE CLAIMS

In order to qualify for a medicinal marijuana defense, the individual(s) making such a claim must affirmatively establish the following information. If the individual(s) cannot or will not provide all of the required information, the officer should note such in any related report and proceed with appropriate enforcement action.

452.3.1 PATIENTS

- (a) An individual may establish his/her status as a qualified patient by presenting a current and valid identification card issued by the Department of Health (Health & Safety Code § 11362.735). Such identification cards shall contain the following information:
 - 1. A unique serial number.
 - 2. An expiration date.
 - 3. The name and telephone number of the county health department approving the application.
 - 4. A 24-hour toll-free number for law enforcement to verify the validity of the card.

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5. A photograph of the cardholder.

No Ranger shall refuse to accept a properly issued identification card unless the Ranger has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (Health & Safety Code § 11362.78).

- (b) If the individual does not possess a valid identification card, the individual claiming status as a "qualified patient" must minimally provide the following information:
 1. Satisfactory identification establishing current residency in California.
 2. A current and valid recommendation for marijuana from a California licensed physician.
 3. In the absence of a valid identification card, the handling Ranger should also obtain a written waiver from the involved individual(s) authorizing the release of all related medical records.

452.3.2 PRIMARY CAREGIVERS

Primary caregivers are subject to the following requirements (Health & Safety Code 11362.765):

- (a) A primary caregiver is not authorized to use, sell, or possess marijuana for sale.
- (b) Must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety.
- (c) Must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's recommendation.

452.3.3 CLAIM REQUIREMENTS MET

Once the handling Ranger is satisfied that the individual(s) making a medicinal marijuana use claim meets the above requirements, the Ranger should proceed as follows:

- (a) A sample of the involved marijuana should be seized and booked into evidence.
- (b) Any small amount of marijuana left in possession of a qualified individual for the limited purpose of medicinal use should be described and noted in the related report.
- (c) If the handling Ranger has already taken the individual(s) into custody (vs. detention only) prior to establishing qualification for a potential medicinal use defense and there are no other criminal charges pending or being investigated, the individual(s) should be released pursuant to Penal Code § 849(b).
- (d) If the individual remains in custody on any charge(s), the individual will not be permitted to use marijuana while being detained or held in jail or other law enforcement facility (Health & Safety Code § 11362.785(c)).
- (e) The handling Ranger shall complete a timely report which will be submitted to the District Attorney with all of the aforementioned documentation for a determination of whether or not the medicinal marijuana defense will apply.

452.3.4 RETURN OF MARIJUANA

Regardless of the prosecution status or disposition of any related criminal case, the District will not be responsible for the return of any marijuana seized as evidence unless presented with a valid court order requiring same. (Health & Safety Code § 11362.785(d))

Bicycle Patrol

454.1 PURPOSE AND SCOPE

The Marin Municipal Water District recognizes that in certain circumstances, the use of a bicycle enhances the patrol efforts on the watershed. Bicycle patrol has been shown to be an effective way to increase Ranger visibility in high use areas and their quiet operation can be tactically advantageous. The purpose of this policy is to provide guidelines for the safe and effective operation of a patrol bicycle.

454.2 POLICY

Bicycles may be used for regular patrol duty, parking control, or special events. The use of a bicycle will emphasize Ranger's mobility and visibility to watershed visitors.

Bicycles may be deployed to any area at all hours of the day or night, according to District needs and as staffing levels allow.

454.3 SELECTION OF PERSONNEL

Interested Park Rangers must submit a request to the Senior Ranger for approval to use a bicycle while on duty. 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.

454.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol Rangers should receive, as needed 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 while wearing duty belts and bicycle safety equipment including the helmet and riding gloves.

454.5 UNIFORMS AND EQUIPMENT

Rangers qualified for bicycle patrol duty shall wear District approved uniform and safety equipment while operating a bicycle while on duty. Safety equipment includes District approved helmet, riding gloves, protective eyewear and approved footwear.

Rangers shall carry the same equipment on their duty belt as they would on a regular patrol assignment.

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Rangers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

454.6 CARE AND USE OF PATROL BICYCLES

The District has available for use a patrol bicycle that meets the minimum standards for watershed bicycle patrol assignments. The District recognizes that bicycle patrol on the watershed can be strenuous and technically challenging. A properly designed, well made properly fitted bicycle is very important for a Ranger to be able to effectively perform bicycle patrol duty. Ranger's personal bicycles may be used for watershed patrol only when the following requirements have been met.

Rangers personally owned bicycles will be inspected for overall appearance and operating condition by the Senior Ranger. The Ranger will submit documentation of proof of insurance (property insurance). Every bicycle shall be equipped with front and rear reflectors. The Ranger will submit a signed and dated hold harmless agreement stating that the District is not responsible for any maintenance due to wear or damage incurred while operating the bicycle on duty.

Bicycle patrol Rangers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Rangers are responsible for the routine care and maintenance of their equipment (e.g., tire pressure, chain lubrication, overall cleaning).

Bicycles shall be properly secured when not in the Ranger's immediate presence.

454.7 OFFICER RESPONSIBILITY

Rangers must operate the bicycle in compliance with the vehicle code under normal operation. Rangers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Rangers 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.

Foot Pursuit Policy

458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist Park Rangers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the Ranger, the public or the suspect.

458.1.1 POLICY

It is the policy of the District that, when deciding to initiate or continue a foot pursuit, Rangers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to District personnel, the public or the suspect.

Rangers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of District personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Rangers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and District personnel.

458.2 DECISION TO PURSUE

Rangers may be justified in initiating a foot pursuit of any individual the Ranger 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 the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that a Ranger must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place District personnel and the public at significant risk. Therefore, no Ranger or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a Ranger should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Canine search.
- (c) Saturation of the area with patrol personnel.
- (d) Aerial support.
- (e) 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 pursuit.

458.3 GUIDELINES FOR FOOT PURSUIT

Unless the Ranger reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), Rangers should consider alternatives to engaging in or continuing a 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) When the Ranger is acting alone.
- (c) When two or more Rangers 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 Ranger keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The Ranger is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing Rangers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the Rangers renders them incapable of controlling the suspect if apprehended.
- (g) When the Ranger loses radio contact with the Marin Communications Center or with backup Rangers/officers.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient Rangers/officers to provide backup and containment. The primary Ranger should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient Rangers/officers.
- (i) The Ranger becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to Rangers/officers or the public.
- (j) The Ranger reasonably believes that the danger to the pursuing Rangers/officers or public outweighs the objective of immediate apprehension.
- (k) The Ranger loses possession of essential safety equipment.
- (l) The Ranger or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to District personnel or the public if the suspect is not immediately apprehended.
- (o) The Ranger's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

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458.4 RESPONSIBILITIES IN FOOT PURSUITS

458.4.1 INITIATING RANGER RESPONSIBILITIES

A Ranger shall not initiate a foot pursuit if the suspect is known or believed to be armed. Unless relieved by another Ranger or a supervisor, the initiating Ranger shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating Ranger should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient Rangers/officers are present to safely apprehend the suspect.

Early communication of available information from the involved Rangers/officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Rangers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of suspects and description
- (e) Whether the suspect is known or believed to be armed

Rangers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any Ranger unable to promptly and effectively broadcast this information should terminate the 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 Ranger will notify Marin Communications Center 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.

458.4.2 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.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

458.4.3 SUPERVISOR RESPONSIBILITY

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, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established District guidelines.

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The supervisor shall terminate the foot pursuit when the danger to pursuing Rangers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

458.5 REPORTING

The initiating Ranger shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) 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 District Use of Force Policy.
- (e) Any injuries or property damage.

Assisting rangers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating Ranger need not complete a formal report.

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Chapter 5 - Vehicle and Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The Watershed Protection Section does not maintain a Traffic Enforcement Unit dedicated solely to traffic law enforcement. The purpose of this chapter is to provide Rangers direction for handling various vehicle and traffic related activities. **In the interest of officer safety, Park Rangers shall not initiate vehicle stops under any circumstances.**

500.2 ENFORCEMENT PHILOSOPHY

NOTE. Please refer to section 420.4.1, Cite and Release Policy, of this manual.

500.2.1 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 Ranger, such as reckless driving with extenuating circumstances

500.3 SUSPENDED OR REVOKED DRIVERS LICENSES

If a Ranger contacts a traffic violator for driving on a suspended or revoked license, the Ranger 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 Ranger. The Ranger shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The Ranger will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.4 REFLECTORIZED VESTS

In order to reduce the danger to employees exposed to the hazards of approaching traffic, reflectORIZED vests are provided to increase the visibility of employees. Although intended primarily for traffic-related use, reflectORIZED vests should be worn at any time increased visibility would improve the safety and/or efficiency of the employee.

500.4.1 GUIDELINES FOR USE OF REFLECTORIZED VESTS

It is intended that reflectORIZED vests be worn at any time a Ranger anticipates prolonged exposure to the hazards of approaching traffic created by assignment to duties such as traffic control. Rangers may use their discretion regarding the wearing of vests during daylight hours. Use is strongly encouraged while directing traffic during hours of darkness or when visibility is limited due to inclement weather conditions. Use of the vests shall also be mandatory when a supervising Ranger directs their use to be appropriate.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

Marin Municipal Water District Rangers will refer all traffic collision reporting and investigation needs to the California Highway Patrol.

Vehicle Towing Policy

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Marin Municipal Water District.

510.2 RESPONSIBILITIES

The responsibilities of Park Ranger storing or impounding a vehicle are as follows.

510.2.1 COMPLETION OF CHP FORM 180

Park Rangers requesting storage of a vehicle shall complete CHP form 180, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original attached to a completed incident report as soon as practical after the vehicle is stored.

Support Services personnel shall promptly enter pertinent data from the completed storage form (CHP form 180) into the Stolen Vehicle System and return the form to the Chief Ranger for approval.

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or for information 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 reporting Ranger to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent by first-class mail pursuant to Vehicle Code § 22852.

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the Ranger shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, the Ranger will request a tow from the rotational list of towing companies maintained by Marin Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the District to assume responsibility for a vehicle involved in a collision, the Ranger shall request the dispatcher to call the appropriate towing company. The Ranger will then store the vehicle using a CHP form 180.

510.2.3 DRIVING A NON-DISTRICT VEHICLE

Vehicles which have been towed by or at the direction of the District should not be driven by District 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.

510.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of the District to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be stored whenever it is needed

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for the furtherance of an investigation or prosecution of the case or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored, for example, the vehicle would present a traffic hazard if not removed or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

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 occupant was arrested.
- Whenever the vehicle was not involved in criminal activity and the licensed owner of the vehicle is present, willing and able to take control of the vehicle.
- 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 handling Ranger shall note in the report that the owner was informed that the District will not be responsible for theft or damages.

510.4 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. Rangers 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 custody, to provide for the safety of Rangers, and to protect the District against fraudulent claims of lost, stolen, or damaged property.

510.5 VEHICLE SEARCHES

Vehicles may be searched when one or more of the following conditions are met:

- (a) When probable cause to search the vehicle exists.
- (b) With consent of the operator.
- (c) Incident to an arrest of the occupants of the vehicle.
- (d) To search for weapons.
- (e) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
- (f) Under emergency circumstances not otherwise enumerated above.
- (g) Pursuant to a valid search warrant.

510.6 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, Rangers 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) which are not considered evidence or contraband.

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If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by a Park Ranger of the Marin Municipal Water District, 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) and 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)).

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The Ranger 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(d)). The Chief Ranger 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) and 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 District.

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) and 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 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

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Vehicle Impound Hearings

The legislative intent and the District'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 District'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 Watershed Manager. The hearing officer will recommend to the Watershed Manager that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the District.

Citations (Notice to Appear and Parking Citations)

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Chief Ranger shall be responsible for the development and design of all District traffic citations in compliance with state law and the Judicial Council.

The Ranger shall be responsible for the supply and accounting of all traffic citations issued to employees of the District.

516.3 DISMISSAL OF NOTICE TO APPEAR CITATIONS

Employees of the District 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 Chief Ranger. Upon a review of the circumstances involving the issuance of the traffic citation, the Chief Ranger may request the issuing Ranger 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 a Ranger determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the Ranger may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the Ranger shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Chief Ranger for review.

516.4 VOIDING NOTICE TO APPEAR CITATIONS

Voiding a traffic citation may occur when a citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to the Senior Park Ranger to approve the voiding of the citation and for documentation.

516.5 CORRECTION OF NOTICE TO APPEAR CITATIONS

When a traffic citation is issued and in need of correction, the Ranger issuing the citation shall complete a Citation Correction form. The citation along with the white copy of the form will be submitted to the court. The pink copy of the form will be sent to the person who was issued the citation and the yellow copy of the form will be filed along with the yellow copy of the citation.

516.6 DISPOSITION OF NOTICE TO APPEAR CITATIONS

It is the responsibility of the issuing Ranger to properly file all court documents and copies of all traffic citations issued.

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Citations (Notice to Appear and Parking Citations)

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Ranger.

516.7 PARKING VIOLATIONS

Park Rangers are responsible for enforcement of District parking regulations. Visitor parking areas should be checked on a regular basis to insure compliance with payment of vehicle entrance fees as well as compliance with posted parking restrictions and parking after sunset. The District is a member agency of the Marin Parking Authority (MPA). MPA contracts with Enforcement Technology (ET), a private firm for the purpose of administration of parking citations. Completed citations shall be entered on the citation log and the white copy filed for processing by ET.

516.7.1 PARKING VIOLATION APPEAL PROCEDURE

Disosition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.7.2 APPEAL STAGES, TIME REQUIREMENTS AND COSTS

A person may request an initial review by the issuing agency of a citation within 21 days of the issuance of the citation or 14 days from the mailing of a notice of a delinquent parking violation. The request may be made by telephone, in writing or in person. For citations issued by MMWD staff, the initial review will be conducted by the Watershed Manager, Chief Ranger, the issuing Ranger or any combination there of. 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 days of issuance of the notice of parking violation, or within ten days of the mailing of the Notice of Delinquent Parking Violation.
- (b) Requests for administrative hearings must be postmarked within 15 days of the notification mailing of the results of the administrative review.
- (c) Requests for appeal to the Superior Court must be made within 20 days of the mailing of the administrative hearing results.
- (d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address, and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.
- (e) There is no cost for an administrative review. Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing. 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.

516.7.3 PARKING CITATION DISMISSAL

The law does provide a legal process for the issuing Ranger or the issuing agency to dismiss parking citations when it is determined that either the violation did not occur or, doing so is in the interest of justice.

To process a dismissed citation which has not been mailed to the processing agency (Enforcement Technology)

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- Staple all three copies together
- Write VOID across the citation
- Place the citation in the folder to be sent with all valid cites to Enforcement Technology
- Document the dismissed citation, including the reason for dismissal in the Excused Parking Citation Log

To dismiss a citation that has already been mailed to Enforcement Technology, refer the person to follow the instructions on the back of the pink copy. Encourage them to submit their appeal in writing to Enforcement Technology, referencing the specifics of your conversation

The District typically receives a transmittal sheet from Enforcement Technology within two to three weeks for the purpose of deciding whether or not to dismiss contested citations.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

520.1 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.

520.2 RANGER RESPONSIBILITY

When an on-duty Ranger observes a disabled vehicle on the roadway, the Ranger should make a reasonable effort to provide assistance. If that Ranger 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.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by a District Ranger will be contingent on the time of day, the location, the availability of District resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Park Rangers shall not make mechanical repairs to a disabled vehicle.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Administrative Per Se Law (APS)

526.1 PURPOSE AND SCOPE

The purpose of this policy is informational only for Park Rangers. It is not intended to establish a District procedure for the suspension of California driver's licenses. It is the policy of the District to refer any actions that relate to this section to the California Highway Patrol or the Marin County Sheriff's Office. This policy provides for the immediate suspension of California driver's licenses in certain Driving Under the Influence (DUI) cases and in Zero Tolerance incidents. Vehicle Code §§ 13382 (a) and (b), and 13388 (b) require that peace officers immediately suspend driving privileges in certain situations involving arrests for Vehicle Code §§ 23152 and 23153. This policy also describes the policy dealing with Zero Tolerance laws.

526.2 SUSPENSION OF CALIFORNIA DRIVER'S LICENSES

The driver's license of a person suspected of driving under the influence of alcohol, shall immediately be suspended under any of the following circumstances:

- (a) The arrestee refuses to submit to a chemical test
- (b) The arrestee fails to complete the selected test
- (c) The arrestee declines a breath test and demands a blood or urine test, and, the arresting officer has reasonable cause to believe that the arrestee's Blood Alcohol Content (BAC) will exceed the .08-percent level
- (d) The arrestee completes the breath tests which show a BAC of .08-percent or higher

526.2.1 ZERO TOLERANCE LAW

Vehicle Code §§ 23136 & 23140 were enacted to reduce alcohol related incidents by persons under the age of 21-years. A person under 21-years years of age may have his or her license suspended under the following circumstances:

- (a) When suspected of consuming alcohol and refusing a PAS test
- (b) Who has a blood-alcohol level of .01-percent or greater

Zero Tolerance requires a Preliminary Alcohol Screening (PAS) device as the primary test. If the device is not available, one of the other chemical tests must be completed. Under Zero Tolerance, only the PAS device result is required. If, based on the PAS results, the driver's blood alcohol reading warrants arrest and further chemical testing, the Department of Motor Vehicles does not require completion of the chemical test section of the DS367m form. Once the PAS certification is complete, the Zero Tolerance requirement has been met.

526.3 PEACE OFFICER'S RESPONSIBILITY

In any of the above situations, the peace officer, acting on behalf of the Department of Motor Vehicles, shall do the following:

- (a) Confiscate any California driver's license(s) in the possession of the driver. If the subject has an Admin Per Se (APS) temporary license document, do not confiscate.
- (b) Complete and serve the Administrative Per Se Order of Suspension (DMV form DS367, DS367m or DS367s - Officer's Statement and Order of Suspension), 4th page on the driver, regardless of license status.

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Administrative Per Se Law (APS)

- (c) The officer will inform the driver that the "Administrative Per Se Order of Suspension", form DS367, DS367m or DS367s' along with his/her violator's notice to appear (except Zero Tolerance) or other release from custody document, will serve as the driver's temporary license. If the driver's privilege to drive is suspended or revoked, the order will not be a valid temporary license. If the subject presents an Admin Per Se suspension order/temporary license, do not confiscate the order but do issue another order pursuant to the current DUI arrest.

526.4 DEPARTMENT OF MOTOR VEHICLES NOTIFICATION

The following specified items must be forwarded to the Department of Motor Vehicles within five regular business days:

- (a) Officer's Statement form DS367 or DS367m (Minor) or DS367s (Spanish)
- (b) Order of suspension (form DS367, DS367m or DS367s, pages 2 and 3)
- (c) Copy of the printout of the breath test (if taken)
- (d) Traffic collision report if applicable
- (e) The offender's driver's license

526.5 PROCESSING OF FORMS

In order to ensure that the Department of Motor Vehicles and Police Department forms are routed properly, the following responsibilities are identified:

526.5.1 SUPERVISORY APPROVAL

The Ranger, or the supervisor responsible for approving reports, shall collect the documents described in Policy Manual § 526.4, review for completeness (dates, times, signatures, etc.) and forward the originals of the documents to the Traffic Bureau.

526.5.2 PROPERTY OFFICER RESPONSIBILITY

It is the responsibility of the property officer to promptly deliver physiological specimens to the designated crime lab as soon as possible after receipt to ensure that the above time requirements are met.

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Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The Watershed Protection Section does not maintain a dedicated Investigations Unit. When assigned to a case for initial or follow-up investigation, Rangers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

District employees are not authorized to recommend to the District Attorney, General Counsel, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or General Counsel's Office only as authorized by the Chief Ranger.

Sexual Assault Victims' DNA Rights

602.1 PURPOSE AND SCOPE

All collection of DNA samples will be the responsibility of the Marin County Sheriff's Office. (Policy 374) This policy is included in the manual for informational purposes only. Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 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 their 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 § (a) and (b)).

- (a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If 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(b)(1)).
 1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
 2. A support person may be excluded from the examination by the officer or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or

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Sexual Assault Victims' DNA Rights

289) 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(i)(1)(A) and (B).

- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

602.4 VICTIM NOTIFICATION OF DNA STATUS

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.
 - 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 victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
 - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
 - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
- (c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
 - 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 to or expected to release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF DNA EVIDENCE

If, with the approval of a supervisor, it is determined that rape kit evidence or other crime scene evidence from an unsolved sexual assault is going to be destroyed or disposed of prior to the expiration of the statute of limitations set forth in Penal Code § 803, the assigned

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Sexual Assault Victims' DNA Rights

officer shall provide the victim of the sexual assault with written notice of the intent to do so no less than sixty (60) days prior to the destruction or disposal of such evidence.

Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Marin Municipal Water District and the Rangers using informants, it shall be the policy of the District to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM

The Senior Park Ranger or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases
- (b) Date of birth
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
- (d) Current home address and telephone numbers
- (e) Current employer(s), position, address(es) and telephone numbers
- (f) Vehicles owned and registration information
- (g) Places frequented
- (h) Informant's photograph
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"
- (j) Name of officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Sky Oaks Ranger office and shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of Rangers or the reliability of the confidential informant.

Access to the informant files shall be restricted to the General Manager, Division Manager, Watershed Manager, Chief Ranger, Senior Park Ranger or their designees.

608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, a Ranger must receive approval from the Senior Park Ranger. The Ranger shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.

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Confidential Informants

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of the District in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the District's Informant Agreement. The Ranger using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the Senior Park Ranger before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Marin Municipal Water District shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Marin Municipal Water District shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain Ranger/informant integrity, the following must be adhered to:

- (a) Rangers shall not withhold the identity of an informant from their superiors
- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants shall not be condoned
- (d) Informants shall be told they are not acting as park Rangers, police officers, employees or agents of the Marin Municipal Water District, and that they shall not represent themselves as such
- (e) The relationship between Rangers and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Senior Park Ranger
- (g) Rangers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Senior Park Ranger. Rangers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments Rangers shall arrange for the presence of another officer, whenever possible
- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

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Chapter 7 - Equipment

District Owned and Personal Property

700.1 PURPOSE AND SCOPE

Park Rangers are expected to properly care for District property assigned or entrusted to them. Rangers may also suffer occasional loss or damage to personal or District property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DISTRICT PROPERTY

Park Rangers shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of District property assigned or entrusted to them. A Ranger's intentional or negligent abuse or misuse of District property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Rangers shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any District issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable District property should be discontinued as soon as practical and replaced with comparable District property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, District 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) District property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any District 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 in writing and submitted to the Senior Park Ranger. The Senior Ranger may require additional documentation of the loss or damage.

The Senior Ranger shall direct a memo to the Chief Ranger, which shall include the results of his/her investigation and whether the employee followed proper procedures. The Senior Ranger's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by Chief Ranger and a finding that no misconduct or negligence was involved, repair or replacement may be recommended.

The District 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 report shall be made to the Senior Ranger as soon as circumstances permit.

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District Owned and Personal Property

A written report shall be submitted before the employee goes off duty or within the time frame directed by the Senior Ranger.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Rangers 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 District, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the Senior Park Ranger or senior on duty Ranger.

These written reports shall promptly be forwarded to the Chief Ranger.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of District-issued mobile phones and personal communication devices, and the on-duty use of such devices personally-owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile phones, Personal Digital Assistants (PDA), and other such wireless two-way communication and/or portable Internet access devices.

702.2 DISTRICT ISSUED PCD

Depending on a Ranger's assignment and needs of the position, the District may, at its discretion, issue a PCD. Such devices shall remain the sole property of the District and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD while on duty subject to the following conditions:

- (a) Carrying an individually-owned personal communication device is optional.
- (b) The device shall be purchased, used and maintained at the employee's expense.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the District or personally-owned, should only be used by on-duty employees for legitimate District business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

- (a) PCDs shall not be carried in a manner that allows it to be generally visible while in uniform.
- (b) PCD's may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g. inform family of extended hours). While employee's may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.
- (c) PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the District for any charges incurred as a result of personal use.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Rangers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call.

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Personal Communication Devices

Except in the case of an emergency employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate in the following situations:

- (a) Barricaded suspects.
- (b) Hostage situations
- (c) Mobile Command Post.
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political/community events.
- (f) Investigative stakeouts where regular phone usage is not practical.
- (g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.
- (h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

Vehicle Care and Maintenance, Standard On-Board Equipment and Specialized Training

705.1 PURPOSE AND SCOPE

Watershed Protection Employees are responsible for assisting in maintaining District vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

705.2 DEFECTIVE VEHICLES

When a District vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. A vehicle repair form shall be completed by the employee who first becomes aware of the defective condition, describing the correction needed. The form shall be submitted to Auto Shop staff when the vehicle is delivered for repair.

705.3 VEHICLE EQUIPMENT

Certain items shall be maintained in Watershed Protection vehicles for emergency purposes and to perform routine duties.

705.3.1 PATROL VEHICLES

Rangers 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:

- Accident Report Form
- Digital or disposable camera
- Flashlight
- Spare citation book (1 ea. traffic and parking)
- Traffic cones (2)
- Chock Block
- Shovel
- Digging bar
- Tool Box with required tools*
 - *Basic Tool Box should contain: Hammer, slot screwdriver, Phillips screwdriver, crescent wrench, vice grips, pipe wrench (2), pliers, hacksaw and socket set
- Fuel Can (1 gal of Straight Gas)
- Chainsaw (chainsaw tools, fuel, bar oil and chaps)
- Hardhat
- Ear and eye protection
- Bolt cutters
- Road flares (6)

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Vehicle Care and Maintenance, Standard On-Board Equipment and Specialized Training

- Jumper cables
- Slim Jim tool
- Cleaning Supplies-trash bags, TP, graffiti remover
- Lock lubricant spray
- Extra District pad lock
- Emergency Equipment
 - EMT 5 Minute Bag w/O2 bottle (min full)
 - AED EMS forms (assessment, AMA/patient release, triage)
 - Blanket
 - Bio-Hazards Bag
 - Sharps Container
 - Hand Sanitizer
 - Water Rescue Throw Bag
- During Fire Season Fire equipment appropriate for resource type (Type IV or V)

705.3.2 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, Rangers driving patrol vehicles shall not leave a vehicle at the end of a shift with less than three-quarters of a tank of fuel. Unless otherwise directed vehicles shall only be refueled at District facilities.

705.3.3 VEHICLE APPEARANCE

All Watershed Protection vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance. Miscellaneous equipment or items permanently maintained on board vehicles shall not protrude above the tailgate or be visibly suspended from the fire unit or other part of the vehicle.

Employees using a vehicle shall remove any trash or debris at the end of their shift.

705.3.4 NON-SWORN EMPLOYEE USE OF PATROL VEHICLES

Non-sworn employees using marked patrol vehicles shall ensure all weapons and defensive equipment are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

705.4 BOATS

Watershed Protection maintains two boats for use by District staff.

- (a) Care and Maintenance - When stored at Sky Oaks boats must be maintained ready to use (available for service) at all times. Mechanical problems with a boat shall be dealt with immediately after use. To facilitate repairs in a timely manner, it is the responsibility of the operator to deliver the boat to the auto shop for repair or make necessary arrangements for delivery as soon as possible. Notify watershed staff that the boat is out of service.

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Vehicle Care and Maintenance, Standard On-Board Equipment and Specialized Training

1. Upon completion of a detail, boats shall be put back in service. Minimum tasks include cleaned (interior/ exterior) fuel level at 3/4 tank minimum power turned off.
- (b) Patrol Boat - The following is the minimum equipment that should be maintained in the patrol boat at all times:
1. Life Jackets (6)
 2. Oars (2)
 3. Backpack with emergency blankets, hot packs, (2), box of light sticks (1)
 4. First Aid Kit
 5. Emergency Spot Lights (2)
 6. Cable with lock
 7. Boat shall be kept on Trailer 371 at all times.
 8. Bow line
 9. During fire season a draft pump, 100' of 1" fire hose and supporting fire equipment shall be kept in the boat.
- (c) Utility Boat - When in use, the following is the minimum equipment that should be on board the utility boat at all times:
1. Life Jackets (one for each passenger)
 2. Oars (2)
 3. First Aid Kit
 4. Cable with lock
 5. Bow line
 6. The utility boat should be kept on Trailer 262 and be covered when not in use.

705.4.1 BOAT OPERATION TRAINING

Park Rangers who use or operate boats in the normal course of their duties shall be trained (within one year of appointment) per the guidelines established by the District' Safety Department which includes a Boating Safety and Boating Operations Course facilitated by the U.S. Coast Guard Auxiliary.

705.5 ALL TERRAIN VEHICLES (ATV'S)

Care and Maintenance

When stored ATV's must be maintained ready to use (available for service) at all times. Mechanical problems shall be dealt with immediately after use. To facilitate repairs in a timely manner, it is the responsibility of the operator to:

- deliver the ATV to the auto shop for repair or
- make necessary arrangements for delivery and repairs as soon as possible
- notify all watershed staff that the ATV is out of service.

Upon completion of a detail, ATV's shall be put back in service. Minimum tasks include:

- cleaned (exterior and storage areas)
- fuel level at 3/4 tank minimum

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Vehicle Care and Maintenance, Standard On-Board Equipment and Specialized Training

The following equipment should be kept with ATVs at all times:

- operators manual
- tool kit

ATVs left outdoors should be kept covered when not in use.

705.5.1 ATV TRAINING

Park Rangers who use or operate ATV's in the normal course of their duties shall complete a ATV Rider Course facilitated by a certified instructor. Thereafter Rangers should receive as needed, in-service and refresher training to maintain ATV skills and safety.

Vehicle Use Policy (MMWD Policy No. 40)

707.1 PURPOSE AND SCOPE

Our goal, as individual employees and as an organization, is the safety of the employees, the public and the care of the District's property (including vehicles and equipment). Creating a work environment free of injuries or harm to any employee or member of the public is the goal. Damage to vehicles and property is costly in time and money. The reporting and investigation of accidents, along with implementation of any corrective action, are essential steps in the process of accident prevention and liability reduction.

Establishment of a Vehicle Policy will:

- Ensure the safe operation of motor vehicles and conformity with all applicable District, local, state and federal laws.
- Ensure that all vehicles owned or operated by the District are utilized in the most efficient, economical, practical and reasonable manner.
- Ensure consistent administration of vehicle use issues throughout the District.

707.2 POLICY

707.2.1 EMPLOYEE RESPONSIBILITIES

- (a) Orientation and Training: Subsequent to MMWD orientation and driver training, the employee's supervisor shall be responsible for ensuring that the employee has received the necessary and appropriate training on the specific vehicle and equipment used in the course of performing his/her job duties, prior to operating any MMWD vehicle or associated equipment.
- (b) Responsible Driving: Each MMWD driver shall drive responsibly and make every effort to avoid accidents. All employees operating an MMWD vehicle, or their private vehicle while conducting District business, shall always project a professional, responsible and safety conscious image to the public.
- (c) Following Traffic Laws: Employees are expected to be knowledgeable of, and follow, all applicable Federal, State, local and MMWD traffic laws.
- (d) Driver's License: MMWD employees operating vehicles or equipment on MMWD business must have a valid and appropriate State of California driver's license for the type of vehicle. Definition of "valid" means a current California driver's license without restrictions, suspensions, or any other non-validating activity. If the employee is driving his/her personal vehicle for MMWD business, proof, or verification of insurance (Declaration Sheet) shall be submitted to the Finance Division (State of California minimum requirement).
- (e) Suspended, Revoked or Restricted Driver's License: MMWD employees, who are required to drive a vehicle as an essential function of their job, and who are required to have a valid California driver's license to operate vehicles or equipment on MMWD business, shall immediately inform their supervisor in the event that their driver's license is suspended, revoked or is otherwise restricted in a way that impacts the

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Vehicle Use Policy (MMWD Policy No. 40)

employees ability to perform their job. Failure to inform a supervisor, or other MMWD management staff member, may result in disciplinary action.

- (f) DMV Pull Notice Program: MMWD employees who are required to drive as an essential function of their job or who have obtained authorization to drive will be enrolled (new employees will be added upon hire) in the Department of Motor Vehicles (DMV) "Pull Notice Program". Hard copies of the employee's activity reports are reviewed by the Safety and Risk Administrator on an activity occurrence or annual basis.
- (g) Vehicle Markings: All MMWD vehicles shall have exempt license plates, and shall be marked with the vehicle number & MMWD logo visible to the public. No other markings, decals, toys or bumper stickers shall be displayed on MMWD owned vehicles and equipment without the express authorization of the Division Manager.

707.2.2 AUTHORIZED USE OF MMWD VEHICLES

- (a) Authorization: MMWD owned vehicles shall be driven only by appropriately licensed and authorized MMWD employees. Authorization shall be by the General Manager, the appropriate Division Manager, or designee.
- (b) Authorized Passengers: No person shall be permitted to ride in an MMWD vehicle unless such person is an MMWD employee on official MMWD business, is a person conducting official MMWD business for or with the MMWD, or is a passenger authorized to be in said vehicle by the General Manager, the appropriate Division Manager, or designee.
- (c) District Business Use Only: MMWD vehicles are intended to be used for official MMWD business only. Personal use, such as a normal and routine stop on the way home to avoid excessive additional travel, must be pre-approved by the employee's supervisor.
- (d) Volunteers: Volunteers are not authorized to drive MMWD vehicles, even if the vehicle will be used only on official MMWD business.
- (e) Temporary Placements: Placements from outside temporary placement agencies (e.g., Manpower Temp, Americorps) may be authorized to drive MMWD vehicles with the approval of their Division Manager and the Facilities and Watershed Division Manager. The supervisor is responsible to insure that Temporary Placements have a valid California driver's license, have been enrolled in the DMV Pull Notice Program and have completed the MMWD Defensive Driving Course.
- (f) Summer Helpers: Summer Helpers are not authorized to drive MMWD vehicles.

707.2.3 OPERATING A DISTRICT VEHICLE OR PRIVATE VEHICLE ON DISTRICT BUSINESS

- (a) Vehicle Operation: Drivers shall be familiar with the manner of operation of District vehicles that they operate on MMWD business. If drivers are unsure of the operation of their District vehicle, they should contact their supervisor or the auto shop for assistance.
- (b) Attentive Driving: Drivers shall remain attentive to driving at all times. Use of cellular phones, two way radios, eating or drinking, dealing with passengers or other distractions while the vehicle is moving poses a serious safety risk and should be avoided. Whenever possible, drivers should pull off the road and stop when having to deal with distractions in the vehicle. Use of cellular phones is particularly dangerous; drivers using cell phones should pull over to make calls or return incoming calls.

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- (c) Visual Inspections: Compliant with state law and District policy, the employee is responsible for conducting pre-trip and post-trip inspection of the MMWD assigned vehicle or pool vehicle. Any damage or safety problems observed shall be reported to the auto shop and the employee's supervisor immediately upon discovery.
- (d) Vehicle Backing:
 - 1. When operating a vehicle the employee should clear his/her head and concentrate only on driving.
 - 2. Avoid backing up whenever possible. If practical, the employee should park the vehicle where the employee will not have to back up.
 - 3. The employee should get out and check the area behind the vehicle. The employee shall walk around a vehicle if driving alone prior to backing or moving vehicle.
 - 4. When backing up, the employee should open the window to look behind and utilize the vehicles mirrors.
 - 5. The employee who is driving should use a coworker if more than one employee is present, as a spotter behind the vehicle prior to backing to guide him/her. Remember the employee who is the driver is still ultimately responsible for backing the vehicle safely.
 - 6. If practical, employees should not park behind a driveway or parked car.
 - 7. Before the employee gets in the vehicle, he/she should check behind it and under it and look around for other objects or hazards. A good aid in doing this will be while the employee is picking up the cones and removing the chock block.
 - 8. If the employee does the above and gets into the parked vehicle to take a phone call do paper work or take a work break, the employee must get out and recheck the area for objects or hazards before backing up.
- (e) Parking: Employees who operate MMWD vehicles must safely park the vehicle by placing the vehicle in park (in gear if manual transmission), and setting the parking (emergency) brake. This includes, but is not limited to, when an employee(s) are out of the vehicle briefly (e.g., opening a gate). When leaving a vehicle unattended employees should turn off the engine and set chock blocks. All vehicles shall be safely parked and locked when not in use. See MMWD 1991 Health and Safety Handbook, Page 15, as follows:
 - 1. District Parking Policy
 - (a) MMWD trucks shall be coned in the front and rear and chocked while parked, unless the vehicle is parked in a designated parking area on District property. Park all vehicles with the emergency brake, micro-lock, or other emergency braking system(s) engaged. When parking pointed downhill, place standard transmission vehicles in reverse gear. When parking uphill place standard transmissions in first gear. Place automatic transmissions in the "Park" position. Turn front wheels toward curb, berm, or other barrier.
- (f) Smoking: Smoking is prohibited in all District vehicles.
- (g) Alcohol Drugs and Other Intoxicants: Consumption of alcohol, drugs or other intoxicants while operating MMWD vehicles or equipment or while operating a privately owned vehicle on MMWD business is strictly prohibited. (As described in the Marin Municipal Water District MMWD Administrative Policies No. 27 and No. 32.)

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- (h) **Dangerous or Defective Vehicle:** Any MMWD owned vehicle, or privately owned vehicle while being used for MMWD business, shall not be operated when in a known dangerous or defective condition.
- (i) **Reporting an Unsafe Vehicle:** When an MMWD vehicle is found to be in a dangerous or defective condition, it shall be reported to the auto shop and supervisor immediately upon discovery, a completed "Vehicle Repair Request" must be completed and submitted to the auto shop as soon as practical.
- (j) **Traffic Citations:** Any employee who receives a traffic/parking citation while operating an MMWD owned vehicle shall report such citation to his/her Division Manager immediately. NOTE - Any traffic/parking citation is the sole responsibility of the driver regardless of the vehicle being used.
- (k) **Returning Pool Vehicles:** When returning a pool vehicle to the auto shop the vehicle must be fueled and the "Vehicle Use Form" shall be submitted appropriately. Pool vehicles must be returned to the auto shop promptly.
- (l) **Use of Private Vehicles:** Employees authorized to use private vehicles for District use shall have on file with the Finance Department, a signed certification of insurance for a minimum amount prescribed by the California Department of Motor Vehicles. It is not necessary to name the District as an additional insured. The employee's insurance coverage will be deemed primary and the District will not become involved unless specifically named in the lawsuit.
- (m) **Mileage Allowance:** No District employee shall be authorized mileage allowance for privately-owned vehicle travel in the performance of official business or approved function within the immediate vicinity of Marin County, if a District-owned vehicle is available and is more suitable for such use. When authorized, private vehicle usage will be reimbursed at a rate equal to the then current rate set by the Internal Revenue Service for mileage deduction. Employees receiving monthly auto allowances may receive mileage reimbursement in addition to the monthly allowance for mileage driven over 120 miles (round-trip) if attending a conference, seminar or business meeting.

707.2.4 VEHICLE ACCIDENTS OR DAMAGE

- (a) **Safe Driving:** It is the responsibility of the driver of MMWD owned vehicles, or privately owned vehicles while being used for MMWD business, to exercise reasonable care to avoid impediments or obstructions in the path of the vehicle that may cause damage to the vehicle, other vehicles or property, or injury to drivers, passengers and pedestrians.
- (b) **Accident / Damage Reporting:** All accidents and vehicle and property damage in an MMWD vehicle, or piece of equipment, or a privately owned vehicle being used on MMWD business, regardless of severity or fault, shall be verbally reported immediately to the employee's supervisor and/or an MMWD manager and the Division Manager or Assistant Division Manager of Facilities and Watershed. Post accident Drug and Alcohol Testing may apply. Refer to Administrative Policies No. 27 and No. 32 for details.
- (c) **Timely Written Reporting of Accidents on the Vehicle Incident Report:** Employees involved in any accident in an MMWD owned vehicle, or a privately owned vehicle being used on MMWD business, shall make a complete written report of such accident to the employee's supervisor within 24 hours, unless injury or other special circumstances necessitates a longer reporting period. Accident reports shall contain information on other vehicles, drivers, property involved, witnesses, weather conditions, road conditions, and any other pertinent information regarding

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such accident. Vehicle Incident Reports are located in the glove compartment on all MMWD vehicles or may be obtained from the auto shop. A written accident report must be submitted before the auto shop will repair the vehicle.

- (d) Supervisory Report of Accident: As soon as practicable and upon completion of collection of data, the Supervisor should complete the Supervisory Report of Accident.

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Chapter 8 - Support Services

Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the District's MERA radio communications system is to satisfy the immediate non-emergency information needs of Watershed Protection staff in the course of its normal daily activities and occasionally during emergencies. The latter situation places the greatest demands upon the Distribution System Operators and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

802.1.1 FCC COMPLIANCE

Marin Municipal Water District radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS

The District provides 24-hour telephone service to the public for information or assistance for both non-emergency and emergency needs. The District **does not** provide access to the 911 system for a single emergency telephone number. For emergency operations the District maintains MERA two-way radio capability providing direct and continuous communication primarily between the Marin Communications Center, Marin County Fire Department ECC, Woodacre and Park Rangers.

802.2.1 COMMUNICATIONS LOG ENTRIES FOR WATERSHED ACTIVITIES

It shall be the responsibility of Distribution System Operators to record all relevant information on calls received for criminal, non-criminal, emergency service requests or self-initiated activity. Distribution System Operators shall attempt to elicit as much information as possible to enhance the safety of the Ranger and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Date and time of request
- Name and call-back phone number of reporting party and complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of Ranger(s) assigned as primary and backup
- Time of dispatch
- Time of the Ranger's arrival
- Time of Ranger's return to service
- Disposition or status of reported incident

802.3 RADIO COMMUNICATIONS

When Park Rangers are engaged in a law enforcement contact, operations are more efficient and officer safety is enhanced when Distribution System Operators, field

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supervisors, and fellow Rangers know the status of Rangers, their location and the nature of the contact.

802.3.1 RANGER IDENTIFICATION

Rangers should use the entire call sign when initiating communication with a dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Rangers initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the field unit and dispatcher once the field unit has been properly identified.

Property Procedures

804.1 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.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly 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.

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 item(s).

804.3.1 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) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
 - (b) Mark each item of evidence with the booking employee'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.
 - (d) Place the case number in the upper right hand corner of the bag.
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- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Ranger and MCSO Detectives. The remaining copy will be detached and submitted with the case report.

804.3.3 EXPLOSIVES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in any District facility. All fireworks, railroad flares, or fuses that are considered safe will be transported to the Marin County Fire Department on a regular basis by the responsible staff member.

Rangers who encounter an explosive device shall immediately notify the immediate supervisor and/or chief Ranger. A Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

804.3.4 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) License plates found not to be stolen or connected with a known crime, should be released directly to the property officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required
- (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 property officer, or placed in the bicycle storage area until a property officer can log the property
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Chief Ranger shall be contacted for cash in excess of \$1,000 for special handling procedures

District property, unless connected to a known criminal case, should be released directly to the appropriate District 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.

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
-

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- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health & Safety Code § 11364 and Business and Profession Code § 4140
- (e) Fireworks
- (f) Contraband

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes 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.

804.4.2 PACKAGING NARCOTICS

The Park Ranger seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

804.5 RECORDING OF PROPERTY

The designated property management ranger receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on property tag and the property control card.

Any changes in the location of property held by the Marin Municipal Water District shall be noted in the property logbook.

804.6 PROPERTY CONTROL

Each time the property officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

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Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee 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 officer 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 officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee 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 Ranger for filing with the case.

804.6.3 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 property officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee 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.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The primary case ranger or MCSO detective shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 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 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 on the property form.

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. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

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A property officer 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 on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Ranger for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Room. Upon release, the proper entry shall be documented in the Property Log.

804.6.6 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)).

804.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS

The Watershed Deputies 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.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months 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 property officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 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 §§ 12028, 12029, 12251)
- 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 & Safety Code § 11474, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 12307)

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804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be 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 fifteen dollars (\$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 this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the designated property management ranger shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief Ranger.
- (c) An annual audit of evidence held by the department shall be conducted by a Ranger (as appointed by the Chief Ranger) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

Ranger File Management Procedures

806.1 PURPOSE AND SCOPE

The Chief Ranger shall maintain the Watershed Protection File Management Procedures Manual on a current basis to reflect the procedures being followed within Watershed Protection. Policies and procedures that apply to all employees of this section are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Ranger Case Incident Log by Ranger personnel.

Reports are numbered commencing with the last two digits of the current year followed by department identifier (WD) and a sequential number beginning with 01 starting at midnight on the first day of January of each year. As an example, case number 09WD01 would be the first new case beginning January 1, 2009.

806.2 FILE ACCESS

All 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 Sky Oaks Ranger Office and be accessible only to authorized Ranger personnel.

806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Sky Oaks Ranger Office. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Chief Ranger. All original reports removed from the Ranger's Office shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Ranger's Office.

Restoration of Firearm Serial Numbers

808.1 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.

808.2 PROCEDURE

Any firearm coming into the possession of the Marin Municipal Water District as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 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.

808.2.2 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.

808.2.3 RANGER RESPONSIBILITY

The designated property management ranger 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.

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Restoration of Firearm Serial Numbers

808.2.4 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.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property officer will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

808.3 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.

Release of Records and Information

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of District reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS

The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media, may request access to unrestricted records of the District by submitting a separate written and signed request for each individual and specifically identified record sought to an authorized employee (Government Code § 6253). Requests from involved individuals, their authorized representatives and other agencies are addressed below. The processing of requests is subject to these limitations:

- (a) The authorized receiving employee shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests may take up to ten days and an additional 14-day extension may be authorized by the Department head (Government Code § 6253(c)).
- (b) The requesting party shall be required to pay in advance any established fee for each record sought (Government Code § 6253(b)).
- (c) The District shall not be required to create records which do not otherwise exist in order to accommodate any request under the Public Records Act. If practicable, however, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of the District shall be made public subject to the following restrictions:

810.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. Penal Code § 841.5 makes it a misdemeanor to release confidential victim information to any potential criminal defendant.
- (b) **Confidential Information** - 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 shall not be made public.

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1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
 2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
- (c) **Specific Crimes** - Certain types of reports involving, but not limited to, **Child Abuse/Molest** (Penal Code § 11167.5), **Elder Abuse** (Welfare and Institutions Code § 15633) and **Juveniles** (Welfare and Institutions Code § 827) shall not be made public.
- (d) **General Information** - Absent 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 § 6254(f).

810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, General Counsel or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

810.3.3 TRAFFIC COLLISION REPORTS

Supplemental Reports related to traffic collision reports shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles, other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

810.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254(c)).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

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 Manager or as required by law (Government Code § 3300 (e)).

810.3.5 CONCEALED WEAPONS PERMITS

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

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Release of Records and Information

810.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempted 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 § 6254(k)).

The District maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor 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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to the District General Counsel so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a District stamp identifying the individual to whom the record was released.

Criminal Offender Record Information (CORI)

812.1 PURPOSE & SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Administrative Code. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 DEFINITIONS

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any M.M.W.D. documents containing a list of prior arrests.

Criminal Justice Agency - Means a public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Means any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Means persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - means a necessity exists to obtain CORI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER

The Chief Ranger is the designated Criminal Record Security Officer for the Marin Municipal Water District. He/she is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

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Criminal Offender Record Information (CORI)

812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer
- (b) Park Ranger
- (c) Personnel specifically designated in writing by the Criminal Records Security Officer

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the District after complying with all legal requirements.

812.7 PROTECTION OF CORI

CORI shall be stored in a secure file cabinet located in the Sky Oaks Ranger Office. Direct access to CORI stored in the Ranger Office shall be restricted to the Ranger and/or MCSO personnel authorized to release it. Direct access to CORI stored in the Ranger Office shall be restricted to those persons who possess both the right to know and the need to know the information.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Sky Oaks Ranger office. Park Rangers and Watershed Deputies are authorized access this area. All other persons may access the ranger office only when an authorized person(s) is present.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

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Criminal Offender Record Information (CORI)

812.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

812.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer.

812.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.37 (a).

Employees who obtain, or attempt to obtain, information from the District files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.37(a) .

Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCD's) 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.

814.2 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 computer is off, do not turn it on.
- (d) If the computer 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) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

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Computers and Digital Evidence

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks 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.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 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) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Room to copy the contents to an appropriate form of storage media.
- (c) 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.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 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) Officers should not attempt 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.

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- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 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.

814.5.1 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.

814.5.2 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 Property and Evidence Room as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.
- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

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814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) 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.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Animal Control Procedures

820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for animal control by Park Rangers of the Marin Municipal Water District in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

820.2 RANGER RESPONSIBILITY

Park Rangers are primarily responsible for enforcement of Marin Municipal District Land Use Regulations, Domestic Animal regulations sec. 9.05. Animal Services Officer's (ASO) of the Marin Humane Society should be requested for resolving or referring most animal problems as outlined in this policy.

820.3 ADDITIONAL RESPONSIBILITIES

During hours when the Animal Services Officer is unavailable, the following animal related calls for service will be handled by the appropriate on-duty Ranger.

Rangers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ASO. Due to the hazards of handling animals without proper equipment, responding Rangers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ASO. The following are examples of when a Ranger may consider acting before the arrival of the ASO:

- (a) When there is a threat to the public safety.
- (b) When animal has bitten someone, Rangers 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.

820.3.1 ANIMAL CRUELTY COMPLAINTS

Rangers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ASO for follow-up. Rangers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal services officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

820.3.2 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 Sky Oaks animal holding pen, making sure the animal has food, water, and bedding.

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Marin Humane Society must be notified and a Notice To Appear citation will be filled out as completely as possible and placed in the box attached to the holding pen. Releases will then be handled by the ASO.

820.3.3 ANIMAL BITE REPORTS

Rangers shall obtain as much information as possible for forwarding to the ASO for follow-up. Rangers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ASO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

820.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Rangers shall obtain and forward to the ASO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Rangers will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding Rangers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, an ASO will be called to duty to handle.

820.4 DECEASED ANIMALS

Deceased animals on MMWD watershed property normally do not require handling. Occasionally for health and sanitary reasons, some deceased animals should be relocated to an area away from reservoirs and visitor contact.

820.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of District staff, the Marin Humane Society will be notified. If an ASO is not available, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler 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 (b)).

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency & Critical Care Services Clinic.
- (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 kill a seriously injured or dangerous animal is necessary, a Watershed Deputy or other deputy shall be followed. The decision to dispose of a seriously injured animal will rest with the deputy.
- (d) Injured wildlife should be referred to Marin Humane Society or Wildcare of San Rafael or Department of Fish and Game as applicable.
- (e) When handling dead or injured animals District employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (f) Each incident shall be documented, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ASO is unavailable, the information will be forwarded for follow-up.

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820.6 CITATIONS

It should be at the discretion of the handling Ranger or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

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Chapter 9 - Custody

Custody Searches

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent District procedures for Park Rangers which conform to Penal Code § 4030 regarding pat-down, booking and strip searches of pre-arraignment detainees.

902.2 DEFINITIONS OF SEARCHES

Pat-Down Search - This is the normal type of search used by Rangers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the Ranger, the prisoner, or other prisoners.

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)).

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(1) and 4030(d)(3)).

902.3 PAT DOWN SEARCHES

When any Ranger has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the Ranger reasonably believes that the individual may present a threat to officer safety, that Ranger may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, a Ranger should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by a Ranger of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

902.4 BOOKING SEARCHES

- (a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:
1. The person is not cited and released
 2. The person is not released on his or her own recognizance

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3. The person is not able to post bail within a reasonable time not less than three hours
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

902.5 STRIP SEARCHES

- (a) No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, possession of controlled substances or violence, shall be subjected to a strip search or visual body cavity search prior to placement in the general jail population unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search (Penal Code § 4030(f)).
- (b) No strip search or visual body cavity search shall be conducted without prior written authorization from a supervisor. The time, date, and place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall be recorded in the arrest record. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request .
- (c) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search (Penal Code § 4030(m)).
- (d) Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search or visual body cavity search shall be of the same sex as the person being searched (Penal Code § 4030(l)).
- (e) Whenever possible, a second officer of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (f) The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched (Penal Code § 4030(j)).

902.5.1 PHYSICAL BODY CAVITY SEARCH

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code § 4030(i)).
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

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Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Marin Municipal Water District applicable to sworn peace officer positions shall provide equal opportunities for applicants regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for the District are maintained by the Marin Municipal Water District Human Resources Division.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Marin Municipal Water District Human Resources Division maintains standards for all positions.

The dilemma facing the District is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Marin Municipal Water District or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to control a motor vehicle at high speeds
- (d) The ability to operate a motor vehicle in all types of weather conditions
- (e) The following shall be disqualifying:
 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
 2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
 3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

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1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public
- (e) The following shall be disqualifying:
 - 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
 - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
 - 1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application
 - 2. Conviction for two or more misdemeanor offenses under California law as an adult
 - 3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)
 - 4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
 - 5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
 - 6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
 - 7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts
 - 8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
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- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following shall be disqualifying:
 - 1. Missing any scheduled appointment during the process without prior permission
 - 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
 - 3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
 - 4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
 - 5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
 - 6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
 - 7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following shall be disqualifying:
 - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
 - 2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
 - (b) Empathy
 - (c) Discretion, not enforcing the law blindly
 - (d) Effectiveness in dealing with people without arousing antagonism
 - (e) The ability to understand the motives of people and how they will react and interact
 - (f) The following shall be disqualifying:
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Recruitment and Selection

1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
3. Having been disciplined by any employer as an adult for fighting in the workplace

1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following shall be disqualifying:
 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
 1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
 2. Any adult use or possession of marijuana within one year prior to application for employment
 3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
 4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
 5. Any adult manufacture or cultivation of a drug or illegal substance
 6. Failure to divulge to the District any information about personal illegal use or possession of drugs
 7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
 1. Any illegal use or possession of a drug as a juvenile
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
 3. Any illegal or unauthorized use of prescription medications

Evaluation of Park Rangers

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the District and the Park Ranger giving recognition for good work and providing a guide for improvement where needed. The Park Ranger performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall be sent to a POST approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, but at least 90 days prior to the end of the annual evaluation period, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

1002.3 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

| Position | Evaluated Every 3 Months | Evaluated Yearly | Length of Probation |
|----------------------------------|--------------------------|------------------|---------------------|
| Probationary Sworn Employees | X | | 1 Year |
| Non-Probationary Sworn Employees | | X | |
| | | | |

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Evaluation of Park Rangers

1002.4 FULL TIME PROBATIONARY PERSONNEL

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Per the current CBA, the District General Manager may, at his/her discretion extend for up to six (6) months the probationary period for a newly hired employee if circumstances warrant, by giving notice to the employee fifteen (15) work days before the scheduled completion date of the normal probationary period. The probationary period shall be suspended for any period during which the ranger is incapacitated due to injury or illness. Probationary sworn Park Rangers are evaluated daily, weekly and monthly during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Employee's performance regarding this performance goal or competency is extraordinary. There is plenty of examples and evidence that demonstrates how he/she is more that exceeding the requirement or competency. (There are few instances where an employee's performance is a "5" rating. This rating should be used judiciously and with evidence that supports the rating.)

Exceeds Standards - Employee can provide an abundance of evidence that demonstrates how he/she is meeting the requirement or competency.

Meets Standards - Employee can specifically state how he/she is meeting the requirement or competency. Several examples are provided.

Needs Improvement -Some examples of how he/she is meeting the requirement or competency. Evidence is lacking to support meeting the requirement or competency.

Below Standard - Very few, if any, examples of how he/she is meeting the requirement or competency. Evidence demonstrates poor performance .

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Evaluation of Park Rangers

Space for written comments is provided in the Work Plan / Evaluation form for the rater. This allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked Below Standard or Outstanding shall be substantiated by rater comments.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Watershed Manager. The Watershed Manager shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Watershed manager shall evaluate the supervisor on the quality of ratings given.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the Human Resources Department for the tenure of the employee's employment. A copy will be given to the employee.

Hepatitis and HIV Testing

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of contacts with the bodily fluids of individuals and an HIV testing procedure in accordance with the Legislature's declaration of a public health crisis in Penal Code § 7500, et seq.

1008.2 REPORTING REQUIREMENTS

Any employee who believes that he/she came into contact with bodily fluids of an individual who has been arrested or taken into custody shall complete a State Department of Health Services form (#DHS 8479). This form includes the names of witnesses to the incident, names of persons involved in the underlying incident, and if feasible, any written statements from these parties. This form shall be in addition to any other reports related to the underlying incident (Penal Code § 7510.).

The employee's form DHS 8479 shall be submitted by the end of the shift during which the incident occurred, or if not practicable, as soon as possible, but no longer than two days after the incident, unless waived by the county's Chief Medical Officer.

Upon completion of form DHS 8479, it and all available related reports shall be forwarded immediately to the county's Chief Medical Officer.

1008.2.1 CONFIDENTIALITY OF ALL REPORTS

All information obtained and reported pursuant to this procedure shall be kept confidential and may not be released except as provided by law (Penal Code § 7517).

1008.2.2 MISDEMEANOR TO FILE FALSE REPORT

Any employee who willfully files a false form DHS 8479 or a false request for HIV testing may be subject to discipline as well as misdemeanor criminal sanctions (Penal Code § 7540).

1008.3 REQUEST FOR HEPATITIS OR HIV TESTING

Any employee who desires that the individual be tested for Hepatitis A, Hepatitis B, or HIV shall indicate such a request on the form DHS 8479 (Penal Code § 7510).

1008.4 AVAILABLE COUNSELING

In addition to any other available employee assistance programs, personal counseling may be available through the Chief Medical Officer to any law enforcement employee who has filed a form DHS 8479.

1008.5 PROCEDURE TO DETERMINE TESTING

Within five calendar days of receipt of any form DHS 8479, regardless of whether or not a request for testing was made, the county's Chief Medical Officer shall determine whether or not the involved individual shall be required to submit to HIV testing.

Any individual ordered by the Chief Medical Officer to submit to HIV testing has three calendar days to appeal such an order by submitting form DHS 8457. If no appeal is filed in a timely manner, the order of the Chief Medical Officer shall become final.

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Any appeal of the Chief Medical Officer's order may be appealed by the individual or the involved employee to the Superior Court which is required to review the matter as expeditiously as possible (Penal Code § 7516.5).

1008.6 TESTING PROCEDURE

In the event that an individual is ordered to be tested for HIV, such tests shall consist of a blood sample withdrawn in a medically approved manner by a licensed physician, nurse, medical technician, or phlebotomist (Penal Code § 7530).

All test samples shall be submitted to a licensed medical laboratory that has been approved by the State Department of Health Services for the conducting of HIV testing.

1008.6.1 REFUSAL TO SUBMIT TO TESTING

Any person who has been ordered to submit to required Hepatitis A, Hepatitis B, or HIV testing and, who refuses to submit to such testing shall be subject to revocation of bail, probation, or other sentence (Penal Code § 7519(a)).

The refusal of any probationer or parolee to submit to required HIV testing shall be considered a violation of probation or parole.

1008.6.2 TEST RESULTS

Any employee who had direct contact with the bodily fluids of an individual who is determined to have tested positive for Hepatitis A, Hepatitis B, HIV or AIDS shall receive confidential notification from the Chief Medical Officer.

Reporting of Park Ranger Convictions

1010.1 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.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act (18 United States Code §§ 921(a) and 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.

Misdemeanor crimes of domestic violence are defined as misdemeanors under federal or state law, having as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 United States Code § 922(d)(8)).

Penal Code § 12021(c)(1) prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm.

Family Code § 6389 prohibits any person from carrying a firearm if they are currently the subject of a domestic violence restraining order (including temporary and emergency orders).

1010.3 OTHER CRIMINAL CONVICTIONS

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.

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.

1010.4 REPORTING PROCEDURE

All Park Rangers shall promptly notify the Chief Ranger (including retired Rangers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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Reporting of Park Ranger Convictions

All Rangers and all retired Rangers with a CCW endorsement shall further promptly notify the Chief Ranger in writing if the ranger becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any Ranger whose criminal conviction unduly restricts or prohibits that Ranger 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 Ranger failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 12021(c)(2), 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 § 12021 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. Each employee 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 as a part of their 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.

MMWD Drug and Alcohol Policy Pursuant to the Department of Transportation Regulations (MMWD Policy No. 27)

1013.1 PURPOSE AND SCOPE

Effective January 1, 1995, Marin Municipal Water District must comply with the United States Transportation Department (DOT) regulations implementing the Federal Omnibus Transportation employee Testing Act of 1991. Specifically, Marin Municipal Water District must comply with the regulations of the Federal Highway Administration (FHWA)/Federal Motor Carrier Safety Administration (FMCSA). Adoption of a policy is one of the District's obligations under the regulations. This policy sets forth the rights and obligations of covered employees. If you are an employee covered by these new requirements you should familiarize yourself with the provisions of this policy **BECAUSE COMPLIANCE WITH THIS POLICY IS A CONDITION OF YOUR EMPLOYMENT.**

If you are an employee covered by this policy, you should be aware that you are still required to comply with the provisions of the Marin Municipal Water District's Drug-Free Workplace Policy of October 1991. The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in that policy.

1013.2 POLICY

- (a) Employee Questions - Employees shall refer any questions regarding his/her rights and obligations under the new regulations to the Manager of the Human Resources Division.
- (b) Covered Employees - Employees in the following job classifications are 'covered employees' because they perform safety-sensitive functions as described in Section C below, and thus are subject to all of the provisions of this policy:
 - 1. Automotive Mechanic, I, II
 - 2. Chief Automotive Mechanic
 - 3. Heavy Equipment Operator
 - 4. Laborer
 - 5. Maintenance Worker II, III - M&E Section
 - 6. Meter Service Technician
 - 7. Resource Technician
 - 8. Senior Heavy Equipment Operator
 - 9. Senior Watershed Ranger
 - 10. Utility Crew Leader
 - 11. Utility Worker I, II, III
 - 12. Watershed Ranger I, II
 - 13. Watershed Ranger Supervisor
 - 14. An employee may be given a written exemption from the Policy signed by the Manager of the Human Resources Division, if the employee's job duties do not include "safety-sensitive functions" as set forth in Section C below.

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- (c) Safety Sensitive Functions - Employees in the listed classifications may not be under the influence or in possession of controlled substances or alcohol during work hours. Further, the regulations of the FHWA and/or FMCSA prohibit certain conduct (See section E below) while performing safety-sensitive functions. Safety sensitive functions include all time from the time a driver begins to work or is required to be in readiness for work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:
1. All time spent at any District facility or property, or on any public property, waiting to be dispatched, unless the driver has been relieved of duty by a supervisor;
 2. All time inspecting, servicing, or conditioning any commercial vehicle or equipment;
 3. All time spent at the driving controls of a commercial motor vehicle in operation;
 4. All time, other than driving time, in or upon any commercial motor vehicle;
 5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
 6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- (d) Accident - An accident occurs when as a result of an occurrence involving a vehicle:
1. an individual dies; or
 2. an individual sustains bodily injuries requiring immediate medical treatment away from the accident scene; or
 3. one or more vehicles is disabled (excluding mechanical failure) and must be towed from the site; or
 4. property loss from the occurrence is estimated to exceed \$2,000.
- (e) Prohibitions - Covered employees shall not be under the influence or in possession of controlled substances or alcohol during work hours. The following conduct is prohibited and may result in discipline, up to and including termination:
1. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration level of 0.04 or greater. Performance means actually performing, ready to perform, or immediately available to perform any safety sensitive function;
 2. Performing a safety sensitive function within four hours of using alcohol.
 3. Being on duty or performing safety sensitive functions as described in Section C above, while possessing alcohol;
 4. Using alcohol while performing a safety sensitive function;
 5. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee used any controlled substance, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle;
 6. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions if the employee tests positive for controlled substances;
 7. Refusing to submit to any alcohol or controlled substances test required by this Policy. **A covered employee who refuses to submit to a required drug/alcohol**

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test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test; A refusal to submit to an alcohol or controlled substances test required by the Policy includes but is not limited to:

- (a) A refusal to provide a urine sample for a drug test; or a breath sample for an alcohol test.
- (b) An inability to provide an adequate breath or urine sample without a valid medical explanation;
- (c) A refusal to complete and sign a breath alcohol testing or drug testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
- (d) Tampering with or attempting to adulterate the urine specimen or collection procedure;
- (e) Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
- (f) Leaving the scene of an accident without a valid reason as to why authorization from a supervisor or manager who shall determine whether to send the employee for a post-accident drug and/or alcohol test was not obtained;
- (g) Consuming alcohol during the eight hours immediately following an accident, unless the employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has been tested.

8. In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Act of 1988. All employees covered by the Policy have previously been provided with a copy of the Marin Municipal Water District's Drug Free Workplace Statement, and have signed an acknowledgment that they have read the statement and agreed to comply with it.

(f) **Circumstances Under Which Drug and Alcohol Testing Will Be Imposed on Covered Employees**

1. **Pre-Employment Testing** - All applicants for classifications which are covered by the DOT regulations (see "covered employees" above) as well as all employees promoted or transferred from classifications which are not covered to classifications which are covered will be required to submit to pre-employment/pre-duty drug and alcohol testing. Applicants will not be assigned to a safety-sensitive position if they do not pass the tests.
2. **Post-Accident Testing** - FHWA/FMCSA regulations require post-accident drug and alcohol testing on employees following an accident where:
 - (a) A fatality occurs, or
 - (b) The employee is cited for a moving violation arising from the accident, and
 - (c) The accident results in bodily injuries to any person requiring immediate medical treatment away from the accident scene, or
 - (d) One or more vehicles are disabled (excluding mechanical failure) and must be towed from the site.
 - (e) DOT testing requirements do not extend to incidents which occur while boarding or alighting a stationary vehicle, or when an employee is

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only loading or unloading cargo; incidents accruing while operating a passenger car are also not covered, unless hazardous materials are being transported at the time the incident occurs.

- (f) The District shall also conduct post-Accident drug and alcohol testing on employees following any other accident, as defined in Section D above, where the employee's performance cannot be discounted as a contributing factor. The decision as to whether or not to test the employee will be left to a supervisory or management employee. The presumption is for testing. The only reason an employee will not be tested following an accident is if a determination is made that the employee's performance could not have been a contributing factor. Tests not required by the FHWA/FMCSA regulations shall be conducted pursuant to the procedures set forth in Attachment A to MMWD Policy 32, the District's drug and alcohol policy for employees not subject to mandatory DOT drug and alcohol testing.
 - (g) Post-accident alcohol tests shall be administered within two hours (2) following an accident and no test may be administered after eight (8) hours. A post-accident drug test shall be conducted within thirty-two (32) hours following the accident. If a post-accident alcohol test is not administered within two hours (2) following an accident or a post-accident drug test is not administered within thirty-two (32) hours following an accident, a record stating the reason for delay shall be prepared and maintained by the District.
3. Random Testing - Covered employees will be subject to random alcohol and drug testing as follows:
- (a) A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (i.e. driving), while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. Marin Municipal Water District will subject at least that percentage of the total number of covered employees established by the federal government to random alcohol testing per year.
 - (b) Consistent with Federal law, a random drug test will be administered to at least that percentage of the total number of covered employees per year established by the federal government. Some employees may be tested more than once in a year, while others may not be tested at all depending on the random selection.
 - (c) On the date an employee is selected for random drug testing, his/her supervisor will ensure his/her duties are covered. The employee will receive a written notice in the morning indicating the time he/she is to report to the lab for testing.
4. Reasonable Suspicion Testing - Covered employees are also required to submit to an alcohol or drug test when a trained supervisor has reasonable suspicion to believe the employee may be under the influence of alcohol or controlled substances. The observation must be based on short-term indicators, but not limited to, blurry eyes, slurring of speech, or smell of alcohol on the breath. The supervisor may not rely on long-term signs, such as absenteeism or tardiness alone, to support the need for a reasonable suspicion test. Although only one trained supervisor is needed to determine reasonable suspicion, when

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practicable another trained supervisor may be called upon by the suspecting supervisor to observe the indicator(s).

- (a) The reasonable suspicion alcohol test will be administered within two hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight hours following the observation.
- (b) To ensure that supervisors are trained to make reasonable suspicion determinations, supervisor vested with the authority to demand a reasonable suspicion drug and alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

- 5. Return to Duty/Follow-up Testing - A covered employee who has violated any of the prohibitions of this policy (See Section E) must submit to a return to duty test before he/she may be returned to his/her position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest during the first year of recovery, the employee will be subject to follow-up testing which is separate from the random testing obligation. The employee will be subject to at least six unannounced drug/alcohol tests during the first year back to the safety-sensitive position following the violation. Follow-up testing may continue for a period up to five years.

(g) Procedures to be Used for Detection of Drugs and Alcohol

- 1. Alcohol Testing - Alcohol testing will be conducted by using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration.
 - (a) A screening test will be conducted first. If the result is an alcohol concentration level less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.
 - (b) The procedures that will be utilized for collection and testing of the specimen are attached hereto as Attachment A.
- 2. Drug Testing - Drug testing will be conducted pursuant to the procedures set forth in Attachment A.

(h) Consequences for Employees Found to Have Alcohol Concentration Levels of 0.02 or Greater But Less Than 0.04 - An employee whose test indicates an alcohol concentration between 0.02 and 0.04 will be removed from his or her safety position for at least twenty-four (24) hours. Such an employee may be subject to discipline up to and including termination. The District will then retest the employee. Before the employee may be returned to his/her safety-sensitive position, the employee's alcohol concentration must be below 0.02.

(i) Refusal to Submit to Alcohol and/or Drug Test - A covered employee who refuses to submit to any required drug/alcohol testing will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.

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- (j) Consequences of Failing an Alcohol and/or Drug Test - A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination. If a covered employee is not terminated, the employee:
 - 1. Must be removed from performing any safety-sensitive function for at least twenty-four (24) hours;
 - 2. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her alcohol or drug abuse. Marin Municipal Water District is not required to pay for the treatment;
 - 3. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test;
 - 4. Will be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position. See section G (5) above.

- (k) Information Concerning the Effects of Alcohol and Controlled Substances and Available Methods of Intervention - Attached to this Policy as Attachment B is information concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life, signs and symptoms of an alcohol or controlled substances problem and available methods of intervening when an alcohol or a controlled substances problem. This information is provided by the District's Employee Assistance Program (EAP) provider, Managed Health Network (MHN). This information may also be accessed on-line at members.MHN.com.

- (l) District EAP Program - Employees should be aware that Marin Municipal Water District has established an Employee Assistance Program (EAP) to help employees who need assistance with alcohol and controlled substance abuse.

Last Revised: 9/2006

Attendance Management Policy (MMWD No. 36)

1015.1 PURPOSE AND SCOPE

Establishment of an Attendance Management Program that will:

- Ensure consistent administration of attendance management issues throughout the District.
- Set forth both employee and supervisor responsibilities regarding attendance at work.
- Comply with the applicable Board Resolution and Memorandum of Understanding (MOU) and any applicable District policies.

1015.2 POLICY

1. Good, regular attendance is an essential function of every position at the District, and is expected from all employees and is a condition of employment.

2. Employee Responsibilities:

a. All employees, will make every reasonable effort to be present at work on all scheduled work days, to arrive on time, to leave for and return from breaks and lunch on time, to leave no earlier than the scheduled time, to schedule absences from work as far in advance as possible, and to comply with all District procedures and requirements for leaves of absence relating to medical and family issues.

b. In addition to any notice requirements under the applicable MOU or Board Resolution, employees are encouraged to provide supervisory or management personnel with as much advance notice as possible of situations that may affect their attendance. Although this Program does not require an employee to reveal to supervisory personnel the medical condition, illness or injury precipitating

absence(s), an employee may do so voluntarily to aid the evaluation of whether s/he is using leave time appropriately. Human Resources can assist employees regarding release of information that may be confidential.

c. Employees are expected to be aware of the ramifications of failing to maintain an adequate accumulation of sick leave, including not being on paid status during period of prolonged illness, thereby incurring a possible loss of District-paid benefits, and being ineligible for the District's sick leave incentive program and/or sick leave payout at death or retirement.

d. Employees are expected to be aware that provisions of this program do not preclude immediate implementation of discipline for attendance related issues where appropriate and permitted by existing disciplinary procedures or previous disciplinary action.

3. Supervisor's Responsibilities: Supervisors will work with subordinate personnel in dealing with absenteeism, including determination of questionable use of leave. The supervisor's responsibilities are to:

a. Be aware of use of sick leave and other leave time used by subordinate employees.

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- b. Consult with Human Resources when acceptable excessive absenteeism is negatively affecting the work unit, and follow up with the employee.
- c. Follow up with the employee after noticing signs of questionable use of leave.
- d. Take appropriate corrective action if and when questionable use is identified.
- e. Maintain the confidentiality of information received from individual employees during the entire evaluation process under this policy, including any resulting Attendance Management Program, respecting the privacy rights of individual employees. Human Resources can assist supervisors in the area of confidentiality of medical information.
- f. Document an employee's placement on the Attendance Management Program in the performance evaluation process.

4. Human Resources Responsibilities:

- a. Consult with supervisors regarding possible solutions to adverse impact of excessive acceptable absenteeism on the work unit.
- b. Maintain all confidential employee medical information. As such, any documentation that includes medical information will be placed in the medical file maintained by Human Resources and not in the employee's Department file.
- c. Assist any employee regarding release of medical information.
- d. Facilitate independent review of medical information that will assist supervisors in making decisions without gaining access to confidential information.

DEFINITIONS:

- 1. **Absence:** As used in this policy, an "absence" is any time an employee is not present during scheduled work periods for reasons not associated with assigned District operations. Specifically excluded from the definition as it is used in this policy are approved absences not associated with the use of sick leave such as scheduled rest and lunch periods; pre-approved vacations; bereavement, administrative, compensatory, jury duty, military; and other approved leaves of absence.
- 2. **Sick Leave:** An employee benefit specifically intended for use as follows:
 - a. Employee illness, injury or medical condition (including pregnancy or childbirth) that prevents an employee from performing his/her job duties.
 - b. Serious illness or injury of an immediate family member for whom the employee must provide direct care.
 - c. Medical or dental appointments and treatment of the employee or of an immediate family member who cannot keep the appointment on their own.
- 3. **Abuse of Leave:** When an employee uses sick or other leave for reasons other than those for which it is intended. Abuse of such leave is treated as a disciplinary issue.
- 4. **Acceptable Extended Absences:** Occur when an employee is seriously ill or disabled, or caring for a seriously ill or disabled family member, for extended and/or repeated periods of time and the absence has a significant impact on the employee's or the work unit's ability to get the work done. This may include legally protected absences covered

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under the provisions of the Americans with Disabilities Act (ADA), the California Workers' Compensation Act, the California Fair Employment and Housing Act, the California Family Rights Act, and/or the Federal Family and Medical Leave Act.

PROGRAM ASSUMPTIONS:

1. Sick leave and other leaves are resources that need to be managed. It is recognized that absences from work may be unavoidable; however, absenteeism creates staffing, training, and workload problems.
2. Employee absences result in expenditure of District resources in order to pay for employee leave both in terms of paid leave time for employees as well as loss of productive work hours.
3. Most employees do not abuse sick or other leave but there is a percentage of employees who do. This percentage unfairly places a disproportionate workload burden on those employees who utilize sick leave and other leave benefits as intended.
4. It is in each employee's best interest to accumulate sick leave as well as other types of leave.

PROGRAM PROCEDURES:

1. Communication:

a. All employees will receive a copy of this Attendance Management Program as well as any program updates and acknowledge that they have read and will abide by the rules and regulations set forth herein (Exhibit A).

b. All exhibits associated with the Attendance Management Program will be distributed as follows:

i. Original - Department File

Note: Documentation that includes medical information will be placed in the employee's medical file maintained by Human Resources and not in the employee's Department File.

ii. Copy - Employee

2. Review of Employee Attendance:

a. Supervisors will periodically review the attendance of their employees in order to determine if use of leave time is appropriate. Computerized attendance reports will be provided on a monthly basis to assist in this review. Items to be reviewed include:

i. Is sick leave usage appropriate? The following are examples of appropriate sick leave usage:

(1) Industrial injury;

(2) Catastrophic leave;

(3) Personal or family illness;

(4) Conditions relating to pregnancy or childbirth;

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(5) Scheduled medical or dental procedures or appointments;

(6) Illness as observed by the supervisor or other reliable source (i.e., supervisor has sent employee home after observing signs of illness);

(7) Absences verified by medical professionals. Although not generally required for absences under three days in duration, the employee may wish to provide this information as a communication technique;

ii. Are there indications of questionable use of leave? The following are examples of such indicators:

(1) Patterns of Sick Leave Usage:

(a) Monday/Friday absences (or adjacent to other regular days off);

(b) One day per week absences occurring on the same day of the week;

(c) Any other regular pattern of absence.

(2) Using sick leave as soon as eight hours or less have been accrued.

(3) A zero sick leave balance.

(4) Absences in conjunction with scheduled vacations.

(5) Absences in conjunction with holidays (also school holidays).

(6) Absences in conjunction with difficult, unpleasant, or high pressure tasks.

(7) Absences after vacation leave (or other leave) has been denied.

(8) Eight hour doctor appointments.

(9) Unscheduled use of vacation or compensatory time to cover illness.

iii. Are there indications of other attendance abuse? Examples are:

(1) Consistent tardiness.

(2) Abuse of scheduled lunch or break time schedules.

(3) Unexplained absences from the work site.

These types of abuse are not subject to the Attendance Management Program but is subject to standard progressive disciplinary procedures (including Skelly pre-disciplinary hearing rights).

iv. Do total sick leave absences within a 12 month period equal 60 hours for full time employees?

(1) If so, the supervisor will review Steps i. through iii. above to determine if there are indications of questionable use of leave.

(2) Use of 60 hours or more of sick leave is only an indication that reasons for absence should be reviewed. Accumulation of a specific number of hours of absence is not in and of itself an indication of abuse.

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(3) An employee can be placed on this program as soon as the supervisor determines that there has been a questionable use of leave. A supervisor does not need to wait until 60 hours of sick leave is used.

b. When it appears that either questionable use of leave or excessive acceptable absenteeism is present, the supervisor will conduct an interview with the employee.

3. Supervisor/employee Interview:

a. When the review of the data indicates excessive acceptable absenteeism (as opposed to questionable use of leave):

i. When an employee's excessive acceptable absences are adversely affecting the work unit to the extent that it can no longer competently function, the supervisor should contact Human Resources to discuss

the availability of solutions and/or accommodations to lessen or eliminate these negative impacts.

ii. The supervisor and the employee meet and work together to attempt to develop solutions and/or accommodations.

iii. The supervisor will review with the employee the record of absences and the impact the absences are having on the work unit.

iv. Possible solutions and accommodations to reduce or eliminate adverse impact on the work unit may include, among other options: any available and medically appropriate methods for reducing absences, reassignment of non-essential job duties, pre-scheduling or rescheduling planned absences, temporary or permanent transfer to an alternative position, or leave of absence. The supervisor will be cognizant of and sensitive to family and personal issues that may create absence problems. In consultation with Human Resources, supervisors will keep in mind the provisions of laws such as the Americans with Disabilities Act regarding reasonable accommodation and Family/Medical and/or Pregnancy Disability Leave requirements. The supervisor may find it advisable to remind the employee of the availability of the Employee Assistance Program and provide information on how to contact them.

v. If the adverse impact on the work unit cannot be ameliorated, the Division Manager, in consultation with Human Resources, will assess, on a case-by-case basis, the viability of maintaining the employment of the employee, again keeping in mind the provisions of laws such as the Americans with Disabilities Act regarding reasonable accommodation and Family/Medical Leave and/or Pregnancy Disability Leave requirements.

vi. If the supervisor determines the employee is able but unwilling to reduce absences and such absences are not covered by the Family and Medical Leave Act, the California Family Rights Act, or the pregnancy disability leave provisions of the California Fair Employment and Housing Act, the Division Manager or designee (hereinafter referred to as Division Manager) will be notified. If the Division Manager concurs with the supervisor's assessment, this will not be considered excessive acceptable absenteeism and the employee will be placed on the Attendance Management Program.

b. When the review of the data indicates questionable use of leave:

i. The supervisor will inform the employee that an informal meeting will be held to permit the employee to provide additional information about the use of leave and allow the supervisor

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to more completely review the circumstances of the employee's absences. The supervisor will inform the employee that s/he is not required to reveal the medical

condition, illness or injury precipitating the absence(s), but can do so voluntarily if s/he so chooses in order to aid an evaluation of whether there is questionable use of leave time. The supervisor will maintain the confidentiality of any medical information the employee chooses to reveal in this interview.

ii. At this interview, the supervisor will review with the employee a written record of the employee's attendance history, including the period of time monitored, and dates and reasons for absence. Verification of accuracy, if requested, will be by payroll and/or attendance records maintained by the District. The interview will also include a review of the requirements of this program.

iii. After the interview, the supervisor will determine whether or not there is questionable use of leave time based on all evidence available. This evidence will include information obtained during the interview and information obtained as a result of conducting any follow-up investigation as may be deemed appropriate during the interview.

iv. If the supervisor determines that there is questionable use of leave time, the Division Manager will be notified. If the Division Manager concurs with the supervisor's assessment, the employee will be placed on the Attendance Management Program.

4. Placement on Attendance Management Program:

Employees placed on the Attendance Management Program will be issued a memorandum (Exhibit B) indicating placement on the Program for a period of six months. This memorandum will include pertinent provisions of the program, as follows:

a. Paid Sick Leave: A condition of receiving paid sick leave while on the Attendance Management Program is the submittal of a statement (Exhibit C) signed by the employee's physician verifying the illness of the employee or family member, or other evidence acceptable to District management.

i. The doctor may respond on the form provided or other form or by separate letter, but the first three questions in Exhibit C must be answered. If the absence is related to the illness of a family member, question 4 must also be answered. The physician's verification or other evidence will be provided to the supervisor prior to the employee's return to work.

ii. If at any point during the Attendance Management Program, it becomes apparent that the employee's absences are covered under the Family and Medical Leave Act or are related to pregnancy disability, verification requirements applicable to such absences shall be met rather than the requirements of the Attendance Management Plan.

iii. Failure to comply with management's request for medical verification of illness while on the Attendance Management Program may result in disciplinary action.

iv. Disciplinary action is progressive and is not necessarily tied to any one incident or period of time on the program. Each failure to comply with the requirements of the Attendance Management Program may result in progressive discipline, such as reprimand, suspension, demotion and/or termination.

Standard processes will be followed in all disciplinary actions, including pre-disciplinary (Skelly) hearings as appropriate.

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b. During the period the employee is on the Attendance Management Program, there should be ongoing communication between the supervisor and the employee about the employee's progress.

5. Progress Review:

Ninety (90) days after the date of the initial memorandum placing the employee on the program, the supervisor will review the employee's last 90 days of attendance.

a. In determining whether the employee continues to have "attendance problems" no absence that has been verified to qualify as Family/Medical Leave, Pregnancy Disability Leave, Industrial Injury Leave or to be due to a "disability" as that term is defined in the ADA and state FEHA shall be considered. Any such absences shall be treated as "excessive acceptable absences" under this policy and treated accordingly.

b. If the supervisor concludes that the employee has had no attendance problems during this period of time, a memorandum of improved attendance (Exhibit D) will be submitted to the employee and the employee will be encouraged to maintain this good attendance record.

c. If the supervisor concludes that the employee continues to have attendance problems, the supervisor and Division Manager will review the employee's attendance record and formalize a written corrective work plan for the employee. This plan will state the employee's attendance history, the impact of the absence(s) on the workplace or work group, the need to improve, a notice of what is required to demonstrate improvement, and the disciplinary steps which may apply if performance is not improved.

6. Removal from Attendance Management Program:

Six months after the employee was placed on the Attendance Management Program:

a. The intent of the Attendance Management Program is to modify employee behavior regarding questionable use of leave. After an employee has successfully met the intent of the Attendance

Management Program, review of that employee's attendance history will be the same as for an employee who has not been on the Program. The employee will be notified of their removal from the Attendance Management Program by memorandum (see Exhibit F).

b. If there continues to be the appearance of questionable use of leave, the employee's placement on this program may be extended (see Exhibit E) and/or appropriate progressive disciplinary steps will ensue.

EXHIBIT DISTRIBUTION TABLE

EXHIBIT

TITLE

WHEN TO DISTRIBUTE

A

Acknowledgment of Rules

With copy of program to all employees upon program implementation

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B

Sample Notification Memo

When placing an employee on the Attendance Management Program

C

Verification of Illness of Employee or Family Member

As attachment to Exhibit B and when employee requests sick leave

D

Notice of Improved Attendance

At 90 days into the program if employee has experienced no additional attendance problems

E

Extension of Attendance Management Program

At 180 days if placement on the program is to be extended

F

Completion of Attendance Management Program

At 180 days or when extension expires if attendance has improved

EXHIBIT A

MARIN MUNICIPAL WATER DISTRICT

ATTENDANCE MANAGEMENT PROGRAM

ACKNOWLEDGMENT OF RULES

DATE: _____

TO: Human Resources

FROM: EMPLOYEE

I have received and acknowledge my responsibility to read and abide by the rules and regulations of the Marin Municipal Water District's Attendance Management Program.

Employee Signature:

Distribution:

Original -Personnel File

Copy - Department File

Copy - Employee

EXHIBIT B

Marin Municipal Water District

Policy Manual

Attendance Management Policy (MMWD No. 36)

MARIN MUNICIPAL WATER DISTRICT

M E M O R A N D U M

DATE:

TO:

FROM:

SUBJECT: IMPROVEMENT NEEDED IN ATTENDANCE

An examination of your attendance record shows that improvement is needed. Your absence frequency has created a work place issue and poses a staffing problem.

On {date}, you met with me to discuss your attendance record. You were given a copy of your attendance record (see attachment) which indicates that you have been absent from work due to sick leave for {number of hours} between {beginning date} and {end date}. At our meeting you were given the opportunity to present any information to justify your attendance record. You were also given the opportunity to advise me of any continuing health problem(s) which would keep you from performing your assigned duties.

Effective this date, you are being placed on the District's Attendance Management Program. For six months, your attendance will be closely monitored. If you request sick leave, you must provide a letter from your attending physician attesting to your ability or lack of ability to perform your full duties. Your physician may respond on the form furnished by the Department, or on another form, or by separate letter as long as the following questions are answered:

- 1) What was the first date you were seen by or spoke to your physician?
- 2) Was your absence commensurate with your illness?
- 3) Are you able to return to your full duties?

If your physician informs you by telephone that your illness requires you to remain at home, this will be acceptable as evidence that you are under a physician's care. Your physician must furnish written verification that s/he gave a telephone review of your case and provide the information requested above. The physician's certification of illness must be turned in to your supervisor upon your return to work. YOUR SICK LEAVE PAY WILL BEGIN ON THE FIRST DATE OF YOUR VISIT OR CONVERSATION WITH YOUR PHYSICIAN. If you request family sick leave, you must verify the illness of your family member by submitting a physician's certificate in the same manner as you would for your own illness.

It is not necessary to have these questions answered for the time taken off for routine doctor's appointments. A slip signed by your physician indicating that the appointment was kept is sufficient.

Failure to comply with the request for medical verification while on the Attendance Management Program may result in progressive disciplinary action such as Corrective Interview, Letter of Reprimand, Suspension, and/or Termination.

I will provide you with an update of your attendance record after 90 days. If you continue to have attendance problems at that time, we may need to develop a corrective work plan to address your attendance issues.

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I am available to discuss any questions you may have regarding this memorandum.

attachments: Attendance Management Program

Employee's Attendance Record

Doctor's Verification Form

cc: Employee Personnel File

Department File

Acknowledgment of receipt:

Employee Date

EXHIBIT C

VERIFICATION OF ILLNESS OF EMPLOYEE OR FAMILY MEMBER

NAME OF EMPLOYEE:

NAME OF PATIENT (IF NOT EMPLOYEE):

RELATIONSHIP OF PATIENT TO EMPLOYEE:

DATE(S) EMPLOYEE ABSENT FROM WORK:

INFORMATION TO BE SUPPLIED BY THE PHYSICIAN:

1. What was the first date the patient was seen by or spoke to the physician?
2. Was the employee's absence from work commensurate with this illness?
3. If patient is our employee, is the employee able to return to his/her full duties?
4. If patient is our employee's family member, did the patient require a caregiver?

Yes

No

Physician's Signature:

Date:

EXHIBIT D

MARIN MUNICIPAL WATER DISTRICT

M E M O R A N D U M

DATE:

TO:

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FROM:

SUBJECT: NOTICE OF IMPROVED ATTENDANCE

On {Effective Date}, you were advised of your placement on the Attendance Management Program and the procedure you must follow when requesting sick leave. I am pleased to inform you that your attendance has improved and not been an issue since you started participating in the Attendance Management Program.

As you are aware, the Attendance Management Program is six months in length. It is my hope that your attendance will continue to be satisfactory during the last 90 days of the program.

Thank you for your efforts in improving your attendance over the last 90 days.

cc: Department File

Employee Personnel File

APPROVED:

Division Manager/Designee Date

Acknowledgment of receipt:

Employee Date

EXHIBIT E

MARIN MUNICIPAL WATER DISTRICT

M E M O R A N D U M

DATE:

TO:

FROM:

SUBJECT: EXTENSION OF ATTENDANCE MANAGEMENT PROGRAM

On {Effective Date}, you were placed on the Attendance Management Program. If successfully completed, you would have been removed from the program on {Ending Date}.

I am extending the program for an additional 90 days because {Reason}. This action is part of a corrective work plan designed to improve your attendance.

If you have any questions, please see me.

cc: Department File

Employee Personnel File

APPROVED:

Division Manager/Designee Date

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Acknowledgment of receipt:

Employee Date

EXHIBIT F

MARIN MUNICIPAL WATER DISTRICT

M E M O R A N D U M

DATE:

TO:

FROM:

SUBJECT: COMPLETION OF ATTENDANCE MANAGEMENT PROGRAM

On {effective date}, you were advised of your placement on the Attendance Management Program and the procedure you were to follow when requesting sick leave. I am pleased to inform you that your attendance has not been an issue during your participation in that program.

You have successfully completed the Attendance Management Program. You will no longer be required to provide medical verification for each of your sick leave requests as a regular condition of receiving sick leave pay.

Your attendance history will again be reviewed in the same manner as that for an employee who is not on the Attendance Management Program in accordance with the District's policy.

Congratulations on your sustained efforts to improve your attendance.

cc: Department File

Employee Personnel File

APPROVED:

Division Manager/Designee Date

Acknowledgment of receipt:

Employee Date

MARIN MUNICIPAL WATER DISTRICT

ATTENDANCE MANAGEMENT PROGRAM

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for District personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To reduce exposures to bloodborne pathogens (BBP) and other potentially infectious body fluids
- To assist District personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE)
- To protect the privacy rights of all District personnel who may be exposed to or contract a communicable disease during the course of their duties
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease

1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS

All District personnel who may be involved in providing emergency medical care, or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines.

1016.2.1 EXPOSURE CONTROL OFFICER

The District assigned Bloodborne Pathogens (BBP) Exposure Control Officer (ECO) shall be responsible for the following:

- (a) The overall management of the BBP Exposure Control Plan (ECP).
- (b) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning BBP and other communicable diseases.
- (c) The ECO will act as a liaison during OSHA inspections and shall conduct program audits to maintain an up-to-date exposure control plan.
- (d) The ECO will maintain an up-to-date list of police personnel requiring training, develop and implement a training program, maintain class rosters and quizzes, and periodically review the training program.
- (e) The ECO will review and update the Exposure Control Plan annually (on or before January 1st of each year).

District supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

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Communicable Diseases

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 DISPOSAL AND 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:

1016.3.1 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 station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

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1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

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 an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee 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 employee's skin are contaminated, the employee 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.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when possible, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE 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 as described in Policy Manual § 1016.34.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the

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personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.32 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

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 hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

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1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection, and care for the employee(s).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally if the exposure involves contact with the bodily fluids of an individual who has been arrested the employee must also comply with reporting requirements described in Policy Manual § 1008.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Names and social security numbers of the employee(s) exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) What potentially infectious materials were involved
- (e) Source of material or person
- (f) Current location of material or person
- (g) Work being done during exposure
- (h) How the incident occurred or was caused
- (i) PPE in use at the time of incident
- (j) Actions taken post-event (clean-up, notifications, etc.).

The supervisor shall use the above information to prepare a written summary of the incident, its causes, and recommendations for avoiding similar events. This report will be provided to the ECO, the consulting physician, and to the District's Risk Manager.

1016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who received exposure or suspected exposure to HIV or to Hepatitis B or C should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) shall review the supervisor's report, the employee's medical records relevant to the visit and examination, and the Communicable Disease Notification Report (Penal Code § 7501(a)).

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The blood of the exposed employee shall be tested. If possible, the blood of the source shall also be tested (Health & Safety Code §§ 121050, et seq.).

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results (Health & Safety Code § 121065(d)).

The health care professional shall provide the ECO and/or the District's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing, and follow-up procedures that took place as a result of an exposure.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law).

Smoking Policy

1018.1 PURPOSE AND SCOPE

The Surgeon General has determined that second-hand smoke is hazardous to health. Tobacco products may also be offensive to employees and the public.

1018.2 POLICY

Smoking at all District work locations and facilities is subject to the provisions contained in the current employee CBA. Additionally, smoking is prohibited on all District watershed lands per MMWD Title 9 Land Use Regulations, 9.07.03.

No person shall smoke tobacco products 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.).

Personnel Complaint Procedure

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of the District's Park Rangers.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any Park Ranger that, if true, would constitute a violation of District policy, federal, state or local law.

Inquiries about Ranger conduct which, even if true, would not qualify as a personnel complaint may be handled informally by the Chief Ranger or his/her designee of rank greater than the accused Ranger and shall not be considered complaints.

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by the Chief Ranger or his/her designee of rank greater than the accused Ranger. Informal complaints need not be documented on a personnel complaint form and the responsible person shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which the Chief Ranger or, in his/her absence, the Watershed Manager determines that further action is warranted. Such complaints may be investigated by the Chief Ranger or Watershed Manager.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Chief Ranger or Watershed Manager, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the main lobby of the District's Corte Madera Office and the front reception area at the Sky Oaks Watershed Headquarters.

1020.2.2 SOURCE OF COMPLAINTS

- (a) A Park Ranger becoming aware of alleged misconduct shall immediately notify the Chief Ranger.
- (b) **A Senior Ranger or other supervisor** receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

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1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the District. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action
- (b) When an uninvolved superior or the Chief Ranger determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of District policy or procedure, a complaint need not be taken
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by the Chief Ranger or his/her designee on a personnel complaint form. The person documenting the complaint shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the Chief Ranger. The Chief Ranger or the Division Manager may direct that another qualified person be designated to investigate it. This person shall be responsible for the following:

- (a) Upon receiving a formal complaint involving allegations of a potentially serious nature, ensure that the Chief Ranger, Watershed Manager and Division Manager are notified as soon as practicable.
- (b) Upon receiving or initiating any formal complaint, ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Division Manager, via the chain of command, who will take appropriate action or return the complaint to the investigator for further action.

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1. During the preliminary investigation of any complaint, the investigator should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a investigator shall orally report the matter to the Chief Ranger or the Division Manager who will initiate appropriate action.
- (c) Any investigator dealing with a accused Ranger shall ensure that the procedural rights of the Ranger are followed pursuant to Government Code § 3303, et seq.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the investigator receiving the complaint shall promptly contact Human Resources and the Division Manager for direction regarding their role in investigation and/or addressing such a complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the District, the Ranger, other Rangers or the public, a supervisor may assign the accused Ranger to inactive duty pending completion of the investigation or the filing of administrative charges.

1020.4.1 ADMINISTRATIVE LEAVE

A Park Ranger placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, a Ranger placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline
- (b) A Ranger placed on administrative leave may be required by a supervisor to relinquish any badge, District identification, assigned weapon(s) and any other District equipment
- (c) A Ranger placed on administrative leave may be ordered to refrain from taking any action as a sworn employee or in an official capacity. The Ranger shall be required to continue to comply with all policies and lawful orders of a supervisor
- (d) A Ranger placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the Ranger may be required to remain available for contact at all times during such shift and report as ordered
- (e) It shall be the responsibility of the Chief Ranger to promptly notify the Watershed Manager and the Division Manager
- (f) At such time as any Ranger placed on administrative leave is returned to full and regular duty, the Ranger shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where a Park Ranger is accused of potential criminal conduct, an outside law enforcement agency may be requested by the Chief Ranger to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

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The Division Manager shall be notified as soon as practical when a Ranger is formally accused of criminal conduct.

A Ranger accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the Ranger may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from a Ranger may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused Ranger based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with District policy.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or some other assigned investigator, the following procedures shall be followed with regard to the accused Park Rangers(s):

- (a) Interviews of accused Rangers shall be conducted during reasonable hours and, if the Ranger is off-duty, the Ranger shall be compensated (Government Code § 3303(a))
- (b) No more than two interviewers may ask questions of an accused Ranger (Government Code § 3303(b))
- (c) Prior to any interview, a Ranger shall be informed of the nature of the investigation (Government Code § 3303(c))
- (d) All interviews shall be for a reasonable period and the Ranger's personal needs shall be accommodated (Government Code § 3303(d))
- (e) No Ranger shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any Ranger refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e))
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The Ranger may also record the interview. If the Ranger has been previously interviewed, a copy of that recorded interview shall be provided to the Ranger prior to any subsequent interview (Government Code § 3303(g))
- (g) If the allegations involve potential criminal conduct, the Ranger shall be advised of his/her Constitutional rights pursuant to Lybarger (Lybarger v. City of Los Angeles (1985) 40 Cal.3d 822, 827). This admonishment shall be given administratively whether or not the Ranger was advised of these rights during any separate criminal investigation. (Government Code § 3303(h))
- (h) All Rangers subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview (Government Code § 3303(i))
- (i) All Rangers shall provide complete and truthful responses to questions posed during interviews.

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- (j) No Ranger may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307)

1020.6.1 ADMINISTRATIVE SEARCHES

A Park Ranger may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the Ranger, whether on or off-duty, is involved in a police related death.
- When the Ranger is involved in an injury or fatal accident while on duty.
- When the Ranger is involved in an injury or fatal accident while operating any District owned vehicle whether on or off-duty.
- When the Ranger is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any Ranger 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 Ranger is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Rangers shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the District.

Assigned lockers and storage spaces may only be administratively searched in the Ranger's presence, with the Ranger's consent, with a valid search warrant or where the Ranger has been given reasonable notice that the search will take place (Government Code § 3309)

All other District 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.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the Ranger(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of Ranger and witness statements. Other evidence related to each allegation should also be detailed in this section.

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Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve District Park Rangers. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

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 Ranger.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved Ranger(s) need not be notified of the pending investigation unless and until the Ranger is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded through the chain of command to the Division Manager.

Once received, the Division Manager may accept or modify the classification and any recommendations from the Chief Ranger and Watershed Manager regarding disciplinary actions contained in the report.

Within 30 days of the final review by the Division Manager, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint. (Penal Code § 832.7)

Any complaining party who is not satisfied with the findings of the District concerning their complaint may contact the Division Manager to discuss the matter further.

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1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved Ranger or authorized personnel except pursuant to lawful process.

In the event that an accused Ranger (or the representative of such Ranger) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the District may disclose sufficient information from the Ranger's personnel file to refute such false representations (Penal Code § 832.5).

All formal personnel complaints shall be maintained for a period of no less than five years. (Penal Code § 832.5) All non-citizen (e.g., those that originate internally) initiated complaints shall be maintained no less than two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the Ranger's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Chief Ranger apart from the Ranger's personnel file.

Seat Belt Procedure

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in District vehicles (Vehicle Code § 27315.5).

1022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in District-owned, leased or rented vehicles and while operating or riding in privately owned vehicles while on duty. The driver is responsible for ensuring all occupants, including non-employees, are in compliance with this policy.

It is the intent of this policy that all employees wear seat belts whenever possible. However, Park Rangers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seat belt would hinder rather than increase safety.

1022.2.1 TRANSPORTING CHILDREN

An approved child safety restraint system should be used for all children of age, size or weight for which such restraints are required by law (Vehicle Code § 27360). In the event that an appropriate approved child safety restraint system is not available, the child may be transported by Park Rangers and should be restrained in a seat belt (Vehicle Code 27363(b)).

Rear-seat passengers may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child restraint system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets 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 passenger side air bag should be deactivated. In the event this is not possible, Rangers should consider arranging alternative transportation.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be transported by Watershed Deputies or by another law enforcement officer and be secured in the prisoner restraint system in the rear seat of a properly equipped patrol vehicle. When it is necessary for a Park Ranger to transport a prisoner, the prisoner should be secured by a seat belt in a seating position for which seat belts have been provided by the vehicle manufacturer.

1022.4 INOPERABLE SEAT BELTS

No person shall operate a District vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

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No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff.

Employees 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.

Body Armor

1024.1 PURPOSE AND SCOPE

Practical safety measures should be used to reduce the risks and hazards associated with police work. The District provides soft body armor for personnel in an effort to improve safety.

1024.2 BODY ARMOR

Soft body armor vests are issued to Park Rangers because they have been shown to be effective in reducing deaths and serious injuries.

1024.2.1 USE OF SOFT BODY ARMOR

The District encourages but does not require on-duty Park Rangers to wear soft body armor unless specifically ordered otherwise. Body armor must be either District-issued or District-approved.

Peace Officer (Sworn Park Ranger) Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to sworn Park Ranger's personnel files in accordance with established law. It is the policy of the District to maintain the confidentiality of these peace officer personnel records pursuant to Penal Code § 832.7.

1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual Ranger's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal a Ranger's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Ranger's advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the Ranger participated, or which the Ranger perceived, and pertaining to the manner in which the Ranger performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 PARK RANGER RECORD LOCATIONS

Park Ranger records will generally be maintained in any of the following:

District File - That file which is maintained in the Human Resources office as a permanent record of a sworn Ranger's employment with the District.

Chief Ranger File - Any file which is separately maintained internally by the Chief Ranger or other immediate supervisor(s) for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of a Ranger of the District.

Training File - Any file which documents the training records of a Ranger.

Internal Affairs Files - Those files that contain complaints of Ranger misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to a Ranger's medical history.

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1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the General Manager, General Counsel or other attorneys or representatives of the District in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Chief Ranger (designated as the Custodian of Records) or other supervisor charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In most cases, this will require assistance of the District's General Counsel or his/her approved and available legal counsel.

All requests for disclosure, which result in access to a Ranger's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved Park Ranger or written authorization of the General Manager or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any Park Ranger of the District may be guilty of a misdemeanor (Penal Code § 146(e))

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any, was imposed.

The District may also release any factual information concerning a disciplinary investigation if the Ranger who is the subject of the investigation (or the Ranger's representative) publicly makes a statement which is published in the media and which the Ranger (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1026.6 PARK RANGER ACCESS TO OWN FILE

Any Park Ranger may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any Ranger seeking the removal of any item from his/her personnel file shall file a written request to the Division Manager through the chain of command. The District shall thereafter remove any

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such item if appropriate or within 30 days provide the Ranger with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the Ranger's request and the District's written response shall be retained with the contested item in the Ranger's personnel file.

Rangers may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the Ranger of the intent to discipline.
- (b) Confidential portions of Internal Affairs files which have not been sustained against the Ranger

1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1026.7.1 DISTRICT FILE

The District file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected Park Ranger shall be permanently maintained
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education
 1. It shall be the responsibility of the involved employee to provide the training officer or immediate supervisor with evidence of completed training/education in a timely manner.
 2. The training officer or supervisor shall ensure that copies of such training records are placed in the employee's District file.
- (c) Disciplinary action;
 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual Ranger's District file at least two years (Government Code § 34090)
 2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5)
 3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the Ranger's District file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the District file or Chief Ranger's file after the Ranger has had the opportunity to read and initial the comment and for a period up to two years Government Code § 3305)
 1. Once a Ranger has had an opportunity to read and initial any adverse comment prior to entry into a file, the Ranger shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306)
 2. Any such Ranger response shall be attached to and retained with the original adverse comment.

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3. If a Ranger refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the Ranger's file.
- (e) Commendations shall be retained in the Ranger's District file, with a copy provided to the involved Ranger(s)
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the Ranger's employment status
- (g) A photograph of the Ranger

1026.7.2 CHIEF RANGER'S FILE

The Chief Ranger's File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
 1. All materials intended for this interim file shall be provided to the Ranger prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
 2. Duplicate copies of items that will also be included in the Ranger District file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
 3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the Chief Ranger's file.

1026.7.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of the Chief Ranger in conjunction with the Watershed Manager. Access to these files other than by the Chief Ranger may only be approved by either the Division Manager or the General Counsel. These files shall contain:

- (a) The complete investigation of all formal complaints of Ranger misconduct regardless of disposition
 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 09-001, 09-002) with an alphabetically arranged index card cross-referenced for each involved Ranger.
 2. Each investigation file arising out of a formal citizen's complaint shall be maintained no less than five years. Investigation files arising out of internally generated complaints shall be maintained no less than two years.
- (b) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the District to adversely affect a Ranger's career.

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1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Chief Ranger for each Park Ranger. Training files will contain records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

- (a) It shall be the responsibility of the involved Ranger to provide the Chief Ranger or his designee with evidence of completed training/education in a timely manner
- (b) The Chief Ranger or his designee shall ensure that copies of such training records are placed in the Ranger's Training File

1026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the Ranger's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal a Ranger's medical condition.
- (e) Any other documents or material which reveals the Ranger's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1026.8 PURGING OF FILES

Formal citizen complaints and all related files not the subject of pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not the subject of pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090).

- (a) A supervisor responsible for completing the Ranger's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from both the Division Manager and the General Counsel.
- (c) During the preparation of each Ranger's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of both the Division Manager and the General Counsel, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

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1026.9 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1026.9.1 DEFINITIONS

Brady Material - In the *Brady v. Maryland* decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including the District.

Penal Code § 1054.1 - California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

1026.9.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a so-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating the conduct of a Park Ranger and or the District. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified Ranger(s) or a specific investigation of the District (or the consent of an involved Ranger), no confidential information from any Ranger's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved Ranger.

Should a Ranger's credibility or other issues related to a Ranger's personnel file arise in the context of a Ranger acting as a witness for the prosecution, access to that Ranger's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

1026.9.3 PROCEDURE

If a Park Ranger is a material witness in a criminal case, a person or persons designated by the Division Manager or General Counsel may examine the subject Ranger's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

- (a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party, the District Attorney shall be notified of the potential presence of Brady material in the Ranger's personnel file
- (b) The District Attorney should be instructed to file a Pitchess motion in order to initiate an in camera review by the court
- (c) As with any Pitchess motion, and prior to any review of the files by the court, subject Ranger(s) shall be notified in writing that a Pitchess motion has been filed
- (d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the

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court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant

- (e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the Pitchess motion
 - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the Court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

Request for Assignment

1028.1 PURPOSE AND SCOPE

It is the intent of the District that all requests for assignments are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR ASSIGNMENT

Personnel wishing a change of assignment shall submit a request in writing to the Chief Ranger.

1028.2.1 WRITTEN REQUEST

The Ranger should list their qualifications for a specific assignment. All relevant experience, education and training should be included.

Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the District, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of the District may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the District

1030.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name and assignment at the date and time of the commendation
- (b) A brief account of the commendable action shall be documented with report numbers, as appropriate
- (c) Signature of the commending supervisor

Completed reports shall be forwarded to the Chief Ranger for his/her review. The Chief Ranger shall sign and forward the report to management staff with a recommendation for action.

Fitness for Duty

1032.1 PURPOSE AND SCOPE

All Park Rangers 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 Rangers of the District remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 RANGER RESPONSIBILITIES

- (a) It shall be the responsibility of each Ranger to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each Ranger shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, Rangers are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any Ranger who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a Ranger believes that another Ranger is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing a Ranger, or receiving a report of a Ranger 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 Ranger to perform his/her duties.
- (c) In the event the Ranger 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 Safety and Risk Coordinator or other qualified management staff member, a determination should be made whether or not the Ranger should be temporarily relieved from his/her duties.
- (e) The Watershed Manager and Division Manager shall be promptly notified in the event that any Ranger is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS

Any Ranger 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.

1032.5 WORK RELATED CONDITIONS

Any Ranger 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.

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Upon the recommendation of the Chief Ranger with concurrence of the Watershed manager and the Division Manager, any Ranger 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 Ranger and until such time as the following may be completed:

- (a) A preliminary determination that the Ranger's conduct appears to be in compliance with policy and, if appropriate,
- (b) The Ranger has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that a Ranger is unfit for duty, the Division Manager may serve the Ranger with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Division to determine the level of the Ranger'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 District with a report indicating that the Ranger is either fit for duty or, if not, listing any functional limitations which limit the Ranger's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the Ranger 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)(B)).
- (c) In order to facilitate the examination of a Ranger, the District 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 Ranger's confidential personnel file.
- (e) Any Ranger 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 examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once a Ranger has been deemed fit for duty by the examining physician or therapist, the Ranger will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations, Rangers should not work more than:

- 16 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

For emergencies and other operational needs, the District work rules regarding overtime, emergency stand by and emergency call back apply. As noted in the work rules, supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or release to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall be consistent with the conditions outlined in the current employee CBA.

Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of the District to provide a reasonable amount of break time and appropriate facilities to accommodate any employee desiring to express breast milk for the employee's infant child (Labor Code § 1030).

1035.3 LACTATION BREAK TIME

Employees wishing to express breast milk for their infant child during their shift shall be permitted to do so during any authorized break. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding fifteen minutes will be considered unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt District operations (Labor Code § 1032)

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The District will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a toilet stall (Labor Code § 1031).

Employees 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 employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the District shall clearly label it as such. No expressed milk shall be stored at the District beyond the employee's shift.

Time Sheet Procedures

1036.1 PURPOSE AND SCOPE

Time sheets are submitted to Protection Support Services on a bi-weekly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME SHEETS

Rangers are responsible for the accurate and timely completion of time sheets for the payment of wages.

1036.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Time sheets shall be completed and submitted to Protection Support Services no later than 8:00 a.m. on the Wednesday morning before the end of the pay period, unless specified otherwise.

Overtime Payment Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the District to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), 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.

1038.1.1 DISTRICT POLICY

Because of the nature of law enforcement work, and the specific needs of the District, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the District. 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 detail and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the Ranger by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the Ranger to complete a form for such a period, the ranger shall comply.

The individual Ranger may request compensatory time in lieu of receiving overtime payment, however, the Ranger may not accumulate in excess of 40 hours of compensatory time.

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS

Park Rangers shall submit all overtime payment request forms for verification by their supervisor as soon as practical. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1038.2.1 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for District Park Rangers engaging in outside employment, all Rangers shall obtain written approval from the Division Manager prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Division Manager in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - Any Park Ranger who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with the District for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those Rangers who are self-employed and not affiliated directly with the District for services, product(s) or benefits rendered.

Outside Overtime - Any Park Ranger who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through the District so that the District may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No Park Ranger may engage in any outside employment without first obtaining prior written approval of the Division Manager. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the Ranger must complete an Outside Employment Application which shall be submitted to the Ranger's immediate supervisor. The application will then be forwarded through channels to the Division Manager for consideration.

If approved, the Ranger will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any Ranger seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any Ranger seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If a Park Ranger's Outside Employment Application is denied or withdrawn by the District, the Ranger may file a written notice of appeal to the Division Manager within ten days of the date of denial.

If the Ranger's appeal is denied, the Ranger may file a grievance pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA).

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1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should a Park Ranger's performance at the District decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Division Manager may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the Ranger's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, a Ranger's conduct or outside employment conflicts with the provisions of District policy, the permit may be suspended or revoked
- (d) When a Ranger is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be rescinded until the Ranger has returned to a full duty status

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the District expressly reserves the right to deny any Outside Employment Application submitted by a Park Ranger seeking to engage in any activity which:

- (a) Involves the Ranger's use of District time, facilities, equipment or supplies, the use of the District badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the Ranger's receipt or acceptance of any money or other consideration from anyone other than the District for the performance of an act which the Ranger, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the Ranger's duties as a member of the District
- (c) Involves the performance of an act in other than the Ranger's capacity as a member of the District that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of the District
- (d) Involves time demands that would render performance of the Ranger's duties for the District less efficient

1040.3.1 OUTSIDE SECURITY EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no Park Ranger of the District may engage in any outside employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking outside security services from members of the District must submit a written application to the Division Manager in advance of the desired service.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all Rangers requested for such outside security services.

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- (c) Should such a request be approved, participating Rangers shall be subject to the following conditions:
1. The Ranger(s) shall wear the District uniform/identification.
 2. The Ranger(s) shall be subject to the rules and regulations of the District.
 3. The Ranger at no time shall be permitted to carry a firearm(as provided in section 305 of this manual).
 4. No Ranger may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 5. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 6. Outside security services shall not be subject to the collective bargaining process.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any Park Ranger making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to District policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Chief Ranger, undercover Ranger or Rangers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the Ranger's law enforcement status.

1040.4 DEPARTMENT RESOURCES

Park Rangers are prohibited from using any District equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of the District or other agencies through the use of the Ranger's position with the District.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Park Rangers approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest pursuant to Government Code § 3308. Prior to providing written approval for an outside employment position, the District may request that a Ranger provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the Ranger to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the District becomes concerned that a conflict of interest exists based on a financial reason, the District may request that the Ranger provide his or her personal financial records for review/audit. If the Ranger elects not to provide the requested records, his or her off-duty work permit may be revoked pursuant to Policy Manual § 1040.22(c)

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a Park Ranger terminates his or her outside employment during the period of a valid permit, the Ranger shall promptly submit written notification of such termination to the Division Manager through channels. Any subsequent request for renewal or continued

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outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Rangers shall also promptly submit in writing to the Division Manager any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Rangers who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Park Rangers engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Division Manager whether such outside employment should continue.

In the event the Division Manager determines that the outside employment should be discontinued or if the Ranger fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the Ranger's permit will be forwarded to the involved Ranger, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled ranger, as indicated by the District's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty Ranger.
- (c) The Ranger's failure to make timely notice of their intentions to their supervisor.

When the disabled Ranger returns to full duty with the Marin Municipal Water District, a request (in writing) may be made to the Division Manager to restore the permit.

On Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Human Resources, to ensure proper medical attention is received, and document the circumstances of the incident.

1042.2 WORKERS' COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to the Ranger's supervisor and a claim form shall be provided to the injured Park Ranger within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.2.2 ACCIDENT DEFINED

Accident - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 PARK RANGER'S RESPONSIBILITY

Any Park Ranger sustaining any work-related injury or illness, as well as any Ranger who is involved in any accident while on duty, shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any Ranger observing or learning of a potentially hazardous condition shall promptly report the condition to his/her immediate supervisor.

Any Ranger sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any Ranger sustaining a work-related injury or illness that requires relief from duty is also required to comply with District policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the District of any change in condition or anticipated duration of the absence.

When appropriate, a Ranger being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the District. Limited-service duty may be available for the Rangers whose injuries prevent resumption of regular duties.

An injured Ranger or Ranger who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such Rangers are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1042.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly facilitate preparation of the appropriate forms as outlined under Policy Manual § 1042.2. Updated

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copies of forms with instructions for completion provided by Human Resources are kept in the Sky Oaks administration office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed. All copies of the completed form shall be forwarded to Human Resources, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury form and the Ranger subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured Ranger shall also sign the form in the appropriate location.

Every injured Ranger must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Chief Ranger as soon as they are completed.

1042.2.5 WATERSHED MANAGER AND DIVISION MANAGER RESPONSIBILITY

The Watershed Manager and the Division Manager shall review and forward copies of the report to Human Resources.

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected Ranger, indicating that he/she desired no medical attention at the time of the report. By signing this form, the Ranger will not preclude his/her ability to seek medical attention later.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, a Park Ranger's work-related injury results from the negligent or wrongful acts of another, for which the Ranger, the District, and/or other insurers are entitled to recover civilly. To ensure that the District's interests are protected and that the Ranger has the benefit of the District's experience in these matters, the following procedure is to be followed:

1042.4.1 PARK RANGER TO REPORT INITIAL CONTACTS

When a Park Ranger sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that Ranger shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the Ranger shall provide the Division Manager and General Counsel with written notice of the proposed terms of such settlement. In no case shall the Ranger accept a settlement without first providing such written notice to the Division Manager and General Counsel. The purpose of such notice to permit the District to determine whether or not the offered settlement will affect any claim the District

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may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the District's right of subrogation, while ensuring that the Ranger's rights to receive compensation for injuries are not affected.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the District, Rangers shall maintain their personal hygiene and appearance to project a professional image appropriate for their position.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all Park Rangers, except where the Chief Ranger has granted exception.

1044.2.1 HAIR

Hairstyles of all Park Rangers shall be neat in appearance. For males, hair shall be neat, clean, conservatively colored, trimmed, and present a groomed appearance. Hair will not interfere with the proper wearing of headgear.

For females, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

Mustaches shall be neatly trimmed.

1044.2.3 SIDEBURNS

Sideburns shall be moderate in appearance.

1044.2.4 FACIAL HAIR

Beards and/or goatees shall be neatly trimmed.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to Rangers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by Rangers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

For males. Earrings shall not be worn by uniformed sworn members. Only one ring may be worn on each hand of the employee while on-duty.

For females. Earrings shall be of post or clip design and conservative in nature. Post earrings not to exceed two per ear; one per ear for clip design. Only one ring may be worn on each hand of the employee while on-duty.

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Personal Appearance Standards

1044.3 TATTOOS

Tattoos deemed inappropriate by the Division Manager and Watershed Manager shall not be visible while Rangers are in uniform at any District facility, on Watershed property, or while representing the District whether in or out of uniform and on or off Watershed property. How the tattoo is covered shall be at the discretion of the Ranger providing the covering is in good taste. The only time a tattoo may be briefly visible is when the Ranger is preparing for duty in the locker room.

1044.4 BODY PIERCING OR ALTERATION

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) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Watershed Protection Section is established to ensure that uniformed Park Rangers will be readily identifiable to the public through the proper use and wearing of District uniforms.

A "Approved Uniform Items" list is maintained and periodically updated by the Watershed Manager or his/her designee. That list should be consulted regarding authorized uniform specifications. While this section provides additional detail, it does not supersede the uniform provisions in the current employee CBA.

Park Rangers should also refer to the following associated Policy Manual sections: Section 700 - Department Owned and Personal Property Section 1024 - Body Armor Section 1044 - Grooming Standards

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Park Rangers wear a uniform to be identified as a law enforcement authority and public safety presence on the watershed. The uniform serves an 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 Park Rangers of the District shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Rangers shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the District's "Approved Uniform Items" list that is maintained separately from this policy.
- (e) The Chief Ranger will perform periodic inspections to ensure conformance to these regulations.
- (f) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official District functions or events.
- (g) 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.
- (h) Employees are not to purchase or drink alcoholic beverages while wearing any readily identifiable part of the District uniform.
- (i) Mirrored sunglasses will not be worn with any District uniform
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Watershed Manager or his designee.
 1. Wrist watch
 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 3. Medical alert bracelet

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Uniform Regulations

1046.2.1 DISTRICT ISSUED IDENTIFICATION

The District issues each Park Ranger an official District identification card bearing the Ranger's name, identifying information and photo likeness. All Rangers shall be in possession of their District issued identification card at all times while on duty.

- (a) Whenever on duty or acting in an official capacity representing the District, Rangers shall display their District issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Rangers working specialized assignments may be excused from the possession and display requirements when directed by the Chief Ranger.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM (OPTIONAL)

The Class A uniform may be worn on special occasions such as public speaking engagements, funerals, graduations, ceremonies, or as directed. The Class A uniform is optional for all Protection employees. Specific Class A uniform items include:

- (a) Long sleeve shirt with tie
- (b) Class A wool or wool blend pant
- (c) Eisenhower jacket
- (d) Felt campaign hat
- (e) Polished shoes or boots

Boots with pointed toes are not permitted.

1046.3.2 CLASS B UNIFORM (WINTER/SPRING FIELD UNIFORM)

All Park Rangers will possess and maintain a serviceable Class B Winter uniform at all times.

The Class B Winter/Spring uniform will consists of:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required
- (b) A ash or white crew neck t-shirt must be worn with the uniform. A black turtle neck is optional with the long sleeve shirt only.
- (c) All shirt buttons must remain buttoned except for the last button at the neck
- (d) Black trouser belt
- (e) Black boots
- (f) Boots with pointed toes are not permitted

1046.3.3 CLASS B UNIFORM (FIELD UNIFORM, FIRE SEASON)

The Class B uniform to be worn during fire season is established to allow Park Rangers proper safety attire for performing fire fighting duties.

The Class B fire season uniform will consists of:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required

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Uniform Regulations

- (b) An ash or white crew neck t-shirt must be worn with the uniform. 100% cotton t-shirts are strongly recommended. Synthetic or poly-blend undergarments are prohibited while performing firefighting.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Black trouser belt
- (e) Black boots
- (f) 100% Cotton pants

Boots with pointed toes are not permitted.

1046.3.4 SPECIALIZED UNIFORMS (OPTIONAL)

The Chief Ranger may authorize special uniforms to be worn by Rangers while performing duties such as Bicycle Patrol or other specialized assignments. Specialized uniform items are optional items subject to the provisions identified in this policy, sec. 1046.7.

1046.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the District 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 - Service stripes, 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.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while performing patrol duties. The nameplate shall display at a minimum the employee's last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief Ranger. 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) Insignias - Insignias, (EMT, FTO, etc.) may be worn as designated by the Chief Ranger.
- (f) Flag Patch - A flag patch may be worn, centered above the nameplate.
- (g) Badge - The District issued badge, or an authorized representation (silk screened or sewn on cloth replica), must be worn and visible at all times while in uniform.

1046.4.1 MOURNING BADGE

Park Rangers may wear a black mourning band across the uniform badge whenever a law enforcement officer, park ranger or firefighter is killed in the line of duty. The following mourning periods will be observed:

- (a) From the time of death until midnight on the day of the funeral.
- (b) Funeral attendee "" While attending the funeral of an out of region fallen officer.
- (c) As directed by the Chief Ranger.

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Uniform Regulations

1046.5 CIVILIAN ATTIRE

Occasionally there are assignments within the Protection section that do not require the wearing of a uniform because recognition and authority are not essential to their function. There also may be assignments in which the wearing of civilian attire is necessary. In such cases, employees attire will be in conformance with MMWD Administrative Policy 31, Dress and Grooming.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the General Manager, Marin Municipal Water District employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a District 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 Marin Municipal Water District 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.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the "Approved Uniform Items" list as "optional items" shall be purchased totally at the expense of the Ranger. No part of the purchase cost of optional items shall be offset by the District for the cost of providing the District issued items nor will they considered as part of the calculation for the annual uniform allowance as specified in the current employee CBA. Any employee who chooses to purchase optional uniform items is solely responsible for the entire expense of the item(s) including sales tax.
- (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 optional uniform items 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. (Policy Manual § 700)

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Park Rangers may not wear any uniform item, accessory or attachment unless specifically identified in the "Approved Uniform Items" list, issued by the District or authorized by the Watershed Manager.

Park Rangers may not use or carry any safety item, tool or other piece of equipment not issued by the District without prior approval by the Chief Ranger.

Anti-Nepotism and Non-Fraternization Policy (MMWD Policy No. 30)

1051.1 PURPOSE AND SCOPE

The District is committed to fostering a professional work environment where all employees are treated fairly and impartially by their supervisors. Personal relationships very often cause problems in the workplace, such as a lack of objectivity toward a subordinate's job performance, the perception of favoritism by other employees (whether justified or not), and potential sexual harassment or discrimination complaints once relationships end. Accordingly, supervisors are prohibited from dating, engaging in amorous relationships with or participating in sexual relationships with employees who report to them directly or indirectly. In addition, employees are not allowed to work in a position which would result in that employee directly or indirectly supervising or reporting to an immediate family member or significant other as defined below. This policy covers all family-like relationships regardless of blood or legal relationship.

1051.2 POLICY

Definitions:

- (a) **Immediate Family** - The employee's spouse, children, foster children, parents, foster parents, brothers, sisters, grandparents, and the parents, foster parents or children of the employee's spouse (definition from the Memorandum of Understanding with Marin Municipal Water District Employees' Association as required by the lawsuit settlement agreement as noted below*). "Immediate family" also includes significant others and partners (such as unmarried couples who live together) as well as the parents, foster parents, or children of the employee's significant other.
- (b) **Supervisor** - An employee having the authority to hire, transfer, lay-off, promote, reward, evaluate, discipline, or assign work to and direct other employees, or to adjust their grievances, or to effectively recommend such action if the exercise of such authority requires independent judgment.

Upon the adoption of this policy, employees are prohibited from working in jobs where they directly or indirectly report to, or are supervised by, an immediate family member.

District employees are required to immediately notify the Human Resources Manager of a relationship that violates this policy. Should a situation exist, that is prohibited by this policy, either employee may request a transfer in order to comply with this policy. When possible, the District will attempt to accommodate the transfer request. Please understand that the District reserves the right not to transfer an employee based on business considerations. If a transfer is not approved or if neither employee requests a transfer, the District shall terminate the employee with the least seniority.*

Exemption: Employees that are working in a position where they directly or indirectly supervise or report to an immediate family member on the date this policy is adopted shall be exempt from the provisions of this policy that prohibit an employee from working in a position which would result in that employee directly or indirectly supervising or reporting to an immediate family member as defined herein.

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Anti-Nepotism and Non-Fraternization Policy (MMWD Policy No. 30)

This exemption in part, was required by the terms of a Stipulated Settlement and General Release dated August 13, 1997 in the case of Loutas and Turchie v. Marin Municipal Water District, USDC Case not. C96-0024 CAL.

Employees who violate this policy will be subject to disciplinary action up to and including termination.

Questions concerning the application of this policy to an employee or applicant should be directed to the Human Resources Manager.

* Loutas and Turchie vs MMWD, et. al. USDC Case No. C96-0024 CAL

District Park Ranger Badges

1052.1 PURPOSE AND SCOPE

The Marin Municipal Water District Park Ranger badge and uniform patch, as well as the likeness of these items and the name of the Marin Municipal Water District, are property of the District and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to Park Rangers as a symbol of authority, and the use and display of District badges shall be in strict compliance with this policy. Only authorized badges issued by the District shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Park Rangers, with the written approval of the Chief Ranger, 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 District policy as the uniform badge.

- (a) A Ranger may sell, exchange, or transfer the flat badge he/she purchased to another Ranger within the Marin Municipal Water District with the written approval of the Chief Ranger.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the Ranger's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (c) An honorably retired Ranger 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.

1052.2.2 NON-SWORN PERSONNEL

Badges and District identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Watershed Services Aide).

- (a) Non-sworn personnel shall not display any District 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 District 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.

1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement Park Rangers may purchase his/her assigned duty badge for display purposes. 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.

1052.3 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.

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District Park Ranger Badges

District badges are issued to all Park Rangers and non-sworn uniformed employees for official use only. The District badge, shoulder patch or the likeness thereof, or the District 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 District name for all material (printed matter, products or other items) developed for District use shall be subject to approval by the Watershed Manager.

Employees shall not loan his/her District badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the District badge shall not be used without the expressed authorization of the Watershed Manager and shall be subject to the following:

- (a) The employee association may use the likeness of the District badge for official association business provided they are used in a clear representation of the association and not the Marin Municipal Water District. 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 District badge for endorsement of political candidates shall not be used without the expressed approval of the General Manager.

Modified Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Manager or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the District with a productive employee during the interim period.

The District will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1054.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1054.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon District need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of District need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
- (c) The District may place conditions as deemed appropriate upon any modified-duty assignment.

1054.4 PROCEDURE

Park Rangers may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to the Chief Ranger or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Chief Ranger will determine what modified-duty assignments may be available based on the needs of the District, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less

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Modified Duty Assignments

may be approved and facilitated by the Chief Ranger. Assignments of longer duration are subject to the approval of the Manager or his/her designee.

1054.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or District needs at the discretion of the Chief Ranger.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1054.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Ranger apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Ranger with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Manager.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Ranger and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The District reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the District.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.5 PREGNANCY

It is the policy of the District to reassign employees who are pregnant upon request by the employee or when deemed necessary by the District to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

Marin Municipal Water District

Policy Manual

Modified Duty Assignments

1054.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the District of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1054.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Ranger, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the District or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the District's Personnel Rules and Regulations regarding family and medical care leave.

1054.6 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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