

## **Chapter 1 - Law Enforcement Role and Authority**

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The legislation creating the Division of Parks in 1928 contained a simple statement that the duty of those entrusted with California's natural and cultural heritage were to "*to protect the state parks from damage and to preserve the peace within.*" To accomplish this early protection mission the Legislature extended law enforcement authority to employees so designated as State Park Peace Officers by the Chief of the Division and the State Park Commission.

Today, the laws governing the Department and peace officer authority have matured. By law the Department is required to acquire, protect, develop, interpret, and maintain the units of the State Park System, and to maintain the peace therein (Public Resources Code §§ 5003 and 5008). To carry out this responsibility, the Deputy Director, Park Operations has the statutory authority to appoint State Park Peace Officers (SPPO) whose primary duty is the protection of park resources and visitors through the enforcement of park rules and regulations and other laws. According to Penal Code §830.2(f), the jurisdiction of State Park Peace Officers extends to anywhere in the State. Thus, some peace officer duties and responsibilities extend beyond the boundaries of our parks.

In order to carry out protective functions, State Park Peace Officers must:

- Maintain certain mental and physical abilities and skills, and
- Utilize their peace officer authority, equipment, and training to stop illegal, dangerous, or disturbing acts.

Although peace officers are not required to place themselves in unreasonable or unnecessary danger, some risks are inherent with the duties and responsibilities of a peace officer. Failure to take appropriate, reasonable, and prudent law enforcement action when necessary can constitute grounds for adverse action.

The objectives of the State Park System public protection and law enforcement program may be summarized as follows:

- (a) Applying firm and consistent law enforcement by taking proper legal action against violators.
- (b) Being alert to situations that could cause damage to persons or property. These include acts that could lead to crimes against a person or property.
- (c) Collecting and reporting information relevant to a reported crime and, when appropriate, notifying the law enforcement agency with concurrent jurisdiction.
- (d) Requesting and lending assistance to law enforcement agencies with concurrent jurisdiction.
- (e) Informing and educating the public of existing laws and regulations and their importance to the protection of the facilities and features of the State Park System.

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- (f) Providing search and rescue, first aid, and other public protection services as appropriate.
- (g) Being alert to conditions that could lead to destruction of property by fire, and taking necessary precautions for fire suppression and control.

One function of law enforcement authority is to serve as a tool to achieve the goal of compliance. In many cases, simply informing people that their behavior is illegal will result in compliance. In other cases the reason for the law will need to be explained, or written warnings will need to be issued and documented to repeat offenders or as proof of non-compliance. For others, the threat of law enforcement action will be necessary, and finally there are many cases in which the behavior of the violator is so serious/dangerous as to require immediate arrest and booking. The key to a successful law enforcement program therefore rests with the intelligence, judgment, and officer discretion of every State Park Peace Officer.

#### 100.1.1 CONSTITUTIONAL REQUIREMENTS

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

#### **100.2 PEACE OFFICER POWERS**

Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.2:

*(f) Employees of the Department of Parks and Recreation designated by the Deputy Director, Park Operations pursuant to Section 5008 of the Public Resources Code provided that the primary duty of the peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code."*

The authority of any such peace officer extends to any place in the State of California, as follows:

As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or

As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

The primary jurisdiction for State Park Peace Officers are those areas which constitute California State Parks, as specified in the Public Resources Code § 5002:

*"All parks, public campgrounds, monument sites, landmark sites, and sites of historical interest established or acquired by the State, or which are under its control, constitute California State Parks except the sites and grounds known as the State Fair Grounds (Cal-Expo) in the City of Sacramento, and Balboa Park in the City of San Diego."*

Protection of these areas has been defined in Public Resources Code § 5008 under the general heading of police powers, and punishment for violation of rules and regulations:

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*"(a) The Department shall protect the State Park System and the state vehicular recreation area and trail system from damage and preserve the peace therein.*

*(b) The Deputy Director, Park Operations may designate any officer or employee of the Department a peace officer for California State Parks.*

*The primary duties of any such peace officer shall be the enforcement of the rules and regulations of the Department, the provisions of Section 267 and Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, and the rules and regulations of the Department of Navigation and Ocean Development, and the provisions of Chapter 2 (commencing with Section 9850) of Division 3.5 of the Vehicle Code, and to arrest persons for the commission of public offenses within California State Parks. The authority and powers of any such Peace Officer shall be limited to those conferred by law upon Peace Officers listed in Section 830.2 of the Penal Code." Any person who violates the rules and regulations established by the Department is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment, except that at the time a particular action is commenced, the judge may, considering the recommendation of the prosecuting attorney, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of such offense after such a reduction shall be punished by a fine of not less than ten dollars (\$10) or more than one thousand dollars (\$1,000)."*

#### 100.2.1 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

#### 100.2.2 HISTORIC OVERVIEW OF STATE PARK PEACE OFFICER AUTHORITY

- 1864 ~ Yosemite Valley was deeded to the people of California by the federal government under President Abraham Lincoln, making it the first public lands set aside for protection of pristine natural beauty.
- 1866 ~ Galen Clark was appointed by the Yosemite Commission to be the first Guardian of Yosemite State Park. He was directed in his letters of instruction to protect the park and preserve the peace within. In their first official report in 1867, the Commission stated, *"It is necessary that the guardian and sub-guardian should be endowed by the State with police or constabulary authority, so that offenders may be arrested on the spot where the mischief is done."*
- 1866-1927 ~ A total of 17 units were added to the State Park System. Each park was assigned a Guardian (called Park Warden after 1903) who was given police authority and directed through letters of instruction or legislation to protect the park and preserve the peace within. Stewardship of Yosemite was transferred to the federal government in 1906 and placed under the protection of the U.S. Cavalry.

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- 1927 ~ Legislation created the Division of Parks within the Department of Natural Resources, providing for a new park commission and rules and regulations with the force of law behind them. The Legislature further directed: *"It shall be the duty of the state park commission to protect the state parks from damage and to preserve the peace therein,"* and extended to the commission *"the power to confer on the chief of the division of parks and such other employees as they may designate, the full authority and powers of peace officers for said parks."*
- 1930 ~ In a report to the Governor dated June 24, 1930, the Deputy Director, Park Operations of the Department of Natural Resources reported that the park commission had acted to designate employees *"as police officers for the state parks of California, with full authority and power as peace officers as defined by the laws of the state, and placed them under the authority of the Chief of the Division of Parks, thereby providing for a regular police organization for the protection of state parks of California."*
- 1945 ~ The "State Park Ranger" civil service classification was created. The new Ranger classification was designated as the peace officer classification for the Division as was the Park Warden classification before it. Job specifications for the new classification made no reference of protection responsibilities, focusing instead, on construction, engineering, or forestry experience. The specifications placed *"patrolling the park and protecting plants and wildlife"* at the end, behind visitor services, maintenance, trail upkeep, and similar tasks. There was no reference in the job specifications to the State Park Ranger being appointed as a state peace officer.
  - The Division used seasonal Park Naturalists and Recreation Specialists classifications to provide nature programs, campfire talks, and other recreational activities. Rangers participated in the overall nature/recreation program planning for their unit, but did not participate actively. Rangers were encouraged to attend programs.
- 1951 ~ Penal Code §817 was amended to provide in part: *"When in any law a public officer or employee is designated as a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law."* At the time of this amendment, the Public Resources Code authorized the Deputy Director, Park Operations of the Division to appoint employees as state peace officers. State Park Ranger remained the designated classification to protect the parks and preserve the peace therein. This was the first Penal Code citation that would include the authority of State Park Peace Officers.
- 1957 ~ The State Park Attendant position was created. The Attendant was tasked with maintenance and housekeeping duties. In units or position assignments that were primarily maintenance in nature, the Ranger position was converted to an Attendant. The Attendant position was never a designated peace officer. At the same time, the job requirements for State Park Ranger were amended to include a college education. Duties were primarily operations-oriented, including interpretation, and

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resource management. Park Naturalist and Recreation Specialist classifications were phased out. The Park Attendant was replaced in 1968 by the "Park Maintenance Man" series.

- 1968 ~ The Department requested assistance from POST to evaluate the Department's law enforcement program. POST commissioned Chief Edward M. Toothman (retired, Oakland Police Department) to prepare the analysis. Toothman concluded in part: *"As the realities of crime and disorder encroached on the quietness of the Parks, there was a reluctance on the part of park administrators to recognize or acknowledge these significant changes, and to realistically meet the need of an organized crime control program. Consequently, the Park System is ill-equipped and unprepared, both in terms of trained personnel and essential equipment, to cope with the problems of crime and disorder in the Parks."* He further concluded: *"The present job specifications for Ranger I, as well as the promotional positions, fail to adequately emphasize the extent of a ranger's involvement in law enforcement work. Consequently, there are now many State Park rangers who are not suited nor qualified to perform as peace officers. The park ranger is confronted with situations that require the same physical mental, and emotional qualities as those expected of a police officer. Therefore, they should be qualified as peace officers."*
- 1968 ~ The Legislature consolidated and clarified state and local peace officer classifications. Under the new Penal Code §830.3(i), State Park Peace Officers were given limited statewide police authority, with the primary duty being law enforcement within the State Parks as specified under PRC §5008.
  - Officers under PC §830.3 may only carry firearms when authorized by their department. DPR did not yet authorize State Park Peace Officers to carry firearms at that time.
  - The Department initiated law enforcement training for all Rangers, an 80-hour POST approved course at the Riverside County Sheriff's Academy
  - The Department provided the following direction on the new authority of State Park Peace Officers through a January 26, 1968 memorandum:

*"The director may designate certain employees as State Park Peace Officers. These employees enforce the State Park Rules and Regulations (Administrative Code, Title 14, Division 3, §4300 and following), Harbors and Navigation Code, Section §267 and §650-772, and the rules and regulations of the Harbors and Watercraft Commission (Administrative Code, Title 14, Division 4, §5000)*

*"State Park Peace Officers enforce these rules and regulations by (1) issuing BP-20, Notice of Violation, (1) issuing BP-19, Notice of Promise to Appear, or (3) arrest and detention (see Enforcement Manual Section E300).*

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*"State Park Peace Officers are not authorized to enforce any statutes, codes, or rules and regulations other than as described above."*

- The philosophy of law enforcement within State Parks placed emphasis on education of the public to the significance of the park values, preferring to assume that law violations were simply misadventures or the inadvertent actions of a well-intentioned visitor.
- In 1968 the Department recorded 1800 violations of park rules, compared with almost 5400 felony and misdemeanor crimes, including a murder, 10 rapes, 248 assaults, 838 car burglaries, 1,079 drunkenness cases, 335 drug cases and 35 riots. State Park Peace Officer activities were limited by policy to policing litterbugs, garbage dumpers, rowdy youth, or the occasional illegal camper. Criminal offenses were passed on to local police agencies for investigation and prosecuted.
- 1969 ~ The Department established the first State Park K-9 unit to improve protection of the Rangers and to help ferret out illegal campers and other violators. Ranger Dick Edwards and his patrol dog Sam were deployed to the State Parks of the Big Sur coast.
- 1970s-80s ~ The Department employed a handful of Safety and Enforcement Specialists. These were former police officers who provided their expertise in helping the department establish a crime prevention program as outlined in the POST Toothman Report. These individuals were outside of the chain of command, acting as support and counsel only.
  - State Park Ranger (Intermittent) classification was implemented during the 1970s to supplement the Ranger force with permanent Rangers who worked an intermittent time base rather than full time. This was not a sworn peace officer classification, however if a "PI Ranger" established that they met the law enforcement training and minimal background requirements, the employee was commissioned as a Peace Officer (with no change in pay or benefits). Several retired law enforcement officers were hired as PI Rangers, as well as many intent on a career as a State Park Ranger who sought police academy training on their own. This classification was abandoned in 1982, and Peace Officer PI Rangers were grandfathered into the State Park Ranger I classification. PI Rangers who were non-sworn stayed in that classification until their ultimate separation, but no new PI Rangers were hired.
- 1971 - 1975 ~ Rangers were provided 240 hours of POST Law Enforcement training. Firearms were issued for the first time, though Rangers were encouraged by policy to keep the weapons secured in their patrol vehicle or park office until needed. Bowling bags were issued to Rangers so the equipment could be contained easily for storage.

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- Consistent with rural police practice, throughout the history of the Department there are anecdotal accounts of Rangers carrying firearms when they felt it necessary. As an example, in the mid-1930s, Calaveras Big Trees State Park Ranger "Pop" Taylor exchanged gunshots with a bank robbery suspect, who he ultimately apprehended.
- 1973 ~ Lifeguard classification job specifications were changed, adding Lifeguard as a designated State Park Peace Officer classification.
- 1982 ~ The Legislature migrated State Park Peace Officers from Penal Code §830.3 into §830.2. Under PC §830.2(f) State Park Peace Officers still enjoyed full statewide police authority, with the primary duty still being law enforcement per PRC §5008. This moved State Park Peace Officers from "Specialized" to "General" within the POST certification program, and authorized officers to carry firearms without departmental prohibition or restriction. The language of PC §830.2(f) includes as a primary duty of State Park Peace Officers the phrase "*And to arrest persons for the commission of public offenses.*" This language, not found in the original language of PC §830.3(i), was taken from the first and the last Attorney's General opinions on the authority of State Park Peace Officers (1938 & 1968), & and is absent from the authority language of any other state or local Peace Officer.
  - By now the Department was providing fully accredited POST Law Enforcement training
- 1984 ~ The Pacific Institute of Defensive Tactics was engaged by the Department to establish and maintain an agency-wide Defensive Tactics program, which included providing 24 hours annual training.
- 1984 ~ Routine carrying of police shotguns in patrol vehicles was authorized, first deployed at Folsom Lake State Recreation Area.
- 1987 ~ The legislature enacted what became PRC §4022, reserving the title "Ranger" in all of its various forms, to public agencies whose "Rangers" have some level of law enforcement authority and responsibility. A few local park agencies such as East Bay Regional Parks were exempted by this legislation because it would create an unfunded local mandate to require the agency re-title non-sworn Rangers (East Bay RPD has Park Police Officers and separate non-sworn operations employees they title "Rangers.")
- 1991 ~ The Department authorized the carrying of personally purchased 9mm semi-automatic pistols as a primary duty weapon.
- 1994 ~ The Department armed all State Park Peace Officers with .40cal S&W semi-automatic pistols
- 1998 ~ On March 8, the Department authorized the appointment of Firefighter/ Security Officers at Hearst Castle. FFSOs are peace officers under the authority of PC

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§830.37(b). FFSOs are armed while on duty but are not authorized to carry a weapon off duty.

- 2001 ~ After 9/11 the routine carrying of tactical rifles in patrol vehicles was authorized.
- 2007 ~ The Department authorized Electronic Control Weapons (ECW) on a trial basis at the Redwood National and State Parks units.
- 2012 ~ The Department expanded the trial of Electronic Control Weapons (ECW) to other selected districts.

During the mid-twentieth century the various Attorneys General opined several times both formally and informally on the police authority of State Park Peace Officers and other Law Enforcement officers acting inside the State Parks:

- 1931 ~ Clarified methodology for the appointment of State Park Peace Officers
- 1938 ~ Concluded that "*a state park officer [is] a peace officer within the geographical limits of the State Park System. He may make arrests for and investigate all public offenses.*" [This language will play a key role in PC §830.2(f)]
- 1939 ~ Concluded the State Park Commission had authority to appoint State Park Peace Officers, but commissioners were not vested with police authority [Authority to appoint was migrated to the Deputy Director, Park Operations of the Division in the late 1940s]
- 1940 ~ Concluded that City of San Diego police officers shared concurrent jurisdiction with State Park Peace Officers to arrest within Mission Bay State Park
- 1952 ~ Concluded concurrent jurisdiction exists inside State Parks with local Law Enforcement officers. State Park Peace Officers, "*like highway patrol officers, are peace officers.*"
- 1952 ~ Affirmed the police authority of State Park Peace Officers inside the boundaries Columbia State Historic Park
- 1957 ~ Clarified that State Fish & Game Wardens share concurrent police authority within State Parks, limited to enforcement of fish and game laws
- 1960 ~ Clarified that State Park Peace Officers have authority to stop and search vehicles within the provisions and limits of the U.S. Constitution and state law
- 1965 ~ Clarified that California Highway Patrol Officers have authority to enforce the California Vehicle Code inside State Parks
- 1967 ~ Because of the dramatic increase in crime within Folsom Lake State Recreation Area and the State Parks along the Big Sur coast, and the Division's policy of minimizing State Park Peace Officer protection responsibilities, the Sheriffs of Placer and Monterey counties petitioned the Department to contract with the counties to pay for the law enforcement services they were increasingly providing within the State

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Parks. Deputy Director, Park Operations William Penn Mott, Jr. requested another opinion to clarify the authority of State Park Peace Officers, and whether the authority of the sheriff is limited within the State Parks. Both of these issues had previously been opined by Attorneys General. In his September 1968 opinion, Attorney General Thomas C. Lynch concluded in part that "*State Park officers have authority to make arrests and to investigate all public offenses in the State Park System.*" He also opined that the sheriff has concurrent jurisdiction within the State Parks, and has an obligation to provide Law Enforcement services inside the state lands without further compensation.

Taken together, these opinions consistently uphold the full police authority and responsibility of State Park Peace Officers and the concurrent authority and responsibility of other state and local officers inside the boundaries of the State Parks, including making arrests for public offenses of every kind, using the power of citation, and stopping (and searching) vehicle violators.

#### **100.3 PEACE OFFICER DESIGNATION**

Employees may be designated State Park Peace Officers under the authority of Penal Code §830.2, and retain such designation only under the following circumstances:

- The Chief Executive Officer, upon recommendation by the Chief of Law Enforcement and Emergency Services Division, may designate any officer or employee of the Department a peace officer.
- Before being appointed, all candidates for peace officer positions under Penal Code §830.2 must meet Department, Commission on Peace Officer Standards and Training (POST), State Personnel Board, and Penal Code requirements for their position, including a thorough background investigation, drug test, psychological screening, and medical examination.
- The candidate must satisfactorily complete the Department's State Park Cadet Basic Visitor Services training, within the time limits prescribed by POST, or have a current POST Basic Certificate, to be appointed under Penal Code §830.2.
- State Park Peace Officers must complete one year of probationary service after graduation from the academy. During the probationary year, State Park Peace Officers are required to work with a POST trained Field Training Officer and must successfully complete both the 12 week and the 9 month Field Training requirements as outlined in the Department's Field Training Program Manual.

[For Firefighter/Security Officer refer to Policy Manual §100.10]

##### **100.3.1 DURATION OF PEACE OFFICER APPOINTMENT**

All employees designated as State Park Peace Officers shall serve as such at the pleasure of the Deputy Director, Park Operations, and such designation will remain in effect until:

- Revoked by the Deputy Director, Park Operations; or

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- Employment with the Department of Parks and Recreation is terminated

District Superintendents shall ensure that the peace officer ID card and badge of an employee, whose peace officer power is revoked, are forwarded with an explanatory statement to the Law Enforcement and Emergency Services Division, where the statewide Peace Officer Database will be updated. The Chief Ranger will collect the peace officer protective equipment.

#### 100.3.2 SUSPENSION OF PEACE OFFICER AUTHORITY

The Superintendent IV/V or higher may, upon substantial information, suspend an employee's designation as a peace officer when an employee:

- Is accused of a felony, misconduct, or the illegal use or misuse of authority.
- Fails to maintain satisfactory firearms qualifications or defensive tactics qualifications.
- Has discharged a firearm outside of Department policy.
- Is temporarily relieved of duty due to a medical disability that prevents the employee from being able to perform peace officer duties or defend themselves (For the peace officer's personal and family protection, if the officer has the physical and mental capacity to defend themselves or others, the peace officer authority shall not be suspended.)

Such employees shall not perform peace officer duties and shall surrender their peace officer protective equipment, badges, and ID cards to the District Superintendent. Such employees shall not be required to wear a uniform in public, drive a law enforcement vehicle with or without "out of service" signs, or perform public contact or other duties that might put the officer's safety at risk.

#### 100.3.3 PEACE OFFICER AUTHORITY AND TEMPORARY DISABILITY

It may be necessary to limit a State Park Peace Officer from performing law enforcement and other public safety duties upon receiving written medical information relative to that officer's disability. Depending on the nature and extent of the disability, the State Park Peace Officer may be placed on off-duty status, or retained on limited-duty status assignment specifically precluding law enforcement and other public safety duties. This temporary change from law enforcement duties is intended for the benefit of the disabled State Park Peace Officer, the public, and the Department. A change in duties does not automatically suspend Peace Officer Authority.

- Employee's Responsibility

When a disability is known to the employee, it is the employee's responsibility to immediately notify his/her supervisor and submit appropriate written medical verification to the Property and Evidence Section Superintendent authorizing/restricting full range law enforcement duties. If restricted, the physician's verification must identify a projected date of return to full duty.

- Evaluation of Disability

The Department may rely on medical information obtained from the officer's personal physician or from a State-appointed physician. The Department may require the employee to submit to medical evaluation by a physician(s) selected by the Department (Government Code §19253.5).

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The evaluation of the Department-selected physician shall take precedence. Costs and time for medical exams required by the Department will be paid by the Department. The evaluating physician is to be provided with class specifications and comprehensive, current duty statements.

- Maternity Policy for Peace Officers

When pregnancy is verified, the female peace officer will immediately notify her supervisor and submit a physician's letter to the Property and Evidence Section Superintendent authorizing/restricting full range law enforcement duties and the projected time period for the restriction. SPB class specifications and a comprehensive duty statement shall be provided to the physician for patient assessment.

When the physician will not authorize the full range of duties, the female peace officer will fall under the provisions of this Section.

Pregnant employees will not be assigned law enforcement duties when unable to wear the regular uniform and issued peace officer protective equipment, and will not resume full duty after delivery until the physician provides medical release to return to full duty. With the physician's authorization, every effort will be made, within the scope of operational need, to provide a limited-duty assignment up to delivery. For additional information, see related policies in DAM 0200, Personnel, and DAM 1400, Human Rights.

- Peace Officer Powers/Identification/Equipment

Based on the nature of the temporary disability that may affect public safety, a Superintendent IV or a peace officer of higher rank may determine that the employee's designated peace officer authority is to be suspended (Government Code §11152), and shall then ensure that the employee's issued peace officer equipment, badge, and identification card are retrieved and retained. Additionally, the employee is to be advised that he/she has no peace officer powers or duties as authorized by Penal Code

If a State Park Peace Officer is retained on limited-duty status that specifically precludes all law enforcement and public safety duties, he/she will be directed not to wear any peace officer equipment, including the badge and the uniform. This will be done to avoid confusion on the part of the public, other employees, and the peace officer as to his/her responsibilities and restrictions.

A Superintendent IV or a peace officer of higher rank will, by memorandum, inform the employee of his/her compliance responsibilities dependent on the type of disability related to peace officer duties, authority, secondary employment, fitness programs, and use of State equipment.

The employee shall not be assigned any duties that involve operation of a law enforcement vehicle (with or without "out of service" signs), public contact, or other duties that might put the officer's safety at risk.

#### 100.3.4 PEACE OFFICER AUTHORITY AND PERMANENT DISABILITY

It is important to note that the guidelines in Policy Manual §100.3.3 are given to deal with disabilities initially identified as temporary. If at any point in progressive medical evaluations it is determined

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that such disability is permanent in nature, refer to DAM 0200, Personnel for reassignment/retirement options.

#### **100.4 PEACE OFFICER RESPONSIBILITY**

##### 100.4.1 ON DUTY

The responsibilities of State Park Peace Officers while on duty fall within three geographical categories. Those categories and the responsibilities pertaining to them are:

- (a) Within the boundaries of the State Park System, State Park Peace Officers have full time responsibility to act
- (b) State Park Peace Officers may perform specified law enforcement services within formally designated "Zones of Impact"
  1. A "Zone of Impact" is defined as an area outside of the contiguous boundary of a state park unit that displays an operational history of impact upon the park unit.
  2. The Chief Ranger, in consultation with the courts and law enforcement agencies with primary jurisdiction, identifies Zones of Impact. The District Superintendent formally approves these Zones of Impact.
  3. The establishment of these zones is in no way intended to limit the authority of State Park Peace Officers outside the State Park System when Department policy and good judgment indicate that law enforcement action should be taken.
- (c) Outside of the State Park System and designated Zones of Impact, State Park Peace Officers are enjoined to use good judgment. As a general rule, no enforcement action should be taken unless a real and present danger to persons or property exists and no other peace officer of local jurisdiction is available. A State Park Peace Officer's primary responsibility takes precedence over minor violations occurring outside of the park. At the same time, it would be morally reprehensible to ignore a clear and present danger to the public when an officer is in the course of his/her employment.

##### 100.4.2 OFF DUTY

When off duty and out of uniform, State Park Peace Officers (SPPO) must clearly recognize the need for great discretion and concern for their own personal safety and the safety of others. When off duty and out of uniform, a SPPO's authority will frequently not be recognized, may be mistaken for one of the suspects, and will be without back-up, communications with responding agencies, and additional safety equipment.

###### A. Outside a State Park Off Duty

- As a general rule, no enforcement action should be taken unless a real and present danger to persons or property exists and no other peace officer of local jurisdiction is available. As has been previously stated, it would be morally reprehensible to ignore a clear and present danger, whether or not an officer is on duty.

###### B. Inside a State Park Off Duty

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- When off duty and inside a State Park, State Park Peace Officers are not required to take law enforcement action for minor incidents that do not pose a serious threat to park resources or public safety, or to more serious situations when on-duty officers are available. In the event that park resources or public safety is seriously threatened, or the safety of another peace officer is in jeopardy, all off-duty State Park Peace Officers should immediately respond to the full extent of their capabilities. When so responding such officers will be considered on duty and actions will be documented in accordance with existing Departmental reporting procedures.

#### **100.5 CONCURRENT JURISDICTION**

Every area of the State Park System is situated within a city or county which has its own law enforcement agency. The authority which police and sheriffs' officers have in areas of the State Park System has been specified in an opinion of the State Attorney General (Opinion Number 67-187, September 27, 1967). The pertinent portions of this opinion are as follows:

*"State Park officers designated as peace officers have primary duty to make arrests and to investigate all public offenses in the State Park System.*

*The Sheriff or Chief of Police has the power and duty to make arrests and investigate offenses within . . . the State Park System; and his jurisdiction therein is concurrent with that of the State Park Peace Officer. The extent and nature of the operations of either is an administrative matter subject to the availability of appropriations and comity. There is no authority for the Deputy Director, Park Operations of Parks and Recreation to pay a county or city for police services which the county or city already owes to all within its political confines, including a State Park unit. The Department does not enter into mutual aid agreements under State Joint Powers Statutes.*

*The powers given to State Park Peace Officers are not in derogation of the authority of the Sheriff or Chief of Police."*

In addition, law enforcement within the State Park System may be performed by officers of other law enforcement agencies, within the limits of their specific authority.

#### **100.5.1 REFUSAL OF CONCURRENT JURISDICTION TO PROVIDE INVESTIGATIVE SERVICES**

The District Superintendent will ensure contact with the management of local concurrent safety and enforcement agencies to ensure that assistance is provided wherever possible, and that excellent interagency relations are maintained.

- (a) In the event of a refusal, by the concurrent Law Enforcement agency, to provide requested investigative services, the Chief Ranger is to contact a person in a management position of the concurrent agency and determine if the refusal is in fact in accordance with their agency policy. If the agency persists in refusing needed services; the refusal is to be documented. Law Enforcement and Emergency Services Divisions are to immediately inform the Chief of Law Enforcement and Emergency Services of refusals by local concurrent jurisdictions to provide assistance and/or investigative services.

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- (b) If the concurrent local agency refuses to respond to the request, Law Enforcement and Emergency Services Division Superintendents or Sector Superintendents should ask that the refusing agency contact the Department of Justice's local area supervisor to request a Crime Incident Response Team (CIRT) team. It is very important that the concurrent local agency make the request so that the Department of Justice does not become viewed as the investigative branch of State Parks.
- (c) If the concurrent local agency refuses to contact the Department of Justice, Chief Rangers are authorized to call the local Department of Justice Supervisor to request investigators and/or lab services. The Public Safety Section, investigative unit will assist with coordination of a DOJ-CIRT and/or provide investigative services when DOJ fails to respond as requested or needed, and the investigative services cannot be provided by the Law Enforcement and Emergency Services Division.

#### **100.6 POSSE COMITATUS**

Under the posse comitatus provisions of Penal Code § 150, persons who are over 18 years of age may be required by any uniformed peace officer or any judge to provide assistance in making arrests.

- Whenever a field employee of the Department is summoned to aid any uniformed peace officer or any judge, the employee is vested with the powers of peace officer expressly delegated to him or her by the summoning officer, or otherwise as are reasonably necessary to properly assist the summoning officer in an immediate emergency law enforcement situation. This could include the employee being authorized to carry and use firearms.
- An on-duty field employee summoned to aid any uniformed peace officer or any judge under posse comitatus shall, within 24 hours, report details of the summoning including action taken by the employee, through channels, to the Property and Evidence Section Superintendent.
- The responsibility of all employees over the age of 18 to render aid in accordance with Penal Code § 150 shall be reviewed with every new field employee.

#### **100.7 FISH AND GAME CODE**

While on duty and within a unit of the State Park System, State Park Peace Officers may require all hunters, fishermen, and any other person taking, attempting to take, or possessing any bird, reptile, mammal, fish, or amphibian to comply with the requirements of Fish and Game Code § 2012:

"All licenses, license tags, and the birds, mammals, fish, reptiles, or amphibia taken or otherwise dealt with under the provision of this code, and any device or apparatus designed to be, and capable of being, used to take birds, fish, reptiles mammals, or amphibia shall be exhibited upon demand to any person authorized by the department to enforce the provisions of this code or any law relating to the protection and conservation of birds, fish, reptiles, mammals or amphibia."

The authority granted under Fish and Game Code § 2012 is restrictive, applying only to Wildlife Protection Officers and other peace officers formally authorized by the Deputy Director, Park

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Operations of the Department of Fish and Game. The authority granted to State Park Peace Officers under Fish and Game Code § 2012 must be judiciously used.

Other laws and regulations relating to Fish and Game are public laws, and may be enforced by State Park Peace Officers anywhere in the State.

#### **100.8 CALIFORNIA VEHICLE CODE**

Although State Park Peace Officers enforce many sections of the California Vehicle Code, the following sections are of particular importance:

Vehicle Code § 21113 - Public Grounds - This section makes all provisions of the California Vehicle Code applicable to the traffic upon the driveways, paths, parking facilities, and grounds of the State Park System. (The complete text is contained in the California Vehicle Code.)

Vehicle Code §§ 22651 through 22656, and 22669 - These sections authorize the removal, towing, and storage of vehicles under certain conditions by State Park Peace Officers. The removal, towing, and storage of any vehicle by State Park Peace Officers shall be performed in accordance with these sections and with the procedures detailed in Sections 22850 through 22853. (The complete text is contained in the California Vehicle Code.)

Vehicle Report Form, CHP 180, shall be used when removing and storing vehicles. An owner of a vehicle placed in storage is entitled to a review process and may request a hearing. The CHP 180 is used to notify the owner of the vehicle of his/her entitlement to a hearing.

#### **100.9 PEACE OFFICER DATABASE**

The Chief of Law Enforcement and Emergency Services, on a statewide basis, shall maintain current files of employees who have been designated as peace officers. These files are to contain:

- In a separate numerical file, badge numbers and the names of the State Park Peace Officers to whom issued.
- Serial numbers and description of firearms issued to each State Park Peace Officer.

Chief Rangers or their designees shall maintain the following peace officer records:

- Firearms qualifications
- Defensive tactics qualifications
- Inspections of equipment
- POST Continuing Professional Training

#### **100.10 FIREFIGHTER/SECURITY OFFICERS**

State Park Firefighter/Security Officers may be designated as peace officers in accordance with Penal Code §830.37(b).

Penal Code §830.37 "Fire Department Arson Investigators & Other Fire Department Personnel"

The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Penal Code §836

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as to any public offense with respect to which there is immediate danger to person or property, or of the escape of a perpetrator of that offense, or pursuant to Government Code §§8597 or 8598. These peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency:

(b) Members other than members of an arson-investigation unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers, when acting in that capacity, is the enforcement of laws related to fire prevention or fire suppression.

Firefighter/Security Officers may be designated peace officers and retain such designation only under the following circumstances:

- (a) The Deputy Director, Park Operations, upon recommendation by the Deputy Director, Park Operations, may designate any Firefighter/Security Officer as a peace officer under Penal Code §830.37(b)
- (b) All candidates for appointment as peace officers under Penal Code §830.37(b) must meet all Department, State Personnel Board, and Penal Code requirements for their position, including a thorough background investigation, drug test, psychological screening, and medical examination
- (c) The candidate must have successfully completed Penal Code §832 Training as prescribed by POST

All requests for designation as a peace officer will be processed through the Law Enforcement and Emergency Services Division (LEES), and approved by the Deputy Director, Park Operations.

All employees designated as peace officers shall serve as such at the pleasure of the Deputy Director, Park Operations, and such designation will remain in effect until:

- (a) Revoked by the Deputy Director, Park Operations
- (b) Employment with the Department of Parks and Recreation is terminated.

The District Superintendent shall ensure that the peace officer ID card and badge of an employee, whose peace officer power is revoked, are forwarded with an explanatory statement to LEES, where the statewide roster will be updated. The Chief Ranger will collect the peace officer protective equipment.

Policy Manual §100.3.2 SUSPENSION OF PEACE OFFICER AUTHORITY applies to peace officers designated under Penal Code §830.37(b).

#### 100.10.1 FIREARMS AUTHORIZATION

Peace officers designated under Penal Code §830.37(b) are authorized to carry the Department-issued duty handgun only when on duty.

- When not on duty, the Department-issued duty handgun will be secured in an approved Department gun locker, and Department-issued POPE will not be worn. Firefighter/Security Officers may not take their duty weapon home, except when authorized by the Chief Ranger.

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- Penal Code § 830.37(b) peace officers may elect to store their duty weapons and POPE in an approved Property and Evidence Section/Sector storage when the peace officer will not be wearing POPE for an extended period of time (i.e., temporary assignment other than law enforcement, etc.).
- The Chief Ranger will determine when and under what circumstances PC § 830.37(b) Peace officers will wear POPE on duty.
- Penal Code § 830.37(b) peace officers are not authorized by the Department to carry concealed weapons.
- Penal Code § 830.37(b) peace officers are not authorized to be issued a Carry Concealed Weapon (CCW) authorization upon retirement from the Department.

## Problem Solving Approach

### 101.1 PURPOSE AND SCOPE

The primary objective of the Department's law enforcement program is to assist the park visitor in achieving a wholesome, safe and rewarding park experience, and to ensure the long-term preservation of the natural and cultural heritage of California.

The Department is committed to a philosophy, management style, and organizational strategy that promotes proactive problem solving and a California State Parks - Community partnership to address public safety and the causes of crime and fear as well as other community and park issues.

California State Parks-Community Partnership - is a flexible term referring to any combination of park visitors, park employees and volunteers, neighborhood residents, schools, churches, businesses, community groups, elected officials and government agencies who are working cooperatively with the Department to resolve identified or potential problems that may impact or interest them.

Chief Rangers are encouraged to participate in local community oriented problem solving partnerships. These partnerships are not limited to enforcement personnel and should attempt to include all aspects of both park and community operations.

#### 101.1.1 COMMUNITY POLICING VISION

The law enforcement contributions that California State Parks provide to the people of California are threefold.

- (a) As a law enforcement agency, California State Parks oversees the suppression of crime and the enforcement of laws within state park units;
- (b) State Park Peace Officers significantly augment local and state law enforcement numbers and assist allied agencies on a mutual aid basis;
- (c) On a broader level, the programs, services and resources of California State Parks contribute to society by providing a release from the social stresses that often result in crime. California State Parks, its programs, services and its natural and cultural resources are an integral part of community crime prevention efforts.

Under the community policing philosophy, "state park" and "community" do not exist independently. Both are interdependent parts of a larger, more complex social economic and environmental system. Community policing requires a fundamental change in responsibility for policing from law enforcement agencies alone, to the community system.

Using the community policing model, State Park Peace Officers are empowered to develop and maintain relationships with public agencies, community organizations, businesses, other park employees and individuals, to identify and solve problems of mutual concern. Rather than focusing on the visible symptoms of crime, all partners work pro-actively, to address public safety, law

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enforcement and protection concerns. With state park staff participating in the problem solving process, community members are better able to prevent the problems that erode society.

#### 101.1.2 PUBLIC RELATIONS IN LAW ENFORCEMENT

Due to their enforcement powers and responsibilities, peace officers are held to higher standards of conduct than other public employees and citizens. In addition, in order to perform their duties, peace officers frequently must place themselves in conflict with violators. It is newsworthy if a peace officer fails to meet the higher standards and expectations of the public. To counteract this phenomenon, it is the responsibility of the Department to promote the positive accomplishments of the Department's law enforcement program with the media, local community, allied agencies, and within the Department.

##### A. Mass Media and Local Community

The Department and Chief Rangers should:

- Cultivate contacts in the media
- Provide accurate and timely information about significant law enforcement and public safety activities
- Submit articles to newspapers and magazines giving information on Department and Property and Evidence Section law enforcement and public safety programs

##### B. Allied Agencies

It is important for other agencies that may assist or request assistance from our Department to be knowledgeable about the capabilities of our peace officers and the Department's ability to respond to emergency situations. This can be accomplished by:

- Cultivating peer contacts through professional and social meetings
- Sharing training information, instructors, and facilities
- Encouraging employee participation in community service projects sponsored by other agencies
- Participating in the Standardized Emergency Management System (SEMS)
- Participating in local multi-agency public safety meetings
- Participating in multi-agency emergency planning
- Participating in multi-agency exercises

##### C. Department Support

The Property and Evidence Section should publish articles in Department publications that recognize significant incidents and positive accomplishments in law enforcement and public safety.

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## Chief Executive Officer

### 102.1 PURPOSE AND SCOPE

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

#### 102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

## Delegations Of Authority

### 103.1 PURPOSE AND SCOPE

Various California codes require clarification of specialized authority. It is the policy of the Department to delegate the stated authority as follows.

#### 103.1.1 PROHIBITION OF FIREARM POSSESSION IN STATE BUILDINGS ~ PENAL CODE §171B(B)(4)

Chief of Law Enforcement and Emergency Services, Field Division Chiefs (peace officer), and Chief Rangers, are designated as the "authorized official who is in charge of the security of the State government building" for the purpose of granting permission pursuant to Penal Code §171b (b)(4), to persons who would otherwise be prohibited from possessing specific weapons in State buildings. This authorization is limited to the premises in State buildings owned or occupied by the Department.

#### 103.1.2 DELEGATION OF CODE OF REGULATIONS OMBUSPERSON

In accordance with Executive Order W-144-97, the Chief of Law Enforcement and Emergency Services is designated as the Department's Ombudsperson for the adjudication of public complaints about the Code of Regulations. The Chief of LEES will have the authority to initiate repeal, amend, or develop regulations in cases where it is determined the need exists based upon public complaints.

#### 103.1.3 DISTRICT SUPERINTENDENT AUTHORITY TO ACT AS THE DEPARTMENT

Some regulations in the California Code of Regulations (CCR), Title 14, Division 3, Chapters 1 through 8 contain the term "Department" as the authorizing or prohibiting authority for certain activities. Unless the section specifically limits the authorizing authority to the Deputy Director, Park Operations, Law Enforcement and Emergency Services Division Superintendents are delegated the authority to act as the Department in establishing or prohibiting the activities set forth in Department regulations.

#### 103.1.4 DELEGATIONS OF AUTHORITY FOR CONTINUITY PURPOSES

Each Field Division Chief and the OHMVR Division Chief shall provide written delegations of authority to provide for an Acting Division Chief when the Division Chief is unavailable to serve as Continuity Manager for their Division. When a Division Chief knows in advance that they will be unavailable for a period of time, they will designate an Acting Division Chief, notify Deputy Director, Park Operations, the Chief of Law Enforcement and Emergency Services Division, and Property and Evidence Section Superintendents, and provide written delegation of authority to the Acting Division Chief.

Each Property and Evidence Section Superintendent shall provide written delegations of authority to provide for an Acting Property and Evidence Section Superintendent when the Property and Evidence Section Superintendent is unavailable to serve as Continuity Manager for their Property and Evidence Section. When the Property and Evidence Section Superintendent knows

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in advance that they will be unavailable for a period of time, they will designate an Acting Property and Evidence Section Superintendent, notify Property and Evidence Section personnel, the appropriate Division Chief, and the Chief of LEES, and provide a written delegation of authority to the Acting Property and Evidence Section Superintendent.

Delegations of authority shall indicate the circumstances which activate them and any limitations. Refer to DOM Chapter 15 and the Department Continuity Plan for more information on Continuity Planning and delegations of authority. Additionally, each Chief Ranger, upon approval by the District Superintendent, shall provide written delegations of authority to provide for an Acting Chief Ranger when the Chief Ranger is unable to serve as Continuity Manager for their District. When the Chief Ranger knows in advance that they will be unavailable for a period of time, they will designate an Acting Chief Ranger, with approval from the District Superintendent.

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## Oath of Office

### 104.1 PURPOSE AND SCOPE

Officers of this department 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 sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

## POST Law Enforcement Certificate Program

### 105.1 PURPOSE AND SCOPE

Certificates and awards may be presented by the Commission on Peace Officer Standards and Training (POST) to those individual State Park Peace Officers who meet specific education, training, and experience. The Basic law enforcement certificate is required for all State Park Peace Officers within 18 months of appointment as peace officers. There are no attachments required with the Basic Certificate application.

There are five other POST law enforcement certificates that are optional. Each certificate has specific training, education, and years of law enforcement experience requirements. Unless already on file with POST from previous applications, copies of documentation of training and education must be attached to these certificate applications. Copies of previously obtained POST certificates do not need to be attached.

### 105.2 POST CERTIFICATE APPLICATION

An officer applying to POST for the award of a POST certificate must complete a Certificate Application, POST 2-116, and submit it to the Law Enforcement and Emergency Services Division (LEES) for review and approval before LEES forwards it to the Commission on Peace Officer Standards and Training.

A completed POST 2-116 must be submitted for each request (See instructions on back of form). However, if the applicant is eligible for more than one certificate at the time of application, only one application form need be submitted.

To replace a lost certificate, complete a Request for Reissuance of POST Certificate, POST 2-250. This form does not require any attachments and may be sent directly to POST by the State Park Peace Officer or may be forwarded to LEES for processing to POST.

For information on POST certificate requirements, refer to the POST Administrative Manual (PAM) or POST website at <http://www.post.ca.gov/newindex.htm>.

### 105.3 POST PROGRAM ADMINISTRATION

POST Program Administrator authority is delegated by the Director through the Deputy Director, Park Operations, to the Chief of Law Enforcement and Emergency Services Division (LEES). The POST Program Administrator is responsible for ensuring Department compliance to POST standards, is the only authorized designee to sign off on POST certificate applications, and serves as custodian for corresponding files and records systems. All requests for POST training and certification records should be coordinated through LEES.

# Policy Manual

## 106.1 PURPOSE AND SCOPE

The law enforcement policy manual of the California Department of Parks and Recreation 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 applicable to the protection, enforcement, investigative, and patrol responsibilities of this department. All law enforcement employees are to conform to the provisions of this manual for matters relevant to protection, enforcement, investigation, and patrol.

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.

## 106.2 POLICY

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

### 106.2.1 DISCLAIMER

The provisions contained in the *Policy Manual* are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the California Department of Parks and Recreation and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the State, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The California Department of Parks and Recreation reserves the right to revise any policy content, in whole or in part.

### 106.2.2 AUTHORITY FOR AGENCY TO MAKE POLICY

Public Resources Code § 5003 authorizes the Department to create internal policy for the purpose of administering the property under its jurisdiction.

## 106.3 AUTHORITY

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

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##### 106.3.1 CHIEF, LAW ENFORCEMENT AND EMERGENCY SERVICES DIVISION

The Chief of Law Enforcement and Emergency Services Division shall be considered the ultimate authority for the provisions of this manual and shall issue Departmental Directives which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

##### 106.3.2 COMMAND STAFF

Command Staff shall consist of the following:

- Deputy Director, Park Operations
- Chief Executive Officer (if other than the Deputy Director, Park Operations or a Division Chief)
- Chief, Law Enforcement and Emergency Services Division
- The Division Chief from each Field Division and the OHV Division

The Command Staff shall review all recommendations regarding proposed changes to the *Policy Manual*.

##### 106.3.3 OTHER STAFF

All Department employees suggesting revision of the contents of the *Policy Manual* shall forward their suggestion, in writing, through their chain of command, to their District Superintendent who will consider the recommendation and forward to staff.

#### **106.4 DEFINITIONS**

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

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

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

**CFR** - Code of Federal Regulations (Example: 8 CFR § 1234).

**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**State** - The State of State Parks.

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

**Department/DPR** - The California Department of Parks and Recreation.

**DGS** - The Department of General Services.

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

**DAM** - Department Administrative Manual (Example: DAM Chapter 12).

**DOM** - Department Operations Manual (Example: DOM Chapter 11).

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

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

**Manual** - The California Department of Parks and Recreation Policy Manual (Example: PM § 12.3.4).

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

**Member** - Any person employed or appointed by the California Department of Parks and Recreation, including sworn officers, , civilian employees and volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the California Department of Parks and Recreation.

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

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

**PM** - The Department of Parks and Recreation Policy Manual (Example: PM § 12.3.4).

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

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

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

**Shift Supervisor** - On duty SSPPO or the senior or designated SPPO if no SSPPO is on duty.

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

**SPPO** - State Park Peace Officer; those employees, regardless of rank, who are sworn peace officers of this Department.

**SSPPO** - Supervising State Park Peace Officer.

**State** - The State of California Department of Parks and Recreation unless otherwise noted.

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

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

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

**USC** - United States Code (Example: 8 USC § 1151).

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**Watch Commander** - On duty State Park Superintendent I or higher rank providing supervision of SPPOs and SSPPOs.

#### 106.4.1 FORMATTING CONVENTIONS

Policy Manual sections may be abbreviated as Section 106.X or § 106.X

#### **106.5 REVISIONS TO POLICIES**

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

SPPOs are responsible for keeping abreast of all *Policy Manual* revisions.

Each Division Chief will ensure that officers under his/her command are aware of any *Policy Manual* revision.

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

#### **106.6 ISSUING THE POLICY MANUAL**

A current electronic version of the *Policy Manual* will be made available to all employees on the Peace Officer Sharepoint, State Park intranet, and "N:" share-drive, and will be downloadable in a .pdf format. Previous versions of the *Policy Manual* will be removed from these venues, and should not be maintained by offices and employees in the field. All previous versions of the *Policy Manual* shall be maintained by the Chief, Law Enforcement and Emergency Services Division. No changes shall be made to the *Policy Manual* without authorization from the Chief, Law Enforcement and Emergency Services, in concurrence with the Deputy Director, Park Operations or the authorized designee.

Officers shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

#### **106.7 PERIODIC REVIEW OF THE POLICY MANUAL**

The Deputy Director, Park Operations will ensure that the *Policy Manual* is periodically reviewed and updated as necessary.