



**SAN JOSE POLICE DEPARTMENT
VIOLENT CRIMES ENFORCEMENT TEAM
UNIT POLICY / GUIDELINES
January 2022**



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This document contains tactical information and
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Violent Crimes Enforcement Team
Policies & Guidelines



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VIOLENT CRIMES ENFORCEMENT TEAM **UNIT POLICY / GUIDELINES**

January 2022

The following are guidelines for the San Jose Police Department Violent Crimes Enforcement Team (VCET). These guidelines can only be altered or changed with the approval of the VCET Commander, the chain of command, or the Commander's representative.

I. VCET OBJECTIVES

The objectives of the VCET Unit are as follows:

- Support the Bureau of Field Operations and Bureau of Investigation with gang related issues.
- Aggressively enforce all crimes associated with adult / youth violence as it relates to criminal gang activity.
- Procure and execute search and arrest warrants and conduct parole and probation searches involving criminal gang activity.
- Establish liaison with schools and community organizations, emphasizing on prevention, education and intervention of adult / youth gangs in San Jose.
- As part of the Special Operations Division, assist with policing the recurring special events and festivals that the Special Operations Division is tasked with staffing.
- Augment the MERGE Unit on tactical missions by providing additional staffing through the Critical Response Team (CRT) program.
- Conduct training for VCET members to ensure they are prepared to meet the above listed objectives.



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II. PRE-PLANNED OPERATIONS VERSUS ON-GOING FIELD SITUATIONS

There is a distinct difference between a “pre-planned” operation and a situation that is “on-going” in the field and presents exigencies.

1. Pre-Planned Operations:

- In a pre-planned operation officers have the luxury of time and shall gain background information, conduct pre-raid surveillance, etc.

2. On-Going Field Situations

- “On-going” field situations are rapidly developing situations that occur in the field and present exigencies. Exigencies must be expeditiously addressed so that life, property, suspects, and critical evidence are not lost. However, exigent circumstances only remain for as long as that specific exigency exists. If time and circumstances permit, a warrant is the only alternative.
- Examples of “On-Going Field Situations” can include but are not limited to cases being investigated by VCET officers such as car stops, gang related incidents, probation, and parole searches and “street enforcement.”



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III. ENFORCEMENT ACTION GUIDELINES

- Prior to conducting an operation, VCET officers will make notifications to the unit commander, watch commander of the area in which the operation is occurring, and any other relevant entities.
 - If another Unit or agency asks a VCET member to assist with an operation, that VCET officer will ensure their supervisor is advised. The VCET supervisor will notify the VCET commander who will decide whether VCET will conduct the operation.
 - If an officer from the other unit is requesting VCET assistance, the VCET supervisor will ensure that the supervisor from that unit or agency is aware of the request.
 - VCET officers will conduct their own workups and reconfirm information conveyed by other units or agencies.
1. **Probable Cause to Arrest** - If VCET or another officer has investigated and have developed the probable cause to arrest a suspect who is in a structure (residence, dwelling, business, motel room, etc.):
 - a. VCET officers will gain an arrest warrant OR have the requesting officer gain an arrest warrant (DA issued complaint warrant or pre-complaint "Ramey" Warrant)
 - b. VCET officers will not "make contact" to conduct an "on-view" arrest in a structure.
 - c. NOTE: In regard to juvenile suspects – The District Attorney's office will not usually issue warrants for juvenile suspects. Instead, they prefer contact is attempted and the juvenile arrested via a JCR. In circumstances where the juvenile is in a structure and an arrest is desired – the DA's office will first be contacted to determine if the warrant will be issued. If the DA's office declines to issue the warrant this will be noted in the arrest report and contact can be made at the residence to arrest the juvenile. Fourth Amendment considerations will always apply. Thus, all juvenile arrests must be made with consent to enter the dwelling without the warrant, unless another exigency exists as addressed above.
 2. **On-View Arrests** - If officers from another unit or agency request a VCET member to "on-view" arrest a suspect in a public place:
 - The best scenario would be to make the arrest with a warrant.
 - If a warrant has not been obtained, the requesting officer must provide the VCET member a felony affidavit or a copy of the affidavit they already have on file.



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3.

[REDACTED]

4. **Probation and Parole Searches** - VCET Officers CAN conduct probation and parole searches

- a. per case law (Samson (2006) 547 U.S. 843) suspicionless searches of parolees are not prohibited under the Fourth Amendment, the same is true for probationers that have search clauses
- b. VCET officers can conduct probation and parole searches when they are investigating crimes and believe the probationer or parolee may be involved.
- c. If there is enough to get an arrest warrant – an arrest warrant will be obtained – VCET officers will NOT conduct a probation or parole search solely to conduct an “on-view” arrest.
- d. If VCET officers are conducting probation or parole searches for other units to obtain evidence
 - The best- detective from the unit requesting VCET should accompany the VCET officers to assist in looking for the items of evidence.
 - If the detectives from the other unit are unavailable VCET officers can still conduct the search without them.



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5. **Operations Plans** - VCET officers will always have an operations plan if they are going to conduct any type of entry or coordinated operation.
 - a. If it is a pre-planned operation a full operations plan with specific detail will be prepared.
 - b. If it is an “on-going field situation” a field operations plan will be filled out in the field.

6. **Vicious Animals** - If VCET officers have a pre-planned operation and have intelligence that suggests there are vicious animals present VCET officers will ensure they have contingencies to deal with the vicious animals.
 - a. Stunbag shotgun, OC Spray, Taser, etc.
 - b. VCET will request that Animal Control to be on standby if available.

7. **Appropriate Resources** - If VCET officers do not have enough resources they will not conduct the operation.

8. **Outside Assists** - When other units or outside agencies ask VCET to assist with an operation the operation will be “mission specific.”
 - VCET officers will gain specific clarification from the requesting unit or agency as to what that unit or agency wants done.
 - VCET officers should create hypothetical scenarios so VCET and the unit making the request understand what is expected. This will clarify what is VCET’s operational objective and what might assist or hinder the requesting unit’s investigation.
 - If the outside unit request is simply to contact for a witness the requesting unit needs to be made aware that VCET will walk away if the subject does not want to consent.
 - Once VCET officers complete the mission they will recontact the requesting unit and advise that unit of what VCET accomplished.

9. **Tactical operations with other units or agencies**
 - a. VCET will only conduct tactical operations with SJPd Units, unless given specific authorization by the VCET Commander.
 - b. VCET will not conduct tactical operations with outside agencies, unless given specific authorization by the VCET Commander.
 - VCET can use outside agencies to assist with such things as gaining current information, being present for probation or parole searches, etc. however the outside agency will not be part of the tactical operation and all information must be verified by VCET officers.
 - Once the tactical aspect is completed the outside agency can start their investigative function.



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- c. VCET officers need to be weary of situations where other units or agencies have already started an operation and are now calling for VCET to assist or join in the operation or field events.
 - As a rule, “time is on the side of law enforcement.” Usually if officers can slow the situation it will be to their tactical advantage.
10. **Threat Assessment** - All tactical guidelines are predicated on an initial threat assessment
- VCET officers will conduct a threat assessment on all potential operations.
 - If there is a high threat assessment the tactics may need to be altered or the mission may need to be reassigned to MERGE.



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IV. DUTIES BEFORE EXECUTING SEARCH / ARREST WARRANTS AND OTHER SEARCHES

1. The main objective is a safe and legal entry into a residence, dwelling or business for the purpose of a successful search and/or arrest.
 - A G.O. will be generated to document the actions on a tactical entry, whether the suspect was located, or evidence was recovered.
 - Document and photograph all damage to property and any reportable action taken.
2. Prior to any operation (search warrants, parole searches, probation searches, arrest warrants), the case officers will be responsible for conducting complete research and planning to include the following:



3. After gathering the above listed information, the officer will present the case to their supervisor for evaluation. The supervisor will review and make the appropriate changes and edits. The supervisor will approve and send to the commander for review and final approval. The operational plan should be discussed with the MERGE unit prior to commander approval.

4. [Redacted]
[Redacted]
[Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]



- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
6. A briefing will be conducted with all involved members, outlining the plan and assignments along with distribution of copies of the operations plan. A copy of the operations plan will be given to the unit commander.
 7. All involved personnel will stage at the pre-designated location where all assignments, including [REDACTED] will be repeated by those given the assignments - to ensure that all team members know their specific responsibilities. Contingencies should be addressed.
 8. **A supervisor will always be present for entries.**
 9. A backup radio channel will be reserved in advance if necessary.
 10. [REDACTED]
 11. A debrief of the operation, to identify areas of improvement and to identify future training will be held as soon as practical.



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V. VCET ENFORCEMENT ACTION WITHIN AN OUTSIDE JURISDICTION

1. Available information may occasionally make it necessary for VCET officers to conduct investigations in areas outside of San Jose city limits.
2. The **investigating officer(s) will notify their supervisor who will in turn notify the unit commander. Action will not be taken without the approval of the unit commander.**

a. Non-enforcement action

- i. [REDACTED]
- ii. Once the location is cleared in de-conflicting systems, the VCET supervisor will contact the Watch Commander of the outside agency to advise of the intended plan and location of the operation. Once the task is completed the VCET supervisor will re-contact the outside agency watch commander and advise them they are leaving their jurisdiction.
- iii. If possible, a uniformed officer from the outside agency will be present.
- iv. The VCET supervisor will contact the on-duty SJPD BFO watch commander and advise them of what is occurring.

b. Enforcement action

- i. [REDACTED]
- ii. The VCET supervisor will contact the Watch Commander of the outside agency to advise them of the enforcement action they would like completed, the location of the operation and to give the Watch Commander of the outside agency the first right of refusal.
 1. Building entries will be handled by the agency having jurisdiction at the location unless they advise they are unable to perform that function.
 2. **If VCET is to conduct the entry, it must first be approved by the Deputy Chief of BFO.**
 3. If possible, a uniformed officer from the outside agency will be present.
 4. Once the operation is completed the VCET supervisor will contact the outside agency Watch Commander and advise them they have completed the task.
- iii. The VCET supervisor will contact the on-duty SJPD BFO watch commander and advise them of what is occurring.



3. The on-scene VCET supervisor will handle any conflict regarding tactics or other issues between VCET personnel and personnel from the outside agency.
4. For any critical functions such as entries, VCET personnel will not be mixed with outside personnel without prior approval by the VCET commander (see section III-9 above).



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VI. INFORMANTS AND RELATED INCIDENTS

[REDACTED]



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[Redacted text block]

[Redacted text block]



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[Redacted text block]

[Redacted text block]



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VII. VCET EQUIPMENT

1. In General

- a. When not being used, equipment is to be kept locked in the appropriate cabinet.
- b. Equipment will not be loaned outside the unit without prior approval by a supervisor.
- c. If any equipment is lost, missing or broken, it will be reported to a supervisor immediately and appropriate reports and/or notifications will be completed before the end of the shift.

2. VCET Equipment Log

- a. The VCET Equipment Manager (an assigned sergeant) will maintain a log for the VCET Unit equipment assigned to each officer/sergeant.
- b. Each officer/sergeant will have an individual equipment log sheet and will sign for all equipment that is issued to him/her by the equipment manager.
- c. When the officer/sergeant leaves the VCET Unit - the officer/sergeant leaving the unit is responsible for returning all of their VCET Unit equipment to the VCET equipment manager. The VCET equipment manager will sign, date and give a copy of the returned VCET equipment inventory log to the departing VCET member and keep the original.
- d. VCET Unit equipment will include, but is not limited to such things as:
 - Kevlar Ballistic Helmet
 - Tactical Kevlar Raid Vest
 - VCET AR15 Rifle (Optic, Collapsible Stock, Sling)
 - VCET identification Raid Vest

3. VCET Vehicles.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- c. Officers are responsible for maintaining their vehicles in proper working condition.
- d. Vehicles assigned to the VCET unit will not be loaned outside the unit without prior approval of a VCET supervisor.



4. Uniforms

- a. VCET officers will maintain all of the following uniforms:
 - A class “A” uniform
 - A two-piece black BDU uniform
 - Plain clothes
 - b. VCET officers will have the appropriate holsters and duty equipment for plain-clothes enforcement.
 - VCET officers will be aware of and comply with Duty Manual Sections S1118, L2206, L2207, L2208 regarding non-uniformed enforcement.
 - Plain clothes must be appropriate for the situation.
 - c. VCET officers will maintain all required tactical equipment for crowd control situations:
 - Riot Control Helmets with face shield
 - 42” batons
 - Ruck sack
 - Gas mask
 - d. VCET officers will maintain all required tactical equipment for tactical operations:
 - Kevlar Ballistic Helmet (assigned by unit)
 - Tactical Vest (assigned by unit)
 - Gas mask
 - Entry rifle
5. **Cellular Phones** - All VCET officers and supervisors are required to maintain a city issued cellular telephone to improve their availability both on and off duty.



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VIII. ADMINISTRATIVE PROCEDURES

1. **VCET daily summary**
 - a. A daily summary will be completed at the end of each shift. All arrests, field interviews, searches, guns recovered, and community meetings will be documented.
 - b. Before the VCET daily summary is distributed it will be reviewed by a supervisor or his / her designee.
 - c. All entries will be professional. The VCET summary is distributed to a variety of people and reflects the VCET unit.

2. **VCET statistical database**
 - a. The database will be updated daily to reflect the work that was conducted during that day by each team.
 - b. The database is divided by team and is used for the quarterly program management reports completed by the unit commander.

3. **Watch Commander Report Entry**
 - a. The procedures for the Watch Commander Entry are the same as for patrol.
 - b. There is no need to duplicate watch commander entries and if a patrol supervisor is completing the entry, the VCET supervisor does not need to also enter it.
 - c. If VCET is completing a watch commander entry it will be completed by a VCET supervisor.

4. **VCET Training Log**
 - a. All officers have a training file within the VCET Unit. Each individual's file is kept in the VCET training folder.
 - b. Each VCET officer is responsible for updating their individual training file at the completion of the specific training.
 - c. The VCET training coordinator (a sergeant) will coordinate and be responsible for the VCET unit training file.
 - d. These files will be forwarded to the SJPD training unit when the VCET member rotates out of the VCET Unit.



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IX. ASSIGNMENT OF SERGEANTS AND OFFICERS

1. **Selection** - will be in accordance with guidelines established by the MOA and the SJPd officer and sergeant transfer policies.
2. **Placement in the unit.**
 - a. All sergeants will be placed in the unit as determined by the unit commander, with the concurrence of the Special Operations Captain and/or Deputy Chief.
 - b. Assignments to teams will be based on a combination of factors that will include the following: needs of the unit, needs of the unit members, department needs and seniority.
 - c. The unit commander will make the assignments within the unit.
3. **Minimum Staffing:**

In order to maintain a commitment to gang and narcotics enforcement, the following guidelines will be adhered to regarding minimum staffing daily:

 - 3 VCET officers per team will work per day
 - 1 Metro or VCET sergeant will work per day
 - a) It should be noted that these minimum staffing levels are guidelines only and may be raised or lowered by the VCET commander or sergeants depending on the circumstances.
4. **Collateral Response Team (CRT):**

All VCET members are members of the Collateral Response Team. VCET CRT members provide personnel and resources whenever a tactical MERGE call-out is initiated. In addition, CRT members assist MERGE with the service of arrest warrants and search warrants on an as-needed basis. VCET officers are responsible for performing the following CRT duties:

 - a) All VCET officers will be trained on utilization of the "Bearcat" rescue vehicle.
 - b) All VCET officers will attend monthly CRT training as directed by the MERGE Unit.
 - c) All VCET officers will complete the VCET CRT obstacle course as directed by the Unit Commander.
 - d) At least four (3) VCET officers will remain available for call-back on their assigned day.



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- e) Assigned callback days will be broken down as the following:
- Team 1 VCET Officers will be responsible for callback duties from 00:00 (midnight) on Sunday thru 11:59 on Wednesday.
 - Team 2 VCET Officers will be responsible for callback duties from 12:00 (noon) on Wednesday thru 23:59 on Sunday.
- f) In the event of a MERGE call-out, the on-call VCET / Metro sergeant will contact the on-call officers and request their response.
- g) If there are on-call officers from the first on-call team who are unable to respond, the on-call sergeant will then contact the sergeant from the additional team and request personnel.
- h) Upon arrival at a MERGE call-out, VCET officers will first contact a VCET / Metro sergeant and request direction. If no VCET / Metro sergeant is present, VCET officers will report directly to the MERGE command post and request an assignment.
- i) At the conclusion of a call-out, VCET personnel will make themselves available for a tactical debrief.



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X. GENERAL DUTIES AND RESPONSIBILITIES

1. Officers assigned to VCET will primarily patrol the areas known for gang activity.
2. At the Direction of a supervisor, enforcement efforts will occur in other areas of the city.
3. At times, other BFO or BOI units may request the assistance of VCET. These requests can be for a multitude of reasons including proactive patrol, arrests, search warrant entries, probation and parole searches, violent offender apprehensions, surveillances, or any other investigative assistance.
 - a. Assistance will be provided, keeping in mind the objectives of the unit and the VCET unit guidelines.
 - b. When assistance is requested the VCET Unit Commander will be advised.
4. In complying with the VCET Unit objectives, VCET unit personnel will be required to flex their normally scheduled hours and days off in accordance with the current MOA.
 - a. POA MOA 2021-2022 page 23 section 14.6
 - work shifts may be altered without incurring overtime when notice of the adjustment in scheduled hours of work is provided at least 48 hours in advance of the adjustment.
 1. 14.6.1 Whenever personnel in specialized units are given less than 48 hours notice of an adjustment in work schedule, the shift may be altered by up to two (2) hours without additional payment to the employee. Whenever shifts are altered with less than 48 hours notice, employees shall receive time and one half the employee's base hourly rate for every hour beyond the two-hour alteration allowed by this Article. This provision shall not apply in the event of an emergency which includes, but is not limited to, disasters, civil unrest, or major demonstrations.
5. VCET officers will be required to maintain a level of fitness that ensures their ability to perform all the necessary tasks of the Unit. Officers will be required to complete a physical agility course or equivalent on a quarterly basis.



All full duty VCET officers and sergeants will complete the physical agility course (or equivalent) located at the Police stables in five **(5)** minutes or less.

- The officer will start at the southwest corner of the course. The officer will navigate all of the obstacles (with the exception of the ropes) during the first lap. The first lap will be followed by another complete lap without obstacles. The officer will complete a third lap navigating the obstacles for a second time (with the exception of the ropes) and end the course at the northeast corner of the course.
 - If an officer is unable to complete the course in the required time, he/she will be given four (4) weeks to remediate and attempt to complete the course again.
 - If an officer fails to complete the course after remediation, they may be required to leave the Unit at the discretion of the Unit Commander.
6. In the event of a major emergency that results in a breakdown in communications (via cellular phone or radio) on-duty VCET members will immediately respond to the VCET office. Upon their arrival at the office, members will standby for the following:
- Direction to assist the community or Patrol at the location(s) and in the capacity they are most needed
 - This direction may come from the VCET Unit commander, the highest-ranking VCET sergeant, or any on-duty captain or division commander
 - It is expected that members who are off-duty during a catastrophic event will tend to the immediate needs of their family and neighbors; however, once these needs are tended to, and their families are safe and neighborhoods secured, VCET Unit members should respond to the VCET office to await assignment.
7. VCET officers must pass the Bi-annual MERGE firearm qualification for their unit assigned rifle and must pass the San Jose PD Range pistol course for any of their pistols used in the course and scope of the VCET unit.
8. VCET officers will make themselves aware of all notices, memos, VCET information reports, and reports on the various boards in the office. In addition, officers will review the daily Watch Bulletin.
9. VCET officers will keep current on the gang climate and what is occurring “on the street” in relation to the gang issues.



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- VCET officers will share that information with; other VCET officers and supervisors, the VCET Intelligence Officer and the Gang Investigations Unit.
10. Working with the Gang Investigations Unit (GIU) and other BOI Units
- a. Because VCET is tasked with the “street-level” enforcement and initial investigation of gang related incidents and GIU is tasked with the follow-up investigation of gang related incidents – it is imperative that all VCET officers develop and maintain positive informational sharing relationships with GIU.
 - b. When conducting gang related investigations – the information gathered will be shared with GIU investigators.
 - c. When assisting BFO and BOI with follow-up, VCET officers will ensure that the appropriate reports are completed documenting the action that was taken.
 - The report will be turned in and contact will be made with the appropriate unit to determine if it would assist them to have a copy of the report immediately.
 - If a case has been assigned to a detective in the BOI – all follow-up will be coordinated with the BOI case officer or their supervisor.



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XI. JOB DESCRIPTIONS FOR VCET PERSONNEL

1. VCET officers are expected to direct their enforcement towards criminal street gangs using a variety of tactics such as:
 - a. High visibility proactive uniformed patrol.
 - b. Surveillances.
 - c. Procuring and executing search and arrest warrants.
 - d. Conducting parole/probation and consent searches.
 - e. Initiating field contacts with gang members.
 - f. [REDACTED]
 - g. Responding immediately to in-progress gang-related crimes and conducting follow-up in order to aid in the successful apprehension of the person(s) involved.

2. **Duties and expectations of a VCET Officer.**
 - a. Officers will maintain a presence in those areas deemed to have gang issues.
 - b. Officers will perform crowd control and other specialized duties as part of the Special Operations Division.
 - c. Liaison will be established and maintained with BOI and other agencies to facilitate the exchange of information.
 - d. Officers must be prepared to deal with a varied, flexible work schedule to accommodate training and special events.
 - e. On certain occasions, VCET officers will be required to assist patrol or other units within the Department, with calls for service or special events when manpower shortages occur.
 - f. Officers who have just entered the VCET unit will be subject to a one-year probationary period.

3. **Duties and expectations of a VCET Team Leader**
 - a. When the sergeant is present, a team leader's responsibilities will include, but will not be limited to the following:
 - i. Reviewing tactical operation plans for operations in which another team member is the investigating officer. This should be done prior to the approval by the sergeant.
 - ii. Unless otherwise assigned, establishing tactics and making assignments for team operations, per the section entitled "Duties Before Executing Searches and Arrest Warrants."

 - b. In the absence of a sergeant, a team leader's responsibilities will include, but will not be limited to the following:
 - i. Conducting briefing.
 - ii. Reading the briefing binder to the members of the team.



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- iii. Prioritizing team activity as based on outside requests for assistance, team generated projects such as search warrants, probation searches, required meetings and special operations.
 - c. In the absence of the team leader, another assigned officer will be responsible for the above listed duties.

- 4. **Duties and Expectations of the VCET Intelligence Officer**
 - a. The VCET Intelligence Officer works under the supervision of the VCET Commander.
 - b. The VCET Intelligence Officer's duties will include, but will not be limited to the following:
 - i. Gathers information from a variety of sources regarding criminal gang activity.
 - ii. Disseminates information about criminal gang activity to VCET officers and other department members.
 - iii. Acts as a liaison to BFO, BOI and Special Operations regarding gang violence.
 - iv. Attends community meetings in which criminal gang activity is a topic.
 - v. Establish a liaison with other agencies that deal with criminal gang activity.
 - vi. Assists the VCET Commander with various administrative duties.

- 5. **Duties and Expectations of VCET Sergeants:**
 - a. VCET Sergeants are responsible for ensuring that the VCET Unit's objectives are met through the direct supervision of VCET team members.
 - b. On a day-to-day basis, those responsibilities will include, but are not limited to the following:
 - i. Monitoring ongoing investigations and providing direction when necessary.
 - ii. Approving and supervising enforcement operations such as:
 - Parole and probation searches
 - Execution of Arrest and Search Warrants
 - Parole and Probation Searches
 - Surveillances
 - iii. Entries by VCET personnel on behalf of other SJPD Units or outside agencies.
 - iv. Enforcement operations by VCET personnel in conjunction with other units or outside agencies.
 - v. Consent searches



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- vi. Conducting daily briefings
- vii. Sergeants will ensure that a VCET Unit presence is maintained in those areas that are experiencing a problem with criminal gang activity.
- viii. Sergeants will supervise crowd control and other specialized duties related to the Special Operations Division.
- ix. In the absence of the Unit Commander, sergeants will be responsible for attending the weekly special operations staff meeting, and any other meetings related to unit objectives.
- x. Sergeants will review, make corrections and approve the daily summary for completeness, accuracy and professionalism.
- xi. Sergeants will also have additional collateral duties assigned by the VCET Commander, including but not limited to:
 - Equipment Manager
 - Training Coordinator
 - Administrative Sergeant.



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XII. Noise-Flash Device (NFD) Deployment Guidelines

1. DIVERSIONARY DEVICE DEPLOYMENT:

The use of diversionary devices such as noise-flash devices (NFD) will be considered a use of force, and their use is governed by the Fourth Amendment. All team members are responsible for ensuring that NFDs are used properly (Boyd v. Benton County, June 28, 2004 9th Circuit). “Deadly Force” is that force which “creates a substantial risk of death or serious bodily injury” (Smith v. City of Hemet, January 10, 2005 9th Circuit 394 F. 3d 689).

2. TRAINING:

All METRO and VCET personnel shall be properly trained on the carrying and deployment of diversionary devices. This training will include instruction from a certified instructor or product manufacturer and will include both classroom and practical deployment of a diversionary device in a training environment.

3. CONSIDERATIONS FOR DEPLOYMENT OF DIVERSIONARY DEVICES:

METRO and VCET personnel will consider the following factors when deciding whether to deploy a diversionary device:

- Does the crime being investigated involve the use or the threat to use violence likely to cause serious injury?
- Does the suspect have a criminal history involving violence and the use of weapons?
- Does the suspect have access to deadly weapons?
- Are there other factors that would lead a reasonable officer to believe that the suspect will be violent (Example: statement by the suspect to others that he will force a violent confrontation with police.)

Metro / VCET personnel may consider the use of diversionary devices when encountering suspects believed to be armed and / or dangerous, where it is believed that the distraction created by the deployment of a diversionary device will increase the safety to the officers involved in the operation.

Diversionary devices should not be used, absent exigent circumstances, when young children, elderly persons, or persons with serious medical



conditions are believed to be present in the area where the diversionary device is deployed.

Diversionsary devices will not be used, absent exigent circumstances, where dangerous chemicals, explosives, extreme fire danger, or other environmental hazards are believed to be present in the area where the diversionary device is deployed.

4. AUTHORIZATION TO DEPLOY DIVERSIONARY DEVICES:

METRO / VCET personnel may deploy diversionary devices under the following circumstances:

- Under exigent circumstances to protect the officer or another person.
 - o For the purpose of these guidelines, exigent circumstances is defined as a situation in which there is an immediate threat of serious injury to the officer or another person and the use of a diversionary device would increase the safety of the officer or other person.
- At the direction of a MERGE supervisor during a CRT event.
- When necessary, during a CRT event, [REDACTED], exterior NFDs have been authorized, [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED] the use of a diversionary device will only be used at the approval of an on-scene supervisor, unless there are exigent circumstances. Additionally, the on-scene supervisor must confer with the METRO / VCET Unit Commander about the use of a diversionary device and the Unit Commander must authorize the deployment.

