

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 6.7

REVISED JANUARY 2017

SELECTION, TRAINING, AND ASSIGNMENT OF ACTING SERGEANT AND OFFICER-IN-CHARGE

1. PURPOSE.

- a. In accordance with the current Bargaining Unit 5 Labor Agreement between the Department and the California Association of Highway Patrolmen, officers who serve as an acting sergeant or officer-in-charge (OIC) will receive a salary differential.
- b. Commanders are responsible for OIC selection, training, and assignment procedures to ensure continuation of departmental programs and emergency operations in the absence of a California Highway Patrol (CHP) sergeant.
- c. Commanders are strongly encouraged to assign officers who are on a current sergeant promotional list to acting sergeant or OIC responsibilities.

2. POLICY.

- a. Commanders are to ensure scheduling of sergeants is coordinated to provide maximum coverage for all shift assignments.
- b. Acting Sergeant. An acting sergeant is an officer who is assigned a designated range of supervisory duties to enhance their skills and/or perform supervisory duties during the absence of a sergeant.
 - (1) Normally, an officer should not be assigned as an acting sergeant unless their name is on the current sergeant promotional list.
 - (2) Commanders shall ensure officers assigned as acting sergeants on a temporary basis do not provide performance documentation directly to persons of their rank. This includes, but is not limited to, performance appraisals, conducting and writing investigation reports, and performance documentation. Acting sergeants may provide information regarding an employee's performance to a person of appropriate supervisory rank, who in turn will provide the necessary documentation to the employee.

(3) Commanders shall ensure acting sergeants are not involved in the review process and/or signature approval of the CHP 415, Daily Field Record, and CHP 415D, Supplemental Daily Field Record. The review and approval of the CHP 415 and the CHP 415D shall only be completed by a sergeant or above.

(4) Acting sergeants shall not be given an assignment that includes the full range of supervisory duties unless such assignments are critical and necessary to fill a void created by the extended absence of a regularly assigned sergeant. Prior approval of such assignments must be obtained from the appropriate Commissioner. Policy on such assignments for pay purposes is contained in Highway Patrol Manual (HPM) 10.3, Personnel Transactions Manual, Chapter 40, Out-of-Class Assignments.

(5) When assigned as an acting sergeant, an officer will receive OIC pay differential.

(6) An acting sergeant may be permitted to participate in alternate work week programs with the commander's approval. For timekeeping and activity reporting on the CHP 415, refer to paragraph 2.c.(11) of this General Order (GO).

c. Officer-In-Charge. An OIC is an officer who is assigned, on a temporary basis, to perform limited field supervisory duties during the absence of a sergeant or acting sergeant, or at the direction of the commander due to supervisory unavailability.

(1) An OIC shall only be appointed when two or more officers will be on duty under their supervision. Officers who are assigned to perform the duties of an OIC for six hours or more during a regular shift shall receive the OIC pay differential as specified in the current Bargaining Unit 5 Labor Agreement.

(2) Commanders shall ensure OICs are not involved in the review process and/or signature approval of the CHP 415 and CHP 415D. The review and approval of the CHP 415 and the CHP 415D shall only be completed by a sergeant or above.

(3) Assignment of an OIC to supervise the activities of nonuniformed field personnel, such as Commercial Vehicle Inspection Specialists and/or Motor Carrier Specialists, shall be at the discretion of the facility commander.

(4) Assignment of an OIC to supervise officers in administrative positions or special operational units, such as Vehicle Theft and/or Air Operations, shall be at the discretion of the Division chief.

(5) Commanders shall establish local procedures for the selection and assignment of OICs within their command in accordance with this GO.

(a) Selection should be based upon the demonstrated leadership and supervisory abilities of those officers desiring to participate. Seniority will only be considered when candidates possess identical qualifications.

(b) Final determination for the selection and assignment of OICs will be at the discretion of the commander.

(c) Commanders should establish an adequate pool of qualified OICs to ensure availability in the absence of a shift supervisor. In no event shall an off-duty officer be assigned as an OIC on overtime status.

(6) Following are the minimum criteria for selection and assignment of officers as OICs:

(a) Have permanent status as an officer, and maintain a minimum performance rating of "Proficient" for all critical tasks on the CHP 100, Officer's Evaluation/Activity Summary, and a minimum performance rating of "Proficient" for all critical tasks on the CHP 118, Performance Appraisal - Officer.

(b) Not currently serving an adverse action penalty.

(c) Has demonstrated good judgment, shown individual initiative, and been supportive of departmental policies.

(7) An OIC manual should be developed or a section of the Area standard operating procedures (SOP) shall be devoted to the OIC program. Ideally, the manual or SOP should outline the duties of an OIC and contain information that will assist an OIC in handling incidents that may occur. It may also be beneficial to include any responsibilities the OIC is prohibited from undertaking. The OIC manual or SOP should be as concise as possible. A list of resources for the manual has been included as Annex A of this GO.

(8) The OICs are responsible for incidents and situations occurring on their assigned shifts. Commanders shall establish a local training program to ensure OICs have sufficient knowledge to perform the duties for which they will be responsible. Training shall be documented in the officer's Electronic Training Records System file. Training shall include, but need not be limited to:

(a) Prepare for and conduct shift briefings.

- (b) Provide appropriate advice to officers.
- (c) Supervisor call-out procedures.
- (d) Departmental enforcement policies, including, but not limited to:
 - 1 Traffic stop policy.
 - 2 Pursuit policy.
 - 3 Shooting policy.
 - 4 Refusals to sign.
 - 5 Consent searches.
 - 6 Diplomatic immunity.
 - 7 Authorize release of persons from arrest.
 - 8 Nonconsensual chemical tests.
 - 9 Juveniles.
- (e) Prepare initial hazardous material incident reports as specified in HPM 84.2, Hazardous Materials Transportation and Incident Management.
- (f) Prepare incident messages as specified in GO 100.80, Notification and Report of Emergencies and Unusual Occurrences.
- (g) Complete initial civilian complaint procedures (CHP 240, Complaint Investigation).
- (h) Apply procedures for patrol vehicle accidents and prepare the required forms.
- (i) Prepare CHP 268, Risk Management Potential Civil Litigation Report, as it applies to nonvehicle accidents.
- (j) Initiate industrial injury procedures and complete CHP 121, Employer's Report of Occupational Injury or Illness, and CHP 121A, Supervisory Review of Occupational Injury, Illness, or Exposure.
- (k) Initiate emergency incident management procedures.

(l) Procedures involving incidents that require mutual aid or "officer needs help" (11-99) requests as specified in HPM 50.1, Emergency Incident Management Planning and Operations Manual, Chapter 1, Emergency Operations Plan.

(m) Procedures involving the storage of vehicles.

(n) California Child Safety AMBER Network alert criteria, activation, policy, and procedures.

(o) Area disaster plans.

(p) Bomb threats and evacuation procedures.

(q) Review traffic collision and arrest reports.

(r) Authorize shift overtime.

(9) An OIC may be assigned additional duties consistent with sound management practices.

(10) An OIC is responsible for initiating notification/call-out procedures and managing the following situations occurring on their assigned shift until relieved by management or supervisory personnel:

(a) Facility bomb threat.

(b) Major catastrophe.

(c) Fatal traffic collision.

(d) Discharge of firearm.

(e) Officer needs help call (11-99).

(f) Mutual aid request.

(g) An incident involving a dignitary.

(h) Uniformed or nonuniformed member of the CHP is seriously injured or killed while on or off duty.

(i) Uniformed member of an allied agency is seriously injured or killed while on duty.

- (j) Officer-involved shooting involving a CHP employee, whether on or off duty.
- (k) Significant event involving a school bus.
- (l) School shooting or active shooter incident.
- (m) Natural disaster.
- (n) Train derailment or plane crash.
- (o) Event that may cause significant media interest.
- (p) Other situations as dictated by Area SOP.

(11) Hours assigned as an OIC shall be entered on the CHP 415 under the regular work shift column in the Section C box, titled "OIC Time On." Corresponding activity time will be categorized under the applicable activity time code. Only actual time spent performing supervisory duties is to be reported under Beat 822 as specified in HPM 40.71, CHP 415 User's Manual, Chapter 7, Sergeant's Activities/Officer in Charge.

- (a) All hours assigned as OIC are to be included as OIC Time On. However, only those entries of six or more hours will qualify for the pay differential.
- (b) Time claimed as an OIC must be approved and signed by a supervisor.
- (c) An OIC may be permitted to participate in alternate work week programs with their commander's approval.

(12) An officer's performance while assigned as an OIC shall be recorded on their CHP 100 to provide the officer with individual performance feedback.

(13) Consistent with the current Bargaining Unit 5 Labor Agreement, any officer who does not want to be considered for an OIC assignment may submit a memorandum to their commander expressing this desire. Management will honor the officer's request not to perform OIC duties until such time the memorandum is withdrawn.

OFFICE OF THE COMMISSIONER ANNEX A

OPI: 091

ANNEX A
TRAINING RESOURCES FOR OFFICER-IN-CHARGE RESPONSIBILITIES
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ANNEX A

TRAINING RESOURCES FOR OFFICER-IN-CHARGE RESPONSIBILITIES

The Academy has developed this annex to reinforce the training suggestions for acting sergeants and officers-in-charge (OIC). Highway Patrol Guide (HPG) 50.3, Incident Management – Field Operations Guide, is also recommended and should be carried by all acting sergeants and OICs. Additionally, acting sergeants and OICs should refer to Area standard operating procedures when applicable. Potentially utilized forms are listed below in parentheses.

NOTE: This annex is a general guide intended to assist acting sergeants and OICs with their responsibilities. The contents are designed to facilitate quick reference and are not all inclusive. It is the annex user's responsibility to ensure compliance with all current policies.

1. Shift Briefings - General Order (GO) 1.5, Meetings and Briefings (CHP 160, Roll Call-Briefing Item)
2. Traffic Stop - Highway Patrol Manual (HPM) 100.68, Traffic Enforcement Policy Manual
3. Pursuit Policy - HPM 70.6, Officer Safety Manual, Chapter 5, Pursuit Policy and Emergency Vehicle Operations
4. Shooting Policy - HPM 70.6, Chapter 2, Discharge of Firearms
5. Refusal to Sign - HPM 100.68, Chapter 2, Arrest Policies
6. Consent Searches - GO 100.91, Search and Seizure Policy (CHP 202D, Consent Search; CHP 216, Arrest Investigation Report)
7. Diplomatic Immunity - HPM 100.67, Law Enforcement Assistance and Inter-Jurisdictional Operations, Chapter 8, Foreign Nationals: Arrest, Detention, U-Visa Certifications, and Consular Notification in the Event of Death or Injury

ANNEX A

TRAINING RESOURCES FOR OFFICER-IN-CHARGE RESPONSIBILITIES (continued)

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| 8. Release of Persons from Arrest - | HPM 100.68, Chapter 2 (CHP 103, Certificate of Release from Custody) |
| 9. Juveniles - | HPM 100.68, Chapter 2 and Chapter 4, Enforcement Guidelines - Other Modes of Transportation |
| 10. Initial Reports for Hazardous Materials - | HPM 84.2, Hazardous Materials Transportation and Incident Management |
| 11. Prepare Incident Messages - | GO 100.80, Notification and Report of Emergencies and Unusual Occurrences |
| 12. Initial Complaint Process - | HPM 10.4, Civilian Complaint Investigations (CHP 240, Complaint Investigation; CHP 240B, Civilians' Complaint Information; CHP 240D, Civilians' Complaint Information [Non-Uniformed]) |
| 13. Patrol Vehicle Accidents - | HPM 11.1, Administrative Procedures Manual; HPM 110.5, Collision Investigation Manual; HPM 10.7, Injury and Illness Case Management Manual; GO 100.80; HPM 10.6, Occupational Safety Manual, Chapter 6, Vehicle Accident Reports (CHP 121, Employer's Report of Occupational Injury or Illness; CHP 121A, Supervisory Review of Occupational Injury, Illness or Exposure; CHP 208, Collision Prevention Report; CHP 268, Risk Management Potential Civil Litigation Report; CHP 555, Traffic Collision Report; CHP 556, Narrative/Supplemental; STD 270, Vehicle Accident Report) |

ANNEX A

TRAINING RESOURCES FOR OFFICER-IN-CHARGE RESPONSIBILITIES (continued)

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| 14. Potential Civil Litigation Report - | HPM 11.1, Chapter 8, Reports of Incidents - Potential Claims (CHP 268) |
| 15. Initiate Industrial Injury Procedure - | HPM 10.7; HPM 10.3, Personnel Transactions Manual, Chapter 20, Injury/Medical Procedures and Benefits; GO 100.80 (CHP 121; CHP 121A; CHP 208; CHP 443, Limited Duty Assignment - Physician's Report; CHP 369, Authorization to Release Medical Information for Public Disclosure) |
| 16. Emergency Incident Management - | HPM 50.1, Emergency Incident Management Planning and Operations Manual |
| 17. Vehicle Storage/Impounds - | HPM 81.2, Vehicles Procedure Manual, Chapter 2, Storage/Impound and Release Procedures (CHP 180, Vehicle Report; CHP 422B, Vehicle Storage Hearing Report; CHP 422C, Post-Storage Hearing Checklist) |
| 18. AMBER Alert - | HPM 100.69, General Law Enforcement Manual, Chapter 9, California Child Safety AMBER Network |
| 19. Disaster Plan - | HPM 50.1, Emergency Incident Management Planning and Operations Manual, Chapter 4, Hazard-Specific Plans |
| 20. Bomb Threats and Evacuations - | HPM 50.1, Chapter 4 |
| 21. Review Traffic Collision Reports - | HPM 110.5 (CHP 555, CHP 556) |
| 22. Shift Overtime - | HPM 40.71, CHP 415 User's Manual, Chapter 5, Overtime |

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