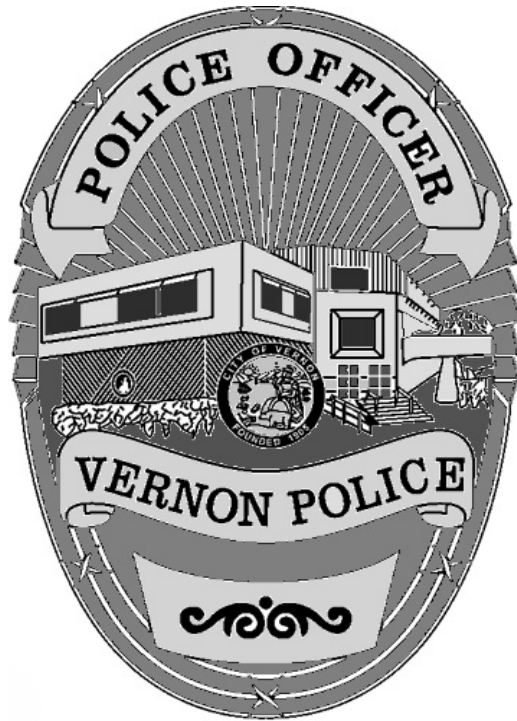
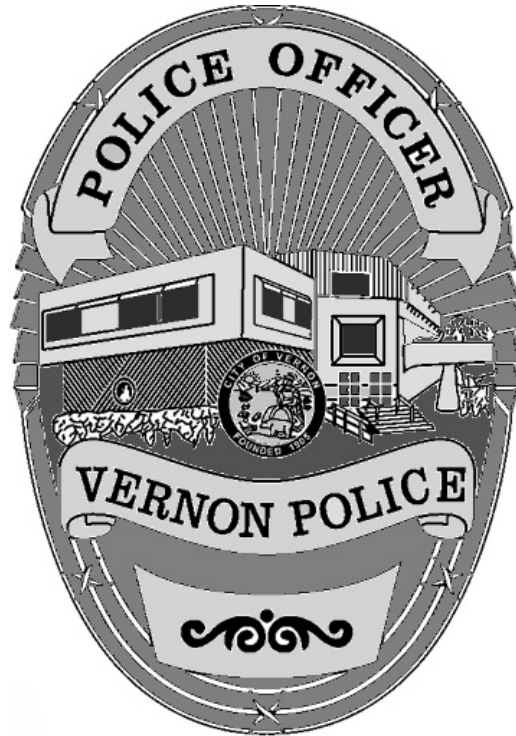


# ***VERNON POLICE DEPARTMENT***



## ***FIELD TRAINING PROGRAM GUIDE***

# City of Vernon



## MISSION STATEMENT

The mission of the Vernon Police Department is to provide swift, skillful and responsive law enforcement services to the people and businesses of our community through the application of proactive problem-solving strategies and the development of equal partnerships with the people we serve.

We will seek to ensure a sense of well being in the community, guided by our commitment to working closely with our industrial population. We are dedicated to maintaining the highest degree of professionalism and ethical standards in our pursuit of this mission, ever mindful of the need to safeguard the individual liberties of all members of the community.

## DEPARTMENT VALUES

**Integrity** - *“We share a commitment to ethical conduct by all members of the Department.”*

We value truthfulness and honesty, and consider them vital to our organization. We are committed to ethical conduct by all members of our Department, and to the highest standards of moral character in serving our community. We are committed to justice and fairness, and will abide by the law enforcement code of ethics, doing what is right in all matters personal and professional.

**Quality Service** - *“Service to the Community is paramount.”*

We value the opportunity to provide service which is courteous, responsive, firm, efficient and fair. We regard the members of our community as partners and indispensable resources in a combined policing effort. Respect for the individual worth, dignity and rights of all those we serve will be paramount as we strive to carry out our mission of enhancing public safety, reducing crime and reducing the fear of crime.

**Professionalism** – *“We are committed to community betterment by creating an environment of teamwork, innovation and continuing professional development.”*

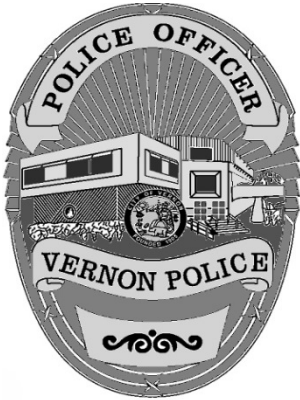
We pursue excellence with honor and vitality. Our professionalism dictates critical self-appraisal and objective analysis, with a commitment to community betterment. We encourage professionalism by creating an environment that promotes teamwork, innovation and continuing professional development through quality recruitment, education and training.

**Teamwork** – *“Our greatest asset is our people.”*

We value our fellow employees as the most important organizational asset. We realize that success depends on mutual respect, cooperation and recognition of all members of the Department. All employees will receive equitable and fair treatment and be provided the proper tools and training necessary to meet organizational goals and objectives.

**Innovation** – *“We are open to new ideas, methodologies and technologies in our efforts to prevent crime and solve community problems.”*

In support of our commitment to the community, we are dedicated to providing our employees with the finest safety equipment, the latest technology and associated support. We understand that creativity and a willingness to look outside the Department for solutions to problems is critical to our success. We will work closely with the community and other agencies to identify ideas, programs, resources and ways to deliver services that will enhance the safety of the community.



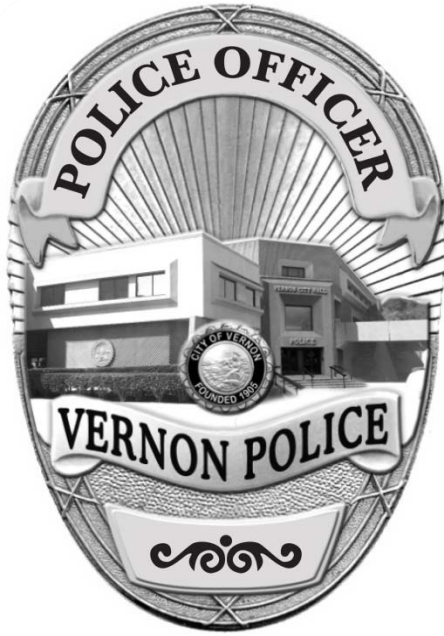
## CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent from deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

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

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

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



## ~LEADERSHIP~

*Every Police Officer for the Vernon Police Department is a leader. As a police officer the public holds you to high standards in your honesty and trustworthiness. Because of these traits and your duty as a police officer, the public will look to you for guidance, help and assistance. By being a leader, every move you make is being observed and emulated. Therefore, the best way to lead is by example. You must constantly and consistently project professionalism and ethical performance as your standard practice.*

## VERNON POLICE DEPARTMENT Field Training Program Guide

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The overall quality and efficiency of a police department closely relates to the training received by its personnel. The Field Training Program is an integral part of that training. This guide was designed to assist you during your field training program experience. It should be read thoroughly and you should be familiar with the information contained within. The primary goal of the Field Training Program is to produce a police officer that can work in a safe, skillful and professional manner.

The field training program follows the training guide. For new officers, the program and training guide is segmented into six phases and consists of 18 weeks of training. As a trainee you will be exposed to the six phases of this program. Initially, you will be assigned to complete two weeks of in house orientation training. During these two weeks the first and second phases of the program will be covered. During the third, fourth and fifth phases of the program the trainee will be assigned to field training with a Field Training Officer for 15 weeks. During the sixth phase you will be assigned to the Detective Bureau.

In the first phase the trainee will receive orientation and training in the Police Department's structure. This will include station orientation, regulations, directives, policies and procedures.

In the second phase you will be introduced and trained in the Department's computer programs, the Department's reporting system "Records Management System" (RMS) and in telecommunications.

In the third phase of the program you will be assigned to a Primary Field Training Officer (FTO). You will be assigned to him/her during weeks one through five of field training.

During the fourth phase of the program you will be assigned to another FTO. You will be assigned to this FTO during weeks six through ten of field training.

During the fifth phase of the program you will be assigned to a third FTO. You will be assigned to this FTO during weeks eleven through fifteen.

During the fifteenth week of the training program (if possible) you will be reassigned back to your primary FTO or another FTO for observation and evaluation. The FTO may either be in plain clothes or in full uniform as directed by the Patrol Division Commander. The FTO will act solely as an observer unless circumstances mandate immediate action. These circumstances include, but are not limited to, the violation of department policy, state or federal laws or when the safety of officers or others is in jeopardy.

During week sixteen you will receive the sixth and final phase of the training program. You will be assigned to the Detective Bureau for the 18th week of training. During this week, you will receive instruction from this unit.

It will be your responsibility to see that you receive and understand the instruction necessary to complete all the performance objectives in this guide.

You will be given a written and/or verbal examination at the completion of each week of training. You will also be evaluated during each aspect of the program. The FTO will complete Daily Observations Reports (DORS) and your Patrol Training Sergeant will complete a written evaluation at the end of each week of training. The Training Sergeant that completes your week fifteenth evaluation will also be responsible for completing your weeks sixteen and seventeenth evaluations.

The Watch Commander will complete the final evaluation after he/she has reviewed the seventeen-week evaluations from the FTO and Patrol Sergeant. These evaluations will indicate whether or not the FTO, Patrol Sergeant and Watch Commander feel the trainee has met the objectives set forth in this guide, the standards of the Vernon Police Department and can operate independently in a police unit. Each of these evaluations will be forwarded to the Patrol Division Commander who will make the final determination. The Patrol Sergeant will ensure that the Field Training Program Completion Record is submitted and signed by the Chief of Police.

This formalized training program has been designed to ensure that each trainee attains a high level of skills and professional behavior. This will be achieved by exposure to different Field Training Officers, patrol officers and a variety of field situations on different shifts.

The training program is segmented into the following phases:

Orientation Training Phase #1	1 Week
Computer Introduction Training Phase #2	1 Week
Field Training Phase #3	5 Weeks
Field Training Phase #4	5 Weeks
Field Training Phase #5	5 Weeks
Detective Bureau Training Phase #6	1 Week
<b>Total Training Period</b>	<b>18 Weeks</b>

## ETHICS:

In Law Enforcement we adhere to the highest standards of ethical conduct. We practice the principles of the Law Enforcement Code of Ethics each and every day on the job. This is a critical aspect of your professional credibility. Credibility is essential to your authority as a Police Officer. Once you compromise your ethics, you lose your credibility as a Police Officer.

Whenever you are confronted with an ethical dilemma in your job, give yourself this quick ethical self-test:

- Is it legal, ethical, moral and proper?
- Would my supervisor approve?
- Will I be embarrassed explaining my actions later?
- Would I do it with a news crew watching me?
- How will my family feel when they find out?
- Will I regret my actions later?

## COMMUNITY RELATIONS

### CULTURAL DIVERSITY

Being a police officer for the City of Vernon involves being a part of a culturally diverse community. All races, religions and ethnic backgrounds are represented in the city. A key aspect to being an effective officer is being able to develop the skills necessary for identifying and responding to our changing community. Officers, first and foremost, must recognize that one of the most reliable strategies for successful contacts with individuals from differing cultural, racial, or ethnic backgrounds is to treat all individuals and groups with dignity and respect.

Another reliable strategy for successful contacts with diverse cultures is becoming aware of the existence of and the origins for the stereotypes that could lead to prejudicial viewpoints and unlawful acts of discrimination. The point where a police officer crosses the line from stereotyping to discrimination is defined as racial profiling and will not be permitted or condoned, under any circumstances, by the Vernon Police Department or this community.

### RACIAL PROFILING

Effective police work involves profiling behavior rather than race. 13519.4 PC states, "a law enforcement officer shall not engage in racial profiling," and it applies to all protected classes including gender and religion. Not only is racial profiling against state law but it is also protected by our United States Constitution under our 4<sup>th</sup> and 14<sup>th</sup> amendment.

The trust and cooperation we receive from the Vernon community is based on fair, ethical and impartial enforcement of the law afforded to all races, religions and ethnicities. This is also the foundation of our philosophy of Community Oriented Policing.



## CRIME PREVENTION

The community we work for expects us to prevent crime and keep them and their neighborhood safe. An effective police officer constantly develops their knowledge and skills necessary to gain citizen support and participation in the prevention of crime. Although the Vernon Police Department has an Industrial Relations Office division, each officer is expected to participate in and become involved with the community.

The following are some ideas to consider when assisting the community with crime prevention:

- Advice concerning mechanical devices (alarms, locks, etc.)
- Control of conditions (lighting, access, and architecture)
- Public awareness
- Property identification
- Neighborhood watch programs

## COMMUNITY ORIENTED POLICING/ PROBLEM ORIENTED POLICING

The Vernon Police Department is deeply rooted in the philosophy of Community Oriented Policing. Our mission statement is, "To provide swift, skillful and responsive law enforcement services to the people and business of our community through the application of proactive problem-solving strategies and the development of equal partnerships with the people we serve."

By working with the community an officer can find solutions to problems related to community safety and quality of life issues. Being an effective community oriented police officer involves becoming a facilitator who assists and motivates the community to develop solutions to their problems.

The Vernon Police Department uses the S.A.R.A. problem-solving model.

- Scanning- Describe the problem. Be specific.
- Analysis- What do you need to know about the problem?
- Response- What actions might be initiated based on the information available?
- Assessment- Is your response working? Did you solve the problem?

## DUTIES AND RESPONSIBILITIES OF THE TRAINEE:

The primary duty and responsibility of the trainee is to learn by exposure and participation in field situations while being trained by the FTO. While going through the training phases, you are the junior partner to the FTO. It is obvious that the recruit officer is not as fully trained and/or prepared to handle the many varied situations as his/her FTO; for this reason the FTO is in charge. The trainee must remember to follow all of the instructions and/or directions of the FTO unless, they are illegal or in direct violation of a supervisor's order or department policy; in

such a case supervisory assistance should be sought. As the training continues, the trainee will assume more job responsibility and the handling of the calls for service, eventually handling the calls in a solo capacity with the FTO acting as an observer.

The training officer is there to answer your questions and to train you for your career in law enforcement. If the FTO does not know the answer to a question, it will be researched and the FTO will return with an answer. Make the FTO aware of any problem areas you may have so that he/she may assist you in these areas.

The trainee must follow the chain of command in all of his/her dealings with the department. The trainee should keep his/her FTO informed of any problems that he/she is encountering with the training material or the training program. If for some reason the trainee has a problem with his/her FTO, the trainee should inform the Sergeant assigned to handle his/her training. The trainee should be familiar with the department organization and the role, relationship, and individual responsibilities of each unit.

In addition to the responsibilities already mentioned, the trainee must remember that he/she is responsible for carrying out all the functions of a full time police officer. You must be concerned with doing a proper job, maintaining a good appearance and your conduct both on and off-duty must be exemplary.

The following are some guides or rules for you to use during the Field Training and Evaluation Program as well as your police career.

#### ATTENDANCE:

- A. You must avoid unexcused, unauthorized, or unnecessary absences.
- B. You must always report to work or your job assignment on time. Failure to do so or leaving work early, without permission, could result in disciplinary action.
- C. During the FTO program, do not expect vacation or holiday time off, except in emergency situations. Your training time is extremely valuable to you and should not be missed.

#### CONDUCT:

- A. You should always conduct yourself in a professional manner both on and off-duty. Any activity you engage in not only reflects on you, but on the entire department.
- B. Engaging in particularly dangerous horseplay or situations that could result in injury or property damage will not be tolerated.

- C. When driving, you should abide by all traffic regulations.
- D. Unauthorized possession, damage, or use of city property or property of others is not accepted.

APPEARANCE:

- A. You should always maintain good uniform appearance and personal grooming habits. A clean, neat appearance conveys a professional, competent image. A sloppy disheveled appearance will often project a nonprofessional, uncaring attitude.

PERFORMANCE:

- A. You should always apply yourself to your job duties or assignment and perform at the best of your abilities to complete each task in an efficient and timely manner. If you have any questions, do not hesitate to ask for advice from your FTO or supervisor.
- B. The following major items, which effect performance are prohibited:
  - 1. Sleeping on duty.
  - 2. Careless workmanship resulting in spoilage, damage, or waste of materials.
  - 3. Refusal, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders or work assignments.
  - 4. Concealing or attempting to conceal defective work.
  - 5. Wrongful or unlawful exercise of authority on any employee for malicious purposes or personal gain.
  - 6. Knowingly making false statements with intent to harm or destroy the reputation, authority, or official standing of the department or any member of the department. Disparaging or discriminatory comments concerning other persons is not allowed.
  - 7. Falsification of records or misleading statements or entries in any documentation.
  - 8. Receipt or acceptance of rewards, fees, gifts, or any gratuity from any person for service incident to the performance of your duties.

9. Solicitations, speeches, or distribution of campaign literature (except as authorized by law) or any political activities, petition processes during work hours is strictly forbidden.
- C. Violation of any department policy, procedure, directive, or order is not allowed.

SAFETY:

- A. You are to observe all posted rules, signs, written or oral safety instructions while on duty and/or within any city facility.
- B. You are to report, as soon as practical, any on-duty injury.

SECURITY:

- A. The unauthorized or intentional release of designated confidential city or department information, materials, data, forms or reports are not allowed except as provided by law.

INTOXICATION:

- A. Reporting to or being at work while under the influence of any intoxicating beverage or substance is strictly prohibited. Use of any intoxicant while at work is prohibited, except as directed by policy in special assignments.

EVALUATION PROCESS & SCHEDULE:

The evaluation procedures used in the FTO program uses input from both verbal and written sources. The evaluation schedule the trainee should expect is as follows:

1. Written Daily Observation Reports (DOR) beginning on the trainee's first day of field training and ending when the trainee is released from the training program.
2. Weekly Supervisors Reports will be completed by the assigned patrol sergeant. The patrol sergeant will conduct a weekly training meeting that will recap the trainee's performance progress during the week.
3. End of Phase Report (EPR) will summarize the trainee's performance during each phase of training. The FTO will complete the EPR.

### EVALUATION SCHEDULE:

**DAILY OBSERVATION REPORT:** The Field Training Officer completes Daily Observation Report beginning in the First phase of patrol training and continuing to the end of the phase training of training Week 10.

**END OF PHASE REPORT:** The Field Training Officer completes End of Phase Report beginning in the First phase of patrol training and continuing to the end of the phase training of training Week 10.

**WEEKLY REPORT:** The Field Training Sergeant completes a Weekly Summary for each week of the recruit's field training and continuing to the end of the recruit's field training.

**AT THE CONCLUSION OF TRAINING:** The Patrol Lieutenant will prepare a patrol memo to the Patrol Commander of the successful completion of the FTO program. Failures to achieve this Standard are also reported.

### DAILY OBSERVATION REPORT (DOR) STANDARDIZED EVALUATION GUIDELINES:

Starting on the first day of the patrol field training program, Trainees will be evaluated daily in 36 performance areas. Field Training Officers will write daily evaluations of these performance areas that include both proficiency grades and written comments. Since there is no way for the DORs to completely exemplify every circumstance or activities performed in the field during the course of training, FTOs must apply the guidelines which most closely describe the observed Trainee's performance to the daily evaluations.

To be effective, fair and defensible, these ratings are based on an objective, performance-oriented consistent standard of evaluation. A Trainee will be compared against a solo competent patrol officer during all phases of the FTO program. With this in mind, it is **expected** for a Trainee to make mistakes and receive less than satisfactory performance evaluations during the course of the FTO program.

The Field Training Program is about learning. As a Trainee advances in the Field Training Program, they are expected to learn from their mistakes and not repeat them. By learning from mistakes, Trainees will progress in their DOR ratings and receive competent performance evaluations.

When a Trainee fails to progress and does not respond to additional training and/ or remedial training provided by the FTO, the Trainee will receive a *NRT (Not responding to training.)* A NRT noted on a DOR is a red flag that the Trainee is in danger of failing the Field Training Program unless their performance improves in that particular area.

STANDARDIZED EVALUATION GUIDELINE:

The following ratings will be used on the DOR face sheet and serve as a means of program standardization:

*NO (NOT OBSERVED)* - A trainee is not observed performing a task, the FTO will show the task was not observed.

*UNACCEPTABLE (NEEDS IMPROVEMENT)* - A trainee shows progression in evaluated areas but is not at the level of a competent police officer. It is acceptable for a Trainee to receive numerous NI ratings in a row as long as steady improvement is demonstrated by the Trainee.

*NRT (NOT RESPONDING TO TRAINING)* - A trainee who has had tasks explained and demonstrated to them, has received remedial training, but is still unable to perform the task without improvement will receive a NRT.

RATING SCORES:

- 0-Not Observed
- 1-Unacceptable
- 2-Near Unacceptable
- 3-Near Acceptable
- 4-Acceptable
- 5-Acceptable Plus
- 6-Near Superior
- 7-Superior

The 36 individual performance area ratings expectations are as follows:

1. GENERAL APPEARANCE

- (1) Unacceptable: Overweight - dirty shoes and uniform, long unkempt hair, dirty weapon and leather gear, offensive body odor.
- (4) Acceptable: Neat, clean uniform, weapon and leather gear, well-groomed hair, shined boots.
- (7) Superior: Tailored clean uniform - spit shined shoes and leather, command bearing.

2. ACCEPTANCE OF FEEDBACK

- (1) Unacceptable: Rationalizing, argumentative, refuses to make corrections, considers criticism as negative.
- (4) Acceptable: Accepts criticism in a positive manner and applies it to further the learning process.
- (7) Superior: Seeks out instruction and direction in order to improve performance, never argues or blames others, takes responsibility for his/her actions.

3. ATTITUDE TOWARD POLICE WORK

- (1) Unacceptable: Takes police work as only a job; uses the job to boost own ego; abuses authority (badge heavy); no dedication.
- (4) Acceptable: Expresses an interest toward the job.
- (7) Superior: Takes it upon himself/herself to utilize off-duty time to further professional knowledge, maintains high ideals toward professional responsibilities.

4. KNOWLEDGE OF DEPARTMENT POLICIES AND PROCEDURES

- (1) Unacceptable: Has little or no knowledge of department policies and procedures and makes a limited attempt to learn.
- (4) Acceptable: Familiar with most commonly applied departmental policies and procedures.
- (7) Superior: Exceptional working knowledge of departmental policies and procedures.

5. KNOWLEDGE OF DEPARTMENT POLICIES AND PROCEDURES. FIELD PERFORMANCE

- (1) Unacceptable: Has little or no knowledge of department policies and procedures and makes a limited attempt to learn.
- (4) Acceptable: Familiar with most commonly applied departmental policies and procedures.

(7) Superior: Exceptional working knowledge of departmental policies and procedures.

6. KNOWLEDGE CRIMINAL STATUTES: PENAL CODE

(1) Unacceptable: Minimal knowledge of the elements of basic sections, has shown a limited ability to learn, minimal attempt at improvement.

(4) Acceptable: Working knowledge of commonly used sections, relates elements to observed criminal activity.

(7) Superior: Outstanding knowledge of commonly used sections, relates it and applies it to both normal and unusual criminal activity.

7. KNOWLEDGE CRIMINAL STATUTES: PENAL CODE/ FIELD PERFORMANCE

(1) Unacceptable: Minimal knowledge of the elements of basic sections, has shown a limited ability to learn, minimal attempt at improvement.

(4) Acceptable: Working knowledge of commonly used sections, relates elements to observed criminal activity.

(7) Superior: Outstanding knowledge of commonly used sections, relates it and applies it to both normal and unusual criminal activity.

8. KNOWLEDGE OF CITY ORDINANCE: VERBAL/WRITTEN TEST

(1) Unacceptable: Minimal knowledge of the elements of basic sections, has shown a limited ability to learn, minimal attempt at improvement.

(4) Acceptable: Working knowledge of commonly used sections, relates elements to observed criminal activity.

(7) Superior: Outstanding knowledge of commonly used sections, relates it and applies it to both normal and unusual criminal activity.

9. KNOWLEDGE OF CITY ORDINANCE: FIELD PERFORMANCE

(1) Unacceptable: Minimal knowledge of the elements of basic sections, has shown a limited ability to learn, minimal attempt at improvement.



- (4) Acceptable: Working knowledge of commonly used sections, relates elements to observed criminal activity.
- (7) Superior: Outstanding knowledge of commonly used sections, relates it and applies it to both normal and unusual criminal activity

10. KNOWLEDGE OF VEHICLE CODE: VERBAL/WRITTEN

- (1) Unacceptable: Minimal knowledge of the elements of basic sections, has shown a limited ability to learn, minimal attempt at improvement.
- (4) Acceptable: Working knowledge of commonly used sections, relates elements to observed traffic related activity.
- (7) Superior: Outstanding knowledge of commonly used sections, relates it and applies it to both normal and unusual traffic related situations.

11. KNOWLEDGE OF VEHICLE CODE: FIELD PERFORMANCE

- (1) Unacceptable: Minimal knowledge of the elements of basic sections, has shown a limited ability to learn, minimal attempt at improvement.
- (4) Acceptable: Working knowledge of commonly used sections, relates elements to observed traffic related activity.
- (7) Superior: Outstanding knowledge of commonly used sections, relates it and applies it to both normal and unusual traffic related situations.

12. KNOWLEDGE OF CODES OF CRIMINAL PROCEDURES

- (1) Unacceptable: Minimal knowledge of the elements of basic sections, has shown a limited ability to learn, minimal attempt at improvement.
- (4) Acceptable: Working knowledge of commonly used sections, relates elements to observed traffic related activity.
- (7) Superior: Outstanding knowledge of commonly used sections, relates it and applies it to both normal and unusual traffic related situations.

13. KNOWLEDGE OF CODES OF CRIMINAL PROCEDURES: FIELD PERFORMANCE

- (1) Unacceptable: Minimal knowledge of the elements of basic sections, has shown a limited ability to learn, minimal attempt at improvement.
- (4) Acceptable: Working knowledge of commonly used sections, relates elements to observed traffic related activity.
- (7) Superior: Outstanding knowledge of commonly used sections, relates it and applies it to both normal and unusual traffic related situations.

14. DRIVING SKILL: NORMAL CONDITIONS

- (1) Unacceptable: Continually violates Vehicle Code (red light, stop sign) - involved in chargeable accident(s), lacks dexterity and coordination during vehicle operation.
- (4) Acceptable: Ability to maintain control of vehicle while being alert to activity outside of the vehicle. Satisfactory defensive driving techniques.
- (7) Superior: Sets good example of lawful, courteous driving while exhibiting good manipulative skill required of patrol persons.

15. DRIVING SKILL: MODERATE AND STRESS CONDITIONS

- (1) Unacceptable: Involved in accident(s). Unnecessary and unauthorized use of code three. Overuses red lights and siren. Excessive and unnecessary speed. Fails to slow for intersections and displays marginal control while cornering.
- (4) Acceptable: Maintains control of the vehicle. Evaluates driving situations and reacts properly. Adherence to C-3 Policy.
- (7) Superior: High degree of reflex ability and competence in driving skills.

16. USE OF MAP: ORIENTATION SKILL/RESPONSE TIME TO CALLS

- (1) Unacceptable: Generally unaware of his/her location while on patrol. Unable to relate his/her location to the destination. Not familiar with the area or beat structure.
- (4) Acceptable: Reasonable knowledge of his/her location in most situations. Generally able to respond to destinations using the most direct route.

- (7) Superior: Aware of his/her location in nearly all instances and is able to get to the destination by shortest and/or most efficient route.
17. ROUTINE FORMS: ACCURACY/COMPLETENESS
- (1) Unacceptable: Unable to determine proper forms for given situations, forms incomplete.
- (4) Acceptable: Knows most standard forms and understands the format. Completes the forms with reasonable accuracy and thoroughness.
- (7) Superior: Consistently and rapidly completes detailed forms with no assistance. High degree of accuracy.
18. REPORT WRITING: ORGANIZATION/DETAILS
- (1) Unacceptable: Generally unable to organize events into written form.
- (4) Acceptable: Converts field situations into logical sequence of thought to include most elements of the situation.
- (7) Superior: Complete and detailed accounts of occurrences from beginning to end, written and organized so as to assist any reader in comprehending the occurrence.
19. REPORT WRITING: LEVEL OF USAGE/GRAMMAR/SPELLING/NEATNESS
- (1) Unacceptable: Illegible, misspelled words, incomplete sentence structure.
- (4) Acceptable: Level of usage of grammar, spelling and neatness are satisfactory in that errors in these areas are rare and do not impair understanding.
- (7) Superior: Very neat and legible, no spelling mistakes and excellent grammar.
20. REPORT WRITING: APPROPRIATE TIME USED
- (1) Unacceptable: Requires excessive time to complete basic reports.
- (4) Acceptable: Completes basic and simple reports in a satisfactory manner using a minimal amount of time.

- (7) Superior: Completes basic and simple reports quickly, consistent with that of a skilled veteran officer. Completes more complex reports satisfactorily with a minimal amount of additional time.

21. FIELD PERFORMANCE: NON-STRESS CONDITIONS

- (1) Unacceptable: Seemingly confused and disoriented as to what action should be taken in a given situation.
- (4) Acceptable: Generally able to assess situations and take proper action.
- (7) Superior: Requires minimal assistance and almost always takes proper course of action.

22. FIELD PERFORMANCE: STRESS CONDITIONS

- (1) Unacceptable: Becomes emotional and panic stricken, generally unable to function, loses temper.
- (4) Acceptable: Exhibits calm and controlled attitude. Does not allow the situation to further deteriorate.
- (7) Superior: Maintains control and brings order under any circumstances without any assistance.

23. INVESTIGATIVE SKILLS

- (1) Unacceptable: Fails to perform appropriate crime scene investigation, fingerprinting or photographing of crime scene; does not conduct interviews of victims, witnesses or suspects; overlooks physical evidence at scene
- (4) Acceptable: Generally able to perform appropriate crime scene investigation, fingerprinting or photographing of crime scene; conducts interviews of victims and witness, suspects with minimal supervision.
- (7) Superior: Uses appropriate tools and equipment to perform crime scene investigations; fingerprints surfaces and items for latent fingerprints; takes appropriate photographs of crime scenes; conducts thorough interviews of victims, witnesses and suspects; collects and processes physical evidence from the scene

24. INTERVIEW/INTERROGATION SKILL

- (1) Unacceptable: Seemingly confused and disoriented as to what action should be taken in an interview and interrogation.
- (4) Acceptable: Generally able to assess situations and take proper action during an interview and interrogation.
- (7) Superior: Requires minimal assistance and is able to conduct interviews and interrogations.

25. SELF-INITIATED FIELD ACTIVITY

- (1) Unacceptable: Does not see, or avoids field activity. Does not follow up on situations, rationalizes suspicious circumstances.
- (4) Acceptable: Recognizes and identifies suspects of criminal activity. Make cases from routine activity.
- (7) Superior: Catalogs, maintains and uses information given at briefings and from watch bulletins for reasonable cause to stop vehicles and persons, makes quality Field Contacts (Field Interviews, vehicle and security checks, arrests, etc.).

26. GENERAL SAFETY

- (1) Unacceptable: Frequently fails to exercise officer safety, i.e.;
  - a) Exposes weapons to suspects (Handgun, OC Spray, Baton, etc.)
  - b) Fails to keep gun hand free in enforcement situations.
  - c) Stands directly in front of a violator's car door.
  - d) Fails to control a suspect's movements.
  - e) Does not maintain sight of violator while issuing a citation.
  - f) Failure to utilize illumination when necessary and available.
  - g) Failure to advise the station when leaving the police vehicle.
  - h) Fails to maintain good physical condition.
  - i) Fails to use or maintain personal safety equipment.
  - j) Does not foresee potentially dangerous situations.
  - k) Points gun towards or at other officers.
  - l) Stands too close to vehicular traffic.
  - m) Stands in front of door when knocking.
  - n) Fails to have weapon ready when appropriate.

- o) Fails to cover other officers.
- p) Fails to search police vehicle prior to duty or after transporting.
- q) Fails to check equipment.

(4) Acceptable: Understands the principles of officer safety and generally applies the same.

(7) Superior: Generally maintains a position of safety. Is usually watchful upon approach to a call, and is able to do the same for a partner. Does not become paranoid, complacent or overconfident.

#### 27. OFFICER SAFETY: SUSPICIOUS SUBJECT/PRISONERS

(1) Unacceptable: Frequently violates officer safety standards as detailed in section 19 (1) (refer to explanation section) and in addition, fails to "patdown search" or confronts suspicious persons while seated in the police vehicle. Fails to handcuff potentially dangerous prisoners or felons. Fails to thoroughly search prisoners or their vehicles. Fails to maintain a position of advantage with prisoners to prevent attack or escape.

(4) Acceptable: Generally displays awareness of potential danger from suspicious subjects and prisoners. Maintains position of advantage.

(7) Superior: Always maintains a position of advantage and is alert to changing conditions.

#### 28. CONTROL OF CONFLICT: VOICE COMMAND

(1) Unacceptable: Improper voice inflection, i.e., too soft, too loud, confused voice command or indecisive, poor officer bearing.

(4) Acceptable: Usually speaks with authority in a calm, clear voice.

(7) Superior: Almost always speaks in a calm clear voice giving the appearance of complete command and control.

#### 29. CONTROL OF CONFLICT: PHYSICAL SKILL

(1) Unacceptable: Cowardly, physically weak or uses too little or too much force for a given situation. Unable to use proper restraints.

- (4) Acceptable: Generally maintains control using only necessary force, satisfactory physical condition.
  - (7) Superior: Excellent knowledge and ability to use restraining holds. Is prepared to use necessary force and above average physical condition.
30. PROBLEM SOLVING/DECISION MAKING
- (1) Unacceptable: Acts without thought or is indecisive. Naive.
  - (4) Acceptable: Generally able to reason out a problem or relate it to what he/she is taught. Is perceptive and usually able to make his/her own decisions.
  - (7) Superior: Excellent perception in foreseeing problems and arriving at advanced solutions.
31. RADIO: APPROPRIATE USE OF 10 and 9-CODES
- (1) Unacceptable: Misinterprets 10 and 9-codes definitions or fails to use it in accordance with set policy, shows little or no improvement.
  - (4) Acceptable: Has satisfactory working knowledge of most 10 and 9-codes definitions.
  - (7) Superior: uses 10 and 9-codes with ease in nearly all-receiving and sending situations.
32. RADIO: LISTENS AND COMPREHENDS TRANSMISSIONS
- (1) Unacceptable: Repeatedly misses his/her call designation and is unaware of traffic on adjoining beats. Frequently has to ask dispatch to repeat transmissions, or does not comprehend messages.
  - (4) Acceptable: Understands most radio transmissions directed to him/her and is generally aware of adjoining beat traffic.
  - (7) Superior: Excellent comprehension of radio transmissions, quickly makes a written record, generally aware of and quick to react to traffic on adjoining beats.

33. RADIO: ARTICULATION OF TRANSMISSIONS

- (1) Unacceptable: Generally does not preplan before transmitting message. Under or over modulates (vary in tone) resulting in dispatch constantly asking for repeat.
- (4) Acceptable: Usually thinks before transmitting and broadcasts using short, concise transmissions.
- (7) Superior: Almost always broadcasts in short concise transmissions using a clear, calm voice, even in stressful situations.

34. WITH CITIZENS: GENERAL

- (1) Unacceptable: Abrupt, belligerent, and overbearing, introverted and uncommunicative.
- (4) Acceptable: Is sufficiently courteous, friendly and empathetic. Communicates in a professional and unbiased manner.
- (7) Superior: Establishes a rapport and is objective. Appears to be at ease in any person-to-person communication situation.

35. WITH ETHNIC/CULTURAL/SOCIAL GROUPS:

- (1) Unacceptable: Evident hostility or sympathy toward minorities because of bias, prejudice or pity.
- (4) Acceptable: Appears to be at ease and does not feel threatened by the presence of minorities.
- (7) Superior: Understands cultural differences and their effects on relations and reacts properly.

36. WITH OTHER DEPARTMENT MEMBERS:

- (1) Unacceptable: Insubordinate; dismisses supervision; sarcastic; does not get along with colleagues or other personnel/demonstrates poor teamwork; inappropriate comments/language in workplace.
- (4) Acceptable: Appears to be at ease and does not feel threatened by the presence of co-workers or supervisors.



- (7) Superior: professional; courteous; displays respect for supervisors and peers; accepts supervision and follows all directives; helpful; demonstrates good teamwork; gets along with colleagues and other personnel.

#### TRAINING ACKNOWLEDGMENT CHECKLIST:

Many of the sections in this guide require that you have a good understanding and a working knowledge of the material, i.e., the ability to apply the knowledge to situations you will encounter in the field. Your Field Training Officer (FTO) will give you training in each of the sections.

Once you have received the training information, complete the weekly checklist with your FTO. The form provided at the end of each week of training indicates that you have received the training and you understand the material.

The Patrol Sergeant who is completing your evaluations (FTO Sergeant) will initial in the space provided when in his/her opinion you have satisfactorily completed the performance objective for each section.

**DO NOT INITIAL ANY SECTION UNTIL YOU HAVE RECEIVED ADEQUATE INSTRUCTION ON THE MATERIAL AND YOU UNDERSTAND THE MATERIAL.**

If you do not have a clear understanding of any material on which you have received instruction, seek clarification on the topic from your FTO. If, after this additional instruction, you still feel the topic is unclear, you should discuss the area of concern with your FTO Sergeant. It is your responsibility to see that the material is covered and that you understand the material.

This training acknowledgment checklist will be collected at the end of each week of training. They will be placed in your training file as a permanent record showing you have received the required training and you understand the material. You may keep the remainder of the FTO Guide as a reference.

## REQUIRED PATROL SUPPLIES

The trainee should ensure that the following items are obtained from the Records Division. These items will be utilized during patrol functions.

- Admonition and Waiver of Rights Card (English / Spanish)
- Citation Book and Parking Citation Book
- Drug Admonishment Card
- Elder Abuse Reference Card
- Elimination Print Cards
- Marsy's Rights Cards
- Field Interview (F.I) Cards
- In-Field Identification Admonishment
- Implied Consent Admonition Card for DUI (English / Spanish)
- Los Angeles Victim / Witness Assistance Program Card
- City Maps
- Recommended Procedure for In-Field Show-Ups Card
- Vernon Business Card
- Vernon Municipal Codes
- Victim Information Line Card
- Thumbprint Ink Pad
- Pupil-o-meter Card
- Authorization to Release Dental X-Ray of Missing Adult Form
- Authorization to Release Dental X-Ray of Missing Juvenile Form
- Bad Check Complaint Form
- CHP 180 Forms
- CHP Factual Diagram
- Crime Scene Log
- C.T.I.P. Form
- Drug Influence Report
- DUI Intoxication Report Form
- Emergency Protective Order Form
- Lost Property
- Vehicle Logs
- Missing Persons Report Form
- Non-Sufficient Fund / Bad Check Pamphlet
- Pickett Sheet
- Private Persons Arrest Form (English / Spanish)
- Property Damage Only Form
- Traffic Accident Exchange Information Form
- Under 21 Officer's Statement Form (English / Spanish)
- Victim of Sex of Domestic Violence Form

- 21 and Over Officer's Statement Form (English / Spanish)
- Child Abuse Reporting Forms
- DMV Notice of re-examination
- DMV Verbal notice by peace officer of suspended/revoked license

**VERNON POLICE DEPARTMENT  
FIELD TRAINING PROGRAM  
PHASE 1  
ORIENTATION TRAINING WEEK**

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This phase of training will involve an introduction to the Field Training Program, review of department rules and regulations and review policies and procedures.

The following areas will be covered during the first two weeks of training:

- Department organization, regulations, policies and procedures
- Department policies; domestic violence, sexual harassment, pursuit, shooting, shotgun, M-4, in-car video, bean bag shotgun, taser, K-9, and digital recorder
- Firearms policy and regulations
- Range qualifications
- Less lethal shotgun and qualification
- Patrol vehicle operations
- Radio operations/procedures
- Use of thermal imaging – hand held and unit
- Hobble leg restraints
- Respiratory Protection program
- Nerve agent exposure and antidote kit
- Evidence collection and preservation
- Arrest and control techniques

**VERNON POLICE DEPARTMENT  
FIELD TRAINING PROGRAM  
PHASE 2**

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This phase of training will involve an introduction to the Department's computer programs. The trainee will also review the department rules and regulations and review policies and procedures.

The trainee will receive training in the Records Management System to file reports. The trainee will also receive training in CLETS to access JDIC and will take a Less Than Full Access Operator examination

Items to be covered:

- Microsoft office
- Microsoft outlook
- Internet explorer
- RMS
- Telestaff
- Police message switch
- PUMA
- JDIC
- ADORE

**VERNON POLICE DEPARTMENT**  
**FIELD TRAINING PROGRAM**  
**PHASE 3**

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Phase 3 of the field training program consists of the first five weeks in the field. Its primary objective is to stress the importance of learning through observation and to prepare you to be an active participant in routine police functions. You will become familiar with the proper equipment and supplies for doing the job and will be expected to be prepared to handle all patrol functions with the necessary equipment.

Although this Phase is oriented towards observation, you should not sit back and passively watch. Observation means actively recording all actions of the Field Training Officer so that by the next Phase you are capable of being a cover officer. The object of field training is to be a competent police officer. Participation, based on careful observation, will be encouraged at all times.

The following areas will be covered during this phase:

- Community Orientation/Geographic Locations
- Support Service
- Report Writing/ Report Forms
- Operation of Police Vehicles
- Traffic Collision Investigation
- Traffic Enforcement
- Community Orientation/Patrol Beat #1
- Completing Vehicle Logs
- Use of Force Legal and Ethical Issues
- Community Orientation Patrol Beat #2
- Laws of Arrest
- Private Persons Arrest
- Warrant Arrest
- Field Interviews / Detainments
- Victim of Crime Notification
- Field Stops
- Community Orientation Patrol Beat #3
- Control of Persons / Prisoners
- Jail Manual and Procedures
- Prisoner Release Procedures
- Juvenile Detainments
- Penal & Vehicle Codes
- Impounding and Storing Vehicles

- Private Property Impounds
- Vehicle Release Program
- Law Review
- In-Field Show-ups

**VERNON POLICE DEPARTMENT**  
**FIELD TRAINING PROGRAM**  
**PHASE 4**

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Phase 4 of the field-training program expands upon the basic foundation laid out during the previous phase. Participatory learning is “key” during this phase of training. Basic skills initiated in the previous phase will be reviewed and further developed during this phase. Having functioned as a participant / observer during the previous phase, the trainee will now be expected to contribute more actively and assume more responsibility, becoming a capable cover officer by the end of this phase of training. This phase is five weeks of duration.

The following areas will be covered during this phase:

- Municipal Codes
- Education/Enforcement Program For Smoke-free Workplace
- Patrol Procedures
- Building Searches
- Foot Pursuits
- Patrol Techniques
- Code-7 Locations
- Traffic Control Procedures
- Penal & Vehicles Codes
- Response to Critical Incidents
- Bomb Threat Investigations
- Search & Seizure
- Gang Awareness
- Intoxication/ Driving Under the Influence Investigations
- Controlled Substance Investigations
- Marijuana Investigations
- Narcotic Investigations
- Business and Professions Code
- Health & Safety Codes
- Child Abuse Investigations
- Mental Illness Cases Investigation
- Missing Person Investigations
- Crime Scene Investigations
- Victim of Crime Who Have Disabilities
- Megan’s Law Policy



**VERNON POLICE DEPARTMENT**  
**FIELD TRAINING PROGRAM**  
**PHASE 5**

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During this phase the trainee should now be able to assume full responsibility as a partner, sharing the workload with the FTO. The trainee should be able to respond to radio calls, with assistance from the FTO. This phase is five weeks in duration.

The following areas will be covered during this phase:

- Vehicle Theft Investigations
- Vehicle Repossessions
- Labor Disputes
- Landlord Tenant Disputes
- Vehicle & Penal Code Review
- Train Blocking Traffic Policy
- ABC Law Enforcement
- T.R.A.C.E. Protocol
- Domestic Violence Policy
- Telephonic Temporary Restraining Order
- Demonstrations/ Civil Disturbances
- Disturbance of the Peace
- Sexual Assaults
- Hate Crime Policy
- Animal Control
- Hazardous Materials
- Unusual Occurrences
- Fire/ Police Coordination
- Arson Investigations
- Industrial Accidents
- Diplomatic/Legislative Immunity
- Arrest & Detention of Foreign Nationals Policy
- Business & Professions Code
- Searches/Control of Persons/Prisoners/Mentally Ill
- Pedestrian Stops
- Non-Sufficient Funds / Bad Check Program
- Private Security Guards
- Courtroom Testimony/Demeanor/Subpoenas
- Work Related Injuries/Illness
- Arrest & Control Techniques

**VERNON POLICE DEPARTMENT**  
**FIELD TRAINING PROGRAM**  
**PHASE IV**

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The Communications Training Phase consists of one week of training in the communications center. The primary objective is to provide in-depth training and focus on the procedures and responsibilities of the communications center.

The following areas will be covered during this week of training:

- Criminal Offender Record Information
- Conditions of Probation
- Information Systems
- Call Taking
- Telephone Procedures
- Radio Procedures Equipment
- Logs
- Windows NT
- Vision CAD
- J.D.I.C./ CLETS

**VERNON POLICE DEPARTMENT**  
**FIELD TRAINING PROGRAM**  
**PHASE 6**

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This training phase consists of one week in the Detective Bureau. The primary objective is to provide an overview of the detective bureau functions.

The following areas will be reviewed during this phase of training:

- Felony Filing Process
- Misdemeanor Filing Process
- Juvenile Petition Process
- Arrest Package Review
- Case Disposition Process
- Case Review and Follow-up Process
- Review of Warrant Arrest Procedures
- Review of Case filing process at District Attorney's Office and Southeast Municipal Court
- Discovery Motions/Requests

## **0.1**

### **ORIENTATION / DEPARTMENT POLICY AND REGULATIONS**

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**0.1.1** The trainee shall review and briefly explain the agency directives, rules and regulations relating to the following sections:

**CHAIN OF COMMAND:** The trainee will review and know the department's Chain of Command Policy. Refer to the Vernon Police Department Policy 201 in the Lexipol policy system.

**UNITY OF COMMAND:** Each individual, unit, and situation is under the immediate control of one, and only one person. The principle of command responsibility is in effect; (i.e., each executive and supervisor is responsible for the acts of his subordinates).

**RANK:** As peace officers, members of the Department have a special responsibility to act or take command in situations calling for law enforcement action. These situations may be regular operations or might be emergency situations such as disaster.

Peace officer members are distinguished by rank, which is assigned in terms of level or responsibility within the chain of command. The descending order of rank in the Vernon Police Department is as follows:

1. Chief of Police
2. Captain
3. Services Division Lieutenant
4. Patrol Division Lieutenant
5. Sergeant
6. Corporal
7. Officer

In a law enforcement situation, the officer in charge shall be the member having the highest rank who is on duty or at the scene. When the members next in line in the chain of command are of the same rank and no one has been designated as in command, the member having seniority in grade shall be in command.

**GENERAL BEHAVIOR:** The trainee will review and know the department's General Behavior Policy. Refer to the Vernon Police Department Policy 104 subsection 400.01 in the Lexipol policy system.

**CONFORMANCE WITH DEPARTMENT POLICY AND PROCEDURES:** The trainee will review, know and shall be familiar with the department's Conformance with Department Policy and Procedures. Refer to the Vernon Police Department Policy 104 subsection 400.02 in the Lexipol policy system.

OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS: The trainee will review and know the department's Obedience to Laws, Regulations and Orders Policy. Refer to the Vernon Police Department Policy 104 subsection 400.03 in the Lexipol policy system.

DUTIES OF POLICE OFFICERS: The trainee will review and know the department's Duties of Police Officers Policy. Refer to the Vernon Police Department Policy 104 subsection 400.05 in the Lexipol policy system.

TIME OFF REQUESTS: Officers requesting time off from duty (vacation, in-lieu holiday, and comp-time) shall provide a minimum of two-day notice.

SICK LEAVE POLICY: The trainee will review and know the established Sick Leave Policy, Per the Memorandum of Understanding Between City of Vernon and Vernon Police Officers' Benefit Association. Refer to Article Seven: Section 7 – Sick Leave.

KIN CARE PROCEDURE: Pursuant to federal and state law, the City has established a procedure that allows employees time off to care for certain sick family members. This time off is known as "kin care". The following is a brief overview of how the time is to be used.

Employees may use up to one-half of their yearly sick leave accrual to attend to a child, parent, spouse, domestic partner, or domestic partner's child who is ill. Leave for this purpose may not be taken until it has actually accrued.

The accrual and use of "kin care" time will be tracked by Human Resources, not by the individual Departments. If an employee takes time off expecting to use "kin care" time and the time is not available, then the time used will come from accrued vacation time, not sick time. Kin care time may not be used to care for a child who is not ill (unexpected child care issues).

Under "kin care", illnesses would be defined as any type of illness, from minor ailments to more serious conditions. It also includes planned and unplanned doctor appointments (although employees are obviously encouraged to try and schedule non-emergency appointments around their work schedule).

A form called "Employee Kin Care Request" has been put on the message switch, along with other "time-off" forms.

For purposes of sick leave use, a "child" is defined as a biological, foster, or adopted child; stepchild; or a legal ward. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.

A "parent" is your biological, foster, or adoptive parent; stepparent; or legal guardian.

A "spouse" is your legal spouse according to the laws of California, which do not recognize "common law" spouses (a union that has not been certified by a civil or religious ceremony). All

conditions and restrictions placed on an employee's use of sick leave apply also to sick leave used for care of a child, parent, or spouse.

A "domestic partner" is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.

A "domestic partner's child" is the biological, foster, or adopted child; stepchild; or legal ward of your domestic partner. A "domestic partner's child" also may be someone for whom your domestic partner has accepted the duties and responsibilities of raising, even if he or she is not your domestic partner's legal child."

FIREARMS AND IDENTIFICATION CARD: A member shall have in his/her immediate possession his/her identification card when carrying a firearm as approved by the Department.

DISORDERLY CONDUCT: The trainee will review and know the department's Disorderly Conduct Policy. Refer to the Vernon Police Department Policy 104 subsection 400.16 in the Lexipol policy system.

INTOXICANTS: The trainee will review and know the department's Intoxicants Policy. Refer to the Vernon Police Department Policy 319 Standards of Conduct, subsection 319.5.10 in the Lexipol policy system.

SLEEPING ON DUTY: The trainee will review and know the department's Sleeping on Duty Policy. Refer to the Vernon Police Department Policy 104 subsection 400.20 in the Lexipol policy system.

ACCEPTANCE OF GRATUITIES: Those of us who have chosen police work as our profession, recognize the fact that we are held to a higher standard of conduct than most people. We are held to this standard not only by the members of the community we serve, but by ourselves as well.

We realized, when we pursued positions within the Police Department, that this higher standard would be expected. The testing process was more vigorous and thorough than any other hiring process and included a background investigation designed to identify those candidates with strong character traits. When we accepted our position, we accepted the higher standards of conduct that go along with it.

The Law Enforcement Code of Ethics is found at the very front of our policy manual. Every member of this Department publicly swore to accept the Code of Ethics as a "professional moral compass." I am confident that each member of this Department still feels strongly about the mandates it sets forth.

One of those mandates concerns "...never accepting gratuities." For many, this area has become less "clear cut" than the others. A discounted lunch, a free cup of coffee or getting a "police price" on some other item, has been viewed as a "perk" of the job. Many times, the person providing us with a "break" feels better about giving it than we do about getting it. In fact, Webster's even defines a gratuity as a "gracious gift."

The reality is that the "perk" often comes with an unspoken price. It may be something seemingly insignificant, like more frequent patrols or it can become something more such as the inappropriate use of an officer's discretion in choosing not to issue a citation. I'm sure we have all heard of other, more inappropriate actions having been taken by an officer who may have started out just trying to return a favor. Perhaps this is why Webster's also defines a gratuity as "...a payment intended to influence a person, usually improperly."

No member of this Department should find himself or herself in a position where their integrity or the Department's reputation is compromised as a result of accepting a gratuity. No member, either on duty or off duty, may accept a gratuity from any person, which is given to him or her on the basis of his or her position as a police officer or member of this Department.

In order to reinforce the importance of not accepting gratuities, the department will periodically and randomly contact local merchants, including those listed as approved Code 7 locations, informing them of the department policy of not accepting discounts or gratuities. If a vendor refuses to accept full payment for an item, the Department member shall leave the full payment amount at the location (i.e. on the table as a tip, on the counter etc).

There may be circumstances where a reduced rate or other similar offer is made to all public safety personnel statewide, including police, fire personnel and other emergency workers. Many of these group benefits or discounts are provided to other types of employee groups as well. This policy is not directed toward this type of situation. It is intended to prohibit the acceptance of gratuities, which result in any type of personal gain to an employee. It is primarily these types of situations where something is expected in return.

The acceptance of gratuities can bring discredit to the individual and the Department. Any member of the Department found to have violated this policy, will be immediately disciplined. If a member is unsure if a particular offer or benefit constitutes a gratuity, it is his or her responsibility to discuss the circumstances with a supervisor prior to taking any action.

USE OF FORCE: The trainee will review and know the department's Use of Force policy. Refer to the Vernon Police Department Policy 300 in the Lexipol policy system.

CONDUCT TOWARD OTHERS: The trainee will review and know the department's Conduct Toward Others Policy. Refer to the Vernon Police Department Policy 104 subsection 400.33 in the Lexipol policy system.

PRESS RELATIONS: The trainee will review and know the department's General Behavior Policy. Refer to the Vernon Police Department Policy 104 subsection 400.34 in the Lexipol policy system.

OUTSIDE EMPLOYMENT:

- A. **PURPOSE AND SCOPE**: In order to avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Decisions relating to outside employment will be made in a non-discriminatory manner. Consent for outside employment will not be unreasonably withheld.
- B. **DEFINITIONS**: Outside employment shall mean any employment to which an employee is not directly assigned within the Chain of Command within the Police Department.
- C. **OBTAINING APPROVAL**: No member of this Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete a memorandum, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Office of the Chief of Police for consideration.

The memorandum shall detail the name, address and phone number of the outside employer, as well as a detailed description of the job description and responsibilities for the position.

- D. **REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**: Any outside employment permit may be immediately revoked or suspended based upon, but not limited to any of the following circumstance:
  - 1. Should an employee's performance at this agency decline to a point where it is evaluated by a supervisor as "needing improvement" to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a "satisfactory" level.
  - 2. Failure to adhere to department policies and procedures.



3. Suspension or revocation of the previously approved outside employment permit may be included as a term or condition of sustained discipline.
  4. If at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policies, the permit may be suspended or revoked.
  5. When an employee is unable to perform at "full duty" capacity due to an injury or other condition, any previous approved outside employment permit will be rescinded automatically until the employee has returned to full duty status.
  6. The Chief of Police, at his discretion, may provide a reasonable time frame for the revocation of outside employment in order for the employee to give a responsible and professional notice to the outside employer.
- E. PROHIBITED OUTSIDE EMPLOYMENT: Consistent with the provisions of Government Code §1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:
1. Any other employment which the City of Vernon Chief of Police deems to be incompatible or inconsistent with the position of Vernon Police Officers or non-sworn members of the Police Department.
  2. Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the agency badge, uniform, weapon, identification, prestige or influence for private gain or advantage.
  3. Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as part of the employee's duties as a member of this Department.
  4. Involves the performance of an act in other than the employee's capacity as a member of this Department, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of this Department.
  5. Involves time demands, which would render performance of the employee's duties for this Department less efficient.
  6. Private investigator

7. Bartender
  8. Bouncer
  9. Sales clerk position in liquor store or gun dealership
  10. Process server
  11. Repossessor or employment in support of a repossessor
  12. Debt collector
  13. Legal practice of criminal defense
  14. Car dealer; handicapper; change maker; caller; keno runner; pit boss; table waitress; or employment in any gaming establishment.
  15. Bodyguard
  16. Employment as a “keeper”
  17. Funeral escort work, traffic control, or the wearing of the uniform resembles that a Peace Officer is required.
- F. REVIEW OF FINANCIAL RECORDS: Employees approved for outside employment expressly agree that their personal finance records may be requested and reviewed/audited for potential conflict of interest pursuant to Government Code §3308.
- G. TERMINATION OF OUTSIDE EMPLOYMENT: If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through the Chain of Command. Any subsequent requests for renewal or continued outside employment must thereafter be processed and approved through the normal procedures set forth in this policy.
- H. RENEWAL OF OUTSIDE EMPLOYMENT PERMIT: All employees who have received a work permit shall at the beginning of each calendar quarter, submit a memorandum updating his/her outside employment status. Outside employment permits shall be valid during each calendar year and must be renewed on an annual basis.
- I. OUTSIDE EMPLOYMENT LICENSING REQUIREMENTS: All employees seeking outside employment shall provide proof of proper licensing before approval may be granted.

- J. **OUTSIDE EMPLOYMENT – LIABILITY:** The City of Vernon will not assume liability for personnel engaged in outside employment insofar as these employees are acting in the capacity outside the normal scope of their employment with the City of Vernon. In all cases, the outside employer will be required to enter into an Indemnification Agreement stating that the employee is not acting for or on behalf of the City of Vernon in his or her outside employment prior to approval.
- K. **EMPLOYMENT RESTRICTIONS:** Permission for outside employment shall not be approved or may be revoked for an officer at the sole discretion of the Chief of Police if the outside employment brings discredit or disrepute upon the Department and/or if the circumstances warrant it, including but not limited to if any of the following statements is true.
- If the employment involves an establishment where the sale of liquor is present.
  - If the employment requires any affiliation, membership or allegiance which could interfere with the proper discharge of the Department's duty or cause a conflict or the appearance of a conflict of interest with the Department.
  - If the employment involves investigation or other work in which the officer may avail himself to his access to official police information records, files or databases of this Department or other agencies through the use of the employee's position with this Department.
  - If the employment occurs within eight hours of the beginning of the employee's next work shift, if the employment which causes the employee to become financially interested in any contract, sale or transaction to which the City of Vernon is a party.
  - Arrests and reports made by personnel in the performance of their outside employment and any overtime and court time resulting in such arrest and report shall not be compensated by the City inasmuch as the action undertaken is not in the scope of their normal employment.
  - Court time resulting from outside employment shall not be compensated by the City of Vernon, nor shall the employee be allowed to take on-duty time for the attendance of such court time without requiring compensatory time, vacation time, or other such leave in compensation for absence from his/her assigned duties. No employee shall be allowed to receive pay concurrently from both outside employment and a city related court case. Outside employment shall not require an employee to work for a company licensed or doing business in the City of Vernon. Duties for the outside employer shall not be conducted within the City of Vernon.

- Consistent with Department policy, an employee shall complete an incident report detailing any arrests or detention resulting from a private employment.

WATCHES DEFINED: A watch shall be that period of time when a particular Division, Bureau, Section or Unit of the Department is considered to be "On Duty." This shall apply to all areas of the Department. The word "Shift" will mean the same as "Watch" when making reference to a period of time on duty.

HOURS OF WATCH: All personnel shall be assigned regular working hours and days. The exception to this will be when the Chief of Police or his authorized representatives assigns a special detail.

Current watch hours are as followed:

Day Watch:	0630 hours to 1900 hours.
Night Watch:	1830 hours to 0700 hours.

EMPLOYEES TO REMAIN ON DUTY UNTIL RELIEVED: An employee of the Department regardless of his/her duty assignment and/or rank, shall work the full time assigned for his/her duty, and shall not leave his/her assigned duty until such time as he/she is properly relieved, or is granted permission by his/her commander.

UNIFORM AND PERSONAL EQUIPMENT POLICY: The trainee will review and know the department's Uniform and Personal Equipment Policy. Refer to the Vernon Police Department Policy 1023 in the Lexipol system.

BODY ARMOR: Uniformed personnel are encouraged to wear body armor that complies with the National Institute of Justice (NIJ) 2005 interim requirements for bullet-resistant body armor while on duty. A list of models that comply with the requirements is available through the Industrial Relations Office.

BODY ARMOR REIMBURSEMENT: Employees represented by the Vernon Police Officer's Benefit Association are allowed 50% reimbursement for the cost of the employee's individual body armor every three years. The body armor must meet Department specifications. Employee requesting reimbursement must submit a memo to the Chief of Police and include a copy of the body armor sales receipt.

GROOMING POLICY: Hair, beard, mustache, and sideburn regulations are designed to assure good safety conditions and a positive public image for Department employees. All employees are governed by basic grooming, neatness, cleanliness and safety standards for the equipment operated.

- A. Hair: Hair must be neatly combed, groomed and appropriate for the assignment. Officers, Vernon Service Officers and cadets must not wear a hairstyle that poses a danger. It should not be so long that it can be easily grasped by an assailant nor should it cover the eyes and obscure the vision. Hair should be natural hair color tones. (Generally the hair for male employees should not be longer than the top of the shirt collar, nor should his hair cover his ears.)
- B. Beard: A beard is not allowed.
- C. Mustache: A mustache must not exceed beyond the corner of the mouth. A mustache cannot touch the lower lip.
- D. Sideburns: Sideburns must not extend below the middle of the ear. Sideburns must not connect to the mustache.
- **EXCEPTIONS TO THE GROOMING POLICY**: Officers assigned to the Detective Division, by nature of their assignment, and with the permission of the Division Commander may be exempted from the above policies during their assignment.

**BODY PIERCING AND TATTOOS POLICY:**

- A. **PURPOSE**: In order to maintain our high level of professionalism, it is necessary that all members of the Vernon Police Department adhere to the personal appearance standards. Therefore, this policy will help ensure that the Vernon Police Department continues to enjoy our reputation for excellence.
- B. **POLICY**: Body piercing and tattoos shall not be visible while on duty.
- C. **EXCEPTIONS TO THE PIERCING AND TATTOO POLICY**: Sworn officers working in an undercover assignment are exempt from this policy while working in an undercover capacity.

## **0.2**

### **ORIENTATION / FIREARMS POLICY AND REGULATIONS**

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**0.2.1** The trainee will know and understand the Department Policy regarding the use of firearms, range safety rules/qualification procedures. The trainee will be scheduled for and successfully demonstrate proficient use of the department issued handgun and shotgun.

#### LEXIPOL SECTION 306

Including:

- A. RANGE QUALIFICATION;
  - 1. Handgun and Shotgun
    - a. Loading and unloading
- B. DISASSEMBLY, CARE AND MAINTENANCE
  - 1. Duty weapon
  - 2. Back up weapon (if applicable and Department's approval has been obtained)

#### POLICY ON USE OF FIREARMS:

##### A. PURPOSE:

To provide a reasonable basis and to standardize basic policies and procedures on the use of firearms so that the individual officer can be confident in exercising his/her judgement as to the use of deadly force, and not create a doubt in the mind of the officer at a moment when action is critical and there is little time for meditation or reflection. The California Peace Officers' Association as a Model Firearm policy has adopted this policy.

##### B. POLICY:

It is the policy of the Vernon Police Department to resort to the use of a firearm under law when it appears to be reasonably necessary and generally:

- 1. As a means of self-defense from death or serious injury; or
- 2. To defend the life of another officer; or
- 3. To defend the life of a victim of a crime; or
- 4. To prevent a crime in which human life is in serious jeopardy as a result of a suspect's actions; or
- 5. To apprehend a fleeing suspect for a crime involving the use or threatened use of deadly force.

##### C. PROCEDURE:

In order to ensure that the spirit of the above stated policy is carried out and that incidents involving the misuse of firearms, deliberate or accidental, by professional peace officers are minimized, the Vernon Police Department adopts the following practices and procedures:

1. WEAPONS AND AMMUNITION - Only weapons and ammunition meeting department authorized specifications shall be carried in the performance of duty.
2. SHOOTING INQUIRY BOARD - A Board of Inquiry shall be appointed by the Chief of Police to review the facts in each instance of the discharge of a weapon by officers in the performance of duty.
  - a. They shall prepare a report to the Chief of Police setting forth the facts of the incident.
  - b. The Board is a fact-finding body that shall not be responsible for recommending disciplinary action.
3. WARNING OR ATTENTION SHOTS - Shots fired into the air or ground in an attempt to cause a fleeing suspect to stop or surrender are a danger to the officer and innocent persons and are prohibited except:
  - a. Shots fired intended to stop a threatened attack upon an officer or innocent victims or prisoners by persons engaged in a riot.
  - b. Shots fired for the purpose of summoning aid when more conventional communication is not effective and the safety of other persons is considered.
4. MOVING VEHICLES - Firing at or from moving vehicles is generally prohibited. Experience shows such action is rarely effective and is extremely hazardous to innocent persons.
5. OFFICERS SURRENDERING WEAPON - Peace Officers shall not surrender their firearms unless as a last resort and only after using every tactical tool at their disposal. Surrender of a weapon rarely de-escalates a serious situation and can in fact put an officer and innocent persons in jeopardy.
6. REMOVAL OF WEAPON FROM HOLSTER OR DISPLAY OF WEAPON - as a general rule officers shall not remove a firearm from the holster or display weapons unless there is sufficient justification.
  - a. In effecting the arrest of felony offenders, the officer may display a weapon for the purpose of obtaining and maintaining control of the arrested.
7. REGISTRATION OF HANDGUNS - All firearms used in performance of duty and off-duty by an officer shall be registered with a person designated by the Chief of Police.

8. DISPOSAL OF ANIMALS - Killing animals that are seriously injured or pose a real threat to the safety of humans by use of firearms is approved when no other disposition is practical and safety of people has been given prime consideration.

#### POLICY AND PROCEDURE FOR HANDLING OF SHOTGUN:

Firearm safety is as important during daily activities as during range and training exercises. Following established procedures when handling firearms can help ensure your safety and that of those around you. It will also ensure you will be ready to protect yourself if necessary.

#### Inspection of Shotgun

The purpose of the inspection is to verify that the unit is equipped with a shotgun, and that it is in good working condition with the proper amount and type of ammunition available.

If a shotgun is to be deployed at the start of a shift, it is the responsibility of every officer and supervisor to conduct a proper inspection of the shotgun prior to placing the shotgun in the assigned unit. This inspection shall be completed prior to the unit going "in-service".

Any problems regarding the shotgun shall be reported to the on-duty supervisor without delay. Failure to properly inspect the shotgun at the start of a shift or to report any problems noted, could result in appropriate disciplinary action being taken.

When inspecting the shotgun, the following procedure shall be used.

#### Removing / Carrying the Shotgun

1. The shotgun should be removed from the shotgun rack with caution. The handling officer shall avoid placing a finger inside the trigger guard area as it is removed (and replaced), keeping the barrel end away from himself/herself and others.
2. The barrel shall be pointed towards the ground when it is carried to and from the safety barrel.

#### Unloading the Shotgun

1. With the safety on, place the barrel of the shotgun into the safety barrel (available in the parking area).
2. Depress the action bar lock.
3. Ease the slide slowly to the rear until the front of the shell just clears the forward edge of the ejection port.



4. Roll the shotgun to the right, allowing the shell to drop out of the ejection port.
5. Push the shell carrier up until it stays up and turn the shotgun upside down so that the loading port is facing upward.
6. Depress the shell latch, located on the ejection port side of the gun. This will release a shell from the magazine through the loading port.
7. Continue until the weapon is unloaded.
8. Visually and manually inspect the chamber and magazine to ensure that they are empty.
9. Once you have inspected the chamber and magazine, move the slide fully forward, release the safety and depress the trigger (with the barrel pointed into the safety barrel).
10. Reset the trigger safety.

#### Loading the Shotgun:

##### To Load One Shell Only

1. With the safety on, place the barrel of the shotgun into the safety barrel (available in parking area).
2. Push upward on the action bar lock.
3. Pull the slide fully rearward to open the action.
4. Put one shell of the correct gauge through the ejection port.
5. Push the slide forward to close the action. **THE SHOTGUN IS NOW LOADED WITH A SINGLE ROUND.**

##### To Load the Magazine

1. With the safety on, point the barrel of the shotgun into the safety barrel (available in the parking area).
2. Make sure the slide is fully forward, toward the end of the barrel.
3. Press the shell against the shell carrier.

4. Push four shells of the correct gauge, one at a time, fully forward into the magazine. Each shell rim must engage the shell latch in order to be held secure in the magazine. THE SHOTGUN IS NOW LOADED WITH FOUR ROUNDS.

**Following a proper inspection, all shotguns shall be secured in the shotgun rack of the unit, with the hammer released (so that the slide is not locked), safety engaged, chamber empty and four rounds of the correct gauge in the magazine.**

#### REMOVAL /STORAGE OF SHOTGUNS:

Only those sworn personnel who have been trained in the proper inspection techniques and use of the shotgun are authorized to handle one. **Vernon Community Service Officers and other City employees are not authorized to handle the shotguns.** No supervisor shall direct non-sworn personnel to remove or replace shotguns in units or direct them to move them from one location to another.

In the event a unit needs to be serviced, the officer assigned to the unit shall notify the on-duty supervisor of the need to remove the shotgun. Supervisors are ultimately responsible for ensuring that no unit is sent to the garage for service or to any other outside vendor, with a shotgun still in the rack. If a shotgun is essential to the work being done, the supervisor shall use his discretion in determining the best course of action. In any such case, the shotgun shall be unloaded.

In the event that a unit arrives at the garage for service and the shotgun has not been removed (i.e.- a dead battery prevents the shotgun lock from being released) the on-duty supervisor will be notified by garage personnel when the shotgun can be removed. The supervisor will then follow the existing procedure for the removal and storage of the shotgun.

#### RANGE SAFETY RULES:

Firearms and ammunition are subject to approval by the Chief of Police.

Each individual must comply with the Range Masters commands.

**Treat every firearm as if it were loaded.**

Load and unload firearms at the firing lane blue line only. When loading firearms, insert loaded magazine in magazine well of firearm and pull back on slide to chamber a round. Do not combat load. When unloading firearms, remove magazine first then remove chambered round by pulling back on slide. Always keep firearm(s) facing down range.

Never leave firearms unattended.

Always keep firearms pointed down range or safe direction and in safe mechanical position.

Never point a firearm at someone or something unless it is the qualifying target authorized by the range master.

Unholstered firearms carried in the range shall be unloaded and have their actions open and muzzled pointed in the safest direction.

Always wear adequate safety glasses and ear protection when firing a weapon.

Do not unholster a firearm or step beyond the blue or yellow firing lane unless authorized by the range master.

No one shall stand forward of the blue line or handle a firearm when the other persons are down range.

No one shall step beyond yellow safety lines when there is an unholstered firearm on the firing lanes.

No one shall unholster or have an unholstered firearm on the firing lanes when there are personnel beyond the yellow safety lines.

Always keep fingers away from the trigger until ready to fire.

When firing semi-automatic firearms, do not place thumb or other part of weak hand to the rear of the slide.

When firing, do not point firearm up or down. Always keep firearm level to the ground. Personnel needing help or personnel observing someone who needs help on a firing lane due to a malfunction of firearm or injury shall immediately alert the range master.

Always holster your firearm after each qualifying phase.

Always lower the hammer of the firearm before holstering by using the decoking lever.

Every person handling firearms shall double check the firearm to make sure it is unloaded and in a safe condition/position, especially immediately after qualifying.

Do not turn or step away from a firing lane with a firearm in hand.

Always clean firearms immediately after each qualification. Cleaning of the firearm shall be done at a designated area only.

There shall be no horseplay, running or unnecessary loud talking at any time in the range. All safety rules shall be strictly enforced.

Violations of these rules can be cause for your removal from the range and disciplinary action.

**THINK SAFETY - PRACTICE SAFETY - TEACH SAFETY**

### 0.3

#### ORIENTATION / FIREARMS POLICY AND REGULATIONS

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**0.3.1** The trainee will know and understand the Department Policy regarding the use of the department semi-automatic rifle.

##### COLT M16A2 / M4 RIFLE POLICY:

PURPOSE: The purpose of the General Order is to establish guidelines regarding the deployment of the Colt M16A2 / M4 rifles.

POLICY: The Vernon Police Department authorizes the use of Colt M16A2 / M4 rifles for its police officers. The rifles may be deployed in each marked and unmarked police unit as a tactical weapon to enhance the safety of officers. Departmental personnel shall use the weapon in conformance with the guidelines of this policy, the Department training program, the Use of Firearms and the Use Force Policy as specified in the Departmental General Orders.

TRAINING AND CERTIFICATION: Personnel who have successfully completed a departmentally approved rifle-training course will be authorized to deploy the rifle. A certified rifle instructor will conduct annual rifle recertification.

PATROL AND UNMARKED UNIT STORAGE: The rifle shall be carried in the locked storage rack of the patrol and unmarked unit. If carried in an unmarked unit without a storage rack, it shall be carried in an approved carrying case, locked in the trunk of the unit. It shall be carried with an empty chamber and a loaded 18-round magazine in place in the magazine well. The rifle shall be carried with the fire selector switch in the "safe" position.

REMOVAL / STORAGE AND MAINTENANCE OF RIFLES: Only those sworn personnel who have been trained in the proper inspection techniques and use of the rifles are authorized to handle one. **Vernon Service Officers and other City employees are not authorized to handle the rifles.** No supervisor shall direct non-sworn personnel to remove or replace rifles in units or direct them to move them from one location to another.

In the event a unit needs to be serviced, the officer assigned to the unit shall notify the on-duty supervisor of the need to remove the rifle. Supervisors are ultimately responsible for ensuring that no unit is sent to the garage for service or to any other outside vendor, with a rifle still in the rack or in the trunk of an unmarked unit. If a rifle is essential to the work being done, the supervisor shall use his discretion in determining the best course of action. In any such case, the loaded rifle magazine shall be removed from the rifle and placed in the armory room.

In the event that a unit arrives at the garage for service and the rifle has not been removed (i.e. a dead battery prevents the rifle lock from being released) the on-duty supervisor will be notified by garage personnel when the rifle can be removed. The supervisor will then follow the existing procedure for the removal and storage of the rifle.

All rifles will be stored unloaded, the bolt shall be open and the magazine removed. Only certified range personnel are authorized to conduct repairs, adjustments, or modification to department rifles.

**WEAPON INSPECTION:** It is the responsibility of every officer and supervisor to conduct a proper inspection of the rifle. Departmental personnel shall inspect the rifle during pre-shift vehicle inspections. When inspecting the rifle, visually check to ensure the fire selector switch is in the "safe" position. Check to see if there are any obvious problems or damage to the weapon. If the rifle is not on "safe", move the selector switch to the "safe" position. If the rifle is not functioning properly or damaged, personnel shall notify the on-duty supervisor without delay for a replacement rifle. The on-duty supervisor will ensure that the rifle is unloaded, tagged as "repairs needed" and placed in the armory room. The on-duty supervisor will ensure that the range master is notified of the damaged rifle.

If the rifle selector switch will not move to the "safe" position, this indicates that the hammer is forward and trigger has previously been depressed. The weapon may or may not have a live round in the chamber. Use extreme caution in removing the rifle for further inspection.

Following training guidelines, grasp the rifle by the forestock and rotate it forward out of the rack and pull the rifle toward the open driver's door (passenger door if a two person unit and passenger officer conducting inspection) rotating the weapon to a muzzle down position using care that the muzzle of the rifle does not point at any part of the body or at persons outside the vehicle. Upon rotation, the muzzle should be facing the ground in a safe position. With the safety on, insert the muzzle of the rifle into the safety barrel (available in the parking area). Remove the magazine from the magazine-well and secure it. The muzzle shall be pointed towards the ground when it is carried to and from the safety barrel.

Pull the charging handle to the rear and lock the bolt back. Inspect the chamber and magazine well, visually and by feel ensuring there is nothing in the chamber. Release the bolt on an empty chamber, reinsert the magazine, recheck the "safe" position on the fire selector switch and place the rifle back in the rack. Following a proper inspection, all rifles shall be secured in the unit rifle rack, with the safety engaged, chamber empty and loaded magazine in the magazine-well.

**TACTICAL DEPLOYMENT:** The patrol rifle is a tactical weapon for use in any situation where the circumstances suggest the rifle will give the officer the advantage in controlling, maintaining or responding to a potential dangerous event. The following are examples of situations warranting deployment:

1. When the officer feels the need for lethal force may be present at a level which is greater than that provided by the duty handgun or shotgun.
2. Where the distance to the threat is greater than the ability to deliver lethal force with accuracy through the use of a handgun.

3. Where the suspects are wearing body armor or other shielding material.

Although the above are but a few examples of when deployment may be warranted, officers are reminded that common sense and constant conscientiousness of their safety and the safety of the service population will also dictate the appropriate deployment of the rifle.

CARRYING THE TACTICAL RIFLE: All officers shall carry the weapon pursuant to the guidelines of Department training. In general, the rifle will be carried in the “slung position” with the muzzle pointed down. Movement of officers carrying the rifle shall be in accord with the tactical training provided by the Department. Constant attention must be made as to not point the weapon at anything you are not ready to fire upon.

TACTICAL MOVEMENT – TARGET ACQUISITION: Officers shall conduct searches and move with the weapon in accord with the tactical training guidelines of the Department. While conducting searches or approaching situations where a threat may be present, the weapon must be “charged” by placing a round in the firing chamber. Once the weapon is “charged”, the weapon selector switch may be moved from the “safe” to the “fire” position. Officers should keep their finger off the trigger until they have target acquisition and are prepared to fire.

CLEARING AFTER TACTICAL MOVEMENT: Upon completion of a search or clearing a threat, return the fire selector switch to the “safe” position. Keep the weapon in the muzzle down position and remove the magazine from the magazine-well. Once the magazine has been removed, keep the weapon in the muzzle down position and pull the charging handle to the rear to remove the live round from the chamber. Visually and by feel inspect the chamber and magazine-well to ensure it is clear of any rounds. Release the bolt on an empty chamber, place the live round back into the magazine and then reinsert the magazine into the magazine-well. Place the weapon back in the rifle rack following the department training guidelines.

AMMUNITION: The department will provide all ammunition used in the Colt M16A2/M4 rifles. Only Department authorized ammunition will be used in the rifles.

PROFICIENCY: Personnel authorized to deploy the Colt M16A2/M4 rifle will demonstrate his/her proficiency with the rifle to a Department certified rifle instructor during the re-certification period. Personnel who fail to qualify with the rifle shall not carry the weapon until he/she qualifies. Personnel who fail to qualify shall notify the on-duty supervisor of the officer’s failure to qualify. The on-duty supervisor shall make arrangements with the certified rifle instructor to provide re-medial training.

QUARTERLY RIFLE QUALIFICATION: Personnel will qualify quarterly in the range with the range rifle.

## **0.4**

### **ORIENTATION / LESS LETHAL FIREARMS POLICY AND REGULATIONS**

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**0.4.1** The trainee will know and understand the Department Policy regarding the use of the department beanbag shotgun and qualification procedures. The trainee will be scheduled for and successfully demonstrate proficient use of the department shotgun beanbag.

#### Lexipol 303

#### DEPLOYMENT OF THE BEAN BAG SHOTGUN

The beanbag shotgun is an extremely useful tool available to law enforcement, allowing officers the ability to engage, from a safe distance, violent or potentially dangerous subjects who are not controllable by lesser means. It must be remembered that the bean bag projectile, when used as recommended, is “less lethal,” not “non-lethal.”

It is the policy of the Vernon Police Department to deploy the beanbag shotgun whenever its use is practical and appropriate. The bean bag shotgun may be used to control an aggressive or combative subject in situations where:

1. Attempts to subdue the subject have been or will likely be ineffective in a given situation, and
2. There is a reasonable expectation that it would be unsafe for officers to approach within contact range of the suspect.

The beanbag shotgun should not be deployed or threatened to be deployed in order to disperse demonstrators or others who are not endangering public safety or security.

When the use of the beanbag shotgun is warranted, at least two additional officers must be available to cover the suspect with conventional firearms, in the event the deployment is unsuccessful and the suspect engages in a lethal force assault (i.e. producing a concealed weapon). An arrest team should also be present in order to immediately take the suspect into custody following the successful deployment of the beanbag shotgun.

The beanbag shotgun shall only be used under the direction and authorization of a supervisor at the scene of a deployment. It shall only be handled and used by personnel who have completed a Department approved 8- hour course of instruction.

#### MEDICAL TREATMENT

Any suspect struck with a beanbag shall be transported to a Department approved facility for medical treatment prior to booking. If a medical emergency situation exists, personnel shall request paramedics to respond to the location.



Jail personnel shall be notified of the use of the beanbag shotgun on a subject in custody so that the condition of the subject can be closely monitored.

## MAINTENANCE

The beanbag shotgun shall be maintained in a gun rack within a supervisor's unit unless otherwise directed by the on-duty Watch Commander.

The shotgun shall be distinctively marked with a bright orange stripe around the butt of the stock and a similar orange stripe around the lower end of the slide handle. The beanbag rounds, readily identifiable by the clear plastic shell case and visible tan or light colored beanbag round, shall be kept in a sleeve on the receiver. The on-coming supervisor shall inspect the weapon at the start of his or her shift. At his discretion, the on-duty supervisor may load the weapon at the start of each shift, however it must also be unloaded, with the rounds placed back in the sleeve by the supervisor at the end of the shift.

## REPORTING

The circumstances regarding the deployment of the beanbag shotgun shall be included in the officers' report, along with other factual information pertaining to that particular incident.

QUARTERLY SHOTGUN BEANBAG QUALIFICATION: Personnel who have received formal training in the use of the beanbag shotgun must conduct quarterly qualifications.

Personnel who fail to achieve proper shot placement will receive remedial training by the range supervisor conducting the qualification. If an employee fails to achieve proper shot placement after remedial training, the range supervisor will notify the Training Sergeant who will coordinate further remedial training with the Less Lethal Weapons Instructor. Personnel who fail to demonstrate proficiency with the beanbag shotgun, will be prohibited from deploying the less lethal weapon until they can demonstrate proficiency to the Less Lethal Weapons Instructor.

A pregnant Police Officer shall be exempted from the qualification requirement. This exemption will remain in effect until the employee returned to full duty status.

The range supervisor will document the date of qualification using the "Beanbag Qualification" form located in the range. After qualification, the range supervisor will ensure that the expended shells and beanbag rounds are collected. The expended beanbag rounds will be placed in the container located in the range marked "used beanbag rounds." The beanbag rounds will be recycled for later use. The expended shell casings should be discarded.

## **0.5**

### **ORIENTATION LESS LETHAL POLICY AND REGULATIONS**

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O.5.1 The trainee will review know the department's Conducted Energy Device Policy. Refer to Vernon Police Department Policy 304 in the Lexipol policy system.

## **0.6**

### **ORIENTATION / POLICY AND REGULATIONS**

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O.6.1 The trainee will know and understand the Department Policies regarding Sexual Harassment, Work Place Violence, and Domestic Violence.

#### **SEXUAL HARASSMENT POLICY:**

**Purpose:** To define and issue to all employees the policy on the prohibition of sexual harassment within the Vernon Police Department.

**Policy:** The following policy is taken from the summary of EEDO (Equal Employment Opportunity Commission) guidelines concerning sexual harassment, and will be adopted for use by this department.

**Definition of Sexual Harassment:** Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Sexual Harassment Includes:**

1. Verbal Harassment - Repeated, unsolicited, derogatory Comments or slurs.
2. Physical Harassment - Physical interference or contact That impedes normal work movement when directed at an individual.
3. Visual Harassment - Derogatory posters, cartoons, or drawings.
4. Sexual Favors - Sexual advances, which condition an employment, benefit in exchange for sexual favors.

**Employee's Role:**

Note: THERE IS NO INTENT BY THIS DEPARTMENT TO REGULATE OR CONTROL ANY RELATIONSHIP OR SOCIAL INTERACTIONS OF EMPLOYEES, WHICH ARE FREELY ENTERED INTO.

The following are suggestions for all employees to help establish and maintain a professional and healthy working environment, while at the same time, preventing sexual harassment from occurring.

1. It is this Department's philosophy that an employee must set an example of acceptable conduct by not participating in behavior that they feel is offensive.
2. Make it absolutely clear that you are not interested or flattered by uninvited sexual advances.
3. Warn a potential harasser that the particular behavior is offensive to you. Be specific in advising that person about what type of his/her conduct is offensive. Make it clear that you will take official action if it continues. If you foresee a problem, document the incident thoroughly.
4. If the harassing behavior continues, notify your immediate supervisor, documenting the notification. It is the employee's responsibility to bring sexual harassment behavior to the attention of a supervisor to ensure proper follow-up action.

#### Supervisor's Role:

It is important for supervisors to understand their responsibility involving sexual harassment incidents.

1. Individual supervisors are responsible to report and/or handle sexual harassment incidents. This is true if the supervisor knows or should have known of the incident by nature of his/her supervisory position.
2. Whether the complaining party requests formal or informal action, the supervisor must follow through, either by the formal complaint process or by verbally warning the harasser.
3. An individual supervisor who fails to take corrective action can and will be disciplined by this Department. The supervisor, as well as the Department, could be held civilly liable if the immediate supervisor does not take proper corrective action.
4. It is the responsibility of the supervisor to establish and maintain a working environment in which sexual harassment does not occur.

#### VIOLENCE FREE WORKPLACE POLICY:

PURPOSE/AUTHORITY: To maintain a workplace that is free of violence or the threat of violence.

PERSONNEL AFFECTED: All City employees and/ or any other person working on the City premises or using City property.

POLICY:

1. Policy Statement: The City of Vernon is committed to providing a work environment that is free of violence or the threat of violence. The City has a “zero tolerance” policy in regard to workplace violence. “Zero tolerance” means that the city will investigate incidents and take appropriate action against the offending employee and/or any other person working on City premises or using City property who violates this policy.
2. Consequences for Violation of this Policy
  - a) For City employees, disciplinary action up to and including termination and criminal prosecution as may be appropriate.
  - b) For non-City employees:
    - (i) Oral and/or written warning(s) by department management
    - (ii) Refusal of service
    - (iii) Criminal prosecution
3. Except with respect to City of Vernon sworn police personnel, and unless (1) it serves a work-related purpose, and (2) the employee has received his/her department head’s approval **in writing**, City employees and/or any other person working on City premises or using City property shall not possess in the workplace, including in their vehicles at work, any item identified in California Penal Code Section 12020 et seq., including but not limited to:
  - a) Firearms
  - b) Explosives/ammunition
  - c) Fixed blade knives
  - d) Folding knives with blades over three and one-half (3 ½) inches in length
  - e) Destructive devices
4. Acts or threats of violence include conduct, which create a hostile, abusive or intimidating work environment for a City employee. Examples of violent acts or

threats of violence that are prohibited in the workplace include, but are not limited to;

- A. Striking, punching, slapping, shoving or assaulting another person.
- B. Threatening harm or harming another person or in any other action or conduct that implies the threat of bodily harm.
- C. Fighting or challenging another person to fight.
- D. Threatening to destroy or actually destroying City property and property of City employees or non-city employees.
- E. Throwing objects with intent to injure or harm.
- F. Making or instigating harassing or threatening telephone calls, electronic or computer graphics and messages.
- G. Harassing surveillance or stalking.
- H. Possession, use or threat of use of a gun, knife or other weapon of any kind unless such possession and use is a requirement of the employee's job and is done so in accordance with his/her department's policy.
- I. Engaging in threatening, dangerous, or unwanted horseplay.
- J. Grabbing, pinching or touching another person in an unwanted way, whether sexually or otherwise.

#### Definitions:

For the purposes of this policy, "work environment" and/or "workplace" includes, but is not limited to City buildings, vehicles, equipment, property, or any location where a City employee is on duty.

### 5. Procedures and Responsibilities

#### a. Employee Responsibilities

Any employee who is the victim of any violent, threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a City employee or a non-employee, shall immediately report the incident to their supervisor or other appropriate person in the chain of command. Should the employee perceive that he or she is in

immediate apparent danger of a violent act, or has just been victimized by a violent act, or is a witness of a violent act, he or she shall, whenever possible:

- (i) Place them self in a safe location.
- (ii) If appropriate, call the Police Department and request immediate response of a police officer and be prepared to inform the police dispatcher of the circumstances and the exact location of where an officer is needed.
- (iii) Inform a supervisor, manager or the Personnel Department of the circumstances.
- (iv) Complete a Security Incident Report (Attachment A) as soon as possible and submit the original copy to the Personnel Director or designee, and retain a photocopy.
- (v) Cooperate fully in any administrative or criminal investigation, which shall be conducted within existing policy and laws.

b. Supervisor/ Manager Responsibilities

- (i) A supervisor/manager informed of an imminent or actual violent act or the threat of a violent act as defined by this policy shall, whenever possible, ensure the immediate safety of the employee and, if appropriate, shall call the Police Department if this has not already been done, and notify the Department Head and Personnel Director.
- (ii) Refer media inquiries to the Personnel Director, Department Head or the Police Department Watch Commander.

c. Future Violence

- (i) Employees who have reason to believe they or any City employee may be the subject of a violent act in the work environment or as a result of their City employment shall immediately notify their supervisor, Department Head or the Personnel Director.
- (ii) Employees who have obtained a temporary or permanent restraining order to protect themselves from another individual or who themselves are subject of a restraining order issued on behalf of someone else, shall immediately supply a copy of the signed order to the Vernon Police Department as well as to their Department Head. Employees should provide a description of the individual named in the restraining order, (or, if readily available, a recent photograph of the named individual). The employee should advise the court

to include the City workplace in the restraining order. Employees are to advise their supervisor or Department Head when any potentially violent situation exists in their lives which could result in violence at work.

6. Anti-Retaliation Policy

No employee shall retaliate against another employee who reports an incident pursuant to this policy. Employees found to have violated this section may be subject to disciplinary action up to and including termination.

7. False Reporting of an Incident

Any employee who makes a report under this Policy, which the employee knows or should know is false shall be subject to disciplinary action up to and including termination.

8. Dissemination of Policy

All employees, supervisors and managers shall be provided copies of this Policy.

The trainee will review the P.O.S.T. Workplace Violence DVD.

DOMESTIC VIOLENCE: The trainee will review know the department's Domestic Violence Policy. Refer to Vernon Police Department Policy 310 in the Lexipol policy system.

The trainee will review the P.O.S.T. Domestic Violence DVD.

The trainee will go into detail on how to handle domestic violence cases in Week 12 of field training.



## 0.7

### **ORIENTATION / PATROL VEHICLE OPERATIONS**

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O.7.1 The trainee will know and understand the Department Policy regarding emergency operation of police vehicles, pursuit policy, and request for helicopter assistance during vehicle pursuits. The trainee shall also review the POST Pursuit Telecourse.

**EMERGENCY OPERATION OF POLICE VEHICLES:** The operation of a police vehicle under emergency conditions is very dangerous at its best, and shall never be used except under the following simultaneous conditions:

- A. The vehicle must be an authorized emergency vehicle (165 VC). The term "Authorized Emergency Vehicle as used for our needs" is that vehicle which is supplied by the City for police work.
- B. The vehicle must be responding to an emergency call. The emergency may be that which is dispatched to the officer, or it may be that set of circumstances, which the officer had knowledge, which would lead him to believe that any emergency exists. In all cases, authorization be associated with one or more of the following categories:
  - 1. In responding to an emergency call;
  - 2. In the immediate pursuit of an actual violator of the law;
  - 3. In the immediate pursuit of a suspected violator of the law; or
  - 4. Responding to injury or unknown injury traffic collision investigation.
- C. Operations of emergency equipment. The siren and red lights must both be in operation, as one without the other fails to give the police vehicle any right-of-way over traffic, nor does the sounding of a siren and the display of a red light relieve the driver of the emergency vehicle from the duty to drive with due regard for the safety of persons and property. (See section 21055 C.V.C.)

If involved in the pursuit of a vehicle in which the only charge is a misdemeanor violation, officers should use good judgment, and consider the lives and property that could be damaged or lost by a high-speed chase, which results in an accident.

**USE OF CODE THREE:** Code three is at the option of the officer driving the police car depending on the information available at the time. Generally Code Three should be limited to:

- 1. A serious public hazard
- 2. The preservation of life
- 3. A crime of violence in progress
- 4. An at scene unit requesting a unit Code Three
- 5. An injury or unknown injury traffic collision

6. Officer needs help or ROVER activation
7. A request for emergency mutual aid by another agency

The concerned field officer shall make the final decision for the use of Code. An officer shall immediately broadcast the intention to proceed Code Three. The broadcast shall include the starting location, the nature and location of the activity and shall immediately be repeated by the dispatcher. The dispatcher shall warn other units whenever more than one is Code Three in a given area. The field officer shall immediately notify the dispatcher if they become aware of emergency units from any other jurisdiction traveling our City Code Three. This is for the safety of all personnel.

PURSUIT POLICY: The trainee will review and know the department's Vehicle Pursuits Policy. Refer to the Vernon Police Department Policy 314 in the Lexipol policy system.

## **0.8**

### **ORIENTATION / RADIO OPERATIONS/PROCEDURES**

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O.8.1 The trainee will know and understand the operations/procedures of mobile and portable radios, radio codes, department assigned frequencies, unit designator, and radio codes.

START OF DUTY: When the officer receives their assignment and briefing is cleared, the officer will put themselves in service. The officer will advise dispatch of their call sign and state that they are (10-8) in-service. If the MDT is not functioning in the officer's unit, the officer shall transmit to dispatch the area of assignment, the unit number, the names of the personnel also assigned to the unit and all of the equipment assigned to the unit.

SUPERFLUOUS, INDECENT OR OBSCENE TRANSMISSIONS: Superfluous transmissions, indecent, obscene, and profane language are specifically prohibited by the Communications Act of 1934.

OPERATING THE MOBILE AND PORTABLE RADIO: When transmitting, hold the microphone or portable radio so that the speaker or front of the microphone is about the distance of the width of your thumb away from your lips. Hold portable as nearly perpendicular to the ground as possible for best results.

Speak up, do not mumble or you will not be heard. Radios all compensate for the environmental noise around you adjusting the microphone input to the loudest sound available. Speak clearly and distinctly. There is a slight delay between the time you push to transmit and when the radio actually begins to send your voice so slow down especially at the beginning of the transmission.

Because of our repeater system, anytime you have both a portable and a mobile on the same channel as each other and the volume is relatively high on one or the other, there will be feedback which will produce a high-pitched squeal over the radio, so keep the volume to a level only high enough to ensure that you will not miss a call.

EMERGENCY TRIGGER ACTIVATION: The Motorola Portable radio, referred to as a ROVER, is equipped with a signaling device, which will silently alert dispatchers and other units that you need help. The activation mechanism is located on the top of the radio. Activation is accomplished by pushing down on the orange button. What will occur is the following:

The radio will make no sound, however, the radio will send a signal to the dispatcher, which identifies your radio and turns on an alarm in the Communications Center console. During a period of 45 seconds, you will not hear any call from any other unit or dispatcher. This is so that help can be summoned without alerting the suspects where you are.

The dispatchers have a procedure to follow when a ROVER is activated. In order for the system to function properly you must always keep the dispatcher advised of your location.

CALL SIGNS: The Vernon Police uses the number of the unit assigned to the officer as the first portion of the call sign. The second portion of the call sign designates either the “west” or “east” side of the city to distinguish the area of responsibility

DISPATCHING ON CALLS: Use of common California Code sections, such as 459 P.C., rather than English term, such as burglary, is hereby authorized. Since such code sections will be frequently used on the radio, it is incumbent upon each and every officer to know and study the most commonly used code sections, what type of call it is, whether Felony or Misdemeanor, and the appropriate action to be taken.

RADIO PROCEDURE AND DISCIPLINE: The Vernon Police Department has adopted a standardized radio procedure. The codes, designations, and procedures listed shall be followed strictly whenever possible.

Remember; where a code fits use it. If a code does not fit or you just cannot think of the proper code in an emergency, speak in plain English. The whole point is to adequately transmit information in order to do the job at hand.

The City of Vernon is not licensed for personal communications and thus it is required that on our main frequency, call signs be used.

ASSIGNED RADIO FREQUENCIES:

1. VPD1 - Vernon Police repeater (Primary operating channel)
2. VPD2 - Vernon Police simplex (Channel used for unit to unit transmissions)
3. PD/FD TAC
4. PD/FD DIR2
5. Vernon PW
6. Vernon L&P
7. HPPD 1 (Huntington Park Police Department)
8. HPPD 2 (Huntington Park Police Department)
9. BELL 1 (Bell Police Department)
10. BELL 2 (Bell Police Department)
11. DOWNEY 1 (Downey Police Department)
12. DOWNEY 2 (Downey Police Department)
13. SOUTHGATE 1 (Southgate Police Department)
14. SOUTHGATE 3 (Southgate Police Department)
15. VLAW31
16. VLAW32

DEPARTMENT UNIT DESIGNATOR:

- A. Two person marked police unit
- B. Radio Amateur Civil Emergency Services RACES
- C. Chief, Captain or Patrol Commander
- D. Detective personnel
- E. Bicycle Team
- F. Fire Department personnel
- G. City Government officials
- H. Industrial Relations
- I. Not presently assigned
- J. Not presently assigned
- K. Not presently assigned
- L. One person marked police unit
- M. Not presently assigned
- N. Not presently assigned
- O. Not presently assigned
- P. Parking unit
- Q. Not presently assigned
- R. Records
- S. Sergeants
- T. Traffic unit
- U. Not presently assigned
- V. City Council members
- W. Court Officer Prisoner Transportation Unit/Warrant Detail
- X. Extra Patrol marked unit
- Y. Not presently assigned
- Z. Unmarked Police patrol unit

TEN CODE:

- 10- 1 Weak radio signal
- 10- 2 Loud and clear radio signal
- 10- 4 Acknowledgment of a call received.
- 10- 5 Relay the message
- 10- 6 Busy subject to emergency call
- 10- 7 Out of service
- 10- 8 In service and available for any call
- 10- 9 Repeat transmission.
- 10-10 Out of service subject to call
- 10-13 Advise on weather and road conditions
- 10-15 Prisoner in custody
- 10-19 Come to or go to station
- 10-20 Where are you - I am at

10-21 Telephone the station  
10-21A Telephone your residence  
10-22 Disregard last message  
10-23 Stand by  
10-28 Request for DMV information  
10-29 Request for wants/warrants/stolen vehicle information/short DMV information  
10-30 Does not conform to regulation  
10-33 Request clear frequency for an emergency (Marker tone Activation)  
10-35 Confidential information  
10-35F Vehicle is stolen or connected to a felony  
10-36 Time of day  
10-45 Pick up officer  
10-83 Call officer at the following telephone number  
10-96M Mail Detail  
10-96C City Hall Security Check  
10-96V En route with the video equipment activated  
10-97 Arrived on scene  
10-98 Finished last assignment

NINE CODES:

912 Am I clear?  
913 You are clear.  
926 Request two services.  
926A Tow service enroute.  
961 Call of nature.  
962 Purchase or needs of the moment.  
998 Officer involved shooting.  
999 Officer needs help urgently - Available units including mutual aid units.

CODE CODES:

Code 1 Identify and acknowledge  
Code 3 Emergency response - lights and siren  
Code 4 No further assistance required  
Code 5 Surveillance in progress - stay out of area  
Code 6 At the scene and investigating  
Code 7 Meal break - subject to call  
Code 8 Fire

PHONETIC ALPHABET:

A	Adam	N	Nora
B	Boy	O	Ocean
C	Charles	P	Paul
D	David	Q	Queen
E	Edward	R	Robert
F	Frank	S	Sam
G	George	T	Tom
H	Henry	U	Union
I	Ida	V	Victor
J	John	W	William
K	King	X	X-ray
L	Lincoln	Y	Young
M	Mary	Z	Zebra

BROADCAST PROCEDURES: When making a crime broadcast give this sequence:

**Description of Persons:** The broadcast description of any person should, as near as possible, obtain the following information and in the following order:

1. Name.
2. Address.
3. Sex.
4. Race.
5. Age.
6. Height.
7. Weight.
8. Color of hair.
9. Color of eyes.
10. Date of birth.
11. Complexion.
12. Marks, scars, tattoos, etc.
13. Clothing worn from head down.
14. Any other pertinent information available.

The above information follows closely the order called for on the Vernon P.D. Field Interview Card.

**Description of Vehicles:** The broadcast description of any vehicle should, as near as possible, contain the following information:

1. Year.
2. Make.
3. Model.

4. Body type.
5. License number.
6. Color or color combination.
7. Stolen from (location).
8. Time and date stolen.
9. Vehicle identification number.
10. Identifying marks, which will aid in identification.

**BROADCAST DURING PURSUITS:** Immediately upon declaration of a pursuit the dispatcher shall advise all units and take control of the radio frequency. Your initial broadcast shall include the following:

1. Unit identification
2. The specific reason for the pursuit including any known violations of law
3. Vehicle description and license number if known
4. Speed and direction of travel
5. Number of occupants
6. Traffic conditions



## **0.9**

### **ORIENTATION / POLICY AND REGULATIONS**

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O.9.1 The trainee will know and understand the Portable Audio/Video Recorders Policy, the Mobile Audio Video Policy and Automated License Plate Readers (ALPRs) Policy. The trainee must be able to demonstrate the proper use of the digital recorder, mobile video camera, and ALPR. The trainee will know and demonstrate the proper use of the Handheld Video camera, Night Vision System, and Blue Check.

PORTABLE AUDIO/VIDEO RECORDERS POLICY: The trainee will review and know the department's Portable Audio/Video Recorders Policy. Refer to the Vernon Police Department Policy 450 in the Lexipol policy system.

MOBILE AUDIO VIDEO POLICY: The trainee will review and know the department's Mobile Audio Video Policy. Refer to the Vernon Police Department Policy 446 in the Lexipol policy system.

AUTOMATED LICENSE PLATE READER POLICY: The trainee will review and know the department's Automated License Plate Reader (ALPRs) Policy. Refer to the Vernon Police Department Policy 462 in the Lexipol policy system.

#### **GUIDELINES FOR THE USE OF THE HAND HELD VIDEO CAMERA RECORDER:**

The department has hand held Video Cameras. The following guidelines are to ensure that the equipment is secured and properly maintained.

1. There is a camera kept in its carrying case and secured in the sergeant's unit, whenever it is not in use. In the absence of a sergeant, the watch commander may keep the camera in his vehicle for the duration of his shift. Whenever the sergeant's unit is dead lined for service or repairs, the camera should be secured in the armory or kept with the on-duty supervisor. This will be the responsibility of the sergeant or watch commander who wrote the unit up for repairs. There are also cameras in the Sergeant's office and Watch Commander's office.
2. All personnel should be thoroughly familiar with the operation of the camera before using it. The operator's manual will be kept in the carrying case. Patrol supervisors should periodically train their personnel on the proper use of the camera. This can be done in briefing and in field settings as necessary.
3. Whenever using the camera, personnel shall use the shoulder strap, as well as the hand strap, to prevent accidentally dropping the equipment.
4. The camera is powered three ways. It can be plugged into a regular outlet, powered by six "AA" batteries, or a lithium battery pack. The six "AA" batteries will be kept in the

carrying case and should be removed after each use. The lithium battery will be kept in the sergeant's office. It cannot be left in the sergeant's unit because of the temperatures that build up in the car. The battery should never be left on the camera as it drains the battery. If the Lithium battery is used, recharge the battery after each use.

As a general rule, use the lithium battery pack. If the battery is low or runs out during recording, switch to the "AA" batteries and give the lithium battery pack to the supervisor to be recharged. The charging unit for the lithium battery is located in the sergeant's office. Because lithium batteries do not have a "memory" it will not damage the battery if it is charged daily. It will take approximately one hour to fully charge the battery. It will be the responsibility of the morning watch sergeant (or watch commander) to charge the battery for one hour every day at the beginning of his/her shift. Only "AA" Alkaline batteries may be used. No rechargeable or Manganese batteries, as they damage the camera.

5. When recording is completed book the videotape into evidence as you would any other evidence. Replace the tape used with a new one. The extra tapes are located in Records.
6. Potential uses for the camera include, but are not limited to: crime scenes, strike scenes, DUI investigations, Surveillance, and any other incident where a recording would provide evidence and there is not a vehicle with a working mobile video camera.

HAND HELD THERMAL IMAGING SYSTEM: The trainee will be shown how to use the hand held thermal imaging device. The trainee will provide examples of when the hand held thermal imaging device would be utilized.

GUIDELINES FOR USE OF NIGHT VISION SYSTEM:

The Dark Invader Night Vision System is a valuable tool for the Department and it's officers. It is also a very expensive and delicate instrument that must be handled with extreme care. For these reasons, the following guidelines have been established.

1. The Night Vision instrument, secured in the carrying case, will be kept in the sergeant's unit whenever it is not in use. In the absence of a watch sergeant, a watch commander may keep the case in his vehicle for the duration of his shift. Whenever the supervisor's unit is deadline for service or repairs, the Night Vision instrument should be placed in the armory or kept with the on-duty supervisor.
2. All officers must be thoroughly familiar with the operation of the instrument before using it. This will require supervisors to periodically review the operation of the units with the officers. This can be done in a briefing room setting and in the field as necessary.
3. Whenever using the Night Vision instrument, the officer shall use the safety strap provided, to prevent accidental damage due to dropping it or allowing it to strike some

other object. Suggested methods may include hanging it around the neck or securing it to a wrist.

4. When the instrument is returned after use, both the officer and supervisor should ensure that the batteries have been removed from the scope and infrared portion of the instrument, prior to it being stored in the carrying case. Extreme care should be used when inserting and removing the activator pin on the infrared device. The pin is very delicate and can be easily bent when setting up the unit for use.

BLUE CHECK: The trainee will be shown how to use the Blue Check device. The trainee will be instructed on when the device should be utilized.

## **O.10**

### **ORIENTATION / HOBBLE LEG RESTRAINT DEVICE**

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O.10.1 The trainee will know and understand the department policy regarding the use of the hobble leg restraint. The trainee will also demonstrate the proper use of the leg restraint.

“HOBBLE” LEG RESTRAINT PROCEDURE: Incidents have occurred in the past, when a suspect is arrested and handcuffed and placed in the rear of the patrol unit, they become more violent and kick at the vehicle's interior windows and doors. Besides the damage to the patrol vehicle, these actions represent a threat to the safety and security of the transporting officer, as well as potential injury to the suspect.

Officers have subsequently placed a “hobble” type device around the suspect's legs and then clipped the opposite end of the hobble to the handcuffs. This resulted in the restraint of the suspect's legs.

Effective immediately the following procedure will be followed when a “hobble” type restraint device is used:

1. A “hobble” should only be used if a prisoner is combative or violent, posing a threat to himself, the public, or the transporting officer.
2. A suspect should be kept in the hobbled restrained position (feet hobbled to handcuffs) for the least amount of time necessary to handle each particular situation. The suspect should be released from the feet to handcuff hobble position as soon as safety precautions allow. The ankles and wrists can remain secured but disconnected from one another so as to avoid restricting breathing and blood/flow circulation. The suspect is to be placed on his/her side, never in a prone chest down position while restrained in any manner.
3. In most instances when the hobble is used around the suspect's ankles, the officer should attempt to transport the suspect in a seated upright position in the back seat of the patrol vehicle. The hobble belt is looped over the suspect's feet and secured firmly around the ankles by pulling the slack belt through the alligator friction clip. While seated in the rear seat, the suspect's legs and feet are immobilized by dropping the remaining belt outside the rear door. Once the rear door is closed, the suspect's ankles are pulled against the interior door and the remaining belt is laid inside the open front door. Closing the front door will secure the belt for suspect transportation.
4. Only under extremely aggravated circumstances should a suspect be restrained and transported with the belt clipped or secured to the handcuffs placed on the prisoner's wrists behind the back. In no event should a suspect be restrained in this fashion be transported face down on his/her chest. The suspect should be placed onto his /her side and retained in that position.
5. The suspect should be continually monitored. If the suspect has a drug history and/or has exhibited bizarre behavior, hypothermia, difficulty breathing or other symptoms requiring medical attention, he/she shall be transported to a medical facility without

delay unless there is a medical need to keep the suspect at the location pending arrival of paramedics.

## **0.11**

### **ORIENTATION / DEPARTMENT POLICY AND REGULATIONS**

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O.11.1 The trainee will know and understand the department policy regarding the use of the department self-contained breathing apparatus (SCBA) and will demonstrate proper use of the device.

#### **RESPIRATORY PROTECTION PROGRAM**

##### **Purpose**

To comply with OSHA General Industry Standard for respiratory protection (29 CFR 1910.134) that requires a respiratory protection for all employers that require employees to wear respiratory protection establish program. The Vernon Police Department is aware of the potential of respiratory hazards during routine field operations. The purpose of this program is to ensure that all employees are protected from exposure to these respiratory hazards during field operations.

##### **Scope and Application**

This program applies to all employees who are required to wear respirators during non-routine or emergency operations such as a response to a spill of hazardous substance. All employees assigned to work in areas of such respiratory hazards must be enrolled in the respiratory protection program. All employees enrolled in the program is subject to the medical evaluation, cleaning, maintenance, and storage elements of this program, and must be provided with certain information specified in this section of the program.

Employees participating in the respiratory program do so at no cost to them. The expense associated with training, medical evaluations and respiratory protection equipment will be borne by the police department.

##### **Responsibilities**

###### **Program Administrator**

The Program Administrator is responsible for administering the respiratory protection program. Duties of the program administrator include:

- Process tasks that require employees to wear respirators and evaluating hazards.
- Selection of respiratory protection options.
- Monitoring respirator use to ensure that respirators are used in accordance with their certifications.
- Arranging for and/or conducting training.
- Ensuring proper storage and maintenance of respiratory protection equipment.
- Arrange for qualitative fit testing with Bitrex.

- Administering the medical surveillance program.
- Maintaining records required by the program.
- Evaluating the program.
- Updating written program as needed.

Supervisors are responsible for ensuring that the respiratory protection program is implemented in their assigned areas. In addition to being knowledgeable about the program requirements for their own protection, supervisors must also ensure that the program is understood and followed by the employees under their charge. Duties of the supervisors include:

- Ensuring that employees under their supervision (including new hires) have received appropriate training fit testing and annual medical evaluation.
- Ensuring the availability of appropriate respirators and accessories.
- Being aware of incidents requiring the use of respiratory protection.
- Enforcing the proper use of respiratory protection when necessary.
- Ensuring that respirators are properly cleaned, maintained, and stored according to the respiratory protection plan.
- Ensuring that respirators fit well and do not cause discomfort.
- Continually monitoring incidents and operations to identify respiratory hazards.
- Coordinating with the Program Administrator on how to address respiratory hazards or other concerns regarding the program.

## Employees

Each employee has the responsibility to wear his or her respirator when and where required and in the manner in which they were trained. Employees must also:

- Care for and maintain their respirators as instructed, and store them in a clean sanitary location.
- Inform their supervisor if the respirator no longer fits well, and request a new one that fits properly.
- Inform their supervisor or the Program Administrator of any respiratory hazards that they feel are not adequately addresses in the workplace and of any other concerns that they have regarding the program.

## Program Elements

### Selection Procedures

Respirators are selected and approved by the employer. This selection is based upon the physical and chemical properties of the air contaminants and concentration level likely to be encountered by the employee. The respirator program administrator and/or supervisor will

make a respirator available immediately to each employee who is placed as a new hire or as a transferee in a job that requires respiratory protection. Replacement respirators/pre-filters and/or chemical cartridges will be made available as required.

Respirator currently approved by this department is:

Scot Air Pak 4.5 Self Contained Breathing Apparatus

#### Updating the Hazard Assessment

The program Administrator must revise and update the hazard assessment as needed (i.e., any time work process changes may potentially affect exposure). If an employee feels that respiratory protection is needed during a particular activity, he/she is to contact his or her supervisor or the program administrator. The program administrator or supervisor will evaluate the potential hazard, arranging for assistance as necessary. The program administrator will then communicate the results of that assessment back to employees. If it is determined that respiratory protection is necessary, all other elements of this program will be in effect and this program will be updated accordingly.

#### NIOSH Certification

All respirators must be certified by the National Institute for Occupational Safety and Health (NIOSH) and shall be used in accordance with the terms of certification. Also, all filters cartridges, and canister must be labeled with the appropriate NIOSH approved label. The label must not be removed or defaced while it is in use.

#### Employee training

Each employee who is required to wear a respirator must be trained on his or her responsibilities in the respiratory protection program. The respirator issuance and training card will be reviewed on a periodical basis with each employee. They will be instructed in the need, use, limitations, and care of their respirators.

#### Employee Fit Testing

Employees required to wear a respirator must be fitted properly and tested for face seal prior to use of the respirator in a contaminated area. Personnel from the Vernon Fire Department will perform a qualitative fit test using a Bitrex solution aerosol.

#### Medical Examination

Employees who are required to wear respirators must pass a medical exam before being permitted to wear a respirator in the field. Employees are not permitted to wear respirators until a physician has determined that they are medically able to do so. Any employee refusing the medical evaluation will not be allowed to work in an area requiring respirator use.



A licensed physician at U.S. Health Works medical clinic where employee medical services are provided will provide the medical evaluations. Medical evaluations are as follows:

- The medical evaluation will be conducted using the questionnaire provided by the respiratory protection standard. This questionnaire will be provided by Technimed medical clinic.
- Follow-up medical exams will be granted to employees as required by the standard, and /or deemed necessary by Technimed medical clinic physician.
- All employees will be granted the opportunity to speak with the physician about their medical evaluation if they so request.
- The Program Administrator will provide Technimed medical clinic physician a copy of this program, a copy of the Respiratory Protection standard, his or her job assignment, respirator type and weight, length and time required to wear respirator, expected physical work load (light, moderate, or heavy) potential temperature and humidity extremes and any additional protective clothing required.
- After an employee has received clearance and begun to wear his or her respirator, additional medical evaluations will be provided under the following circumstances:
  1. Employee reports signs and/or symptoms related to their ability to use a respirator, such as shortness of breath, dizziness, chest pains, or wheezing.
  2. The Technimed medical clinic physician or supervisor informs the Program Administrator that the employee needs to be reevaluated;
  3. Information from this program, including observations made during the fit testing and program evaluation, indicates a need for reevaluation;
  4. A change occurs in workplace conditions that may result in an increased physiological burden on the employee.

All examinations and questionnaires are to remain confidential between the employee and the physician.

#### Respiratory Use

Respiratory protection is required for all patrol personnel including Vernon Service Officers.

#### General Use Procedures:

- Employees will use their respirators under conditions specified by this program and in accordance with the training they receive on the use of the respirator. In addition, the respirator shall not be used in a manner for which it is not certified by NIOSH or by its manufacturer.
- All employees shall conduct user seal checks each time that they wear their respirator.

- All employees shall be permitted to leave the assigned work area to clean their respirator if the respirator is impeding their ability to work, change cartridges, replace parts, or to inspect the respirator if it stops functioning as intended. Employees should notify their supervisor before leaving the area.

Employees are not permitted to wear tight-fitting respirators if they have any condition, such as facial scars, facial hair, or missing dentures, that prevents them from achieving a good seal. Employees are not permitted to wear headphones, jewelry, or other articles that may interfere with the facepiece-to-face seal.

### Respirator Malfunction

For any malfunction (e.g. such as breakthrough, facepiece leakage, or improperly working valve), the respirator wearer should inform his or her supervisor that the respirator no longer functions as intended, and go to the designated safe area to maintain the respirator. The supervisor must ensure that the employee receives the needed parts to repair the respirator or is provided with a replacement respirator.

### Air Quality

The program administrator will coordinate deliveries of compressed air with the Vernon Fire Department and will maintain a supply of fully charged replacement cylinders for each unit.

### Cleaning

Respirators are to be regularly cleaned and disinfected by Vernon Fire Department personnel.

### Maintenance

Respirators are to be properly maintained at all times in order to ensure that they function properly and adequately protect the employee. Maintenance involves a thorough visual inspection for cleanliness and defects. Worn or deteriorated parts will be replaced prior to use. No components will be replaced or repairs made beyond those recommended by the manufacturer.

The following checklist will be used when inspecting respirators:

- Face piece: cracks, tears, or holes, facemask distortion, cracked or loose lenses/face shield
- Head straps: breaks or tears and broken buckles
- Valves: residue or dirt, cracks or tears in valve material
- Air Supply Systems: breathing air quality/grade, condition of supply hoses, hose connections, setting on regulators and valves

Employees will be permitted to leave their assigned area to perform limited maintenance on their respirator in a designated area that is free of respiratory hazards and after notifying the

incident supervisor. Situations when this is permitted include to wash their face and respirator face piece to prevent any eye or skin irritation, to replace the cylinder, and if they detect leakage in the face piece or if they detect any other damage to the respirator or its components.

### Storage

The respirators will be stored in a clean, dry location and/or container. Two fully charged respirators are located in the jail facility and additional respirators/cylinders are stored in the armory room.

### Defective Respirators

Respirators that are defective or have defective parts shall be taken out of service immediately. If, during an inspection, an employee discovers a defect in a respirator, he or she is to bring the defect to the attention of his or her supervisor. Supervisors will notify the program administrator of all defective respirators. The program administrator will have the defective respirator examined and repaired by the appropriate agency.

### Training

The program administrator will ensure that respirator users and their supervisors are trained in the Respiratory Protection Program and their responsibilities under it. Respirator users will be trained prior to using a respirator in the field. Supervisors will also be trained prior to using a respirator in the field or prior to supervising employees that must wear respirators.

The training course will cover the following:

- The Vernon Police Department Respiratory Protection Program
- The OSHA Respiratory Protection standard
- Respiratory hazards and their health effects
- Proper selection and use of respirators
- Limitations of respirators
- Respirator donning and user seal (fit) checks
- Fit testing
- Emergency use procedures
- Maintenance and storage
- Medical signs and symptoms limiting the effective use of respirators

Employees will be trained annually or as needed (e.g., if they need to use a different respirator). Employees must demonstrate their understanding of the topics covered in the training through hands-on exercises. Respirator training will be documented by the training division and will

include documentation of the type, model, and size of respirator for which each employee has been trained and fit tested.

#### Program Evaluation

The program administrator will conduct periodic evaluations of the program to ensure that the provisions are being implemented. The evaluations will include regular consultations with employees who used the respirators and their supervisors, field use and as review of records.

#### Documentation and Record Keeping

A written copy of this program and the OSHA standard is kept in the program administrator's office and is available to all employees who wish to review it.

The Training Division will maintain training and fit test records. These records will be updated as new employees are trained, as existing employees receive refresher training, and as fit tests are conducted.

The Training Division will also maintain copies of the medical records for all employees covered under the respirator program. The completed medical questionnaire and the physician's documented findings are confidential and will remain at Technimed Medical Clinic. The department will only retain the physician's written recommendation regarding each employee's ability to wear a respirator.

## O.12 ORIENTATION

### **DEPARTMENT POLICY AND REGULATIONS**

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O.12.1 The trainee will know and understand the department procedures regarding the use of the nerve agent exposure and the use of the DuoDote antidote kit.

#### NERVE AGENT EXPOSURE AND THE USE OF THE DUODOTE ANTIDOTE KIT

Objectives - The student will:

- A. Identify the antidotes to be administered in the event of a nerve agent exposure.
- B. Identify conditions under which the DuoDote auto-injector should be used.
- C. Demonstrate the proper use of the DuoDote auto-injector.
- D. Recognize adverse reactions to the use of the DuoDote auto-injector

#### Terrorism

Today the threat of terrorism has now affected all communities, both nationally and internationally. History has shown that no community is immune. Terrorism transcends all geographic and demographic boundaries. Terrorists, both national and international, have demonstrated the knowledge and capability to strike anywhere in the world. These actions have created an urgent need to provide protection for first responder emergency personnel in a manner that has not been a concern in the past.

#### Introduction

- The Vernon Fire and Police Departments have identified a need for 1<sup>st</sup> responders to be capable of administering self-aid in the event of a nerve agent exposure.
- All Fire and Police personnel have been issued 3 DuoDote injectors as part of their WMD protective clothing bag. The EOC is also equipped with 3 DuoDote kits per position.

#### Responsibility

- Each individual is responsible for the maintenance and inspection of the auto-injector. (Condition and Expiration)
- **Replacement of an auto-injector that is deployed, stolen, lost, damaged or reaches its expiration date shall be done by contacting the Vernon Fire Dept B.C. or Vernon Police Dept Lt. Winegar.**

#### What an Auto-Injector is:

- It's a simple, compact injection system that comes equipped with pre-measured amounts of antidote. (adult dose)
- They contain an antidote that relieves or counters the effects of poisons such as nerve agents.
- FDA approved for EMS use in the treatment of nerve agent poisoning.
- Contains 2 antidotes in 1 injector.

- Binject delivery system delivers both antidotes sequentially into separate areas of the muscle.
- Easy to use: 1 injection – 1 needle

#### Background

- ◆ They were introduced to the military originally and have been in use since 1958.
- ◆ There was a need to administer emergency drugs safely and very rapidly to patients who were at risk of death.

#### Nerve Agents

They are the most toxic of all weaponized military agents.

- ◆ GA-Tabun
- ◆ GB-Sarin (most common)
- ◆ GD-Soman
  - ◆ VX-most deadly

They are stored and transported as liquids.

- ◆ In liquid form they can be absorbed through the skin and eyes.
- ◆ In vapor form it is absorbed through inhalation and eyes, but not through the skin.
- ◆ VX is 100-150 times more toxic than the G-agents when exposed to the skin because of its low volatility. (Consistency of motor oil)

Nerve agents belong in a class of chemicals called organophosphates and have a physiologic effect similar to many insecticides.

- ◆ Malathion
- ◆ Diazinon
- ◆ Chlorpyrifos

#### Normal Nerve Function in the Body

- ◆ Nerves communicate with muscles, organs, and other nerves by releasing chemicals or neurotransmitters at the connection site or synapse.

The most common transmitter is:

- ◆ Acetylcholine (Ach)
- ◆ Ach is released and collects at receptor site, which stimulates the end organ and causes...
- ◆ Muscle contraction
- ◆ Gland secretion
- ◆ Nerve-to-nerve conduction
- ◆ To stop further stimulation of the nerve, Ach is rapidly broken down by Acetylcholinesterase. (AChE)

#### Nerve Agent Actions

- ◆ Nerve agents work by inhibiting the enzyme AChE.

- ◆ This allows Ach to accumulate which over stimulates the end organ.(muscles, organs & glands)
- ◆ This build up occurs at 2 different types of receptors.
- ◆ Muscarinic sites (smooth muscle & glands)
- ◆ Nicotinic sites (skeletal muscles & nerve ganglions)

The effects of nerve agents

At smooth muscle sites, over stimulation of glands and muscles causing:

- ◆ Salivation
- ◆ Tearing (lacrimation)
- ◆ Runny nose
- ◆ Sweating
- ◆ Pin point pupils
- ◆ Shortness of breath
- ◆ G.I. Cramping and nausea/vomitting

Symptoms of Exposure to Nerve Agents

- ◆ Mild Exposure:
  - Blurred vision, miosis (pupil constriction)
  - Unexplained sudden tearing of eyes
  - Sudden excessive runny nose
  - Increased salivation
  - Tightness in chest, difficulty breathing
  - Tremors or twitching
  - Stomach cramps/ Nausea
  - Wheezing, coughing, or increased airway secretions

Symptoms of Exposure to Nerve Agents

- ◆ Severe Exposure:
  - Strange or confused behavior
  - Pin point pupils and tearing eyes
  - Severe difficulty breathing or stoppage of breathing
  - Severe muscular twitching
  - Unconscious/coma
  - Convulsions
  - Involuntary urination/defecation

Procedure for Use of the DuoDote

- ◆ Before injecting
  - Tear open plastic pouch and remove injector.
  - Place injector in your dominant hand, firmly grasp it, with **Green tip** pointing downward.
  - With other hand remove **gray** safety release.
  - Keep fingers clear of both ends of the injector.

- You are now ready to inject.

#### Procedure for Use of DuoDote

- ◆ Select site and inject
  - Mid-outer thigh area.
  - You can inject through clothing but make sure pockets are empty.
  - Firmly push **Green tip** against thigh, continuing to push firmly until you feel the auto injector trigger..
  - Hold for 10 seconds.

#### Procedure for Use

- ◆ After injection
  - Remove injector from thigh, inspect the Green tip, if needle is visible, injection was successful.
  - Push exposed needle against a hard surface back on itself, place in plastic pouch.
  - Keep used injectors with patient so EMS knows number of injections.
  - Immediately move away from contaminated area, decon skin and clothing, seek EMS.

#### Guidelines for administration

- ◆ Mild symptoms
  - First dose: in known or suspected organophosphate poisoning, administer 1 DuoDote if experiencing 2 or more mild symptoms.
  - Wait 10 – 15 minutes if symptoms don't increase to **Severe** no more injections needed.
  - If symptoms do increase to severe, administer 2 additional DuoDote injectors in rapid succession, seek EMS

#### Guidelines for administration

- ◆ Severe symptoms
  - If exhibiting Severe symptoms of organophosphate poisoning administer 3 DuoDote injectors in rapid succession, seek EMS
  - EMS will further treat for airway problems and convulsions
  - Close supervision for 48-72 hours in hospital

#### Atropine Sulfate

- ◆ Class: Anticholinergic Agent
- ◆ Description: Inhibits actions of acetylcholine ( Neurotransmitter )
- ◆ Onset: Rapid
- ◆ Duration: 2-6 hours

#### Atropine Sulfate

- ◆ Indications:
- ◆ Bradycardia
- ◆ Asystole



- ◆ PEA
- ◆ Organophosphate poisoning

#### Atropine Sulfate

- ◆ Contraindications:
- ◆ Tachycardia
- ◆ Hypersensitivity
- ◆ MI
- ◆ Glaucoma

#### 2-Pam

- ◆ Description: Restores normal activity of cholinesterase
- ◆ Indications: Nerve agent poisoning
- ◆ Contraindications: None noted

#### Adverse Reactions to Antidote

Signs and symptoms of adverse reactions to DuoDote antidotes.

- ◆ Blurred vision
- ◆ Dizziness
- ◆ Headache
- ◆ Drowsiness
- ◆ Nausea
- ◆ Rapid heart rate
- ◆ High blood pressure
- ◆ Hyperventilation

#### Conclusion

- ◆ Auto injectors are simple, accurate and rapid for antidote administration.
- ◆ They prevent cross contamination of needle by being one-time use only.
- ◆ Enable administration even if the user is wearing protective clothing.
- ◆ Fully automatic operation.

## 0.13

### **ORIENTATION / EVIDENCE COLLECTION/PRESERVATION**

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**0.13.1** The trainee shall possess the ability to preserve evidence in such a way as to ensure that it is received by an examining authority or court in as near to the condition it was found as possible.

**PROPERTY REQUIRING SPECIAL PROCESSING:** Certain categories of property evidence must be processed in a special manner so as to ensure that its evidentiary value is not jeopardized. Officers or other members of the Department will adhere to the following appropriate procedures when taking possession of such property or evidence.

**KAPAKS:** Kapaks are to be used solely for the packaging of solid form drugs. The Kapaks should be sealed securely by the use of the sealing element located in the evidence packaging room. Under no circumstances should the sealer element located in the jail be used for the sealing of evidence.

Examples of evidence that may be sealed in Kapaks are:

1. Marijuana
2. Cocaine
3. Pills
4. Cigarettes laced with PCP

Once the drugs are sealed in Kapaks, a white evidence label should be completed and placed on the Kapak. The Kapak may then be put into an evidence locker.

**LIQUID DRUGS:** LSD, PCP, Etc., should be packaged in their original containers and sealed in a plastic evidence bottle. Newspaper or other paper material may be used to pack the inside of the plastic evidence bottle to provide protection from breakage. Label the plastic evidence bottle with a white pre-printed evidence sticker.

**SYRINGES:** Plastic tubes are provided to secure syringes. Both ends must be sealed with red security tape once the syringe has been placed into the tube. The tubes are then placed in a paper evidence bag or printed evidence envelope and sealed. Attach a red bio-hazard sticker to the evidence bag or envelope.

**HOLD FOR PRINTS:** Evidence submitted "HOLD FOR PRINTS" should be properly labeled as such. A special "WARNING-PRINTS" tape is provided for such cases. All such items should be carefully packaged to prevent anyone from touching the evidence.

**BLOOD/URINE:** Blood and urine samples need not be booked in an evidence packaging envelope and they do not need to be sealed in a Kapak. Seal blood samples in the evidence envelope provided by the crime lab. For urine samples use the jar provided by the crime lab

and seal with the tape provided. Book both types of evidence into a locker. Bio-hazard stickers are not required.

**WEAPONS:** Handguns should be placed into a closed face printed evidence box. Do not use the evidence envelopes with the clear plastic for viewing. Larger weapons (rifles/machetes etc.) may be booked without wrapping or in a rifle box. If this is done, attach a white pre-printed evidence tag to the evidence. When an evidence box is used, clearly label the outside of the box with an arrow showing the direction of the barrel and indicate that the weapon is unloaded. Ammunition should be removed from firearms and booked in a separate envelope, whenever possible. If a loaded weapon must be booked, clearly label the outside of the evidence box "LOADED WEAPON." In addition, clearly label the outside of the evidence locker in the same manner.

EVERY EFFORT SHOULD BE MADE TO PACKAGE AND BOOK EVIDENCE PROPERLY. TOOLS OR OTHER BULKY ITEMS SHOULD BE LABELED PROPERLY AND BOOKED INTO A LOCKER. IF AN ITEM IS TOO LARGE TO FIT IN A LOCKER, THEN THE OUTSIDE EVIDENCE GARAGE SHOULD BE USED.

**PAPER EVIDENCE:** In order to ensure consistency in the way that all officers handle paper evidence, the following procedure will be used in any case where officers recover paper evidence (bills of lading, receipts, checks, notes, ledgers, vehicle registrations, etc.).

All paper evidence will be photocopied by the officer prior to booking it into an evidence locker. The photocopies will be placed into a "Paper Evidence" envelope (available in the report writing room). The officer will complete the information on the outside of the envelope which includes the date, CR number, number of pages/pieces of paper evidence and the officers name. The envelope is then placed in the incoming Records basket. Records will place the copies in the report file.

**HAZARDOUS MATERIALS:** UNDER NO CIRCUMSTANCES SHOULD HAZARDOUS MATERIALS BE STORED IN THE CITY HALL/POLICE FACILITY! Advise the on-duty Watch Commander. VFD and the Health Department may need to be notified. If possible photograph the evidence and allow VFD and the Health Department to dispose of it properly.

Hazardous materials are described as explosives, chemicals that can explode when in contact with other materials and/or air or water, chemicals that can explode when jarred or struck, and flammable liquids.

Gasoline booked as evidence can be placed in the "Sally" port. The Evidence officer should be notified as soon as possible.

**PROPERTY TAGS:** Property tags must be attached to the outside of the evidence and must be completely filled out. In some cases more than one tag may be needed for one CR#. The property tags must be legible.

EVIDENCE ENVELOPES: The evidence envelopes must be completed properly with all of the required information. The investigating officer should initial the envelope at the closing seal or across any evidence tape to provide integrity.

WET PROPERTY: Property that is wet at the time of booking will be tagged with a "Property Tag" that has been marked "wet" (obtainable at the Evidence Room). Wet property shall be hung in the evidence garage to allow for drying.

PHOTOGRAPHIC EVIDENCE: Photographs taken with a digital camera will be downloaded into the report. Photographs taken with film, the exposed film will be submitted to the Records Division for processing. The roll(s) of film will be attached to the form requesting film to be developed.

ALCOHOLIC BEVERAGE EVIDENCE: Officers investigating incidents which require the processing of alcoholic beverages will book such evidence by adhering to one of the following appropriate procedures:

1. OPEN CONTAINER INVOLVING A VEHICLE: Adults involved in "open container" cases will be instructed to place the container in the trunk of their vehicle and then issue a citation.
2. DRUNK DRIVING CASES: Open containers which have some residue of alcoholic beverage present, unopened containers, and empty containers found within the vehicle will not be booked but left in the vehicle. The containers will be digitally photographed, the photos downloaded into the report, and the number, brand, and condition of such containers will be referred to in the report pertaining to the incident.

NARCOTICS PARAPHERNALIA: Items which have been used in the taking or preparation of narcotics are PARAPHERNALIA and should be booked as non-narcotic evidence.

WEIGHING OF DRUGS: Nationwide, there has been a marked increase in the illegal use of opioids. Of particular concern, is the increase use of synthetic opioids such as fentanyl and carfentanil. Fentanyl is 50 to 100 times more potent than morphine, while carfentanil is 100 times stronger fentanyl. Both are used legitimately by doctors for patients suffering from severe pain. However, fentanyl and carfentanil are increasingly being found cut into other drugs such as cocaine and methamphetamine.

The increased presence of fentanyl and carfentanil has become a serious concern for Law Enforcement. Because of their potency, very small amounts of these synthetic opioids can be lethal. Across the U.S., there have been a number of documented incidents where first responders and hospital staff have overdosed while handling these synthetic opioids. Officers have been exposed to fentanyl and carfentanil while processing crime scenes, searching vehicles, handling evidence and testing narcotics.

***Effective immediately, narcotic evidence will be weighed in its original packaging and will be noted as such in the officer's report. Additionally, we will discontinue the use of all NIK Field Presumptive Narcotic tests. All staff are reminded to ensure and maintain their own personal safety at all times, particularly when handling any narcotics or narcotic-related evidence. The practice of removing narcotics from their packaging as required for both of these procedures, unnecessarily endangers the officer and increases his/her risk to exposure. As a result, narcotic evidence will be sent to the Crime Lab. At the Crime Lab, the evidence will be weighed and identified in a safe and controlled environment. This essential procedural change should have no effect on criminal filings. Currently, the District Attorney's office postpones criminal filings for possession of narcotics until the results are received from the Crime Lab.***

**IDENTIFICATION AND TESTING: *Effective immediately, narcotic evidence will be weighed in its original packaging and will be noted as such in the officer's report. Additionally, we will discontinue the use of all NIK Field Presumptive Narcotic tests. All staff are reminded to ensure and maintain their own personal safety at all times, particularly when handling any narcotics or narcotic-related evidence. The practice of removing narcotics from their packaging as required for both of these procedures, unnecessarily endangers the officer and increases his/her risk to exposure. As a result, narcotic evidence will be sent to the Crime Lab. At the Crime Lab, the evidence will be weighed and identified in a safe and controlled environment. This essential procedural change should have no effect on criminal filings. Currently, the District Attorney's office postpones criminal filings for possession of narcotics until the results are received from the Crime Lab.***

**TRANSPORTATION OF EVIDENCE TO COURT: When evidence is removed for transportation to court, the following procedure will be followed:**

1. The evidence will be recorded and logged out by the Court Officer.
2. The officer will take the evidence to court. If any portion of the evidence is retained by the court as an exhibit, the officer should obtain a receipt form signed by a Court Clerk and will return the receipt to the Court Officer.
3. The evidence envelope will normally not be opened in court, but if it is, the top of the envelope will be cut and the cut off portion will be placed inside the envelope. The officer, upon return from court, will reseal the envelope and a new ID tag will be placed on evidence package. The officer will record the fact that the evidence was opened on the envelope to ensure chain of custody.

**CURRENCY, COIN, AND NEGOTIABLE SECURITIES: Negotiable property or evidence will be booked into the evidence room, but if large sums of money are being booked, notify the on duty supervisor prior to booking the evidence.**

**SEMEN OR BLOOD STAINS: When possible, clothing or other materials stained with moist semen or blood will be placed on clean paper and allowed to dry before packaging. When time or circumstances do not permit drying prior to packaging, specimens will be packaged in a**

paper bag or container tagged with a "Property Tag" stamped "wet" and booked into the Evidence Room in the same manner as other evidence.

VAGINAL SPECIMENS: The officer receiving custody of a vaginal specimen will book the specimen into the evidence refrigerator located in the jail facility.

NOTE: Vaginal specimens must be booked so as to refrigerate the specimen.

IDENTIFIABLE VEHICLE PARTS: When an officer impounds or recovers motor vehicle parts (including motorcycle parts) or frames that may or should contain identifying numbers, the parts will be stored in the evidence room adjacent to the jail. The officers will submit a copy of Vehicle Report (CHP Form 180) to the Detective Bureau Investigators as soon as possible.

STORAGE OF BICYCLES: The location of bicycle storage is determined by the nature of the impound. When impounding a bicycle, officers will adhere to one of the following appropriate procedures:

1. BICYCLES IMPOUNDED AS EVIDENCE OR FOR SAFEKEEPING: Bicycles impounded pursuant to an arrest, associated with a suspect as evidence, or for safekeeping will be handled in the same manner as other forms of property. A "Property Report" will be completed. Bicycles will be booked into the evidence room adjacent to the jail facility. Marking of evidence and the routing of the reports will be the same as for other forms of evidence.
2. FOUND OR ABANDONED BICYCLES: Found or abandoned bicycles will be placed in the evidence room adjacent to the jail facility as safekeeping. Prior to booking the bicycle determine if the bicycle has a bicycle license or easily identifiable number. Check any license or number to see if the bicycle is stolen.

PERISHABLE ITEMS: The perishable items will be digitally photographed as evidence and then disposed of properly.

LARGE SHARP OBJECTS: Large sharp objects if possible will be packaged in the plastic tubes with the sharp tip secured in the styrofoam base. Once the evidence is sealed and labeled it will be placed in the appropriate secure evidence locker and the exterior side of the locker will be labeled as such.

GUNSHOT RESIDUE (GSR) AS EVIDENCE: When most handguns are fired, a cloud of gas escapes from the chamber and barrel of the weapon. When this gas escapes, it is likely to fall onto the hand of the person who fired the weapon. For this reason, 2 tests have been developed to detect the presence of this gunshot residue (GSR), or more specifically, two elements present in the residue: **ANTIMONY** and **BARIUM**.

**ANTIMONY** and **BARIUM** rarely occur together in the course of regular events. Therefore, their presence on the hand of a person would tend to indicate that the person has recently fired a weapon and this, of course, would have evidentiary value.

Of the two tests developed, the AA GSR (atomic absorption) test is the more general and less expensive to process. This test uses cotton swabs and nitric acid to detect GSR on the thumb, forefinger, palm and the webbed area of the hand between the thumb and forefinger. These areas are lightly sprayed with a 5% solution of nitric acid and then individually swabbed. The AA GSR test should be used when the ammunition used was larger than .22 calibers, for .22 caliber cartridges made by the Federal Cartridge Company, and when a large number of suspects are to be tested.

The other test is the SEM GSR (scanning electron microscopy) test. It uses an adhesive metal disc to gather GSR from the same areas tested with the AA GSR test. This test is used when the caliber of the weapon used is unknown. Although the SEM GSR test is easier to administer and more conclusive, it is also more time consuming for the Sheriff's Crime Lab to process and therefore is more expensive.

Both test kits come in sealed envelopes. The AA GSR kit includes a pair of rubber gloves, 6 tubes containing 2 cotton swabs each and an adhesive seal to be placed on the envelope after the test. The SEM GSR kit includes 2 cups with metal discs, a pair of rubber gloves and an adhesive evidence seal. Complete instructions for the tests are printed on each envelope.

#### INSTRUCTIONS FOR GSR KITS:

1. GSR is best removed during the first 2 hours it is deposited on the skin, but can still be effectively removed up to 6 hours after deposit.
2. Some handguns may be so well made, they do not deposit GSR.
3. After a suspect has been tested with the SEM GSR kit, the AA GSR kit can still be used to gather GSR, however the reverse procedure is not possible.
4. GSR can be found on clothing but a successful kit has not yet been developed to remove it without also removing fibers from the clothing.
5. Clean weapons do not deposit as much GSR as dirty weapons.
6. Rifles deposit GSR (usually around the area of the face) however, statistical data has not yet established levels which would be of evidentiary value.
7. **ANTIMONY** and **BARIUM** could possibly occur together in some professions such as typesetters and auto mechanics.
8. GSR is like talcum powder, and is therefore a very temporary agent. It can be washed off, rubbed off or can wear off during the course of a few hours. It is therefore very important that this evidence be handled with care. The person who is going to administer the GSR test should first wash his hands before putting on the rubber gloves provided in the kits. If multiple suspects are to be tested, they should be separated before and during the test.

9. Because of the volatile nature of GSR, and the fact that the suspect can literally rub the evidence off his hands, thought should be given to preserving this evidence. The suspect should not be allowed to wash his hands nor should he be fingerprinted prior to the test. Policy states that all persons arrested shall be handcuffed with hands behind the back. This, however, could affect the preservation of GSR on the suspect's hands. Therefore, Watch Commanders should exercise discretion in this area. Arrestees suspected of firing a weapon may be handcuffed with hands in the front. The assisting officer should be certain the suspect has his seat belt on and should be alert to the fact that the arrestee's hands are free to swing in a wide arc.



## **EVIDENCE COLLECTION**

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The trainee shall know the department Biological evidence policy and procedure.

### **RETENTION, STORAGE AND DISPOSAL OF BIOLOGICAL EVIDENCE POLICY**

It is the policy of the Vernon Police Department to retain, store and dispose of biological evidence pursuant to California Penal Code 1405 and 1417.9. To that end, the following procedure shall be followed by Vernon Police Department staff when dealing with biological evidence.

#### **Parameter of Evidence Retention Requirement**

Although the statute mandates only that law enforcement keep all known biological material, it is recommended that all items that have a **reasonable likelihood** of containing biological evidence be retained. Courts have treated reasonable likelihood to mean more than a “possibility” or “speculation”

Any member of the Vernon Police Department or other official making the decision to discard evidence should have the experience and background sufficient to make the decision regarding the likelihood that the item contains biological evidence, or should consult with a person having such qualification. ***If there is any reasonable question, the item shall be retained.*** The case investigator or prosecutor shall be contacted if possible.

#### **Length of Time for which Evidence must be retained**

The statute requires the appropriate government entity to retain all biological material that is secured in connection with a criminal felony case for the duration of the inmate’s incarceration in connection with the case.

A governmental entity may only destroy biological materials while an inmate is incarcerated in connection with the case if the following conditions are met:

1. The governmental entity notifies the person who remains incarcerated in connection with the case, any counsel of record, the public defender and the district attorney in the county of conviction and the Attorney General of its intention to dispose of the material; and,
2. The entity does not receive a response within 90 days of the notice in one of the following forms:
  - a. A motion requesting that DNA testing be performed. Upon filing such a motion, the governmental agency must retain the materials sought to be tested only until such time as the court issues a final order.

- b. A request under penalty of perjury that the material not be destroyed because a motion for DNA testing will be filed within 180 days and a motion is in fact filed within that period or,
- c. A declaration of innocence under penalty of perjury filed with the court within 180 days of the judgment of conviction or before July 1, 2001, whichever is later. However, the court shall permit the destruction of the evidence upon a showing that the declaration is false or there is no issue of identity that would be affected by future testing. [This provision sunsets on January 1, 2003]

### **Storage and Handling of Biological Evidence**

In order to maintain the possibility of successful DNA testing with techniques currently in use, evidence containing biological material:

- Should be stored in dried condition.
- Should be stored frozen, under cold/dry conditions or in a controlled room temperature environment with little fluctuation in either temperature or humidity.
- Should **not** be subject to repeated thawing or freezing.

### **Types of Evidence that Should be Retained**

An item should be retained if any of the following apply:

1. The item was clearly documented as having been collected for biological testing and it is one that forensic science has demonstrated can be tested for DNA.

Examples of evidentiary substrates where biological material has been found include:

- ❑ Clothing and footwear
  - ❑ Sexual assault evidence kits
  - ❑ Bedding
  - ❑ Carpeting and furniture
  - ❑ Walls, floors and ceilings
  - ❑ Cigarette butts, envelopes flaps, stamps and chewing gum
  - ❑ Beverage and drinking containers
  - ❑ Weapons (knife, axe, bat, etc.)
  - ❑ Bullets
  - ❑ Personal effects of the victim or suspect, i.e. hats, eyeglasses, toothbrushes, etc.
  - ❑ Any evidence known to have been handled by the suspect or victim
2. The evidence is part of a kit specifically collected for the purpose of securing biological material, e.g. sexual assault kits.
  3. There is affirmative evidence the item contains biological material that can be used to trace identity. Affirmative evidence of biological material means:

- a. The item is one traditionally considered to be biological evidence. DNA has been successfully isolated and analyzed from:
    - ❑ Blood
    - ❑ Semen
    - ❑ Tissues
    - ❑ Bone, teeth and body organs
    - ❑ Hair
    - ❑ Saliva
    - ❑ Sweat
    - ❑ Urine and feces
    - ❑ Fingernail scrapings
    - ❑ Vaginal secretionThus, items such as the victim's stained underwear or T-shirt should not be discarded.
  - b. The item already has been subject to a presumptive test showing biological material exists.
4. For other reasons, the items have a reasonable likelihood of containing biological evidence as determined by an official with the experience and background sufficient to make the decision or in consultation with a person having such qualifications. If there is any reasonable question, the item should be retained.<sup>1</sup>

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<sup>1</sup> State of California Office of the Attorney General, *Post Conviction DNA Testing, Recommendation for Retention, Storage and Disposal of Biological Evidence*, 2002

## **EVIDENCE COLLECTION**

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The trainee shall know the department firearms serial number restoration procedure.

**PURPOSE:** The primary purpose for recovering serial numbers is to determine the prior owner or origin of the item from which the numbers has been recovered. Thus, property can be returned to the rightful owners or investigations can be initiated to curb illegal trade of contraband items. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and to submit the results of such number recoveries to the Bureau of Alcohol, Tobacco, and Firearms National Tracing Center. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

**PROCEDURE:** All recovered firearms that have had serial numbers removed/obliterated will be processed in the following manner:

### **A. Casework Notes and Documentation**

Case notes are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released from the law enforcement agency.

1. These notes must include a record of the manner in which and/or from whom the firearm was received. This information may appear in arrest reports, incident reports, and supplemental reports.
2. Relevant information regarding item and packaging descriptions, which do not appear in the initial case report must be reported in the supplemental notes (follow-up investigation narrative) (e.g., the package appears to have been opened and resealed). Alterations made by agency staff to an item or its packaging must also appear in the case notes and chain of custody tag.
3. Notes are to be prepared at or near the time of the event or observation being recorded.

### **B. Preliminary Firearm Examination**

1. Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an UNLOADED condition. This includes removal of the ammunition source (i.e., the detachable magazine, contents of the tabular magazine, etc.) as well as the chamber contents.
2. If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, TREAT THE FIREARM AS IF IT WERE LOADED! Make

immediate arrangements for the Range Master or other qualified examiner to render the firearm safe.

3. Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
4. Record and document with photographs (or digital images) and notes the presence and positions of any relevant trace evidence. This can include hairs, fibers, bloodstains, etc. Any collected trace evidence of non-biological nature (i.e., paint chips, glass fragments, fabric fibers, etc.) should be placed into a paper bindle or other suitable packaging. Biological evidence such as blood, tissue, or hairs should be placed into a paper bindle and stored frozen. Also, consider trace evidence inside the bore. If the trace evidence, such as gunshot residue or biological material, is intact and not likely to be lost, preserve it for the criminalist to remove.
5. If the firearm is to be processed for fingerprints, process before the serial number restoration is attempted. First record/document important aspects, such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

C. Criminalistics Laboratory Examination

Submit the firearm to the Los Angeles County Criminalistics Laboratory per current protocol. Maintain the chain of custody.

D. Firearm Trace

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the assigned investigator will complete a Bureau of Alcohol, Tobacco, and Firearms "NTC Obliterated Serial Number Trace Request Form" (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

## **CRIME GUNS DATA BASE**

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The passage of Assembly Bill (AB) 2011 (Chapter 911, Statutes of 1998) mandates that local law enforcement agencies report to the Department of Justice (DOJ) the recovery of firearms which have been used in a crime, suspected of being used in a crime, or illegally possessed. Per California Penal Code (PC) Section 11108.3, this information will be entered into the DOJ Automated Firearms System (AFS), and electronically forwarded to the National Tracing Center of the Federal Bureau of Alcohol, Tobacco and Firearms to aid in the identification and tracing of these firearms. The required submission of "Crime Gun" data will provide agencies with important historical firearms information from DOJ and gun tracing reports from the Federal Bureau of Alcohol, Tobacco and Firearms (BATF). The requirement to enter these firearms into the AFS is effective January 1, 2002.

In accordance with AB 2011, a new "Crime Gun" record type has been added to AFS. The entry format for "Crime Gun" record will be the same as for the law enforcement records in AFS with the exception of nine (9) new data fields. The document code for this new record type will be "Y" (DOC/Y). (See the attached instructions for the data field codes and formats for the new "Crime Gun" records type.) The "Crime Gun" record will have the same type of inquiry and response formats in place for all AFS law enforcement records. The "Crime Gun" record type will be a California only record (Entry Level 1 – ENT/1), and will have a 10-year purge criteria. These records are maintained in the on-line AFS Law Enforcement Firearms Record file. Under AB 2011 and codified by Penal Code section 11108.3, all Crime Gun records will be electronically forward to the National Tracing Center at BATF once a day. In turn, BATF will mail the entering agency a "Firearms Trace Summary." This report contains investigative results of all tracing information located by BATF on each Crime Gun record submitted (See attached sample). Any questions regarding BATF responses may be directed to BATF Crime Gun Analysis Unit at (304) 260-3640.

All entries and modifications will be maintained for a period of no less than 10 years. This file is available under guidelines set forth by the Attorney General for academic and police research purposes, and will be available upon request by contacting the Automated Firearms Unit at (916) 227-3687.

**OFFICER PROCEDURES:** When an officer recovers a firearm that has been used in a crime, suspected of being used in a crime, or illegally possessed, the officer will provide the firearm information to the communications center and request a DOJ "Crime Gun" entry. The officer will document the "Crime Gun" entry in his/her incident report narrative and list the "FCN" numbers provided by the communications center.

**DETECTIVE PROCEDURES:** In cases where a firearm is reported to DOJ under the "Crime Gun" entry, the assigned detective will review the "Firearms Trace Summary" report provided by BATF for investigative leads, and include the report with the case file. If a firearm entered under the "Crime Gun" record is returned to the registered owner and is no longer identified as a crime gun, the detective will notify the communications center for cancellation of the crime

gun entry record. The detective will place the crime gun entry cancellation documentation in the incident case file. If the detective recovers a firearm that meets the criteria for the crime gun entry, the detective will complete the "Crime Gun Entry" form and forward it to the communications center for processing. The detective will document the "Crime Gun" entry in his/her incident report narrative and list the "FCN" numbers provided by the communications center.

**COMMUNICATIONS CENTER PROCEDURES:** Personnel who enter firearms under the "Crime Gun" record shall ensure that proper entry is made in the AFS system. Crime gun entry records will be issued a separate FCN numbers that must be noted on the original report for verification purposes. If a crime gun record is canceled due to the firearm being returned or for other reasons, the firearm no longer qualifies as a crime gun and the crime gun record should be canceled.

The JDIC Firearms entry formats have been modified for the crime gun requirement. The "GUN1" format is to be used for the entry of all law enforcement and crime gun entries. There is no longer a need to enter a document code as check boxes are provided for all possible entry transactions. The "crime gun" entry selection may be used alone or in addition to "evidence" and "found." In addition to the current fields that are required when entering a law enforcement firearms record, several of the fields that were previously optional are now mandatory fields if entering a crime gun. There are several new fields that are mandatory. The following fields are mandatory for crime gun entries:

- Barrel length
- Illegal possession (y/n/u)
- City
- Recovering officer/deputy
- Reported stolen (y/n)
- NCIC crime code (four digit code)
- County code (two digit CJIS code)

All historical firearm entries are now made using the "GUN4" format. No change has been made for the information required for these types of entries. The "GUN2" format will continue to be used for all firearm record modifications except locates and cancellations. All locate and cancel functions are now entered using the "GUN5" format. Any questions regarding crime gun entries can be referred to JDIC Unit at 323/267-2832.

## 0.14

### **ORIENTATION / ARREST AND CONTROL TECHNIQUES**

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**0.14.1** The trainee shall know and understand the principles of weaponless defense, person searches, weapon retention and takeaways, use of baton, and transporting prisoners.

#### **Introduction to Weaponless Defense**

Weaponless defense is the art of avoiding an attack, fending off an attack, or eliminating the suspect's ability to attack.

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, prevent escape, or to overcome resistance (*Penal Code Section 835a*).

When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest is given, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest (*Penal Code Section 843*).

Law enforcement's job is to defend the public and to safely take a suspect into custody. A peace officer's actions must be legally justified based on reasonable suspicion and/or probable cause.

The peace officer's role in physical arrests is essentially defensive. The following further illustrates a peace officer's role.

The role of a peace officer is...

1. Defensive: should look ahead for potential hazards or threats to avoid the hazards or threats before they occur.
2. Not offensive: may initiate the first physical contact of control only in response to the subject's resistance, aggression, or noncompliance.
3. Not passive: is not required to endure (i.e., remain) without resistance when faced with a hazard or threat.

Emotions can arise from many different factors and can affect both the arresting officers and suspects. If officers allow emotions to affect their judgment, they may lose control; the same is true of suspects.

The following lists examples of the responses officers and suspects may experience during an arrest process.



Officers:

- Anger
- Fear
- Prejudices
- peer pressure
- personal problems

Suspects:

- anger
- fear
- embarrassment
- loss of freedom
- prejudices
- peer pressure
- personal problems

To be effective in an arrest situation, a peace officer must learn to develop the mind and body and train them to function as one. This interaction must become a routine, everyday act of the body.

Distractions can separate the mind from the body. When officers become distracted, they become vulnerable.

### **Awareness**

There are three basic principles that make up the foundation of weaponless defense. All other skills or techniques will be reduced or neutralized if an officer does not practice control in a stressful situation.

- Awareness
- Balance
- Control

Awareness, as it relates to weaponless defense, means being alert to any potential hazards a peace officer may face when approaching or interacting with a suspect or a potentially dangerous situation. Cover and concealment

Peace officers must also be aware of surrounding objects or areas that may be used as areas of protection and concealment for the suspect as well as themselves. Cover offers protection, while concealment only offers a place to hide.

The following gives examples that illustrate the difference between cover and concealment:

Cover:

- Trees

- walls - such as cement block or brick
- buildings, dumpsters
- vehicles

Concealment:

- shrubs, and bushes
- doorways
- vehicles

Peace officers are vulnerable to potential harm when approaching a suspect. However, if they are aware of specific hazards that could endanger them, they can minimize potential harm.

Balance:

Balance, as it relates to weaponless defense, is the position that allows the officer to move in any direction with strength and coordination to maintain an advantage.

A balanced stance is present in a basic position of advantage. In order to respond quickly and establish an advantageous position while in the position of interview with a suspect, peace officers must maintain a balanced stance (i.e., foot position).

To maintain a balanced stance:

- point the gun side away from the subject.
- keep weight evenly distributed over the balls of the feet.
- bend the knees slightly - do not lock them.
- keep the body bladed toward the subject with the feet approximately shoulder width apart.
- keep the body relaxed.
- stay alert.

Part of establishing a balanced stance is assuming and maintaining a proper distance between the officer and the suspect which allows the peace officer time to respond.

To insure a proper distance, peace officers should:

- be able to see the suspect from head to foot and everything in between.
- observe any body movement which may indicate any offensive or dangerous movement.
- always keep weapons as inaccessible to the suspect as possible.

### **Control**

Control, as it relates to weaponless defense, means retaining composure and the ability to make sound judgments and decisions.

General control is the degree of *influence* that peace officers must exert over suspects in order to take them safely into custody. The suspect may still have options for movement while under the general control of a peace officer.

Physical control is the application of specific *control holds or other techniques* applied by a peace officer which allows the suspect to move only in the direction and manner the peace officer chooses.

Confidence Both general and physical control are *gained through confidence*. Confidence is achieved from proper, adequate, and ongoing training to understand basic principles and theories. Control is *enhanced through practice*, along with the acceptance of the basic principles and theories.

To have practice without understanding the principles and theories is just as impractical as having theories and principles without the practice. They are both part of the whole. Both are equally necessary to meaningful control and self-defense training.

#### Body Parts Vulnerable to Serious Injury

A blow of sufficient force with any personal weapon to a vulnerable part of body during an attack could result in injury or fatality.

During a confrontation with a hostile suspect, peace officers need to be aware of those areas of the body which require maximum protection as well as those on an assailant's body which might be unnecessarily injured.

Awareness of vulnerable parts:

- Face
- Head
- Throat
- Neck
- Heart
- Spine
- Kidneys
- Groin
- Joints (knees)

The following parts of the body in the head and neck region are particularly vulnerable to severe injury during an attack.

An injury to the following areas could result ...

Skull: Death

- a blow to the face area, possibly causing disfigurement,
- a blow to the temple or to the skull at the junction of jaw and ear, possibly damaging major blood vessels, or
- a blow at junction of head and neck, possibly severing the spinal cord.

Neck area: Damage to the central nervous system.

- a blow to the back of the neck, possibly displacing vertebrae or severing the spinal cord.

Throat area: Death.

- a blow to the throat, possibly crushing the trachea or fracturing the cricoid or thyroid cartilage, or
- a fracture to the hyoid bone at the base of the tongue, possibly causing swelling and leading to suffocation.

### **Body Parts as Personal Weapons**

Some body parts may be used as personal weapons against peace officers by a combative suspect. These body parts may also be used by peace officers to overcome resistance and in self-defense.

Personal body weapons may include:

- Head Front and Back
- Fingers
- Edge Heel of Hand
- Knee
- Elbow Forearm
- Toe
- Ball of foot
- Edge of foot
- Instep and heel

Peace officers need to learn exactly how to use personal weapons to their advantage and safety. The following lists the body parts that can be used as personal weapons.

- Head: Both the front and back of the head might be used for butting.
- Hands: Parts of the hands used for striking include:
  - fist - knuckle area of clenched hand used for punching
  - hammer fist - lower edge of joined fist used for pounding blows
  - blade edge - edge of the hand/little finger used for chopping blows
  - fingers - tips of extended hand used for poking
  - heel of hand - lower palm area of the hand for palm heel strikes
- Arms: Parts of the arm include:
  - elbow - used to strike

- forearm - used for sharp, quick blows
- Legs: The knee's top or point used to make contact
- Feet: Parts of the feet include:
  - instep – raking
  - heel - kicking or stomping (when applied to the arch, can generate serious incapacitating pain)
  - ball of foot - kicking or stomping
  - edge of foot - kicking or stomping
  - toe – kicking

### Introduction to Person Searches

Person search techniques have been designed to provide peace officers with a margin of safety while giving them an advantage over the suspect. Person searches usually are done as part of a detention or arrest procedure.

Technically, plain view (visual) searches are not searches. They do not require reasonable suspicion or probable cause. A visual search is part of an officer's general awareness, one of the basic principles of weaponless defense.

As peace officers approach a suspect, they should be aware of, as a minimum, the:

- suspect's clothing.
- location of the suspect's hands.
- proximity of the suspect's obvious or potential weapons.

A patdown/frisk person search is a search of a legally detained person to ensure the safety of the officer from an unexpected assault. Peace officers exercise the least amount of control over the suspect during a patdown/frisk than during other types and degrees of person searches.

To lawfully conduct a patdown/frisk, peace officers must have:

- lawfully detained the suspect, and
- have articulable facts which support a reasonable suspicion that the suspect may be armed or dangerous.

The scope of a patdown/frisk is limited to searching:

- for *weapons only*, and
- the suspect's outer clothing.

During the search, once the searching officer realizes or decides an item is not a weapon, the officer must move on with the search.

A consent search is a search conducted by peace officers with the *expressed or implied consent* of the person to be searched. By consenting, the suspect has temporarily relinquished any expectation of privacy over the area to be searched.

There are two conditions that are required for an officer to conduct a consent search.

1. The officer must have the clear, voluntary, and unequivocal consent of the person to be searched.
  - a. *Expressed consent* is given orally or in writing.
  - b. *Implied consent* may be manifested by signs, actions, or gestures.
2. The person to be searched must have the actual or apparent authority to consent to the search.

The scope of a consent search is limited to those areas specifically consented to by the suspect (e.g., pockets, handbags, etc.).

A search incident to an arrest is a person search that takes place at or near the time of a lawful arrest. This type and degree of search permits peace officers to search for and seize weapons or crime-related evidence which the suspect might otherwise use or destroy.

The requirements of a lawful person search incident to and arrest include the following.

- The search must be pursuant to a custodial arrest.
- The arrest must be lawful.
- The search must be a part of the arrest procedure.

The scope of a search incident to arrest includes any area within the arrestee's immediate control. This may include:

- full searches of an arrestee's person.
- containers on the arrestee's person, regardless of the kind of crime the person is being arrested for.
- the nearby physical area from which the arrestee could grab a weapon, or conceal evidence.

To maximize officer safety during any type of person search, peace officers must select a search technique and level of control suitable to the situation and conditions.

The following notes some of the factors officers should consider.

Reason for detention or type of offense:

- Search for weapons only, with no initial intent to arrest
- Misdemeanor cite and release
- Nonviolent offense or a serious, violent, or armed offense

Number of suspects:

- Single suspect
- Multiple suspects, peace officers may select a search technique that would give them a higher level of control during the search (i.e., handcuffing)

The suspect's appearance and actions:

- Bulges showing from under a suspect's clothing
- Location of the suspect's hands
- Suspect's level of cooperation
- Suspect's attempt to hide an unknown object
- Mannerisms that are overly nervous or aggressive
- Suspicion of drug or alcohol use

Conditions at time of the contact or arrest:

- Weather (visibility)
- Terrain and other physical characteristics of the area
- Possible escape routes
- Areas of possible cover or concealment
- Potential involvement of friends and associates
- Time of day - light of day or dark of night (visibility)
- Location - isolated or high traffic
- Number of officers available

Prior knowledge of the suspect:

- Existing criminal record
- Prior knowledge of the suspect with weapons
- Reputation of violent behavior

Physical/emotional limitations:

- Officer's size, physical ability, and officer training and experience
- Suspect's size and indications of physical ability
- Emotional state of the suspect
- Realistic assessment of degree of control necessary to take the suspect safely into custody

### **Elements of an Effective Person Search**

Conducting a person search properly, efficiently, and safely is one of the most important steps in a detention or arrest procedure. There are a number of techniques peace officers can choose from with varying levels of officer control over the suspect. No matter what technique is used, though, there are issues and principles common to all.

Every search carries an element of danger both to the officer, as well as the potential for an escape by the suspect. An officer's ability to apply the three principles of weaponless defense are critical.

Peace officers must always...

Awareness:

- remain constantly alert.

- be aware of the physical surrounding at all times.
- be conscious of the suspect's actions, no matter how slight.
- maintain communication with the cover officer.

Balance:

- be in a balanced position of advantage while keeping the suspect off balance and in a position of disadvantage.

Control:

- have control of the suspect (*search with one hand; control the suspect with the other*).
- maintain control of their own weapons by keeping them out of the suspect's reach.
- have control of all weapons.

A peace officer's first goal when conducting a person search is to *maximize their own personal safety*. By following a systematic approach and process while conducting a person search, peace officers are less likely to overlook a potentially dangerous weapon.

A systematic search should include the most likely areas where a weapon might be hidden. This includes but is not limited to the suspect's:

- front waistband,
- upper body (including the chest, front pockets, armpits, sleeves, and sides),
- back (including the rear waistband and buttocks area, and
- lower body (including the legs and ankles).

There are a number of locations on a suspect's person where a weapon may be concealed.

- Hair
- Mouth
- Back of Neck
- Underarm
- Waistband
- Small of Back
- Belt Buckle
- Pockets
- Buttocks
- Groin
- Inner Thighs
- Ankles
- Shoes/Boots
- Heel of Shoe

If a weapon is located on a suspect, peace officers must assume the suspect is prepared to use it. If a weapon is located, the suspect should be considered dangerous.



The following describes steps a peace officer may take if a weapon has been located during a person search.

Possible actions:

Immediately inform the cover officer

- Identifying the type of weapon found (e.g., knife, handgun, etc.)
- Identifying the location of the weapon (e.g., waistband, right jacket pocket, etc.)

Maintain control of the suspect:

- If the weapon is *accessible*, confiscating the weapon.
- If the weapon is *inaccessible*, escalating to a higher-risk search technique and greater level of control before confiscating the weapon.

Continue the search:

- Continuing searching for additional weapons. *Never assume a suspect carries only one weapon.*

Normally, the decision to search a member of the opposite sex should be based on the same criteria as for a search of a person of the same sex. This includes but is not limited to the following:

- Nature of the crime. (*Was it a crime involving force or threat of force?*)
- Presence of a weapon. (*Is there an indication that a weapon was used to commit the crime?*)
- Appearance of the suspect. (*Could the suspect's clothing reasonably conceal a weapon?*)
- Known facts about the suspect. (*Is the suspect known to carry a weapon?*)

Departments vary in their policy toward searching individuals of the opposite sex. These policies exist to protect peace officers from potential litigations regarding their conduct. *Peace officers should be aware of and follow their department's procedures.*

Procedures common in all department policies may include, but are not limited to:

- maintaining officer safety.
- the availability and use of officers of the same sex.
- acceptable search techniques.
- how to avoid false claims of misconduct or sexual assault.

#### Responsibilities of Searching and Cover Officers:

Ideally, there will be two peace officers available when conducting a person search. Even so, both officers do not actively take part in the searching. The specific responsibilities of the cover officer complement those of the searching officer.

The searching officer is responsible for controlling the suspect and conducting the actual search. The primary responsibility of the cover officer is to insure the safety of both.

When there is more than one suspect, the cover officer's role is to protect the searching officer by watching the other suspects while one suspect is being searched.

### Officer Survival

Your attitude and mindset pertaining to Officer Survival plays a pivotal role in your will to survive as a police officer. You should constantly be reviewing scenarios to yourself while responding to calls. Pre planning will allow you to be prepared when you respond to the call.

Mental conditioning is another important aspect of officer survival. If you are ever in a fight for your life you must have the will to live. You must instill in yourself you will continue to fight, no matter what the odds. You must know that no matter what happens, you will go home at the end of your shift!

Along with mental preparation and conditioning, physical conditioning will provide you with strength and endurance to survive. As a police officer you are expected to maintain good health and physical fitness. Being a police officer is a demanding occupation and you will be required to place great physical stresses upon your body at times. If you do not take care of yourself, no one will.

### **Use of Controlling Force**

The primary objective of the application of controlling force is to gain compliance of a suspect. Peace officers must be prepared for the use of physical force to overcome resistance and gain control of a suspect.

Basic use of force philosophy limits the degree or amount of force which may be necessary to overcome resistance. Once control is obtained, the degree of force used should be reevaluated. The types of controlling force an officer may use will vary depending on:

- the aggressive behavior of the suspect, or
- the degree of resistance used by a suspect.

When using controlling force, officers must be constantly aware that they are close to the suspect during all moments and therefore vulnerable to attack.

When dealing with a subject, peace officers should be in a strong, wellbalanced stance. Officers must be able to move without losing balance and quickly place themselves in position to control the suspect.

When applying controlling force, all foot movements of an officer are used in conjunction with upper body techniques. Officers must coordinate both to accomplish the movement.

*Peace officers must continually train in balance and coordination to effectively apply controlling force.*

The primary goal of using force is to gain compliance of a suspect, not to cause pain or inflict punishment. Officer considerations for using force include, but are not limited to, the:

- suspect's display of aggressive or assaultive behavior.
- physical size of the suspect (as compared to the officer's).
- need for immediate control of the suspect due to tactical considerations.
- officer's perception of the suspect's knowledge of the martial arts or other skills.
- inability to control a suspect by lesser means.

The use of controlling force does not necessarily involve a level of force that causes the suspect to experience pain.

If the suspect resists or does not respond to the control hold, the officer may apply additional force, which causes the suspect to comply. Once compliance is achieved, the level of force applied should be reevaluated.

Peace officers must be constantly reevaluating the level of force being used to control a suspect. Officers must be prepared to transition to a greater or lesser level of force based on the current situation.

NOTE: Suspects under the influence of drugs including alcohol may not comply immediately to physical force. In such cases the officer has to use other techniques.

### **Control Holds**

A control hold is a method for physically controlling a suspect by manually applying pressure until the peace officer has control over the suspect.

The primary objective of a control hold is to ensure officer control over a suspect using only the amount of force necessary.

The proper use of a control hold can help an officer:

- effectively control a suspect.
- avoid injury to the officer or the suspect.
- guide a suspect in a desired direction.
- control a suspect for searching.
- control a suspect while handcuffing.

*Ongoing training is critical for peace officers and is necessary to maintain proficiency with control holds.*

## **Takedown Techniques**

A takedown technique is a method for breaking the subject's balance and bringing the suspect to the ground so control can be established.

The primary objective of a takedown technique is to gain control of a suspect. Benefits The proper use of a takedown technique may help an officer:

- diffuse a situation.
- achieve greater leverage over a suspect.
- distract a suspect.
- control a situation.

*Ongoing training is critical for peace officers and is necessary to maintain proficiency with takedown techniques.*

## **Introduction to Restraint Devices**

Restraint devices, such as handcuffs, are safety devices for both the peace officer and prisoner. They may limit a suspect's movement and restrict actions, but they do not provide total control.

Peace officers are responsible for their prisoners at all times while in custody. All restraint devices are *temporary* restraining devices used to limit a prisoner's actions. They do not totally immobilize a suspect. Restraint devices are used to minimize:

- attack on the officer or others.
- escape of the prisoner.
- destruction or concealment of evidence or contraband.
- self-inflicted injury by suspect.
- combat between prisoners.

There are a variety of devices that peace officers can use to temporarily restrain suspects. Any restraint device used by peace officers must be used only according to department policies.

## **General Guidelines for Use of Handcuffs**

The most common restraint device available to peace officers is their set of handcuffs. In order to maximize the effectiveness of a type of handcuffs, peace officers must be knowledgeable and skilled in their use.

Hands should be placed behind the prisoner's back whenever possible to enhance the officer's control of the prisoner. Correct placement of handcuffs on the prisoner's wrists is essential for preventing injury or escape.

Additional guidelines for positioning handcuffs on a prisoner include the following:

- Handcuffs should be applied on the suspect's bare wrist between the hand and the protruding ulnar bone.

- The shape of the handcuff should correspond with the shape of the suspect's wrist.
- Handcuffs should be secure. Too tight may cause reduced circulation or nerve damage. Too loose could allow the prisoner to escape.
- Handcuffs should not be applied over the top of clothing or jewelry.
- Handcuffs should be double locked.

Double locking reduces the possibility of inflicting injury from handcuffs tightening further on the prisoner's wrists. It also reduces the possibility of the suspect picking or slipping the locking mechanism.

Care must be taken when removing handcuffs from a prisoner or exchanging handcuffs on the prisoner to ensure that the officer maintains control of the prisoner at all times.

Peace officers may have to employ different techniques and methodologies when applying handcuffs to more than one prisoner during an arrest procedure. In such situations, the responsibilities of the contact officer and the cover officer need to be clearly understood.

Handcuffs are merely *temporary* restraining devices and do not totally immobilize a prisoner. Just because a suspect is handcuffed, does not mean that officers can relinquish their responsibility to maintain constant control and observation of a prisoner.

### **Officer Awareness**

*In 1986, 15% of all officers in California slain in the line of duty were killed with their own weapons. Additionally, 7% were assaulted with their own weapons.*

*On average nationwide, about one out of every six times a criminal manages to take a handgun away from an officer, it results in the death of the officer or the officer's partner.*

Source: U.S. Department of Justice, Federal Bureau of Investigation, 1994, Uniform Crime Report.

Increased awareness, along with improved training and better equipment, is resulting in the dramatic reduction of officers killed with their own weapons in the State of California.

- From 1990 through 1994, no officers were killed in struggles to retain their own weapons.
- In 1995, only one officer was killed by a suspect who took and used the officer's own firearm.

There are three factors peace officers must recognize and understand in order to safely safeguard their weapon.

1. Opportunity
2. Equipment

### 3. Training

*Peace officers must always be aware of the location of their own weapon and be conscious of the opportunity it presents to persons around them. Officers must be continually focused on:*

- what they are doing,
- why they are doing it, and
- what is happening around them.

*Peace officers must know and understand what their equipment is capable of doing and not doing.*

A peace officer's holster has several functions. It must:

- securely hold the officer's weapon, in the same position at all times.
- withstand the stress of someone pulling on it violently.
- allow the officer to draw the weapon quickly and safely.
- hold the weapon snugly, to resist the handgun falling out of the holster even when the thumb snap is released and during vigorous body movement.

At the same time, the officer's holster may have limitations the officer must be conscious of.

The officer should be aware that:

- with some styles of holsters, a downward grabbing action by a suspect's hand from the front could cause the holster to unsnap.
- holsters must be maintained in good condition and at all times be mechanically sound. Peace officers are responsible for replacing worn straps and snaps when needed.
- the holster should have reinforced safety construction features to hold it securely and allow the officer to maintain control of the weapon.

*Peace officers must be responsible for maintaining their level of skill in responding to a suspect's attempt and the recovery of the weapon.*

No matter the type and condition of the equipment an officer uses, there is still no guarantee that the weapon cannot be removed from the holster by the suspect. Officers must rely on the skill level they maintain through continuous training for weapon retention.

#### **General Principles of Weapon Retention**

In a physical conflict when a suspect may have access to a peace officer's weapon, officers must be able to respond quickly and decisively to maintain control of their weapon and repel the attack.

There are a variety of acceptable techniques in the area of weapon retention. No matter which technique is applied, there are a number of common basic principles to regaining control of a weapon if the officer is assaulted by a suspect.

The danger of injury or death often depends on a fraction of a second. It takes only a fraction of a second for a suspect to physically pull the trigger. Selecting the appropriate time to move can be the peace officer's most critical decision.

There are a number of considerations peace officers should take into account when confronting or attempting to disarm a suspect who is armed.

One principle of taking a weapon away from a suspect is to move out of the suspect's line of fire. As long as the suspect has a gun aimed at the peace officer, the suspect has the advantage. By moving out of the way, the suspect has lost that advantage.

The best time to move out of the line of fire or gain the advantage over a suspect may be while the suspect is distracted. There are two times when a suspect may be easily distracted, as explained in the following.

Suspects may be distracted... ..

1. while they are talking because their thoughts may be focused on what they are saying rather than the movements of the officer.
2. while listening to questions directed to them by an officer because they may have to refocus their own thoughts in order to answer.

### **Introduction to Baton**

Every peace officer must understand that a baton is a weapon that should be used only when an officer is acting in a defensive manner or to repel and protect in certain tactical considerations.

A peace officer's baton is a deadly weapon as defined in *Penal Code Section 12020*. In law enforcement, however, to be used in an authorized manner, it must be used defensively to repel or protect. Peace officers have the authority to use a baton:

- to protect property.
- in self-defense.
- in defense of others.

Each set of circumstances will require peace officers to exercise judgment in the decision of the level of force to use. *Peace officers must be aware of and follow their own departmental policies that control the use of a baton as a force option in their jurisdiction.*

The use of the baton is to gain a suspect's compliance. Once compliance has been achieved, the baton should not be used further against a suspect. An officer's baton must never be used to inflict punishment or beat a suspect into submission.

Any officer who uses the baton against a subject beyond reasonable force can be criminally liable under the following statutes.

*Penal Code Section:*

- 149 Public officer unnecessarily assaulting or beating any person under color of authority

- 245 Assault with a deadly weapon or force likely to produce great bodily injury

There is no one type of baton used exclusively by law enforcement. They are constructed of various materials and come in various weights and lengths. Officers should only use the type of baton authorized by their departments and that they are properly trained to use.

Various types of batons include, but are not limited to, the following.

- Regular straight wood batons
- Side-handle batons
- Expandable batons
- Riot batons

When verbalization is ineffective, the officer may draw the baton as a show of force. This action alone may deescalate the situation. Even after the baton has been drawn, peace officers should continue giving verbal commands when appropriate to control the situation.

As the suspect's actions vary, officers must constantly reevaluate the situation and escalate or deescalate the amount of force used.

When using the baton, the peace officer's goal is to gain compliance and control of the suspect and the situation. Target areas on a suspect's person should be selected carefully to avoid areas that may either be ineffective or present the danger of causing more extreme injury than was intended.

Possible target areas include:

- Chest
- Rib Cage
- Midsection Arms
- Legs

When the baton is used against certain parts of the human body, it can cause serious injury. It is up to the officer to use skill and caution to avoid the areas and parts of the body that are particularly vulnerable.

- Face
- Head
- Throat
- Neck
- Spine
- Kidneys
- Groin

Since the suspect who has been struck by a baton may suffer an injury, per department procedure, the suspect should be examined by medical personnel.



Keep in mind that an injury, or the extent of an injury, may not be immediately apparent to an arresting officer.

Baton techniques are designed to permit a peace officer to achieve physical control over a suspect as quickly as possible.

Appropriate technique requires an officer to develop good coordination between body and mind as well as good judgment. This means an officer must practice, not only during the original training period of instruction, but also on a *continuing basis* so that skill will be retained.

### **Officer Safety and Prisoner Transportation**

The time between a suspect arrest and incarceration is critical. A prisoner facing the loss of freedom can be extremely dangerous. If peace officers relax their vigilance during the transportation of a prisoner, that prisoner could become a safety threat to the officers or attempt to escape.

The unpredictable nature of the prisoner can create a serious threat to officers while removing a prisoner from the scene of the arrest. The fact that prisoners may submit peacefully at the time of their arrest will not guarantee that the same prisoners will not resort to violence or trickery to escape during transportation.

When transporting a prisoner, peace officers are responsible for:

- the safety of themselves, fellow officers, and others in the immediate area.
- minimizing any opportunity the prisoner may have for escape.
- the welfare and safety of the prisoner.
- obtaining medical evaluation for the prisoner when needed.

Certain elements must always be addressed to assure the safe and effective transportation of a prisoner.

- Search of the prisoner
- Search of the vehicle area
- Proper procedures for positioning the prisoner in the vehicle
- Use of safety belts
- Observation of the prisoner while transporting

Before transporting any prisoner, the peace officer should search the prisoner for possible weapons. Confiscate any articles that can potentially be used for a weapon or is considered contraband.

Each peace officer should personally search each prisoner that will be transported in that officer's vehicle. Do not depend on another officer to search a prisoner. Once the prisoner is in the vehicle, the prisoner is the responsibility of the transporting officer.

Peace officers should always search the area where the prisoner is seated before and after transportation. This is key to officer safety. Tools, flares, flashlight, pens, pencils, or a weapon hidden by a previous prisoner could be found and used by a prisoner against a peace officer or to cause self-inflicted harm.

Although the interior of a transport car is always searched after delivering a prisoner, it should be searched again before transporting another prisoner.

Any prisoner, whether male, female, adult or juvenile, should be properly restrained prior to transporting.

Normally, prisoners should be handcuffed with their hands behind their backs, unless the officer is limited by special circumstances (e.g., prisoner's arm in a cast, obese prisoner).

### **Positioning of the Prisoner in a Vehicle**

To ensure the safety of both peace officers and prisoners, and to always maintain control, prisoners should always be positioned properly within the vehicle for transporting.

Certain procedures always apply when positioning prisoners for transportation.

- Prisoners should be placed in and removed from a vehicle in a way that maintains control and advantage over the prisoner.
- A second officer, if available, should act as a cover officer while the prisoner is being placed in the vehicle.

Prisoners should be seated in an upright position and wear seat belts during transportation. Seat belts help restrain the prisoner and increase the safety of the prisoner in case of an accident.

Peace officers must observe prisoners closely while transporting them. When transporting a prisoner:

- assume that any prisoner is an escape risk and a threat to officer safety.
- if available, have a backup or cover officer in the vehicle as well.

Prisoners should be positioned in the vehicle to:

- ensure safety and welfare of the officers and prisoners.
- allow for clear observation of the prisoners.

## 0.16

### **ORIENTATION / DEPARTMENT COMPUTER PROGRAMS**

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OVERVIEW: The trainee will be shown the computer programs that are used by the department, how to access the different programs and how to use each program.

POLICY: The trainee will review, know and abide by the city and department electronic equipment and systems use policy. Refer to Administrative Policy Manual section 5.1 – Information Technology.

MICROSOFT OFFICE: The trainee will be introduced to the Departments computer operating system and programs. The trainee will be shown how to Log-on to a department computer and access the Department's different computer programs.

1. Microsoft Word 2010
2. Microsoft Excel 2010

MICROSOFT OUTLOOK: The trainee will be given a Department email account and shown how to access emails. The trainee will be instructed on how to send email(s) and retrieve email(s).

The trainee will abide by the Email Retention Policy.

INTERNET EXPLORER: The trainee will be shown how to access and use the Department Web Browser. The trainee will strictly adhere to the City's and Department's policies regarding use of the Internet.

RMS: The trainee will be shown how to access and Log-On to the Department's reporting system (RMS). The trainee will receive instruction in the use of RMS in a different section.

TELESTAFF: The trainee will be shown how to access and Log-On to the Department's on-line work schedule. The trainee will be given the web site address to access TeleStaff schedule remotely. The trainee will be instructed on how to read the schedule. It is the trainee's responsibility to check TeleStaff and know their work schedule.

The trainee will be shown the following components of TeleStaff;

1. Trainee's monthly schedule.
2. The roster displaying the daily status of all employees assigned to duty for the day.
3. Personal history of the time off taken by the trainee.
4. Accrued time – vacation, holiday, comp time, sick time, and kin care time.
5. Requesting time off – vacation, holiday, comp time, sick, and kin care.
6. Payroll – displaying pay periods.

POLICE MESSAGE SWITCH: The trainee will be shown how to access specific network data folders and sub-folders. The trainee will be shown all Microsoft Word and Adobe documents that will be used.

1. Finished Forms Folder
  - A. Overtime Form sub-folder
    - a) Overtime Calculation Sheet
    - b) Overtime Form
  - B. Time Off Forms sub-folder
    - a) Employee Leave Balances Report
    - b) City Kin Care Use Request
    - c) Employee Leave Request Form
    - d) Time Off Cancellation Form
  - C. Change of Address / Emergency Contact Form
  - D. Citation Correction Form
  - E. Citation Voiding Form
  - F. Deferred Comp Form
  - G. Property Entry Form

PUMA: The trainee will be issued an Olympus digital voice recorder. The trainee will be shown how to download recordings into the PUMA management software.

JDIC: The trainee will be shown how to access and Log-on to JDIC. The trainee will be given instruction on the use of JDIC in a different section.

ADORE: The trainee will be shown how to access and Log-on to ADORE. The trainee will be given instruction on how to access, review and electronically sign Daily Observation Report (DOR) completed by the Field Training Officer.

DOCUPEAK: The trainee will be instructed on how officers are notified that they have received a Subpoena. The trainee will then be shown how to access "DocuPeak" and retrieve their subpoena.

**O-17**

**ORIENTATION / RECORDS MANAGEMENT SYSTEM**

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**OVERVIEW:** The trainee will be introduced to and trained in the department's reporting system (RMS)

**PURPOSE:** All reports shall be completed in the RMS system. The trainee shall acquire an understanding of the basic functions of the RMS system. The trainee shall receive training and must demonstrate a working knowledge of the RMS system. The trainee shall illustrate through example the ability to complete the following reports; incident, crime, and supplemental. The trainee should be familiar with basic word processing.

**INSTRUCTION:** The trainee will receive instruction on the use of RMS by the Records Manager.

The trainee will be required to know the following;

1. LOG on and get into the RMS system.
2. Retrieve the call from CAD reports folder and complete the appropriate report.
3. Create and complete the appropriate report that is not generated from CAD.
4. Retrieve, complete, and place into the correct folder a report returned for corrections.

**REPORTS:** The trainee will be shown how to complete an incident report, crime report and supplemental report in RMS.

**ORIENTATION / CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM**

OVERVIEW: The trainee shall be able to identify circumstances where an inquiry into a law enforcement information system would be necessary and shall be able to identify information systems used by the department. The trainee shall also complete the proficiency examination for Less Than Full Access CLETS terminal operators.

**INFORMATION SYSTEMS / JUSTICE DATA INTERFACE CONTROLLER (J.D.I.C.)**

Information systems may include:

1. To locate information on lost, stolen, or recovered property (including vehicles).
2. To establish probable cause for a search or an arrest.
3. To verify the validity of a warrant.
4. To verify the validity of a driver's license, vehicle registration, or occupational license.
5. To determine if a person is wanted.
6. To determine the status of a person on parole or probation.
7. To report or locate a missing person.

**WANTED PERSONS SYSTEMS/AWWS/WPS/CWS:**

Subjects are run simultaneously in the various systems available to the dispatcher through the JDIC terminal. It is necessary to give the information in a consistent manner to expedite your inquiries. Request clearance to run your subject and use the following format. Include all information possible:

1. Drivers license number, state, and name (last, first & middle initial)
2. Address (first three numbers only)
3. Sex, Race, Hair Color, eye color, height, weight, and date of birth
4. Secondary address
5. Alias (a.k.a.s.)

**CONSOLIDATED CRIMINAL HISTORY REPORTING SYSTEM**

The CCHRS contains Personal History Index for subject-oriented data; The Automated Justice Information System (AJIS) for new arrest data; The Trail Court information system (TCIS) for case management and disposition data; and the Juvenile Automated Index (JAI) for juvenile data. This inquiry is used for all arrest packages.

## AUTOMATED FIREARMS SYSTEM/AFS

Contains information on stolen, lost, pawned firearms, ownership and license to carry concealed firearms. Information required for firearms check:

1. Firearm serial number
2. Make
3. Caliber
4. Type (pistol, rifle etc.)

## VEHICLE INFORMATION SYSTEMS

Stolen vehicle system (SVS) contains records on stolen vehicles, felony vehicles, stolen or lost plates, stolen vehicle parts, repossessed vehicles, stored vehicles, implements of husbandry, special equipment and vehicles associated with missing persons. The following information is required for an inquiry.

1. License number and state

For information on anything other than a license plate, give the pertinent information.

1. Vehicle identification number (VIN)
2. Engine number
3. Part number or owner-applied number

Department of Motor Vehicles Registration System contains registration on all California vehicles by:

1. License number
2. Vehicle identification number
3. Registered owner name

To request information based on the name of the owner provide the following:

1. First name, last name, and any middle initial of the registered owner as it appears on the registration
2. Optional information to narrow the search, the first 3 numbers of the address and the city where the vehicle is registered

LESS THAN FULL ACCESS OPERATOR: The Lead Dispatcher will administer the Less Than Full Access Operator examination to the trainee.

**1.  
COMMUNITY ORIENTATION / GEOGRAPHICS**

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1.1 The trainee shall know the following locations within the agency's jurisdiction:

HOUSING:

3400 Block Fruitland Blvd.	4300 Block Furlong Pl.
3300 Block 50 <sup>th</sup> St.	4600 Block 52 <sup>nd</sup> Dr.
2300 Block Vernon Ave.	3500 Block Vernon Ave.

FIRE DEPARTMENTS:

Vernon Fire Department Station #76 3375 Fruitland Ave.	Vernon Fire Department Station #77 4301 Santa Fe Ave.
Vernon Fire Department Station #78 2800 Soto St.	Vernon Fire Department Station #78 4530 Bandini Blvd.

RESTAURANTS, BARS, AND STORES:

Andy's Super Burger 5831 Santa Fe Ave.	AM/PM Mini Mart 3278 Slauson Ave.
AM/PM Mini Mart 3031 E. Vernon Ave.	Ben's General Store 5218 Santa Fe Ave.
Circle K 2575 Santa Fe Ave.	El Tenampa Restaurant & Bar 4903 Santa Fe Ave.
Gee Gee's Liquor 4501 Downey Rd.	Greenwich 3809 Soto St.
Joe K's Deli Restaurant 2601 Soto St.	La Villa Grill 2801 Leonis Blvd.
McDonald's 3737 Soto St.	Z's Place 3805 Soto St.
Trattoria 25 2501 Santa Fe Ave.	



Soto / Bandini Food Plaza:

Capri Cucina  
3608 Soto St.

What's Sub  
3634 Soto St.

Enzo Grill  
3616 Soto St.

Green Olive  
3624 Soto St.

Rae G's Coffee  
3666 Soto St.

Salad Farm  
3600 Soto St.

Alameda / 25th Food Plaza:

BurgerIM  
2550 Alameda St.

Café Dulce  
2520 Alameda St.

Jersey Mike's  
2550 Alameda St.

BANKS AND CHECK CASHING LOCATIONS:

Ben's General Store  
5218 Santa Fe Ave.

Vernon / Commerce Credit Union  
2529 Santa Fe Ave.

Gee Gee's Liquor  
4501 Downey Rd.

Wells Fargo Bank  
4580 Pacific Blvd.

Vernon & Soto Check Cashing  
3843 Soto St.

"HOT" SPOTS:

Dunbar Armored  
4201 Ross St.

Exxon Mobile  
2709 37<sup>th</sup> St.

Jetro Cash and Carry  
2300 57<sup>th</sup> St.

Matheson Tri-Gas  
5555 District Blvd

CITY SERVICES:

Petrilli (Light & Power)  
2323 Vernon Ave.

Malburg Generating Station  
4963 Soto St.

Community Services  
4305 Santa Fe Ave. (behind police department)

CHAMBER OF COMMERCE:

Vernon Chamber  
3311 E. Slauson Ave. Suite V

CHURCH:

Holy Angels Church of the Deaf  
4433 Santa Fe Ave.

SCHOOL:

Vernon City Elementary  
2360 E. Vernon Ave.

POST OFFICE:

U.S. Post Office  
5121 Hampton Ave.

RAILWAY FACILITIES:

Los Angeles Junction  
Railway Company  
4433 Exchange Ave.

Hobart Tower  
3645 E. 26<sup>th</sup> St.

Burlington Northern Santa Fe Railway  
Los Angeles Intermodal Facility  
3770 Washington

CAR WASH LOCATION:

H.P. Car Wash  
2730 Slauson St., Huntington Park

**1.**  
**SUPPORT SERVICES**

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**1.2** The trainee shall know the locations and general functions of the following:

SUPERIOR, MUNICIPAL, AND JUVENILE COURTS:

Norwalk Superior Court  
Juvenile Traffic Division  
12720 Norwalk Blvd.  
Norwalk

Los Angeles Superior Court  
210 W. Temple St.  
Los Angeles 90012



Metropolitan Court  
1945 S. Hill St.  
Los Angeles 90007

East Los Angeles Courthouse  
4848 E. Civic Center Way  
Los Angeles 90022

Compton Courthouse  
200 W. Compton Blvd.  
Compton 90220

Los Padrinos Juvenile Court  
7281 Quill Drive  
Downey 90242

DISTRICT ATTORNEY'S OFFICE:

**Felony Filing**

Metropolitan Area Office  
1933 S. Broadway Suite 730  
Los Angeles

**Misdemeanor Filing**

East Los Angeles Courthouse  
214 Fetterly Ave. 2<sup>nd</sup> Floor  
Los Angeles

JAIL FACILITY:

Huntington Park Police Department Jail  
6542 Miles Ave.  
Huntington Park

COUNTY JAIL:

**MALE**

Los Angeles County Jail (IRC)  
450 Bauchet St.  
Los Angeles



**FEMALE**

Century Regional Detention Facility  
11705 S. Alameda St.  
Lynwood



JUVENILE DETENTION CENTER:

Los Padrinos Juvenile Hall  
7285 E. Quill Drive  
Downey 90242

PRE-BOOKING MEDICAL FACILITY FOR IN-CUSTODIES:

Stacy Medical Center  
4580 Pacific Blvd.  
Vernon

LOCAL POLICE DEPARTMENTS:

Bell Police Department  
6326 Pine Ave.

Bell Gardens Police Department  
7100 Garfield Ave.

Burlington Northern Santa Fe Police  
3770 E. 26th St.

Huntington Park Police Department  
6542 Miles Ave.

LAPD Newton  
3400 S. Central Ave.

LAPD Hollenbeck  
2111 E. First St.

LASD East Los Angeles/ Maywood  
5019 E. 3rd St.

South Gate Police Department  
8620 California Ave.

Union Pacific Railroad Police Department  
1041 N. Richmond St.  
Los Angeles

HOSPITALS/:

USC Medical Center  
1200 N. State St.  
Los Angeles

Community Hospital of Huntington Park  
2623 Slauson Ave.  
Huntington Park

Santa Marta Hospital  
319 Humpreys Ave.  
Los Angeles

White Memorial Hospital  
4141 N. Boyle Ave.  
Los Angeles

L.A. County Harbor–UCLA medical Center  
1000 W. Carson St.  
Torrance

LA County USC Medical Center  
1983 Marengo St. 2051 Marengo  
Los Angeles

PSYCHIATRIC HOSPITALS:

Exodus Urgent Care Center  
12021 S. Wilmington Ave. 2nd Fl.  
Los Angeles

Exodus Mental Health Urgent Care Clinic  
1920 Marengo St.  
Los Angeles

College Hospital Cerritos  
10802 College Pl.  
Cerritos



LA County USC Medical Center  
2051 Marengo  
Los Angeles

LOCAL HOMELESS SHELTERS:

The Salvation Army Bell Shelter  
5600 Richenbacker Rd.  
Bell, CA



The Salvation Army Transitional  
(For homeless families)  
12000 Washington Blvd.  
Santa Fe Spring



The Way In  
(For emancipated minors)  
5939 Hollywood Blvd.  
Hollywood, CA



TOWING FACILITY:

U.S. Tow  
2119 E. 25<sup>th</sup> St.  
Los Angeles

Mr. C's  
4421 Mason St.  
South Gate, Ca 90280



TRAFFIC SIGNAL REPAIR:

Aegis ITS (Team Econolite)



# 1.

## **REPORT WRITING / DEPARTMENT FORMS**

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**1.3** The trainee shall explain the importance of police reports and reporting requirements.

GENERAL PROVISIONS: The prime objective of any crime/arrest report is to present the truth in an impartial manner. Department members will be impartial by reporting all pertinent facts and/or circumstances pertaining to an incident. Members will avoid generalities, prejudice and personal opinions as much as possible. When personal opinion is included, it will be clearly labeled as such and supported by facts.

REPORTING REQUIREMENTS: Department members will complete and submit reports in adherence to the following criteria:

1. Felony Crimes: All incidents involving an actual or suspected felony violation will be reported regardless of whether any enforcement or investigative action is taken or anticipated.
2. Misdemeanor/Infraction Crimes: Violations involving a misdemeanor or infraction will be reported whenever any enforcement or investigative action is taken or anticipated, or when necessary to justify a lack of enforcement or investigative action.

Incidents that are unfounded or do not normally require a report need not be reported. However, the member making the decision not to report such an incident will be required to justify the decision at a later time when requested to do so by higher authority.

REPORT REVIEW: Department members who initiate reports that require review are responsible for contacting an immediate supervisor to review such reports prior to the end of duty. Arrest and crime reports with suspect information shall be completed before the end of duty. Felony crime reports with good suspect information should be immediately reported to the Detective Bureau. A working copy of a crime report with suspect information shall be given to the detective bureau.

**1.3.1** The trainee shall know and explain the information to be recorded into their field notebook.

FIELD NOTEBOOKS: Members shall retain their field notebooks for future investigative reference, court appearances, beat, and area information. Members shall use a field notebook to record pertinent information on any given incident. Members should be aware that notes and field notebooks are discoverable in a court proceeding. The following should be included in the field notebook:

- A. Date, day, time, vehicle number
- B. Name of partner or supervisor
- C. Type of incident
- D. Pertinent information
- E. Name of suspects, victims, witnesses, and reporting persons

**1.3.2** The trainer will review with the trainee the narrative outlines for a crime / incident report and arrest report.

**THE FOLLOWING IS A RECOMMENDED OUTLINE FOR CRIME/INCIDENT REPORT NARRATIVE:**

1. **First Paragraph:** Introduction  
 Example #1: "On \_\_\_ at \_\_\_ hours I responded to \_\_\_\_\_ regarding a \_\_\_\_\_. I contacted (met with; saw; etc.) \_\_\_\_\_ who told me the following."  
 Example #2: "On \_\_\_ at \_\_\_ hours I was dispatched to a \_\_\_\_\_ at (name and/or address of location). I spoke with (victim, reporting party) \_\_\_\_\_, who told me the following."
2. **Next Paragraph:** What did they say?  
 "Victim/Witness/Informant said . . . "
3. **Next Paragraph:** Investigation (Observations; elements and collection of evidence)  
 "It appears that unknown suspect(s) . . . " (What happened, how did it happen?)
4. **Next Paragraph:** Follow up investigation (If appropriate)  
 "I went next door to \_\_\_\_\_ and contacted \_\_\_\_\_. She/he said . . .  
 I checked the surrounding area . . . "
5. **Last Paragraph:** Special Requests  
 "Request that investigators contact \_\_\_\_\_ who may have information relating to this incident."

**THE FOLLOWING IS A RECOMMENDED OUTLINE FOR AN ARREST REPORT NARRATIVE:**

1. **First Paragraph:** Initial observation or activity you were involved in when the event or activity began.  
  
 Example: "On \_\_\_ at \_\_\_ hours, I was working uniformed patrol in a marked police unit in the area of \_\_\_\_\_ and \_\_\_\_\_ when I . . . "
2. **Next Paragraph:** Contact with the victim, witness or suspect. Observation and development of probable cause.

3. Next Paragraph: Request for back up (if applicable). His/Her activity.
4. Next Paragraph: In-field examination of scene; vehicle search; Miranda advisement, etc. Further development of PC.
5. Next Paragraph: Specific criminal law violation. Reiteration the subject being detained committed the crime. Description of the arrest.
6. Last Paragraph: Disposition of the arrestee's vehicle; chemical tests taken; booking information.

### Things to Remember:

What, When, Where, Who, and How. Why-if appropriate.

### Tips for easier report writing:

1. Use the "active voice" (vs. the "passive voice")

Example: "I took the subject into custody" is better than, "The subject was taken into custody"

(This method reduces the length of the average sentence. It also identifies the true "DOER" of the action.)

Three steps to construct a sentence using the "active voice."

- A. Locate the action of the sentence. (What was done? "Smith hit Jones in the mouth.")
  - B. Identify the doer of the action. (Who did what? "Smith hit Jones in the mouth.")
  - C. Put the doer immediately in front of the action. ("Smith hit Jones in the mouth." as opposed to "Jones was hit in the mouth by Smith.")
2. Never write a sentence someone else can question

Officers should not allow anyone reading their written work to have to ask, "what does this sentence mean?" "Who did what to whom?" Sentences should not be questionable in their context.

Example: "He threw the vase at the window and broke it."

Better: "He threw the vase at the window and broke the window."



### 3. Punctuation

Keeping the sentences simple reduces punctuation problems. In short “Active Voice” sentences are usually the most effective.

### 4. Conciseness

Concise means, to say as much as possible in as few words as possible. A concise police report is not necessarily a short one. The identity of the “**DOER**” is usually the person responsible for the incident or crime.

### 5. Use the “first person”

The word “I” is not poison. Avoid phrases like, “This officer searched the building.” Other no-no's; “Assigned officer” “The undersigned”

Writing in the third person is cumbersome and no longer acceptable in law enforcement.

First person is the speaker (writer)

Second person is the person spoken to

Third person is the person or thing spoken about

### 6. “If in doubt, leave it out”

We are not talking about facts here, just extraneous verbiage. If the idea can be communicated with this specific detail, leave it out. In time, a writer will sense when a specific detail is needed.

### 7. Never interrupt a statement with another statement

Example: “The suspect, who entered through the north window, went directly to the safe.”

Better: “The suspect entered through the north window. He went directly to the safe.”

### 8. Be specific

Follow the five W's (who, what, when, where, and why) to avoid confusion and to ensure that all details are included. Be specific as possible. AVOID THE GENERIC.

Example: “He was carrying a concealed weapon.”

Better: “He was carrying a 6" knife under his coat.”

### 9. Leave out opinions

Reports are statements of fact, not conjecture.

Example: "It was a hot day and the subject looked suspicious."

Better: "The temperature was 97 degrees and the subject was wearing a long trench coat."

**1.3.3** The trainee shall know reporting procedures. During orientation the trainee received the required training in R.M.S. and shall demonstrate to the trainer the use of R.M.S.

REPORT PROCEDURE: Reports shall be completed in the R.M.S system. Reports completed in R.M.S. shall be completed on the computers located in the officer's report writing room. The trainee shall know the R.M.S. system by demonstrating the following.

1. Log on and get into the R.M.S. system.
2. Successfully retrieve and complete an incident out of the R.M.S. CAD Reports folder.
3. Create an incident for a citation.
4. Retrieve, correctly complete and resubmit to the correct folder an incident returned for corrections.
5. Be familiar with basic word processing.

**1.3.4** The trainee shall know and have a general understanding of all forms currently in use by the Department.

JAIL FORMS:

- 1) HP Jail Booking Form
- 2) L.A. County Unified Arrestee Medical Screening Form
- 3) Prisoner Authorization for Disposition of Personal Property
- 4) Prisoner Release Information Report (849B P.C.)
- 5) Prisoner Release Investigation Form (853.6 P.C.)
- 6) Impairment Assessment Form (Intoxication Form)
- 7) L.A. County Transfer Record
- 8) Probable Cause Declaration Form (PCD Form)
- 9) Juvenile Probable Cause Determination and Declaration

DRIVING UNDER THE INFLUENCE FORMS:

- 1) Intoxication Report
- 2) Drug Influence Report
- 3) Administrative Per Se Suspension/Revocation Order and Temporary Driver License (DS 367). (Both Forms: Over 21 years Old and Under 21 Years Old)
- 4) Data-Master Checklist (Intoximeter Report)

### ARREST FORMS:

- 1) Warrant Arrest
- 2) DUI Arrest Report

### TRAFFIC COLLISION / VEHICLE STORAGE FORMS:

- 1) CHP 555-03 (Property Damage Only)
- 2) CHP Sketch
- 3) CHP Factual Diagram
- 4) Traffic Collision Information Form (Driver exchange information)
- 5) CHP 180

### CITATIONS:

- 1) Traffic
- 2) Parking
- 3) Citation correction
- 4) Verbal Notice by Peace Officer Form (DL-310)
- 5) Notification of Priority Re-examination of Driver Form (DS 427)
- 6) Citation Correction Forms (In Finished Forms)
- 7) Statement of Facts (12500 VC / 14601 VC Form)
- 8) Citation Voiding Form

### INVESTIGATIVE FORMS:

- 1) Field Interview Card
- 2) Private Person's Arrest
- 3) Crime Scene Log
- 4) Missing Person Report
- 5) Lost Property Report
- 6) Temporary Restraining Order (TRO)
- 7) Emergency Protective Order (EPO)
- 8) Victim of Sex or Domestic Violence Crimes- Notification / Request for Confidentiality of Information
- 9) C.T.I.P. Cargo Theft Notification Form
- 10) Booking Required / Verification
- 11) Application for 72-Hour Detention for Evaluation and Treatment
- 12) Child Abuse Investigation (SS8583)
- 13) Suspected Child Abuse Report (SS8572)
- 14) Picket Sheet

TIME OFF REQUEST FORMS (On the message switch):

- 1) Employee Leave Request Form (covers time off for; Administration Time, Bereavement, Comp Time, FMLA, In-Lieu Holiday, Jury Duty, Sick Leave\* Kin Care, Vacation)
- 2) Holiday, Comp-time, or Vacation Change or Cancellation Form
- 3) Mutual Trade Request
- 4) Kin Care Request
- 5) Time Transfer

MISCELLANEOUS FORMS (On the message switch):

- 1) Overtime Slip
- 2) Court Appearance
- 3) Emergency Contact – Change of Address
- 4) Tuition Reimbursement
- 5) W-4

# 1.

## **OPERATION OF POLICE VEHICLES**

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1.4 The trainee will know and understand the department policy regarding the general operations of vehicles and shall be familiar with the patrol vehicle, its equipment, and the policy regarding its use.

**OPERATION OF POLICE VEHICLES:** Officers operating a police vehicle must have in his possession a valid California Operator's license and must comply with all California Vehicle Code laws.

Police vehicles shall be operated in a manner and speed to enable the officers to observe any activities occurring in their assigned area.

**INSPECTION OF VEHICLES:** At the beginning of each tour of duty, Department members having an assignment that involves the use of a City vehicle will make a thorough inspection of the vehicle and its equipment. Items that will be inspected or checked include the following:

1. Exterior of Vehicle for damage and cleanliness.
2. Condition of tires and wheels.
3. Emergency equipment.
4. Locking mechanisms.
5. Fuel, oil, and water levels.
6. Condition of other equipment (brakes, lights, Beanbag shotgun, M-4 rifle, radio, P.A. system, mobile computer terminal, mobile video system, seat belts, and upholstery).
7. Interior (registration, speedometer certificate, sealed trauma kit, plastic gloves, CPR mask, disinfectant wipes, SPF lotion, hobble, spit shield, and cleanliness).
8. Trunk / Rear (fire extinguisher, rol-a-tape, bloodborn coverall, 10 traffic cones, crime scene tape and blanket).

In any event, members will ensure that the vehicle to be used is in a condition, which allows completion of the tour of duty without having to return to the police facility for service unless otherwise scheduled.

**VEHICLE ASSIGNMENT:** Department members will only use a vehicle, which has been assigned to them. If the assigned vehicle is not available, the on-duty supervisor will be notified and an interim replacement vehicle will be assigned.

**DAMAGED VEHICLE OR INOPERATIVE EQUIPMENT:** When the inspection of a vehicle uncovers minor damage or inoperative equipment, members will immediately notify the on-duty supervisor. The unit will either be written up for repair or the Unit Damage Book will be

checked for notation. If moderate to extensive damage is found, the on-duty supervisor will be immediately notified and either a memo or incident report shall be filed.

SERVICE IN THE FIELD: In the event a Department or city vehicle needs service as a result of a flat tire, mechanical failure, or accident, the vehicle operator will notify Communications who will call for the needed service.

PUSHING OTHER VEHICLES: All of the police vehicles are equipped with push-bars, however no police vehicle shall be used to push other vehicles.

REMOVAL OF KEYS: Ignition keys will be removed from all City or Department vehicles when members leave the immediate vicinity of the vehicle. This is not only to safeguard the vehicle, but also the equipment carried.

WEARING OF SEATBELTS: All Department employees, while driving or riding in any City vehicle will wear a seatbelt.

INTERIOR CLEANLINESS: Each member will remove any trash or debris that has accumulated in the vehicle and ensure that the vehicle is in clean condition for the next assigned user.

PARKING OF POLICE VEHICLES: Where possible, police vehicles shall be parked legally according to the laws of the California Vehicle Code, and the ordinances of the City of Vernon.

When leaving a police vehicle with engine operating, the vehicle will be placed in the "Park" gear and the parking brake shall be used.

REPAIR AND SERVICE OF VEHICLES: When service or repair of a patrol vehicle is needed, the officer will inform the on-duty supervisor who will then complete the "Central Garage" repair form and forward it to the garage supervisor.

Unit radio, hand held radio, in-car video camera, or M.C.T. repairs shall reported via the IT Help Desk request

UNAUTHORIZED PERSONS RIDING IN CITY VEHICLES: A member of the Vernon Police Department operating a city vehicle shall not permit persons, other than authorized employees of the department, to ride in such vehicle, except such persons as are required to be conveyed in the performance of duty, or as authorized by the order of a superior.

- A. Authority of any person, not a member of the department, to accompany members of the department while on duty, may be granted by the Chief of Police, Division Commander, or Watch Commander, upon written application giving name, address, sex, and the reason for the request.

- B. Such application shall be made far enough in advance to give the authorizing person time to consider the request, and either grant or deny approval. If the request is approved, a "Release & Waiver of Claims" will accompany the request form, which must be dated and signed by the person involved, and witnessed and signed by the concerned Watch Commander. A copy of the person's Identification shall be attached to the Release & Waiver of Claims form.
  
- C. Authority to either grant or deny such request is limited to the Chief of Police; Division Commanders and Watch Commanders in all cases except requests from members of the Police Commission & City Council. ONLY the Chief of Police has the authority to deny such requests of Councilmen and Commissioners.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# 1.

## **TRAFFIC COLLISION INVESTIGATION**

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**1.5** The trainee shall review and have a general understanding of the California Highway Patrol Statewide Integrated Traffic Records System Collision Investigation Manual (SWITRS), and shall be familiar with the Department policy regarding traffic collision investigation and reporting.

**TRAFFIC ACCIDENTS - GENERAL PROVISIONS:** Motor vehicle accidents will be investigated and reported in RMS on the “Traffic Collision Report” (Form CHP 555) when one or the following circumstances exists:

- A fatality occurs.
- An injury occurs where the injured person requires immediate hospitalization or intends to leave the accident scene and seek medical care immediately or complaint of pain.
- All hit-and-runs with suspect information or follow-up information.
- A drunk driver is involved.
- The collision involves a City vehicle, City liability, or occurs on City property or property controlled by the City, or involves a vehicle or property controlled by another governmental agency when such other government agency requires that a report be completed. This will include acts of legal intervention involving on-duty Department personnel.
- An arrest is made which is directly associated with the accident.
- If more than two vehicles are involved.
- If follow-up is required.

All other accidents can either be handled by hand writing and completing the “Property Damage Only” (Form CHP 555-03). The assigned officer will then give each driver a carbon copy. The original copy will be submitted to the Watch Sergeant or Watch Commander for approval. The accident can also be reported in RMS.

**PRIVATE PROPERTY ACCIDENTS:** Since the Vehicle Code’s “Rules of the Road” are not normally applicable on private property; accidents occurring thereon will not normally be investigated. However, if a collision report is requested, the officer shall handle the investigation. Private property accidents involving the following circumstances will be investigated:



- A death or injury occurred.
- Intoxicated driver involved.
- City vehicle or property involved.
- County, state or federal vehicles or property involved.

**JURISDICTION:** Accidents occurring on the freeway (within the city) or in county areas will be handled by the California Highway Patrol.

**INITIAL RESPONSIBILITIES UPON ARRIVAL AT THE SCENE:** The following tasks will be performed upon arrival at the scene of a vehicle accident.

- **Parking Department Vehicles:** Vehicles will be parked so as not to create a hazard. However, vehicles can be used as a temporary barrier for traffic control.
- **Initial Observations:** The assigned officer will be alert for autos or persons who were involved in the accident leaving the scene.
- **Determine Injuries:** When appropriate, the first arriving officer will summon paramedics and render first aid.
- **Protection of Property:** Assigned officers will protect damaged vehicles and personal property.
- **Determine Nature:** The officer assigned to investigate the accident will ascertain if it is a “hit-and-run” case. If so, the officer will proceed as specified in this order under “hit-and-run” investigation Procedures.
- **Determine Participants:** The officer assigned to report the accident will locate involved vehicles, drivers and witnesses observing the collision. As each driver/witness is located, the investigating officer will obtain such person's driver's license or other identification.

**INITIAL INVESTIGATIVE PROCEDURES:** When the circumstances indicate a full investigation is required, the assigned officer will perform the following additional tasks upon ensuring that the scene is secure and required medical care provided.

- **Obtain Statements:** The officer assigned to interview drivers and witnesses will do so at the scene unless they have been taken to a hospital, physically incapacitated, or have left prior to the officer's arrival. When a driver or witness

is not at the scene, officers will delay interviewing until completion of the on-scene investigation.

- Determine Events: The officer assigned to report the accident will determine the area of impact, direction of travel, speeds involved, location of vehicles after impact, presence and nature of skid marks, and any other conditions or events which are necessary to establish an understanding of the accident. When practical, officers will mark the position of the involved vehicles and then move them from the street in order to restore a safe flow of traffic.
- Determine Physical Condition of Drivers: The officer assigned to interview the drivers will examine them for physical conditions that may have contributed to the accident. When a driver's conduct and/or physical condition indicate possible intoxication, the interviewing officer will conduct an examination of such driver for intoxication investigation.
- Determine Mechanical Condition of Vehicles: The officer assigned to report the accident will examine the involved vehicles for mechanical defects or deficiencies such as lighting equipment, brakes, windshields, and windows, and other safety devices.
- Determine Condition and Nature of Roadway: The officer assigned to report the accident will determine the character of the roadway and area in which the accident occurred. The presence of traffic control devices, lighting conditions, roadway width, surface composition, and traffic conditions will be noted.
- Collect Physical Evidence: The officer assigned to report the accident is responsible for ensuring that physical evidence at the scene is collected, marked, and processed.

The officer assigned to report the accident is responsible for ensuring that all statements, facts, circumstances, conditions, events, and descriptions are included in the report.

IDENTIFICATION OF PERSONS INVOLVED: The following will apply in the cases of all persons listed in reports:

- Names: The full name will be obtained and reported, not merely the surname and initials. Check the spelling against any written identification in the possession of the individual.
- Addresses: Addresses will be completed and accurate. Include the name of the city in each case, and if the parties are not local residents ascertain if they have a temporary local address and probable duration of their stay.

- Passengers: Include in the report the names of the passengers and their location within the vehicle.

TAKING STATEMENTS FROM WITNESSES: The officer interviewing witnesses will obtain the following information and ensure its inclusion in the report:

- Location: Note where the witness was in relation to the accident and if such witness could have observed the events described.
- Observation: Note what and where the first thing connected with the accident was observed. Were there any unusual actions on the part of persons involved?
- Identification of Parties: Can the witness identify the parties involved in the accident? Did such witness have any conversation with them?
- Witnesses' Deficiencies: Is the witness biased, antagonistic, uncooperative, or mentally incompetent? If so, indicate such condition on the accident report form.

RECORDING OF SKID MARKS: Tire skid marks left on the surface of a street by a vehicle may be used to determine the minimum possible speed at which the vehicle could have been traveling at the time the brakes were applied. They are also valuable in determining the course of traveled by vehicles. The following will apply in respect to field investigation in such cases:

- Identification: Any or all of the following may identify Skid marks left by a vehicle in the street:
  1. By a witness.
  2. Admission by the driver.
  3. Physical facts - marks leading directly to the vehicle.
- Measuring: The officer assigned to report the accident will measure and describe all skid marks identified as associated with the accident. Elements to determine are as follows:
  1. Number of marks. Identify the wheel, which caused each of the skid marks.
  2. Length of marks. Measure the full length of each skid mark starting from the first visible indication. In the case of a skid mark that forms an arc, measure the length of the arc following the mark itself.
  3. Method of measurement. Officers should use the roll-a-tape, which is equipped in each police vehicle.

- Reference Point: Show the position of the marks in relation to permanent reference points such as curbs, elongation of property lines or other fixed objects.
- Notebook Use: When possible, draw a rough sketch of the scene in a notebook indicating the location of skid marks and point of rest. Such materials have evidentiary value as original notes.

PHOTOGRAPHING THE ACCIDENT SCENE: The officer assigned to report the accident will, when appropriate, ensure that photographs are obtained in accordance with the following procedures.

- When Required: Photographs will be taken when necessary as determined by the officer. Generally, photographs will be taken of accidents involving fatalities, serious injuries, and in every case where City property is involved or damaged. Photographs will be taken of felony crimes scenes and suicides whenever possible.
- Perspectives Required: Photographs of accidents include a perspective of the north-south curb lines showing vehicles in relation to skid marks and curbs, and similar photographs of east-west curbs.
- Number of Photographs: As many photographs as necessary will be taken to prove the violation.
- Follow-up Photographs: These photographs may include any important fact, such as the length of skid marks with their relation to reference points.
- Night Photographs: During hours of darkness, first take photographs of skid marks and other items of evidence without chalk marks and then retake them with the area outlined with chalk or other marking device. A flash will be used when taking photographs at night.
- Blood Marks: First take the photographs without aids and then retake it with the area outlined in chalk or with some person pointing to the mark.
- Damage to City Property: Regardless of the evidentiary value, photographs will be taken in every case where a City vehicle or City property is involved in an accident. The photographs will show the extent of damage to vehicles or other property involved in the accident.

PHOTOGRAPHING FATAL OR MAJOR INJURY TRAFFIC COLLISIONS:

- A. INTRODUCTION: In the normal course of investigating a fatal or a major injury traffic collision, it is usually necessary for photographs to be taken.

This will explain what types of photographs would be ideal for the Traffic Accident Investigator to have when he is filing his follow-up investigation and reconstruction of the accident.

The reasons for photographing these types of accidents are to provide a permanent record of what the collision and scene actually looked like at the time of the accident. Many times these photographs will be necessary for future criminal and/or civil proceedings involving either party or possibly the City.

- B. EVALUATING THE SCENE: As in any other major crime scene, the sight of the collision should be secured as well as any other areas that surround the collision that might provide evidence.

After the scene has been secured, the photographer should communicate with the handling officer at the scene and be briefed as to what had occurred. The photographer needs to have this knowledge because each traffic accident is inherently different. Certain photographs will have to be taken as to what each involved party claims and also what the handling officer wishes to prove or disprove in his investigation of the accident.

- C. PHOTOGRAPHING THE SCENE: There are no hard and fast rules that can be set to form a procedure in photographing a traffic accident scene, but rather, a set of guidelines is being formed to help the photographer who will in turn, assist the follow-up investigator.

As the photographer begins to take his photographs, he should always keep in mind, "reconstruction of the accident." The pictures he is taking should be in a logical and sequential form. It should also be able to tell a story about what happened, where it happened, how did it happen, and why did it happen.

1. Photograph a general overview of the traffic collision scene. The photographer should position himself in the middle of the street, standing approximately 30 yards away from the collision, and facing in the direction of which the striking vehicle was traveling.

This picture should include as many permanently fixed structures (banks, stores, food stands, etc.) as possible. This will also serve as a way to qualify the location of the accident.

2. Turn around and take a photograph from the same position, which shows the roadway as it looked just preceding the collision. This photograph should also include permanently fixed structures to qualify the location.

3. The photographer should now move his position to the primary impact lanes (North, South, East, or West), standing approximately 30 yards away from the point of impact and take photographs as in steps 1 and 2.

4. Now that general photographs of the scene have been taken which show some of the major structures in the area, photographs of the street signs and intersection traffic control devices (stop signs, lights etc.) should be taken. The names of the street signs should be readable with a background of the fixed structures in the picture. This is to additionally qualify the location of the accident.

5. If the photographer sees any possible vision obstructions, (i.e., fences, parked cars, large trees or shrubbery etc.) these should be photographed. It may be pointed out at a later date that these items were a contributing factor to the accident and a possible liability factor as well.

6. If a pedestrian is involved in the accident, photographs should be taken of the sidewalk, which will show its prolongation into the intersection. There are areas that do not have painted crosswalks at intersections. It will be necessary to show whether the pedestrian was within the prolongation of the sidewalk, within the intersection at the time of the point of impact.

D. PHYSICAL EVIDENCE: Now that the overall location of the collision scene has been photographed, the photographer's attention should now be drawn to the physical evidence at the scene.

E. SKIDS: Photographing skid marks should always be done with black and white film. Black and white film has approximately 150 different shades in its spectrum and will tend to show the black skids better on the pavement.

Four photographs should be taken of each set of skid marks:

1. An overall picture of the skids from approximately 20 yards, showing from the beginning of the skids to the end. The background of this photograph should also contain some permanently fixed objects, again to qualify the location.

2. A close-up, overall photograph of the skids showing from beginning to end from approximately 5 yards.

3. Photos 3 and 4 will be the same as 1 and 2 however, they should show from the end of the skid to the beginning.

It should be noted that in many cases, the skid marks will be very faint at the beginning of them. It is suggested that an officer place his toe as a point of reference, at the beginning of the skid marks when taking the overall photographs.

- F. BLOODSTAIN: If bloodstains are left in any of the involved vehicles or in the roadway, photographs should be taken using an overall photograph and a close-up photograph. Again, the overall photo should have some objects in the background that will qualify its location and size. When taking close-ups, a steel tape measure or ruler should be laid next to the stain to show its approximate size.

These photographs are necessary if the fact that other injuries are claimed due to a loss of blood, which could quite possibly be a factor at a later date.

- G. DEBRIS IN ROADWAY: Photographing debris in the roadway that was left from the collision is also a very helpful item to the follow-up investigator. It can give him a general idea as to the positioning of the vehicles at the time of the collision. As in the previous photographs, overall photos and close-ups are desired.
- H. FATAL VICTIMS: If there is a victim who has sustained fatal injuries, it will be necessary to photograph the position of the corpse from both an overall and a close-up view. A total of 8 photographs are recommended for each position. They should be taken in the 360-degree fashion.
- I. DAMAGE TO VEHICLES: When photographing damage to involved vehicles, it should be done in a similar manner as when photos are taken of fatal victims. The positioning should be the same, however the lens should be at a 180-degree angle with where the driver's vision would be.

When taking close-ups, it is advisable to use a ruler to show how far the metal was indented. It is also very important to include in these photos, the front and rear license plates as well as the current registration tabs.

- J. MISCELLANEOUS ADDITIONAL PHOTOGRAPHS: After all of the previous photographs have been taken, it is advisable to go back and photograph any traffic warning signs (Curves, T-Intersections, etc.) and the first speed limit sign that immediately preceded the collision. Be sure and note their location.
- K. CONCLUSION: As stated before, each traffic accident is inherently different. There may be additional pictures that the photographer may want to take. If he/she feels that they may be important at a later date he should do so. On the other hand, not all traffic

accidents will require as many photographs as described in this training bulletin. This bulletin was based on ideal photographs that the follow-up investigator should have in any fatal traffic accident.

INVESTIGATING HIT-AND-RUN ACCIDENTS: Officers assigned to respond to the scene of a hit-and-run, or who determines that an accident is a hit-and-run, will follow the following procedures:

- Initial Action: The first arriving officer will immediately obtain and broadcast a description of the suspect driver and the vehicle involved. After providing medical care to victims and protecting evidence, officers will locate witnesses who can assist in identifying the suspect and hit-and-run vehicle.
- Collection of Evidence: Officers will collect evidence in the appropriate manner. When an officer impounds an involved vehicle for examination by investigators, such officer will instruct the tow company representative that the impounded vehicle must be protected from weather or other conditions that might destroy evidence.

CITATIONS: The officer investigating an accident shall issue a citation at the scene if the officer observed the actual violation, the involved party is unlicensed, no child restraints, or no proof of financial responsibility.

COUNTER REPORT OF PROPERTY DAMAGE ACCIDENT: EXCLUSION FROM REPORT OF DETERMINATION OF FAULT OF REPORTING PERSON 20015(a) CVC: No traffic or police officer shall include in any counter report of a property-damage accident, any determination by the peace officer of fault of the reporting person, including, but not limited to, inattentiveness. This section does not apply to a determination which is the result of an examination of the physical evidence of the accident at the site of the accident by the traffic or police officer or the result of an express, knowing admission of the reporting person if the basis for the determination is also included in the report.

VERIFYING INVESTIGATION: The officer having responsibility for an accident investigation, even when assisted by others, will verify all the facts at the scene so that such officer will be qualified to testify in court concerning the accident.

INFORMATION SUPPLIED AT SCENE: The individuals involved will be allowed to exchange names and address and be provided any other information pertinent to the accident when it is practical to do so. When no report is desired, officers should obtain notebook information of the parties involved for future reference. A Traffic Collision Information Form can be handed to the involved parties.

NOTIFICATION OF FINANCIAL RESPONSIBILITY: Investigating officers will notify drivers of their obligations under the California Vehicle Code to file a "Financial Responsibility Form" (State



Form) in accidents in which more than \$250.00 damage occurs or in accidents involving any personal injury.

IMPOUND OF VEHICLES INVOLVED IN ACCIDENTS: When a driver of a vehicle involved in an accident is incapacitated due to injury, illness, unconsciousness, or fatality, and cannot provide the assigned officer with directions on the disposal of such person's vehicle, the assigned officer will order the vehicle towed to a safe storage facility. When a vehicle is towed under these circumstances, the officer ordering the tow will inventory the vehicle in conformance with department policy.

When the accident involves a fatality and a criminal investigation is being conducted, the towed vehicle will have a hold placed on it pending completion of the investigation. A CHP form 180 will be completed by the officer and turned into the Communications Center as soon as possible.

REPORTING CAUSES AND CONDITIONS: When investigating and reporting accidents, officers will accurately and appropriately complete in RMS both the narrative portion and the "check off" portion of the accident form.

AIRCRAFT CRASHES - DUTIES AND RESPONSIBILITIES: Several agencies must coordinate their efforts to properly investigate an aircraft crash. Responsibilities for the different duties in an aircraft crash are as follows:

- Investigation: Inquiry into the cause of the accident is the responsibility of the National Transportation Safety Board (NTSB) and the Federal Aviation Agency (FAA).
- Rescue and Disaster Control: This is primarily the responsibility of the Vernon Fire Department with assistance needed from paramedics and the Police Department.
- Traffic and Crowd Control: This is the responsibility of the Vernon Police Department and shall be maintained until the disaster situation is terminated and the Coroner's Office has removed all remains. Protection of property will continue until private property owners have been notified and can take over that responsibility.
- Reporting: The Public Utilities Code, Aircraft Financial Responsibilities Act, Section 24300, requires that the Department complete a Department of Transportation report of an aircraft accident. It shall be the responsibility of the investigating officer to complete the form immediately after any crash in which any person is injured or killed, or in which there is more than \$400 damage to property of any person other than the owner or operator of the aircraft.

\* The Traffic Collision Report (Form CHP 555) should be used to report any aircraft crash.

TRAFFIC ACCIDENTS INVOLVING FOOD VEHICLES: The Department of Environmental Health is requesting police and fire personnel assistance when responding to traffic accidents where food vehicles are involved. They are requesting that an environmental health specialist be asked to respond to the scene following any needed emergency action by this department. They will be investigating any food contamination and disposal issues as well as mechanical damage to the food vehicle or equipment, which may prevent the safe storage, handling or preparation of food.

They request to be notified of any accident involving:

- Food Preparation Vehicles (Hot Trucks)
- Catering Vehicles (Cold Trucks)
- Wholesale Food Vehicles (Refrigerated vehicles carrying perishable foods, i.e. meat, poultry, etc.)

## 1.

### **TRAFFIC ENFORCEMENT**

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**1.6** The trainee shall understand the officer's responsibilities in preventing accidents in the community.

TRAFFIC ENFORCEMENT: The general purpose is reducing traffic accidents and providing for the safe and expeditious flow of vehicular and pedestrian movement. Traffic law enforcement must be continuous and consistent to be effective. New enforcement drives that are not sustained have limited value. Consistent and continuous traffic law enforcement is an effective means of improving public safety and officers should strive for such effectiveness.

ENFORCEMENT ACTION: Department members will take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as attitude, intent, or frivolous excuse. Enforcement action may consist of a warning, citation, and application of complaint or physical arrest.

Visible Patrol: Any tendency by motorists to knowingly violate traffic laws is deterred by open and visible patrol. Normal enforcement will be conducted in such manner.

VIOLATOR CONTACT: Traffic violation enforcement is one of the many routine tasks performed by officers, but for violators it frequently is an emotionally traumatic experience. In many cases this is the only contact that a person has with this Department. Officers should be aware of these conditions and should strive to make such contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.

SELECTIVE ENFORCEMENT: The Department conducts statistical and visual surveys to determine by location, time and day of the week which violators are causing accidents. Based upon the information thus obtained, the Department deploys its personnel to those specific areas to observe violations and take enforcement action.

WARNINGS: Though it is each officer's responsibility to recognize a violation when it is committed and to take enforcement action, proper enforcement does not always involve a citation. In many instances the ends of justice and the object of enforcement are adequately served by warning. This action should not be taken except in worthy cases determined by considering the circumstances of the violation. Deliberate violations of the traffic laws do not deserve lenience.

Warnings will be given in a courteous manner and tone of voice. When a warning is given, it will be firm, efficient and courteous manners.

TRAFFIC CONTROL DEVICES - ADJUSTMENT PERIOD: When new signs or signals are installed, a driver adjustment period should be allowed and citation enforcement should be deferred. The length of the adjustment period is arbitrary and will be determined by what is reasonable for the type of installation, the location and the volume of traffic. During the adjustment period enforcement should be in the nature of assistance and orientation.

NONRESIDENT VIOLATORS: Since the Uniform Vehicle Code is being followed by a majority of States, including California, nonresidents are rarely subjected to unfamiliar traffic signs or inconsistent regulations. Therefore, unless the traffic regulation violated is one unique to the Vernon area, no immunity should be granted because the person is a nonresident.

ENFORCEMENT OF PARKING REGULATIONS: Street parking is restricted in various areas of the city to ensure fair access to parking and to expedite the flow of vehicular traffic. Parking regulations will be forced impartially throughout the city by any Department member having authority to enforce parking laws.

ENFORCEMENT OUTSIDE OF JURISDICTION: Traffic enforcement should be limited to areas within the jurisdiction of the city. However, when an aggravated situation arises, the officer involved may detain the violator and then request that the agency having jurisdiction respond to the scene to take appropriate enforcement action.

ASSISTANCE TO DISABLED MOTORISTS: Department members who are driving marked police vehicles and observe a disabled motorist on a highway will stop and provide reasonable assistance unless one of the following conditions exists:

- The member is involved in an assignment that could be jeopardized by stopping to render assistance.
- The safety of the member or other motorists might be endangered by the maneuvering necessary to stop.

If a member is unable to stop and assist a disabled motorist located within Vernon's jurisdiction, the radio dispatcher will be advised of the vehicle's location and direction of travel. Another officer will be assigned to assist the disabled motorist. If the disabled motorist is out of the jurisdiction, the radio dispatcher will be notified of the location, and the dispatcher will advise the appropriate agency of the disabled motorist in their jurisdiction.

## 1.

### **TRAFFIC ENFORCEMENT**

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**1.7** The trainee shall know the department procedures regarding issuing traffic/parking citations.

TRAFFIC AND PARKING CITATIONS: Department members assigned to an enforcement function will enforce vehicle laws in an impartial manner. Motorists will receive similar treatment regardless of where the violation occurs. Members engaged in the enforcement of vehicle laws will adhere to the following procedures.

COMPLETING AND ISSUING CITATIONS FOR MOVING VIOLATIONS: The information needed to complete a traffic citation or parking citation is generally obvious. However, the following needs to be emphasized to prevent their being neglected:

- When issuing a traffic citation to an adult or juvenile the proper place for the court appearance must be noted by crossing out the place not applicable.
- The court date should be 90 days from the issuance of the citation

When issuing a citation to a violator the officer should explain the appearance requirements even though they are printed on the citation.

If a citation is issued for a vehicle defect the officer will explain that the violator has to make the repairs or adjustments immediately, have the repairs verified by another officer before the court appearance.

Unsafe or overloaded vehicles should be cited and the driver advised to discontinue use of such a vehicle until the vehicle is repaired or properly equipped.

Never attempt to tell a violator what the bail or fine is for any violation.

NOTES ON CITATIONS: The member issuing a citation may use the back of the department copy for making notes about a violation. The department copy remains in the Records Division. A copy will be made for the officer to use in court if requested. The notes should include:

- Road conditions: loose material, roadwork, width, and surface conditions.
- The number, sex, and position of passengers in the vehicle.
- If laser, which laser was used, when the unit was last tested and found accurate, where the laser unit was located, and speed & distance displayed.
- Details of the violation itself.
- Pertinent remarks by the driver.
- Characteristics of the driver, which may help you in identifying him/her in court.

- Your own location when the violation was observed.

Officers will record the facts present, which prompted the issuance of the citation and use such records if court appearance is necessary.

REFUSAL OF VIOLATOR TO SIGN CITATION: When a traffic violator refuses to sign a citation, the officer should make it clear as possible that in signing the driver is not admitting guilt but only promising to appear in court.

If the violator continues to refuse to sign the citation, the officer should call a field supervisor or watch commander. The violator's refusal to sign the citation may be an emotional reaction or a personality clash with the officer, and a second officer can often restore calm and understanding to the situation and persuade the violator to sign the citation. If after talking to a supervisor/watch commander, the violator still refuses to sign the citation, the violator should be booked and the arresting officer should complete the arrest report procedures.

TURNING IN CITATIONS: Officers will turn in citations at the end of watch.

AMENDING CITATIONS: Department members may amend a citation in accordance with the following procedure:

- Complete a traffic citation correction form listing only the necessary correction and attach the correction form to the citation.
- Route the completed forms to the Watch Commander for review and approval.

DISMISSAL OR VOIDING OF CITATIONS: Department members may request that citations be dismissed or voided whenever one or more of the following circumstances exist:

- The facts that prompted the issuance of a citation are later found to be incorrect.
- The information on the citation is later found to be erroneous.
- A clerical error was made at the scene and the citation not used.
- Justice would be better served by dismissal or voiding - explanation necessary.

When dismissing or voiding a citation that has already been issued, or when receiving a court notice for a previously issued citation, the following procedure will be adhered to:

- The name, current address, date of birth, and driver's license number will be obtained and included on the citation to be voided.
- Complete a memo to the Chief of Police, detailing the reasons and attach the citation to be dismissed or voided to the memo.

- If a court notice has been received, complete the listed form with the information provided in the court notice.
- The requesting member will then have an immediate supervisor review the facts of the request and either approve or disapprove the request.
- The Chief of Police may only void Citations.

Officers will avoid advising motorists that citations will be dismissed or voided. A statement to the effect that the courts will decide the issue is allowed.

CHANGE OF VENUE: The following procedure will be adhered to when an officer issues a citation to a violator and the violator request a change of venue to the County Seat.

On the fourth line of the violation section, the officer will write - Change of Venue, 1945 South Hill St., Los Angeles. In the box below the violator's signature, in the area indicating the number of court days, the officer will line through all court locations.

The violator will then be advised that he/she will not be able to appear on the scheduled night court date and that his/her appearance date will be at the County Seat, 1945 South Hill St., between five and twenty-one days of the issuance of the citation.

Prior to the officer submitting the citation at the end of his/her tour of duty, he/she will attach a note to the citation advising that there has been a Change of Venue. This will assist the court officer and the Records Division in properly routing the citation to the County Seat in Los Angeles.

COURT PROCEDURES FOR UNLICENSED DRIVER TRAFFIC CITATIONS:

Judicial District has requested the following change in completing traffic citations:

1. A Department of Motor Vehicles record screen print-out is to be attached to all traffic citations with violations of 12500(a) CVC – Unlicensed Driver, and 12951(a) CVC – No License in Possession.
2. Traffic citations issued for violations of California Vehicle Code 14601, 14601.1, 14601.2, 14601.4, and 14601.5, will require a Vernon Police Department 14601VC Form detailing the incident. The traffic citation and a DMV license print-out is to be attached to the 14601VC Report for filing purposes.

## 1.8

### **COMMUNITY ORIENTATION**

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1.8.1 The trainee shall be familiar with the Department patrol beats and jurisdictional boundaries. The trainee shall also know the hundred block system and city streets for patrol area number one.

PATROL ACTIVITIES: The patrol force's activities are multiple, and as such, are in actuality, the eyes and ears of the Vernon Police Department, as well as being symbols. The principal activities are generally preventing crime, arresting any offenders, suppressing disturbances, and giving aid, relief, and information to all citizens as a particular set of circumstances would dictate.

CITY BOUNDARIES: All officers shall be familiar with the boundaries of the City. Maps are available to all personnel and should be carried at all times during patrol to be used as a ready reference for you and to give citizens directions when needed.

LEAVING THE CITY: Officers should not leave the city unless authorized or in the course of duty. Examples; "hot" pursuit of suspects, follow-up investigation, area search, normal course of patrol, 962, and code seven.

ASSISTING OTHER AGENCIES: When an officer assists another agency he/she shall go directly to the scene, as dispatched, where he/she is needed and assist as required. When no longer needed he/she shall contact the dispatcher and return to his/her patrol area by most direct route. This same procedure would also apply when the officer comes across an incident requiring his/her assistance outside the city limits.

PATROL RESPONSIBILITY: An officer shall be responsible for the safeguarding of persons and property within his/her assigned patrol area. He/she shall become familiar with the area and property within that area. He/she shall look for and investigate all unfamiliar and suspicious circumstances.

PATROL BEATS: The following are the patrol beat assignments:

PATROL AREA WEST:

Alameda St. to Soto St. (West to East)

25th St./26th St. to Slauson Ave., /Fruitland Ave. (North to South)

PATROL AREA EAST:

Soto St. to Atlantic Blvd. (West to East)

Washington Blvd. to 54th St. - Slauson Ave./Randolph St. - Fruitland Ave. South)



PATROL AREA #8:

Covers the entire city limits

1.9

**COMMUNITY ORIENTATION**

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1.9.1 The trainee shall know the city streets, private streets, hundred block system, and boundaries for patrol area West.

WEST/EAST STREETS:

25th St.	Chambers St.
26th St.	Leonis Blvd.
27th St. (some private area)	Fruitland Ave.
28th St.	Sears St. (Private street)
30th St.	Slauson Ave.
37th St.	Vernon Ave.
38th St.	
45th St.	
46th St.	
48th St.	
49th St.	
51st St.	
52nd St.	
55th St.	
57th St.	

SOUTH/NORTH STREETS:

Anderson St.	1st St.
Furlong Pl. (Private St.)	2nd St.
Hampton St.	Violet Alley
Harriett St.	
Hawthorne St.	
Irving St.	
Jewel St. (Private St.)	
Malabar St.	
Minerva St.	
Pacific Blvd.	
Ross St.	
Santa Fe Ave.	
St. Charles St.	
Saco St. (Private Street)	
Seville Ave.	
Soto St.	

## ALAMEDA CORRIDOR

Cargo trains will be using the corridor to travel between the Los Angeles harbor and the Hobart Yard. The corridor will substantially reduce the number of train-related traffic delays in and around Vernon, especially when used to its full capacity.

Primary law enforcement responsibility for the railroads, trains, personnel and the corridor itself lies with the railroad police. Union Pacific Railroad Police and the Burlington Northern Santa Fe Railroad Police have agreed to jointly provide services for the corridor. They have agreed to have personnel working along the corridor 24 hours, 7 days a week. This means that they could be anywhere from the harbor to the yards so response time will vary. They will handle most of the criminal activity that occurs where the property of the railroads or corridor is involved, such as trespassing, thefts, burglaries, vandalisms or attacks to railroad personnel or property. For calls relating to the corridor, Railroad Police dispatch should be contacted at 1 (888) 877-7267.

Generally, the railroad police will not handle crimes where the railroad or corridor property is not directly involved as a victim. Examples of this might include assaults that do not involve railroad personnel, found bodies and traffic collisions. Beginning just north of Slauson Ave. and continuing north to the area of 25<sup>th</sup> St, the corridor trench lies within the City boundaries. This means we will most likely be the first law enforcement agency called to respond to any activity involving the corridor.

The corridor itself presents a significant hazard to officers responding to a call. Trains will be in operation 24 hours a day and may be moving through the corridor at speeds of up to 40 mph. It can take as long as a mile to stop, once brakes have been applied. Additionally, the movement of trains can create a dangerous vacuum effect that can be strong enough to pull someone near the tracks, into the path of the train. During a recent meeting, we were told that this vacuum effect could be strong enough to pull someone off the ladders used to access the corridor in case of an emergency.

For this reason, **no police officer or other police personnel shall enter the corridor for any reason until confirming through RRPD dispatch that all train movement has been stopped within the corridor.** Calling the RRPD dispatch should do this. They will remain on the line with us until they have confirmation that the trains are stopped.

We may receive calls to investigate some activity within the trench and there may even be instances where someone we are attempting to detain, uses the tunnel as a means of avoiding contact or arrest. **Regardless of the circumstances, police personnel should not enter the trench to investigate a call or pursue a suspect into the trench. The RRPD dispatch center should be contacted and all trains stopped.**

**Only after this is verified should any enforcement action be taken. Similarly, no attempt should be made to cross over the top of the corridor by using the concrete crossbeams as a “walkway” to the other side.**

Police personnel should consider using the resources available to them, including other police jurisdictions along the corridor, RRPD personnel, and RRPD dispatcher personnel monitoring cameras, etc. in an attempt to locate fleeing suspects, before entering the trench. It is critical that a perimeter be set up as quickly as possible so that areas to be checked remain as small as possible.

Access into the tunnel can be made through the open end of the trench north of 25<sup>th</sup> St. and by way of access ladders positioned at various locations on the east and west side of the trench. Signs are posted along the fences in areas where the ladders are located. Locked access gates lead to the ladders that are also locked. Vernon Fire personnel must be contacted to respond and assist in opening the gate and lowering the ladders. Personnel using the ladders should go down facing the ladder due to the steep angle of the ladders. This is an officer safety issue and caution should be used. Locked telephones are located on the trench wall, adjacent to the lowered ladders. These telephones provide a direct link to the RRPD dispatch center. VFD personnel have keys to unlock all gates, ladders and telephone boxes. A set of keys will also be provided to the Police Department, in the event that VFD personnel are unavailable to respond. These keys will be maintained in the cash box in the sergeant's office.

Whenever a ladder is unlocked or lowered or a telephone box is used, this automatically activates a camera that will deliver an image to the RRPD dispatch center, identifying the location of the ladder and any activity-taking place. We may receive calls from the RRPD dispatch center advising us of ladder or telephone activation, however, RRPD personnel will also be notified to respond to any activation as well. Railroad maintenance crews will be responsible for returning all ladders, telephones or other railroad equipment to its proper position following any activity within the trench.

All personnel will be required to view the safety video produced by ACTA and to have this documented by the Watch Commander to the Training Division. All personnel will be required to participate in an orientation exercise with the VFD for instruction on how the gates, ladders and phones operate.

## 1.10

### **VEHICLE / EQUIPMENT CHECK OUT AND NOTIFICATION**

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1.10.1 The trainee shall know the department procedures regarding the check-out of equipment and communicating to dispatch for CAD entry the equipment and assigned vehicle starting mileage.

#### **CHECKING OUT OF DEPARTMENT EQUIPMENT:**

The Trainee shall advise the On-Duty Watch Commander of any and all equipment checked out for the day, and also document the checked out equipment on the Daily Watch List during briefing.

Equipment to be checked out;

1. Unit Mic
2. Blue Check
3. LASER
4. PAS
5. AED
6. M4-Ammo Bag

#### **NOTIFICATION OF CHECKED OUT EQUIPMENT AND UNIT STARTING MILEAGE:**

The Trainee shall notify Vernon Dispatch, via MCT of all checked out equipment, all mandatory unit equipment (refer to section 1.4.1 – inspection of vehicles) and the unit's starting mileage. If MCT is not working the Trainee shall advise dispatch via radio of all checked out equipment, along with the starting mileage of the patrol unit that the Trainee is issued.

## 1.11

### **USE OF FORCE / LEGAL AND ETHICAL ISSUES**

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1.11.1 The trainee shall know the use of force as stated in the California Penal Code. Recall the four components of the Fourth Amendment standard for determining *objective reasonableness*, as determined by the U.S. Supreme Court.

Identify the legal framework establishing a peace officer's authority during a legal arrest including:

- a suspect's requirement to submit to arrest without resistance, and
- a peace officer's authority to use restraint during a detention or arrest.

Identify the circumstances set forth in the California Penal Code under which a peace officer has the authority to resort to the use of force. Recognize the level of authority specific department policies have regarding the use of force by a peace officer.

Prior to the 1960s, force used by a peace officer in the line of duty was not scrutinized to the same degree as it is today. There were few guidelines or parameters identified to help determine what force option or amount of force were appropriate in a given situation.

Public unrest and the riots of the mid-1960s brought about a perception that there was a need for change in the training and policies of law enforcement. The President's Commission on Law Enforcement and Administration of Justice found a need for change in the:

- quality of law enforcement personnel,
- quality of officer preparation and training,
- way law enforcement related to the community, and
- way in which services were delivered to the community.

*Penal Code Section 843* established the initial foundation for a peace officer's authority to use force. When an arrest is made by an officer under the authority of a warrant and, if after being informed of the intention to make the arrest, the suspect to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest.

Court rulings have expanded the interpretation to *Penal Code Section 843* to include the amount of force that is considered necessary and/or reasonable.

Today, reasonable force is a legal term for how much and what kind of control a peace officer may use in a given circumstance.

*Penal Code Section 835a* defines **reasonable force** to effect an arrest as only that force reasonable for restraint of the suspect and to get the suspect to submit to custody.

In 1989, the United States Supreme Court applied an objective standard to a non-deadly force situation and further established how reasonable force must be judged objectively (*Graham V. Connor*). The Court's analysis began by considering the suspect's Fourth Amendment right to remain free from any unreasonable seizure against the government's interest in maintaining order through effective law enforcement.

The Court noted that determining the objective reasonableness for the use of force must be *fact specific* and established the following four components for determining reasonableness.

**The reasonableness of a particular use of force must be...**

1. judged from the *perspective of a reasonable officer*.
2. examined through the eyes of an officer on the scene *at the time the force was applied*.
3. based on the facts and circumstances confronting the officer *without regard to the officer's underlying intent or motivation*.
4. based on the knowledge that the officer *acted properly under the established law at the time*.

Peace officers will constantly be faced with decisions as to when to use force and to what degree it should be applied.

The totality of the circumstances must be evaluated from *the perspective of the officer at the scene*, rather than from an outsider's benefit of hindsight. Reasonable force must be based on the facts and circumstances known to the peace officer at the time the force was used.

The Court noted that:

*"the amount of force necessary for the situation is determined by the objective reasonableness as judged by a reasonable officer given the officer's training and experience."*

The primary objective for the application of force is to ensure control of a suspect. The Court determined that the officer's subjective feelings toward a suspect should not be considered when establishing whether or not to use force or the amount of force to use for a specific situation.

The Court noted that the following facts should also be considered but not limited to when gauging reasonableness.

- The severity of the crime
- The nature and extent of the threat posed by the suspect
- The degree to which the suspect resists arrest or detention
- Any attempts by the suspect to evade arrest by flight

## Authority to Use Force:

It is the role of the peace officer to protect and serve the public. Peace officers who make or attempt to make an arrest may use force when faced with a hazard, threat, or with resistance.

Whether peace officers detain a suspect in order to investigate a reasonable suspicion or to effect an arrest, it is the suspect's duty to stop and to refrain from resisting the officer's authority.

*Penal Code Section 834a* states that if persons have knowledge, or by the exercise of reasonable care should have knowledge, that they are being arrested by a peace officer, it is the duty of such persons to refrain from using force or any weapon to resist such arrest.

An arrest can be made either by physically restraining the person to be arrested or by the arrested person submitting to the authority of the officer.

According to *Penal Code Section 835*, an arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person being arrested may be subjected to such restraint as is reasonable for their arrest and detention.

When an arrest is being made by an officer under the authority of a warrant and if, after being informed of the intention to make the arrest, the suspect to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest (*Penal Code Section 843*).

*Penal Code Section 835a* establishes the criteria for justified use of force. An officer who has probable cause to believe that a person has committed a crime may use reasonable force to:

- **Effect an arrest** or detain for investigation a person whom the officer reasonably believes or suspects has committed a criminal offense.
- **Prevent the escape** of a person whom the officer reasonably believes has committed a criminal offense.
- **Overcome resistance** or the use or threatened use of physical force directed against the officer or another person.

When the level of force that is applied in a given situation is reasonable, a peace officer is not considered the aggressor. Officers have a legal right to:

- use reasonable force to overcome resistance.
- stand their ground against any aggressor; they "need not retreat or desist."
- use reasonable force for protection; "the right of self-defense is not lost."



Although the law and courts have presented a foundation for the use of force by a peace officer, the most detailed considerations and regulations are established by each agency's departmental policies.

Limitations on the use of force are set by specific departmental policy. All such policies are attempts to provide rational guidelines and to protect the officer and agency from criminal and civil liability.

### **Force Options:**

Force options are choices available to a peace officer concerning the methods available as identified in the agency's or department's policy documentation.

The objective for the use of force by peace officers in any situation is to ultimately gain or maintain *control of an individual and therefore the situation*. Peace officers are required to:

- use force only when authorized to do so (e.g., to overcome resistance to a lawful process).
- use the type of force which is reasonable under the circumstances.
- use only the amount of force reasonable to overcome resistance and to gain or maintain control of a suspect.
- use only the amount and type of force which is permitted by individual agency or department policy.

The amount of force applied should not exceed the amount which is reasonable to overcome the suspect's resistance and gain or maintain control of the suspect. Every situation is unique though.

The agency must rely on the individual officer's judgement to employ an objectively reasonable level of force for that specific situation.

There are a number of factors that can affect which option is selected and the amount of physical force applied. The following chart identifies but is not limited to some of the most critical ones.

1. Officer safety - Immediate action required for self-defense or in defense of others
2. Amount and nature of the resistance which must be overcome.
  - No resistance
  - Active resistance
  - Combative resistance
  - Life-threatening resistance

3. Presence of a weapon and type of weapon

- Edge weapons
- Firearms
- Impact weapons
- Chemical agents

Seriousness and nature of the offense

- Misdemeanor cite and release
- DUI
- Armed robbery

Characteristics of the suspect as compared to the characteristics of the officer

- Size
- Age
- Known capabilities
- History

Availability of assistance

- Number of officers
- Available backup units

Nature and condition of the location and surroundings

- Danger to bystanders
- Availability of weapons

**Level of Resistance:**

The actions of the individual suspect will determine the type or amount of force applied by peace officers. The following chart illustrates how a suspect's level of resistance can correlate with the level of force applied by an officer.

An officer's selection of the force option or amount of force should be based on the amount or degree of resistance of the suspect as well as other relevant conditions or circumstances of the specific situation. The following explains different levels of resistance.

Cooperative: Suspect offers no resistance



Resistive: Passive: Does not respond to verbal commands but also offers no physical form of resistance

- Active: Pulling away, running away, physically resisting the officer  
 [Redacted]
- Assaultive: Aggressive or combative; attempting or threatening to assault the officer or another person  
 [Redacted]
- Life-Threatening: Any action likely to result in serious injury or possibly in the death of the officer or another person  
 [Redacted]

NOTE: Officers must take into account the *totality of the circumstances* when selecting a reasonable force option for a given situation. The above information is not the intent of this chart to imply that an officer is limited based on any single factor.

Peace officers must use the force option that is appropriate for the situation. But situations may change rapidly and officers must continually analyze and reevaluate the suspect and situation. Officers must be ready and able to escalate or deescalate the level of force, transitioning to the appropriate tools and techniques as needed for that moment in time.

In law enforcement, preparation can mean the difference between life and death as well as generate a professional image for a peace officer. The following identifies some items officers must constantly consider and prepare for accordingly.

Uniforms:

- Proper fit
- Neat, professional appearance
- Does not impair free movement

Gear:

- In good condition
- Inspected regularly
- Readily accessible

#### Firearms:

- Cleaned after each firing
- Serviced by a trained armorer as necessary

#### Body armor:

- Fits well
- Does not interfere with movement
- Is used!

It has been established that peace officers, when required to respond quickly in dangerous situations, will revert to the trained responses they learned in training. Officers' tactical performance may depend entirely on how well and effectively they have trained for and practiced their abilities and skills. *Without ongoing practice and training, peace officers are placing themselves and others in jeopardy.*

The following presents examples of situations and the appropriate and inappropriate use of force based on the level of resistance that is being offered by the suspect.

**Situation:** During a routine traffic stop an officer discovered that the driver had a number of outstanding traffic warrants.

**Suspect's Action:** The driver offered no resistance, was cooperative, and responded immediately to the verbal commands of the officer.

**Officer's Response: *Appropriate:*** In this situation, the officer's presence and verbal commands offered the appropriate force options for the officer to maintain control of the situation.

***Inappropriate:*** The officer used a physical control hold immediately before giving verbal commands. The driver became fearful of the officer's actions and began to struggle with the officer. Absent other mitigating factors, the officer's use of force options was inappropriate and may have escalated the threat of the situation.

**Situation:** During a routine traffic stop an officer discovered that the driver had a number of outstanding traffic warrants.

**Suspect's Action:** The driver complied with the officer's verbal command to get out of the car and showed no signs of threatening behavior, but refused to cooperate in any other way.

**Officer's Response: *Appropriate:*** The officer used a firm grip to overcome the driver's passive resistance to the officer's efforts to direct the movement of the driver and maintain control of the situation.

*Inappropriate:* The officer used a chemical spray to disable the suspect before applying a control hold and placing the suspect under arrest. Absent other mitigating factors, the use of force options such as a chemical spray was not warranted and was excessive.

Situation: During a routine traffic stop an officer discovered that the driver had a number of outstanding traffic warrants.

Suspect's Actions: The driver complied with the officer's verbal command to get out of the car but then pulled away and assumed a fighting stance.

*Appropriate:* The officer used a leg sweep takedown technique to gain physical control of the suspect and then placed the suspect under arrest. Since the suspect exhibited aggressive resistance toward the officer, the use of force options by the officer was appropriate.

*Inappropriate:* The officer continued making verbal requests for the suspect to comply and attempted no other action to gain control of the suspect. Even though the suspect was not actively attacking the officer, he was actively and aggressively resisting the officer's attempt to arrest him. By not responding to the changing situation with equal force, the officer may have placed himself in greater danger of losing control and placed himself at risk of serious injury.

### **Tactical Communication:**

Tactical communication provides a set of tactics that enable the peace officer to gain cooperation and generate the voluntary compliance of others in stressful situations (e.g., confronting a hostile suspect), or in any other contact, which places the officer and community in conflict with each other.

Tactical communications involves a strategic message delivered to a specific audience to generate voluntary compliance; it combines "what to say" with "how to say it." The vast majority of law enforcement responsibilities involve effective communication. Tactical communication involves both professional demeanor and words resulting in improved safety and professionalism.

The following represents benefits of tactical communication.

#### **Safety:**

- provides techniques that reduce the likelihood of physical confrontation.
- can result in a reduction in injuries.

#### **Professionalism:**

- renders more effective public service and improves community relations.

- decreases citizen complaints and internal affairs investigations.
- decreases civil liability.
- lessens personal and professional stress.

Law enforcement is a highly visible profession. When peace officers communicate, they represent the:

- executive (chief or sheriff),
- government (city, county, state, federal),
- public interest,
- authority (laws, the Constitution, the Bill of Rights, etc.),
- law enforcement profession as a whole.

Effective communication is a basic element of the use of force. A major goal of law enforcement is to generate voluntary compliance without resorting to physical force.

However, there are situations where communication through words is not effective. The acronym SAFER summarizes the five conditions that require more than words, as shown below.

**Security:**

- Whenever others are in imminent jeopardy
- Whenever property under the officer's control is threatened

**Attack:**

- Whenever the officer's personal danger zone (PDZ) is violated (imminent jeopardy)  
NOTE: The PDZ is determined by the officer's training and by the situation.

**Flight:**

- Whenever a suspect unlawfully flees from the officer's presence

**Excessive repetition:**

- No voluntary compliance is forthcoming
- All verbal options have been exhausted

**Revised priorities:**

- Whenever a matter of higher priority requires immediate attention or presence

**Considerations Regarding the Use of Lethal Force:**

The use of lethal force is the most serious decision a peace officer may ever be called upon to make. Such a decision should be guided by a reverence for human life and used only when other means of control are impractical or have been exhausted.

**Lethal force** means a force likely to cause death or serious bodily injury.

The decision of whether or not to use lethal force may be influenced by the officer's:

- preparation by training,

- officer judgement,
- mental alertness,
- emotional maturity,
- existing circumstances, and
- understanding of the law as it relates to:
  - Department policies concerning the use, and
  - Level of force that is objectively reasonable to achieve the law enforcement mission.

In 1985, the United States Supreme Court set a four part legal standard for the use of lethal force based on a person's Fourth Amendment protection from unreasonable acts by peace officers (*Tennessee V. Garner*). The Court's analysis required balancing a person's fundamental interest in safety against the government's interest in effective law enforcement.

The Court established the following components and prerequisites to an officer using lethal force in the line of duty.

**In order for peace officers to employ lethal force, they must...**

1. Life-threatening escape - "Where the officer has *probable cause* to believe that the suspect poses a threat of serious physical harm, either to the officer or others..."
2. Life-threatening felony - "...if the suspect threatens the officer with a weapon or there is *probable cause* to believe that he has committed a crime involving the infliction of serious bodily harm..."
3. Give warning where feasible - "...the court imposes a constitutional requirement that *some warning* be given prior to the use of lethal force *where feasible*..." "Halt, police! Stop or I'll shoot!"
4. If necessary to prevent escape - "...in order for lethal force to be constitutionally permissible, there must be *probable cause* to believe that the use of lethal force is *reasonably necessary*..."

NOTE: This federal constitutional standard is only the baseline starting point for use of lethal force. Peace officers must also regard penal code and department policies.

In order to understand the aspects of the use of lethal force, peace officers need to become familiar with the following terms.

**Serious bodily harm or injury** means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement (*Penal Code Section 243(f)(5)*).

**Reasonable necessity** means that delay in apprehension would create substantial and unreasonable risk to officers or others possibly resulting in serious physical injury or death.

**Imminent danger** means a significant and immediate threat; which peace officers reasonably believe will result in death or serious bodily injury to themselves or to other persons. Imminent danger is not limited to “immediate” or “instantaneous.” A person may pose an imminent danger even if they are not at the *very moment* pointing a weapon at another person.

According to the law, bare fear alone does not justify the use of lethal force. There must be a *sufficiency of fear* for the use of lethal force to be justified. (*Penal Code Section 198*)

There are three elements needed to establish sufficiency of fear.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
- The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer’s fear.
- The decision to use lethal force must be made *to save one’s self or another* from great bodily injury or death.

Although the law and courts have presented a baseline for the use of lethal force, the conditions under which lethal force may be employed are strictly controlled by department policy. *Officers must conform to department policy regardless of what federal or state law might allow.*

Some of the most common issues specific to the use of lethal force addressed by departmental policies include, but are not limited to:

- Defense of self and others against great bodily harm or death.
- Use of warning shots.
- Shooting at:
  - Nonviolent fleeing felons,
  - Juveniles, or
  - Moving vehicles.
- Shooting from a moving vehicle.

The following presents examples that illustrate the selection of lethal force based on authority in given situations based on the details of the situations given.

**Situation:** A neighbor called the police to report that there seems to be suspicious activity in the house next door; the owner is known to be away on vacation.

**Suspect’s Actions:** A burglar, surprised by a peace officer entering the room, shot at the officer and missed.

**Officer’s Response:** Since the burglar was using unlawful lethal force against the officer, the officer would have had the authority to use lethal force to shoot back in self-defense.



**Suspect's Action:** After missing the officer, the burglar threw his weapon down and surrendered to the officer.

**Officer's Response:** The officer was no longer in immediate danger of being seriously injured or killed and would no longer have had the authority to use lethal force. The burglar should be apprehended through other less than lethal means.

**Situation:** A peace officer got out of the patrol car to question a man seen loitering on a street corner.

**Suspect's Action:** The suspect, using only his fists, attacked the peace officer.

**Officer's Response:** Although the attacker was not using lethal force, the attack was of such force and violence as to cause the officer to reasonably believe that there was danger of being seriously injured. Provided that all other reasonable means of self-defense had been exhausted or would have been effective, the officer would have had the authority to use lethal force in self-defense.

**Suspect's Action:** The suspect's attack was haphazard indicating that he was not experienced in any form of physical fighting skills and was reacting in fear rather than in rage.

**Officer's Response:** Based on no other mitigating circumstances, the attack might not have been life threatening to the officer, and other less than lethal options would have been available to the officer to gain control of the situation.

**Situation:** Two officers were dispatched to a convenience store where a silent alarm was tripped.

**Suspect's Action:** An armed male suspect saw the official vehicle and fled.

**Officer's Response:** The officers saw that the store clerk had been shot but was still alive and gesturing toward the fleeing suspect. The officers realized that the suspect was trying to escape and they had seen that he had a gun. Because the suspect used a weapon to commit the crime, the officers would have the authority to discharge their weapon to prevent the escape and effect the arrest.

**Officer's Response:** The store clerk had not been injured and the officers did not know if the fleeing suspect was armed. Unless the officers have knowledge that the robbery included the use or threatened use of force likely to cause death or serious injury, they would not have the authority to use lethal force to prevent the suspect from fleeing.

**Homicide by a Peace Officer:** Homicide is the killing of a human being by another human being, lawfully or unlawfully. Under certain circumstances that a peace officer must face, homicide by a peace officer may be justifiable and legal.

Justifiable homicide by a public officer occurs when public officers, such as peace officers or people working for them, kill a person in the performance of their duty or in self-defense in arresting or retaking a felon who is armed or poses a significant threat of death or serious injury to the officer or others (*Penal Code Section 196*).

There are a number of conditions that must be met in order for a homicide by a peace officer to be deemed justifiable, and therefore lawful. The following further identifies these conditions. Homicide by a peace officer may be justified when;

1. *The officer is under orders to carry out a death sentence.*

*Explanation:* If officers are under the orders of a competent court to participate in capital punishment, the officers would be committing legal execution and could not be held responsible or prosecuted.

2. *Acting in the course of duty.*

*Explanation:* If, in a situation requiring lethal force, an officer accidentally shot and killed a bystander, this would be legally justified, but only if that accident happened in the course of duty.

NOTE: In these circumstances, the officer may still be civilly liable for death or injury.

3. *Retaking escaping felons.*

*Explanation:* Homicide is justifiable when necessarily committed in retaking felons who have been rescued or have escaped (*Penal Code Section 196*).

NOTE: *Fleeing felon* alone is no longer adequate justification.

4. *Arresting a felon who resists to the point where lethal force is reasonable.*

*Explanation:* This applies to arrest situations where:

- A threat to life exists, and
- The suspect could not have reasonably been taken by use of other less than lethal means.

NOTE: These conditions must be read in light of the legal standard established by the U.S. Supreme Court in *Tennessee V. Garner*.

The following illustrates the circumstances under which homicide by a peace officer may not be justified (based on mitigating factors) and, therefore, a crime.

NOTE: Any peace officer who has reasonable cause to believe that any person to be arrested has committed a public offense, may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance (*Penal Code Section 835a*).

Homicide by a peace officer may NOT be justified when;

1. *Pursuing nonviolent felons.*  
Explanation: In the case of nonviolent offenses, such as forgery or grand theft, the consideration for human life and the safety of bystanders would preclude shooting the suspect except in the most extreme situations.
2. *Arresting or pursuing a felon who does not present a threat to life.*  
Explanation: If the felony is not of the violent variety, then the use of lethal force against the fleeing suspect would be improper. A violent felony is one that is a forcible and atrocious felony which threatens death or serious bodily harm.
3. *When arresting or pursuing a misdemeanor.*  
Explanation: When an arrest is for a misdemeanor, use of force to the extent of homicide is not justified. It is the policy of the law that it is better to allow a misdemeanor to escape than to apply lethal force against the individual.

In some instances, peace officers may have the luxury of time needed to evaluate and assess all aspects of a situation. But in many situations, split second decisions must be made.

As part of the mental process for preparing to use lethal force, peace officers should consider several important factors *before* a situation requiring the use of lethal force arises. The following suggests, but is not limited to, a few of the mitigating circumstances that should be considered.

1. Threat to life:  
Considerations: Does the suspect present a threat to the officer or others? NOTE: The peace officers may use any force necessary if their own lives or the lives of others are in peril, or there is a threat of serious bodily injury by a suspect's action.
2. Immediacy of threat  
Considerations: Does the suspect present an immediate threat to life?
  - Is the suspect threatening the officer or others with a weapon?
  - Suspect's access to weapons or potential weapons
  - Proximity of suspect to the officer
3. Type of crime/suspects:  
Considerations:
  - Is the nature of the crime violent or non-violent?
  - Is there a large number of suspects to be confronted?
4. Suspect's and weapon's capabilities:

Considerations:

- What kind of weapon does the suspect have?
- Does the suspect demonstrate superior skill over the officer?

5. Location and background:

Considerations:

- Is there a crowd of innocent people behind the suspect?

6. The officer's present capabilities:

Considerations:

- What sort of weapon or other capabilities are at the officer's disposal?
- Can some other level of force effectively prevent escape?

NOTE: Officers must always take into account the totality of circumstances when selecting a force option for a given situation. It is not the intent of this information to imply that any one circumstance alone may or may not justify the use of lethal force.

The following illustrates examples of the use of lethal force by an officer.

Situation: An officer in a patrol vehicle witnessed a drug transaction openly taking place on a sidewalk near a group of juveniles.

Suspect's Action: Seeing the officer leave the vehicle and move toward him, the suspected dealer fled down the street. When the suspect appeared to be about to enter a large building and escape, the officer drew his service weapon, fired and killed the fleeing suspect.

Officer's Response(s): Even though the offense witnessed by the officer was a felony, the crime did not obviously involve the use or threatened use of force likely to produce death or serious injury. The homicide by the peace officer in this situation would have been unjustified and therefore unlawful.

Suspect's Action: While fleeing the scene, the suspect pulled a handgun from his waistband and began firing randomly toward the officer.

Officer's Response(s): In this situation, the suspect was posing an immediate danger of causing the death or serious injury to the officer as well as to nearby bystanders. The homicide by the peace officer would have been justified and lawful.

Situation: During a riot, an officer witnessed two men shoplifting from a store in the area.

Suspect's Action: In the confusion of the riot, one of the suspects pulled out a handgun and began to fire at other rioters who were trying to prevent his actions.

Officer's Response(s): Although the initial crime was a misdemeanor, the situation had now escalated to involve the unlawful use of force by the suspect and the imminent threat to others. In such extreme circumstances, the officer's actions are lawful and the homicide justifiable.

Suspect's Action: When the men fled the scene, the officer drew his weapon and ordered the men to stop. The suspect ignored the officer's commands.

Officer's Response(s): The officer fired at the fleeing suspects and fatally shot one of the suspects. Since the offense witnessed by the officer was a misdemeanor and nonviolent, the homicide would not have been justified and therefore was unlawful.

### **The Concept of Control:**

The ultimate objective of using force is to gain control of a person or situation. It is not aggression when a peace officer takes the initiative to confront a suspected law violator. The use of force by an officer is not one of hostility but rather one designed to defend and protect the community from criminal violence.

Any officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance (*Penal Code Section 835a*).

When peace officers use force to affect an arrest, there are several factors that can influence their actions and the outcome of the event. These include the officer's:

- Attitude or prejudices toward any involved party (e.g., self, partner, bystander, suspect, etc.).
- Insensitivity or arrogance, creating a negative emotional response.
- Sincere and courteous behavior, reducing problems and danger associated with an arrest.
- Life experience, past performance, training, etc.

The law enforcement role in effecting an arrest is essentially defensive. Peace officers who use force are not considered hostile, but rather they are using it for the defense and protection of the community from criminal violence.

The decision on deciding what is the exact degree of control that constitutes reasonable force is dependent on the suspect's actions. The suspect's actions can either be:

- Cooperative,
- Resistive (passive or aggressive),
- Assaultive, or
- Life-threatening.

**Control** is that degree of influence the officer must exert to take a suspect safely into custody.

Control is a two-way street. Officers must be in complete control of themselves to be able to control another person or situation.

Good physical control is achieved when an officer's body responds correctly to the mind's commands and the desired effect is attained. When an officer achieves the desired degree of physical control, this knowledge enhances the officer's self-confidence, which increases the officer's command of any situation.

The desired degree of physical control comes from:

- Proper training, and
- Continual practice.

NOTE: *Without proper, adequate, and continual training, physical skill deteriorates.*

Emotional control, also known as self-control, is one of the peace officer's greatest assets in dealing with a person or a situation.

Emotional control:

- Is a result of the development of confidence in one's skills.
- Also comes through training, practice, and experience.
- Shortens response time.

Both physical and emotional control, play a role in an officer's abilities. The following explains the function of each.

Physical Control Emotional Control:

Some suspects can only be controlled by using, *physical force*, using a control technique (e.g., control hold).

- Control techniques are used to get the suspect to respond to officer commands.
- As long as the suspect resists lawful commands, the officer can increase the application of a control technique.

Emotional Control:

Some suspects can be controlled by the *peace officer's attitude*.

- Professional demeanor can have a positive influence on calming a suspect, making it easier to take the suspect safely into custody.
- Nonprofessional demeanor can easily lead to increased conflict, encouraging dangerous behavior by the suspect and resulting in poor behavior on the part of the officer.

Normal functioning of the human body depends on cooperation between the brain and the rest of the body. By learning to discipline the mind to remain calm, flexible, but alert at all times, peace officers can reduce reaction time.

The following explains how the three components support each other to help the mind and body operate as one cohesive unit.

**Discipline:** Officers must discipline their minds to remain calm and flexible at all times.

**Concentration:** Concentration will help officers discipline their minds. Lack of concentration leads to increase reaction time.

**Alertness:** Mental alertness comes through concentration and leads to proper body movements.

### Managing Fear

The use of force in dangerous situations may bring on emotional responses as well as physiological responses that officers must be prepared to recognize and deal with.

Two major emotional factors that officers need to focus on during their training:

- Fear, an emotional response to a perceived threat, and
- Anger, a feeling of displeasure from perceived opposition.

It is important to be able to understand the sources of fear and anger, since both can affect officers' reactions during a dangerous situation.

Peace officers must be not only physically prepared but also mentally prepared to use force or have force used against them. Inappropriate responses are often the direct result of uncertainty. Uncertainty is likely to result in indecision and physical behavior that could adversely affect an officer's safety as well as the safety of others. These can include:

- Hesitation,
- Verbal abuse,
- Bluffing, or
- Unreasonable/unnecessary force.

Fear is a normal emotional response to a perceived threat (real or unreal). Fear is normal and does not become a problem until it interferes with the ability to perform effectively.

Everyone has experienced the sensation of fear. It is unpleasant but normal, natural, and often necessary.

A person's fear changes with time and experience. Fear may alter alertness during stressful situations. Courage or bravery are not the lack of fear, but in fact the control of fear.

When a person experiences fear, the body reacts, often by increasing the adrenaline, heart rate, and breathing. In addition, some common body responses to fear include: blood clotting enzymes flow into the system to minimize damage from wounds,

- Vision and hearing become more acute and focused (e.g., tunnel vision and tunnel hearing),
- Increased muscle tension and perspiration,
- Raised pain thresholds,
- Time distortion, and
- Fine motor skills are impaired.

There are two types of fear: reasonable and unreasonable. The following explains the differences between the two.

Reasonable Fear:

- A controlled and legitimate fear
- A mechanism that is necessary for officer safety as it is based on true circumstances

Unreasonable Fear:

- Generated in the officer's mind with no direct correlation to facts and situations

Reasonable fear may result when an officer experiences increased tension in response to a potential threat.

The officer may experience *reasonable fear* as a result of:

- A sudden or erratic move by a suspect,
- The sight of a weapon in a suspect's possession,
- The knowledge that a person is in danger of bodily harm,
- A sudden sound produced outside of the officer's field of view, or
- Unresponsive, unexpected response to the officer's action.

Unreasonable fear includes overreactions to true potential threats as well as reactions to unreal threats generated based on prejudice or poor application of past experience.

The officer may experience *unreasonable fear* as a result of:

- Emotional response to a traumatic event,
- Generalization of an officer's past trauma (such as being bitten by a dog as a child or suffering a painful gunshot wound),
- Personal prejudice against people of a particular race, religion, ethnic group, etc., or
- Overall anxiety as a result of uncertainty about the officer's own skills and expertise.

Unreasonable fear can be responsible for inappropriate responses such as a failure to respond, or responding inappropriately (using excessive force).

There are several factors that can lead to unreasonable fear, some physical and some social. The following lists the different types of fear.



#### Physical Source of Unreasonable Fear;

- Personal physical harm
- Phobias (e.g., claustrophobia)
- Psychological (i.e., paranoia)
- Using force that may cause harm to others

#### Social Source of Unreasonable Fear:

- Racial, cultural, or religious-based
- Responsibility for making critical decisions
- Peer disapproval

There are a number of phases associated with fear that a peace officer can experience during a dangerous situation. The following describes what may happen during each phase.

Perception of fear: Body and mind become alert as a result of increased threat level.

Awareness of Vulnerability: Awareness of mortality, lack of control, shock, and disbelief.

Decision to take action: Acknowledgment of the reality of the threat; however, officers realize they will survive.

Survival: Keen awareness of external events; proper training/tactics triggered

Decision to respond: Commitment to action.

Response: Implement correct action.

It is normal for peace officers to experience fear whenever they encounter a potentially dangerous situation.

Discussing fears with others is the first step in managing fear. In addition, going through the mental rehearsal before an incident takes place (the “what ifs”) as well as after-action assessments (the “what could I have done better”) will better prepare the officer in dealing with fear. Other methods for managing fear include focusing on:

- What must be done and not solely on the danger itself,
- Evaluating the situation and determining what must be done to achieve the goal, and
- The survival phase in order to control the feeling of vulnerability.

#### Managing Anger

While it may be perceived as more acceptable than fear, the emotional response of anger can either aid or hinder an officer’s performance.

**Anger** is a feeling of displeasure from perceived injury, mistreatment, or opposition, to one's self or to another person. When anger is inappropriate or out of control (i.e., rage), it becomes a liability.

Peace officers often act as if they should not have angry reactions to things they see or experience during the performance of their duties. Denying or suppressing anger for long periods simply creates a volcano that may eventually erupt with possibly disastrous consequences.

To a certain extent, anger allows officers to be assertive and to stand up for their rights. It even plays a small role in command presence.

Peace officers have reported that anger appropriately channeled has enabled them to keep fighting, or at least keep trying, during a crisis situation.

It is important for peace officers to acknowledge and recognize that anger is a normal reaction. There are two types of situations that can provoke anger, as explained in the following.

Universal:

- Being attacked or shot at

Personal:

- Individual sensitivities that may prompt an overreaction (e.g., history, personality, etc.)
- Emotional bruises and other sources of personal vulnerability

*Manage* anger when it is at the lower end of the emotional scale (i.e., mild irritation) and easier to control (“the sooner the better”). If anger gets high on the emotional scale (i.e., fury) the reaction may be different.

*Express* anger in an appropriate and controlled manner while the feeling is at the lower end of the emotional scale and easier to control. Exercising self-control allows peace officers to select the most effective and professional reaction.

Few people can exercise effective emotional control when their anger is near the top of the scale. To avoid getting to this point, peace officers need to prepare themselves for dealing with anger-inducing events. Some of these methods are listed in the following:

Managing Anger by...

- Depersonalizing what people say or do.

The peace officer needs to...

- Recognize that the suspect is reacting to the uniform and not to the person in the uniform.

Managing Anger by...

- Identifying worst-case scenarios.

The peace officer needs to...

- Visualize anger inducing situations (e.g., a child taking drugs, suspect beating up partner, etc.).
- 

Managing Anger by...

- Developing problem-solving solutions.

The peace officer needs to...

- Practice mental rehearsals of different scenarios, do some role-playing, seek advice from more experienced officers, etc.

The following example illustrates managed anger, exercised in an appropriate manner.

Example: Two peace officers made a vehicle stop after a car ran a stop sign. As the car came to a halt, one officer indicated to his partner that he thought he recognized the vehicle occupant from his time in high school. As this officer made the initial contact, his partner noticed he remained polite, but his voice was more strictly formal and authoritative than usual. As he returned to the official vehicle with the man's driver's license, he confided to his partner that this man had started the officer's own brother on a drug habit. The officer then delivered the citation in a matter-of-fact manner with no spare commentary. Talking it out for even a few minutes while the record check was done allowed the officer to control personal anger, some of which he had already directed, appropriately, into increased authority.

Non-example: In the same situation as above, the officer made initial contact and requested the driver's license and registration. When the officer confirmed that the person was the same one he suspected of starting his brother on drugs, he began to use profanity at the suspect. Both men became increasingly agitated, and a shouting match began. Though the officer's partner was able to intervene and complete the citation process without further incident, the first officer had not managed his anger and had increased the risk in this suspect contact. He had also opened himself up for departmental or civil action if pursued by the suspect.

### **Basis for Intervention**

The community expects that its peace officers will use only reasonable amounts of force. Likewise, it expects that someone, including other officers, will intervene if reasonable levels of force are exceeded. For the community's protection and the officer's protection and peace of mind, the officer must have a basic knowledge of the laws pertaining to intervention.

**Intervention** is the act of preventing or stopping the inappropriate or unlawful behavior of another.

Appropriate intervention allows peace officers to maintain or restore professional control over a given situation or improve the professional quality of future interactions.

The United States Constitution provides protection for individuals against unlawful actions of peace officers.

The United States Code contains criminal sanctions against peace officers who violate the civil rights of the public (*USC Title 18, Sections 241 and 242*).

NOTE: The officer who fails to intervene, for whatever reason, are also held accountable the United States Code.

Although *Penal Code Section 834a* states that the person being arrested must submit to an arrest, if unlawful or unreasonable force is used to effect the arrest, the person being arrested may lawfully resist to overcome that force. The following lists the applicable penal code sections.

*692* Lawful resistance to the commission of a public offense may be made by the party about to be injured or by other parties.

*693* Resistance sufficient to prevent the offense may be made by the party about to be injured in self-defense or in the protection of another person or to prevent the taking or injuring of property in that person's lawful possession.

*694* Any person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.

When peace officers intervene appropriately, their professionalism is enhanced as is their personal and organizational credibility.

Intervention may also save officers from:

- Physical injury resulting from unnecessary escalation,
- Disciplinary action up to and including termination,
- Criminal complaints filed against them, and
- Financial loss resulting from civil suits.

### Intervention Techniques

Intervention involves the application of a variety of techniques for restoring or maintaining professional control over a given situation. In some situations, it may be desirable or necessary to intervene immediately. In others, it may be desirable to utilize an intervention strategy after the fact.

During a high-stress situation such as making an arrest, peace officers may experience emotional or angry reactions to the suspect. As a result, they may start applying excessive force

without realizing what they are doing. At this point it is imperative that the fellow officer step in immediately and diffuse the situation.

There are three common immediate intervention techniques, as listed in the following:

Verbal:

Situation: Peace officer is becoming agitated, angry, or appears to be losing professional objectivity during a contact.

Solution: Fellow officer offers to assist by saying, "Let me take care of this one, okay?"

Physical/touch:

Situation: Peace officer is engaged in a heated verbal confrontation with a suspect and is starting to become increasingly agitated.

Solution: Fellow officer lightly touches the peace officer on the shoulder and offers a tactful reminder to calm down or offers to take over.

Restraint:

Situation: Peace officer is using unlawful or clearly unreasonable physical force.

Solution: Fellow officer physically takes hold of the other officer in order to separate the peace officer from the suspect.

In situations that have already taken place, it may be necessary to implement a delayed intervention technique. This can be valuable in improving the professional quality of future contacts.

There are three common delayed intervention techniques, as listed in the following.

Discussion:

Situation: Peace officer is verbally condescending to someone.

Solution: Fellow officer discusses the improprieties of such behavior; this is professionally beneficial.

Admonishment:

Situation: Peace officer uses inappropriate or demeaning language in contacts with the public.

Solution: Fellow officer informs peace officer that this type of behavior is not acceptable, and could likely provoke or escalate the conflict.

Training:

Situation: Peace officer is having consistent difficulty during contacts with a certain group.

Solution: Fellow officer suggests that additional training be pursued. Effective ongoing training is when a peer consistently demonstrates desirable behaviors.

The following examples illustrate a situation with immediate and delayed intervention.

Situation: Officers Jones and Smith worked a two-person DUI unit. They stopped a vehicle for suspicion of DUI.

Suspect's/Victim's Action(s): The driver failed the FST's given and was told he would be arrested. The suspect was compliant to demands but did not wish to be cuffed.

Type of Intervention: Immediate intervention: Officer Jones saw that Officer Smith was moving into position for the carotid restraint. Officer Jones felt that a control hold was safer and more reasonable. Officer Jones applied a front wristlock on the suspect and received immediate compliance. Officer Jones moved into a cuffing maneuver and quickly cuffed the suspect.

Delayed intervention: Officer Smith immediately applied a carotid restraint and cuffed the unconscious suspect. The suspect was later booked without incident. Officer Jones later discussed with Officer Smith the entire incident. Officer Jones asked Officer Smith why a carotid restraint was used immediately and why wasn't a control hold or takedown considered instead.

Officer Smith stated that the other options were overlooked.

Situation: Officers respond to a call about a suspected burglary at a private residence.

Suspect's/Victim's Action(s): While investigating the burglary report call, the victim begins to verbally chastise the officers for taking too much time to respond.

Type of Intervention: Immediate intervention: Upon catching the suspect, Officer Wong began to kick the suspect; the suspect went limp and was lying in a fetal position. Officer Kwan arrived and stepped between Officer Wong and the suspect in order to handcuff the suspect.

Situation: While listening to this, the officers see a man run out of the back of the house; the officers give chase.

Delayed intervention: Upon catching the suspect, Officer Wong began to kick the suspect; the suspect went limp and was lying in a fetal position. Officer Kwan, arrived but refrained from stepping in and after a few more kicks, both officers handcuffed the suspect. Later while writing the report, Officer Kwan told Officer Wong that it was wrong to kick the suspect.

Factors Affecting Intervention

Although peace officers are legally and ethically required to intervene when they observe inappropriate behavior of a fellow officer, personal and psychological reasons may tend to prevent them from intervening.

If a peace officer witnesses a fellow officer resorting to, or on the verge of using inappropriate behavior, the observing officer should take appropriate action by intervening. This requires making the rational decision that the errant officer seems incapable of making in the heat of the moment. Such behavior can include:

- unlawful use of force,
- inappropriate use of language, and
- other unlawful, unethical, or inappropriate behaviors (i.e., theft).

Appropriate intervention is required because:

- It is required by law.
- It is morally and ethically correct.
- Personal integrity demands it.
- It enhances officer safety.
- It preserves professionalism and supports the law enforcement mission.
- It strengthens public confidence in the law enforcement profession and the individual agency involved.
- It reduces personal and organization liability because it results in fewer:
  - Physical injuries arising from unnecessary escalation,
  - Disciplinary actions and personal complaints,
  - Criminal complaints filed against officers, and
  - Civil liability suits, including fewer punitive financial judgments against Individual officers.

Peace officers may fail to take action when a fellow officer is behaving inappropriately because of several factors. The following lists both the personal and psychological factors that may prevent intervention; however, these are not the only factors.

Personal Factors Psychological Factors:

- Unfamiliar with fellow officer
- Inexperience with proper action to remedy the situation
- Feeling that intervention is someone else's responsibility
- Peer pressure
- Personal problems
- Fearing consequences, such as being ostracized
- Fear of reaction from senior officers, field training officers, or supervisors

### Psychological Factors:

- Erroneous notion of how peace officers should behave (perhaps from movies and television)
- Certain types of stress develop into aggression
- Fears may play a significant part in the behavior of the observing officer

When a peace officer has lost emotional control, it may be necessary for a partner to intervene and assist. If the other officer cannot create a buffer, they may attempt to slow down the action or interrupt the sequence of events. However, the other officer may be prevented from taking any action due to a number of factors. The following list some of these factors.

### **Other officers might not intervene because of...**

Diffusion of responsibility. "Somebody else will step in any minute now."

Pluralistic ignorance. "Nobody else is doing anything so maybe I am just misunderstanding the situation and nothing is really wrong."

Evaluation apprehension. "What if I'm wrong? What will everyone think of me if I step in and do something?"

Peace officers are encouraged to use their own judgment and to trust their "gut" instinct. If one's instinct indicates that a situation is wrong, then it is important not to second guess based upon the behavior of others in the area. Cover officers could suffer one of the following if they don't intervene:

- loss of peace of mind,
- embarrassment,
- civil/criminal action,
- disciplinary action, or
- loss of both officers' careers.



2.

**COMMUNITY ORIENTATION**

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2.1 The trainee shall know the city streets, private streets, hundred block system, and boundaries for patrol area #2.

NORTH AND SOUTH STREETS:

Alcoa Ave.  
Bickett St.  
Boyle Ave.  
Downey Rd.  
Sierra Pine Ave.  
Soto St.  
State St.

EAST AND WEST STREETS:

Bandini Blvd.	26th St.
Fruitland Ave.	44th St.
Leonis Blvd.	45th St.
Malburg Way	46th St.
Randolph St.	50th St.
Slauson Ave.	54th St.
Washington Blvd.	
Vernon Ave.	

COUNTY AREA(S):

Bandini Blvd. and Downey Rd. (Intersection)  
Fruitland Ave. and Downey Rd. (Intersection)  
Downey Rd. and Slauson Ave. (Intersection)

2.

## **LAWS OF ARREST**

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2.2 The trainee shall know the peace officer's authority to make an arrest and the amount of force that may be used when effecting an arrest.

GENERAL PROVISIONS: Arrestee's will be treated with as much dignity as is reasonably possible and with a minimum of embarrassment. Officers will strive to minimize the time an arrestee spends in custody, transferring arrestee's to the County Jail or Juvenile Hall as soon as possible, consistent with a completed investigation. When making an arrest, following procedures will be followed.

AUTHORITY TO ARREST: Officers will comply with California Penal Code Section 836, which authorizes an arrest under the following conditions:

1. Whenever the officer has reasonable cause to believe that the person to be arrested has committed a public offense in such officer's presence.
2. When a person arrested has committed a felony, although not in an officer's presence.
3. Whenever an officer has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.
4. When directed by a magistrate or pursuant to the judicial order.
5. When the person to be arrested has escaped from a place of detention or custody.

DEFINITION OF REASONABLE USE: "Reasonable cause to believe" is a phrase that describes the amount of evidence-facts observed, information from others, personal knowledge that would be sufficient to lead an ordinary and prudent person to reasonably believe that a crime is occurring or has occurred and that the person to be arrested committed such a crime or is committing a crime.

DETERMINING REASONABLE CAUSE: Reasonable cause is determined by a consideration of the facts and circumstances present or apparent to the officer at the time he acted. It is not necessary to believe beyond a reasonable doubt. Rather, the standard is simply reasonable belief.

REASONABLE CAUSE SUPPORTED BY FACTS: Reasonable cause to arrest will be supported by facts. Vague "hunches" or suspicions are not enough. However, an officer's experience is definitely a fact that can be relied upon to support reasonable cause provided the officer is able to document such experience.

Officers will establish reasonable cause to arrest by collecting facts of such quality that in all logic and common sense they point with reasonable certainty in the direction of guilt.

EXAMPLE OF FACTS: There is almost no limit to the kinds of information that can be used to support reasonable cause, provided such information is not vague and can be reasonably well documented. Among the types of information an officer can rely on are as follows.

OBSERVED FACTS: The following facts surrounding the incident may be considered:

1. Appearance of suspect: clothing, grooming, etc.
2. Personal characteristics: size, height, sex, etc.
3. Location
4. Possessions

PRIOR KNOWLEDGE: The following prior knowledge may be considered:

1. Suspect's prior record.
2. Prior observations of the suspect.
3. Earlier contacts with the suspect.

OFFICER'S EXPERIENCE: An officer may consider the following facts if such facts can be documented:

1. How criminals act and modus operandi.
2. What is normal for the neighborhood where the incident occurred.
3. The sum total of information and lessons an officer has gained during such officer's employment with the Department. An officer must be able to explain this training and experience.

INFORMATION FROM OTHERS: An officer may consider information from others within the following limits.

RELIABLE INFORMANTS: Information obtained from an informant whose reliability can be articulated, has worked for the police in the past, and can speak with personal knowledge of the facts, can be used to establish reasonable Cause.

In addition, the following elements must be considered:

1. The test of reliability is both the number of suspects the informant has "turned," and the quality of the information imparted.
2. If the informant does not have personal knowledge of the events he or she relates, facts and circumstances independent of the informant's information must corroborate the information.

3. The information given by the informant must reflect a present violation of the law.

CITIZEN INFORMANTS: Before the information supplied by an untested informant reaches the status of reasonable cause, corroboration is required. The corroboration necessary need not amount to reasonable cause by itself. Its only requirement is to provide the missing element of reliability. Hence, the corroboration is sufficient if it reasonably lends itself to the conclusion that the informant is telling the truth.

Untested informants may be corroborated by an officer by developing independent facts, by the informant admitting participation in the crime with the defendant, or by the informant identifying the suspect and stating circumstances surrounding the commission of a crime already known to the police.

NOTE: If the informant is relied upon to establish not only the commission of the crime but also the identity of the suspect, sole reliance on that information will not supply reasonable cause. In any event, corroboration must pertain to incriminating facts. That is, those facts which relate to the commission of the crime reported and not any fact given to the police by the untested informant.

OTHER FACTS REQUIRING CORROBORATION: Department members may use other information to support the development of reasonable cause. However, some information obtained directly may not support reasonable cause to arrest. Examples of such information are as follows.

REASONABLE CAUSE NOT ESTABLISHED: A single source of unusual conduct or circumstance more often than not must be supported by either prior information concerning the suspect or other suspicious circumstances or facts before reasonable cause is attained. Examples of circumstances where reasonable cause to arrest is not established are as follows:

ODORS: The odor of marijuana emanating from an unoccupied house is not reasonable cause to arrest anyone; such a search can be made only with a warrant.

NEEDLE MARKS: Needle marks alone do not constitute reasonable cause.

LACK OF IDENTIFICATION: The lack of driver's license and/or registration card alone does not establish reasonable cause that the car has been stolen.

FURTIVE CONDUCT: A single incident of furtive conduct, absent of any other information or suspicious circumstances, may not be sufficient to establish reasonable cause.

FLIGHT: Mere flight alone may justify detention for investigation, but not for arrest.

PRIOR CRIMINAL RECORD: Information pertaining to a person's prior criminal record, unsupported by other facts, will not establish reasonable cause to arrest.

OFFICER'S EXPERIENCE: An officer's experience or training will not by itself, establish reasonable cause to arrest.

All these sources of information can lead to reasonable cause but they must be corroborated by other facts if they are to be used in establishing reasonable cause to arrest.

REASONABLE CAUSE ESTABLISHED: Examples of circumstances where reasonable cause to arrest is established are:

ODORS: Marijuana smoke emitting from a car is reasonable cause. The odor of burning marijuana emanating from an unoccupied house is reasonable cause to believe that marijuana is presently on the premises. Such a situation justifies an arrest as an offense committed in the officer's presence.

SOUND: The sound of voices discussing contraband coming from an occupied dwelling will support reasonable cause to arrest.

NEEDLE MARKS: Needle marks in conjunction with dilated pupils or discolored skin tissue supports reasonable cause.

LACK OF IDENTIFICATION: The manner of driving, conflicting statements of ownership and/or other suspicious circumstances, in addition to a lack of license and registration, may be sufficient to establish reasonable cause to arrest.

FURTIVE CONDUCT: Furtive conduct in conjunction with a refusal to stop, or an attempt to delay contact by walking faster, or an attempt to hide from officers, or prior information from a reliable source that a crime has or is being committed by the individual performing the furtive conduct may establish reasonable cause to arrest. Nevertheless, furtive conduct in conjunction with other facts remains a difficult factor on which to base an arrest. Therefore, officers will strive to document as many corroborating facts as possible prior to making an arrest based on furtive conduct.

FLIGHT: Flight may justify detention for investigative purposes, and once other facts are established that indicate a crime has been committed or is occurring, an arrest may be made. If the flight was to avoid a lawful arrest for an incident occurring prior to flight, an arrest may still be made for such violations. In any event, officers apprehending a fleeing individual will use authorized procedures to determine the reason for fleeing. If criminal conduct is established, fleeing individuals will be arrested.

PRIOR CRIMINAL RECORD: Officers observing known criminals, who are engaged in conduct or located in places under circumstances, which indicate criminal activity may be occurring, will detain such individuals and investigate the activity.

When only one of the above factors is present, officers will ensure that corroborating facts are established prior to making an arrest.

EXPERT REASONABLE CAUSE: Reasonable cause may be established by prior experience and specialized training in particular crimes, e.g., narcotic cases. However, the test remains whether the circumstances warrant a man of reasonable caution to entertain a strong suspicion that a crime has been committed. If the facts can be interpreted as expressing innocent activity as well as criminal activity, the benefit of doubt will be given to the innocent activity. Therefore, officers who rely on their prior experience or specialized training to establish reasonable cause will be prepared to document such facts prior to appearing in court.

IRRELEVANT FACTS: The facts upon which the belief is based must have been known at the time of arrest. What the arrested person said or did or what other circumstances happened after the arrest took place are irrelevant to the question of the lawfulness of the arrest. Department members will base an arrest on only those facts occurring prior to making the arrest.

ENTRY INTO A DWELLING TO MAKE AN ARREST: Officers may generally enter a dwelling to make an arrest in accordance with the following procedures.

WITH A WARRANT OF ARREST: When entrance to a dwelling is necessary to make an arrest pursuant to an arrest warrant, the following procedures will be adhered to:

1. Knock on the door and announce your authority and purpose.
2. Demand entrance.
3. Wait a reasonable amount of time.

Once an officer's demand for entrance is acknowledged and the door opened, officers will use only that force reasonably necessary in making the arrest or overcoming resistance to the arrest.

EXCEPTIONS: An officer need not "knock and announce" whenever it is reasonable to believe that one or more of the following elements are present at the time of entry

1. The suspect will try to escape.
2. There is imminent danger to officers or others.
3. Evidence will be removed or destroyed.
4. The arrest will otherwise be substantially frustrated.

In any case, officers will report all circumstances pertaining to the manner of entrance.

WITHOUT A WARRANT OF ARREST AT A PRIVATE DWELLING: California Supreme Court Decisions have limited the instances when entry into a private home may be made to effect a warrantless arrest. In this regard, officers will not make a warrantless arrest in a private dwelling at any time unless the following circumstances are present.

EMERGENCY CIRCUMSTANCES: Officers may enter to make a warrantless arrest in a private dwelling when an emergency situation requiring swift action exists and the emergency situation pertains to the prevention of the following:

1. Imminent danger to life.
2. Serious damage to property.
3. Escape of the suspect.
4. Destruction of evidence.
5. "Hot Pursuit."

EXAMPLES:

1. Entry under circumstances, which indicate that life or property is in danger, e.g., cries for help, gunshots, and fire.
2. Entry in hot pursuit where the suspect flees into a home to escape the police, or to evade an arrest on the street.
3. Entry into a home after overhearing a conversation from outside that such suspect is about to destroy evidence, or reliable information that the suspect is presently about to destroy evidence.

One of the above circumstances must be present at the time of entry in order to make a warrantless arrest in a home. When a warrantless arrest in a home is made, officers will report the circumstances surrounding such an arrest and document the existence of emergency circumstances present.

WARRANTLESS ARREST OF OTHERS IN PRIVATE DWELLINGS: When a lawful entry into a private dwelling has been made and officers observe a violation committed by another person inside the private dwelling, this second person can be arrested.

EXAMPLES OF LAWFUL ENTRY:

1. Pursuant to a search warrant.
2. Pursuant to an arrest warrant for a different offense.
3. Pursuant to consent of a co-occupant.
4. Pursuant to a routine investigation of a crime.
5. Pursuant to a citizen's call for assistance.
6. Pursuant to a search resulting from a condition of probation or parole.

DEFINITION OF SUSPECT'S HOME: The suspect's residence is the place in which such suspect resides. It can include a tent, motel room, boat, van, etc.

SECURING AREA: When a suspect has been located in a private dwelling and no emergency circumstances authorizing a warrantless arrest are present, officers may conduct a surveillance of the dwelling in order to maintain the continuity of the investigation.

USE OF REASONABLE FORCE TO EFFECT ARREST: Under California Penal Code Section 835a, any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or prevent escape or to overcome resistance.

OVERCOMING RESISTANCE FORCE PERMISSIBLE: Under California Penal Code Section 843, when the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest.

BREAKING DOORS OR WINDOWS TO MAKE AN ARREST: Under California Penal Code Section 844, to make an arrest, a private person, if the offense is a felony, and in all cases a peace officer, may break open the door or window of the house in which the person to be arrested is, or in which they have reasonable grounds for believing the person to be, after having demanded admittance and explained the purpose for which admittance is desired.

PROBABLE CAUSE ARREST: The Supreme Court decision on May 13, 1991, which mandates that a person who has been arrested without a warrant, must have the reasons (probable cause) for the arrest reviewed by a judicial officer within 48 hours of the arrest.

Whenever an arrest is made between the hours of 0001 Thursday and 0601 Sunday, the arresting officer shall complete the "Crime Summary Information / Probable Cause Declaration" form which located in the Jail booking area with the other arrest-related forms. The form should be handwritten or typed by the arresting officer, but not left to be typed along with the report at a later date.

This procedure will assist in obtaining a 48-hour probable cause review from a judge, when a prisoner will be staying beyond the 48-hour time span or in those cases where detectives may want an extra day to further investigate a case. It helps to have the form completed by the officer who was at the scene and made the arrest, rather than by the detectives who have only the report to review.



This will not apply to those cases where a person is arrested prior to 0001 Thursday or after 0001 Sunday, since persons arrested must be arraigned by the second court date after the arrest, regardless of the 48-hour review requirement.

MANDATORY APPEARANCE: Under California Vehicle Code Section 40302, Whenever any person is arrested for any violation of this code, not declared to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases:

- a) When the person arrested fails to present his driver's license or other satisfactory evidence of his or her identity and an unobstructed view of his or her full face for examination.
- b) When the person arrested refuses to give his or her written promise to appear in court.
- c) When the person arrested demands an immediate appearance before a magistrate.
- d) When the person arrested is charged with violating Section 23152.

OPTIONAL APPEARANCE BEFORE A MAGISTRATE: Under California Vehicle Code Section 40303(a), Whenever a person is arrested for any of the offenses listed in subdivision (b) and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgement of the arresting officer, either be given a 10 days' notice to appear or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made. The officer may require that the arrested person, if he or she does not have satisfactory identification, place a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb, on the 10 days' notice to appear when a 10 days' notice is provided. Except for law enforcement purposes relating to the identity of the arrestee, a person or entity shall not sell, give away, allow the distribution of, include in a database, or create a database with, this print.

(b) Subdivision (a) applies to the following offenses:

- (1) Section 10852 or 10853, relating to injuring or tampering with a vehicle.
- (2) Section 23103 or 23104, relating to reckless driving.
- (3) Subdivision (a) of Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle pursuant to Section 2804, that is punishable as a misdemeanor.
- (4) Subdivision (a) of Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test that is punishable as a misdemeanor.

(5) Subdivision (a) of Section 2800, relating to the refusal to submit vehicle and load to an inspection, measurement, or weighing as prescribed in Section 2802 or a refusal to adjust the load or obtain a permit as prescribed in Section 2803.

(6) Subdivision (a) of Section 2800, insofar as it relates to a driver who continues to drive after being lawfully ordered not to drive by a member of the Department of the California Highway Patrol for violating the driver's hours of service or driver's log regulations adopted pursuant to subdivision (a) of Section 34501.

(7) Subdivision (b), (c), or (d) of Section 2800, relating to a failure or refusal to comply with a lawful out-of-service order.

(8) Section 20002 or 20003, relating to duties in the event of an accident.

(9) Section 23109, relating to participating in a speed contest or exhibition of speed.

(10) Section 14601, 14601.1, 14601.2, or 14601.5, relating to driving while the privilege to operate a motor vehicle is suspended or revoked.

(11) When the person arrested has attempted to evade arrest.

(12) Section 23332, relating to persons upon vehicular crossings.

(13) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.

(14) Section 21461.5, insofar as it relates to a pedestrian who, after being cited for a violation of Section 21461.5, is, within 24 hours, again found upon the freeway in violation of Section 21461.5 and thereafter refuses to leave the freeway after being lawfully ordered to do so by a peace officer and after having been informed that his or her failure to leave could result in his or her arrest.

(15) Subdivision (a) of Section 2800, insofar as it relates to a pedestrian who, after having been cited for a violation of subdivision (a) of Section 2800 for failure to obey a lawful order of a peace officer issued pursuant to Section 21962, is within 24 hours again found upon the bridge or overpass and thereafter refuses to leave after being lawfully ordered to do so by a peace officer and after having been informed that his or her failure to leave could result in his or her arrest.

(16) Section 21200.5, relating to riding a bicycle while under the influence of an alcoholic beverage or a drug.

(17) Section 21221.5, relating to operating a motorized scooter while under the influence of an alcoholic beverage or a drug.

#### FELONY AND MISDEMEANOR ARREST PROCEDURES:

FELONY: It will be the policy of the department to allow non-probationary officers to make felony arrests without prior approval from a field supervisor.

MISDEMEANOR: It will be the policy if the department for officers to make misdemeanor arrests without field authority from a supervisor.

However, it will incumbent on all officers to ensure that the arrestee does not have any medical conditions or other problems which would prevent him or her from being booked into our jail. Additionally, the arresting officers must inform the on duty watch commander of the arrest immediately upon arrival to the station.

This policy in no way restricts or limits the field supervisors from going to an arrest scene and monitoring officer's performance or assisting in any way.

#### WARRANT ARRESTS:

All warrant arrests that are released to another agency either out in the field or at the station, within a reasonable time (this is the watch commander's decision) will be considered a detention. Therefore, you do not need to book, print, update AJIS or complete an arrest report.

#### MISDEMEANOR ARRESTS/BOOKING REQUIREMENTS:

When dealing with misdemeanor violators, officers have the option of taking the person into custody, transporting to the station for booking and releasing the arrestee on a citation (notwithstanding the provisions of 853.6 (a) and 853.6 (i) PC).

Officers also have the option of arresting the person and citing him or her out in the field. Per 853.6 (g) PC, the officer may choose to cite the person in the field for the misdemeanor violation and check the "booking required" box on the citation, ensuring that the person is printed and photographed at the station prior to appearing in court. If this is not done, the judge, at his discretion, may direct the person to be booked prior to a second appearance in court. In any case where a subject is cited out in the field and the "booking required" box is checked, a Vernon Police Department Booking Required/Verification form must be completed and given to the person receiving the citation.

There is also a third option available to officers, which involves citing subjects for misdemeanor violations and NOT checking the "booking required" box on the citation. According to the state Attorney General's Office there is no legal requirement for a Department to book a person who has been issued a citation for a misdemeanor violation\*.

While the option of eliminating the booking process may prove to be expedient, we need to make sure that, our goals of reducing crime and providing a safe environment are not undermined by taking this course of action.

Our current policy on requiring the booking of misdemeanor violators states that "generally, our policy is to book all prisoners into our jail, but there may be rare occasions when a Watch

Commander may decide to release a prisoner on a misdemeanor charge in the field...The Booking Required/Verification form... will be used when a person arrested for a misdemeanor is released in the field on a citation in lieu of booking.”

This policy will be updated, effective immediately, to give the Watch Commander the discretion of allowing misdemeanor violators to be cited by officers in the field without requiring the “booking required” box to be checked on the citation and the Booking Required/ Verification form to be used. This can only be done in those cases where the identification of the person can be reasonably determined and a thumbprint has been obtained.

In making the decision to allow this option to be used, the Watch Commander needs to evaluate the effectiveness of this course of action as compared to others that are available.

As an example, it may not be necessary to require booking for a person suspected of drinking in public or driving without a license (both misdemeanors), provided the officer is satisfied that valid identification is made. Conversely, it may be more effective in terms of crime reduction to arrest, book and cite out, a person who is arrested for posting flyers on power poles, particularly if this has been an on-going problem in the City.

\* Opinion provided by Lance Winters, Asst. Supervising Attorney General, Los Angeles Office, (213) 576-1347.

2.

## **PRIVATE PERSONS ARREST PROCEDURES**

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2.3 The trainee shall know the department private persons arrest procedures and shall know the instances when a private person may make an arrest.

**AUTHORITY TO ARREST:** California Penal Code Section 837 authorizes a private persons arrest under the following conditions:

1. For a public offense committed or attempted in his or her presence.
2. When the person arrested has committed a felony, although not in his or her presence.
3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

### **ARREST BY A PRIVATE PERSON**

It is the policy of the Police Department to carefully and objectively evaluate private person arrests and, where it is lawful to do so, accept and properly process the person arrested. If the investigating officer believes that there is insufficient information for making a criminal complaint, the person shall be released in accordance with the procedures established in Section 849(b) of the Penal Code.

A. Penal Code 837 provides in part that:

“A private person may arrest another: 1. For a public offense committed or attempted in his presence.”

1. However, notwithstanding this provision of state law, officers must also be aware that under federal interpretations of the Fourth Amendment to the United States Constitution, any action by an officer in which a person is taken into custody – i.e., deprived of their liberty – must be supported a probable cause to believe that a public offense has occurred and that the person being taken into custody committed that offense.
- B. With these provisions of the law in mind, officers presented with a situation in which a private person expresses the desire to place another person under arrest pursuant to the private person arrest authority of Penal Code 837 shall:
1. Prior to accepting custody of the private person arrestee, make reasonable efforts to obtain all the information relevant to the issue of whether a criminal offense has occurred and whether the person to be arrested is the one who committed that offense.

2. Where it appears from the objective circumstances and evidence that there is probable cause to believe a criminal offense occurred and the person to be arrested is the one who committed that offense, the officer shall:
  - a. Accept custody of the arrest; and,
  - b. Complete a Private Person Arrest form and include the form with the arrest report;
  - c. Process the arrestee accordingly, i.e., citation release, booking and release, incarceration, etc.
  
3. Where it appears from the objective circumstances and evidence that there is not probable cause to believe a criminal offense has occurred and/or that the person to be arrested is the one who committed the offense, the officer shall:
  - a. Carefully explain to the person wishing to make the private person arrest the legal requirement that acceptance of custody by the officer requires the presence of probable cause to arrest, as well as the facts and circumstances which indicate to the officer an absence of probable cause;
  - b. Seek the consent and cooperation of the person wishing to make the arrest to have the matter handled by submission of a crime report for further investigation by detectives and/or evaluation of criminal charges by the District Attorney;
  - c. However, if the person insists on making the arrest, **the officer shall refuse to accept custody of the arrestee;**
  - d. Complete a report detailing all of the allegations, facts, circumstances and evidence bearing on the officers determination to refuse to accept custody.
  
4. Officers should seek advice from a supervisor or the Watch Commander when there is any question in the mind of the officer as to how to proceed regarding a private person arrest.

2.

## **WARRANT ARREST**

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2.4 The trainee shall know the process for arrest warrants / procedures.

PROCEDURE UPON NOTIFICATION OF WARRANT: When the officer is notified that a warrant may be outstanding, the following procedures will be adhered to:

CONFIRMATION: The officer will determine the validity of the warrant by requesting that the warrant be confirmed. Once notified of confirmation, an arrest pursuant to the warrant will be made.

DETERMINING DISPOSITION: The arresting officer will determine which agency holds the warrant and whether or not the arrestee has sufficient funds to immediately post bail. If the arrestee is going to immediately bail, officers will adhere to the appropriate procedure regarding "Bail Receipt Instructions." If the arrestee has sufficient funds to immediately post bail, there will no booking search or property inventoried.

ARREST ON WARRANT BAIL: Under California Vehicle Code Section 40304.5, notwithstanding any other provision of law, whenever any person is taken into custody for bail to be collected on two or fewer outstanding warrants for failure to appear on a citation for a parking offense or a traffic infraction, the person shall be provided the opportunity immediately to post bail, and shall not be booked, photographed, or fingerprinted, nor shall an arrest record be made, when the amount of bail required to be paid on the warrant may be ascertained by reference to the face thereof or to a fixed schedule of bail, unless and until all of the following requirements have been exhausted:

- a. If the person has sufficient cash in his possession, that person shall be given the opportunity immediately to post bail with the person in charge of the jail or his or her designee.
- b. If the person does not have sufficient cash in his or her possession, that person shall be informed of his rights and given the opportunity to do all of the following:
  1. Make not less than three completed telephone calls to obtain bail. The person shall be permitted the use of the police or sheriff's department telephone to make not less than three completed local or collect long-distance telephone calls to obtain bail.
  2. Have not less than three hours in which to arrange for the deposit of bail.

If the arrestee is able to post bail within the allowed time, the incident will be documented as a detainment and no arrest number/record will be obtained. The incident will be documented on a miscellaneous report (MR-60) and the jail record form will be listed as a "detainment."

SERVING MISDEMEANOR WARRANTS: Officers intending to serve a misdemeanor warrant between the hours of 2200 and 0600 hours will ensure that the warrant is endorsed for night service. When such endorsement is lacking, officers will not serve the warrant unless the following circumstances are present:

1. The arrest is made in a public place.
2. The arrest is made when the person is already in custody pursuant to another lawful arrest.

When the original warrant is not in the arresting officer's possession, verification of a night service endorsement will be sought from the originating agency. If a night service endorsement is verified, the officer will obtain the name and identification number of the person verifying the endorsement before an arrest is made.

PROCEDURE FOR CITING OUT WARRANT ARRESTEE: Beginning immediately, it will be the policy of our Department that foreign misdemeanor warrant arrests may be cited out of our jail at the discretion of the on-duty Watch Commander. If the arrestee has warrants from another jurisdiction, that agency will be contacted and asked to respond to our station and pick up their warrant arrestee. If that agency requests that the arrestee be cited out, the name of the individual making this request will be included in any reports that are completed regarding the arrest or detention of the prisoner in question.

The on-duty Watch Commander should use discretion on each occasion he decides that it would be appropriate to cite out a subject we have in custody on another agency's warrant(s). The main purpose of this policy is to eliminate the need for our officers to serve as jailers when we only have other agency warrants in custody. Obviously, we would much rather utilize this officer as a field instead of using him or her to watch somebody else's prisoner. However, if we have other prisoners in custody that will not be cited out or released in some other manner, then the need to cite out warrant arrestee's from other jurisdictions is not necessary since we will be assigning an officer to the jail anyway. It is important for the Watch Commander to use common sense when determining whether or not to cite out a misdemeanor warrant arrest.

The information that would be included on the citation would be the same as an O/R release. Of course, the arrestee would be cited out to the court that holds the warrant(s). If there are multiple warrants from different agencies and each agency wishes that he be cited out, then it will be necessary to complete multiple citations, just as we would do if we were issuing multiple receipts when we bail out warrant arrestee's who have different warrants from different jurisdictions.

As in any new procedure, it will be necessary for the Watch Commander to check these cites until all of our personnel understand the proper procedure to follow. And remember, this policy applies to only **MISDEMEANOR** warrants.



The East Los Angeles Courthouse will accept warrant suspects only under the following conditions. The warrant or warrants must be issued from the Los Angeles Sheriff's Office and must be marked either Records & Statistics Bureau, or CWS Records. They also will accept warrants from the State Parole and the California Highway Patrol as well as out of county warrants. They also will accept prisoners on Southeast Municipal Court warrants issued out of the Huntington Park Office only.

DEFENDANT NOTIFICATION - OUT OF COUNTY WARRANT: Officers making an out of county warrant arrest will advise the arrestee in writing of the provisions pursuant to California Penal Code 821 (Felony) and 822 (Misdemeanor) prior to transporting to a jail facility. Under the provisions, the defendant arrested in the county in question, on a warrant issued in a different county, has the right to be taken before a magistrate in the county in question for the purpose of being admitted to bail.

If the defendant request to be booked in the county where the arrest was made, the defendant will be booked in the local county jail. If the defendant request to be booked in the county (Los Angeles County) where the warrant was issued, the defendant must sign the department "Defendant Notification - Out of County Warrant" form prior to being transported to the Vernon Jail Facility. Include the completed form in the arrest report.

2.

## **FIELD INTERVIEWS/ DETAINMENTS**

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2.5 The trainee shall know the procedures for field interviews and detainment's.

**FIELD INTERVIEWS - DEFINITION:** A field interview is a temporary detention of a person for purposes of investigating unusual actions, which reasonably infer criminal activity. A field interview occurs when an officer uses police authority either to compel an individual to stop, to remain in a certain place, or to perform some act (such as walking to a nearby location where the officer can use a radio, or telephone). If the individual being stopped reasonably believes that he or she is not free to leave the officer's presence, a field interview is occurring.

**AUTHORITY AND REQUIRED ELEMENTS:** If an officer has a reasonable suspicion that an individual has committed, is committing, or is about to commit any crime, such officer has the authority to stop that individual and conduct a field interview. The officer may exercise this authority in any place that the officer has a right to be. Both pedestrians and individuals in vehicles may be stopped. The following elements must be present before a field interview is authorized.

1. The officer has reasonable suspicion that some unusual or out of the ordinary activity is or has taken place.
2. There is some indication that the individual under suspicion is connected to the unusual activity.
3. There is some suggestion that the unusual activity is related to crime.

All three elements must be present before an individual is stopped and a field interview conducted.

**REASONABLE SUSPICION:** The term "reasonable suspicion" is not capable of precise definition; it is more than a hunch or mere speculation on the part of the officer, but less than the probable cause necessary for an arrest.

Reasonable suspicion may arise out of a contact, or it may exist prior to or independently of a contact. Reasonable suspicion may be based on factors such as appearance, actions, prior knowledge, area, time and experience. In addition, officers will strive to utilize factors that can be documented later. Mere hunches or guesses are not adequate.

**INITIAL APPROACH:** Once the required elements have been established, the person may be stopped. However, provided that the public is not endangered and the chance of losing the suspect is not significant, it may be better for the officer to wait if it is thought that by so doing

such officer will be able to develop additional information to establish probable cause for arrest. The guideline is, "Don't ruin a good arrest by a premature stop."

USE OF FORCE TO DETAIN: Officers will use the least coercive means necessary under the circumstances to effect the stop of a person. The means used may be a verbal request, an order, or the use of physical force. However, under no circumstances may force be used which could cause death or serious bodily harm to the person. If the officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use the amount of force necessary to defend himself/herself or effect a full custody arrest.

REFUSAL TO COOPERATE: Refusal to answer questions or cooperate in other ways does not, by itself, establish probable cause to arrest. However, such refusal may be considered, along with other facts, as an element, which may establish reasonable cause if it would be reasonable for an innocent individual to cooperate. An example is as follows:

An individual fitting the description of a burglary suspect is observed walking down the sidewalk in the vicinity of a recent "channel lock" burglary. The time is 0040 hours. Officers stop and question the individual who then refuses to give a name and address. The officers then discover a pair of "channel lock" pliers on the person. Under these circumstances, the officers may attach some weight to a refusal to answer the routine questions regarding identity and address. In light of all the surrounding circumstances, an arrest for burglary would be proper.

Nevertheless, officers cannot compel an individual to cooperate in a field interview.

TREATMENT OF DETAINED INDIVIDUALS: An officer will act with as much restraint and courtesy toward individuals being stopped as is possible under the circumstances and will identify himself/herself as a law enforcement officer as soon as practical. At some point during the interview, the officer initiating the stop will advise the stopped individual of the reason and purpose of the field interview.

MOVING THE DETAINED INDIVIDUAL: Officers will not transport or otherwise move a stopped individual from the location where the stop is made except to verify answers given and only when no other method of verification is available. Nevertheless, the distance such an individual may be moved is extremely limited. Stops are intended by law to be on-the-spot inquiries. When a suspect is moved further than a limited distance, courts are likely to conclude that an arrest has in fact been made, thus entailing problems pertaining to a reasonable cause to arrest.

DURATION OF STOP: A person may be detained only at or near the scene of the stop for a reasonable time. Officers should detain a person only as long as is reasonably necessary to conclude the investigation. Should further suspicious circumstances arise during this period, the officer may detain the person until the further suspicious circumstances can be investigated. A reasonable guideline is that the stop should be terminated within 20 minutes

unless more time is required to verify a person's identity and/or the reliability of the answers given. However, officers should not detain a person in excess of this time limit merely to ask further questions.

FIELD INTERVIEW RECORDS: Since a field interview is based on suspicious activity that relates to crime, officers should normally complete a "Field Interview Card" and file such cards with the Records Division Services Division. In addition, officers initiating a field interview should maintain a detailed record of the specific facts and circumstances, which justified the stop. All facts, circumstances and observations should be recorded. Such record may be a copy of the "Field Interview Card," a separate notebook, or if warranted, a "Crime Report" or "Supplemental Offense Report."

FIELD PHOTOGRAPHS: Before taking field photographs from an individual, officers should be sure that one of the following criteria should be established:

1. The subject was photographed during a detention in which the subject is suspected of and/or involved in a specific crime. The fact that the individual was photographed, as well as the circumstances surrounding the incident should be documented within the written documentation completed for the incident.
2. The photo was taken by and officer during a citizen contact and the subject **consented** to the photograph. The citizen contact should be documented by a crime report, supplement report, or field interview card. These supporting documents must document and describe the consent given by the photographed individual.

2.

## **PATROL PROCEDURES**

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2.6 The trainee shall know the department victim of crime notification procedure.

The Vernon Police Department has adopted the following policy regarding the duty to inform victims of crime of the potential for compensation from the Victims of Crime Program, in accordance with the requirements set forth in chapter 5, Article 1 of the California Government Code, Section 13968(c) which states:

“It shall be the duty of every local law enforcement agency to inform victims of crimes of the provisions of this chapter, of the existence of local victim centers, and in counties where no local victim center exists, to provide application forms to victims who desire to seek assistance pursuant to this article.”

Law enforcement officers are in the best position to inform victims of crime of the existence of the Victim of Crime Program since the first contact made at the scene of a crime is generally with a law enforcement officer. Therefore, when an officer/employee of the Vernon Police Department has made contact with a victim or victim’s family member during the regular course of his/her duties, and it appears that the victim or victim’s family member(s) are in need of financial assistance as a result of injuries sustained from a crime, the officer/employee shall inform this victim of the potential for compensation through the Victim of Crime Program. This notice shall include providing the victim with a brochure provided by the Los Angeles District Attorney’s Office titled “Victims: Know your Rights.” The officer/employee will also provide the victim with a brochure from the State of California titled, “California’s Victim/Witness Assistance Program.” Both of these brochures will provide the victim or victim’s family with information regarding the existence of the Victim of Crime Program. The victim or victim’s family will also be given a referral card identifying where they can receive victim-witness assistance in Los Angeles County. The brochures and cards mentioned in the policy are kept in the Records Division.

2.

## **FIELD STOP PROCEDURES**

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2.7 The trainee shall know the procedures for field stops.

PROCEDURE FOR FIELD STOPS: Officers will adhere to the following procedures when making field stops.

VEHICLE STOPS: Officers will identify themselves with their unit number, and give the location of the stop. Communications will enter the information into CAD and will acknowledge the officer. The officer will then provide Communications with the license number of the vehicle.

If the vehicle has no license plate visible, the officer may include the words "No Plate Visible" in the original call to Communications. If, in the course of the contact, a license plate is located, the officer will call Communications and give the license number. The vehicle stop on the MCT shall not be used to initiate a stop. This is to ensure that all T-stops are done over the radio.

PEDESTRIAN STOPS: Officer will identify themselves with their unit number, and give the locations of the stop.

**3.**

**COMMUNITY ORIENTATION**

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3.1 The trainee shall know the city streets, private streets, hundred block system, and boundaries for patrol area #3.

WEST AND EAST STREETS:

Bandini Blvd.	26th St.
Charter St.	48th St.
District Blvd.	49th St.
Exchange Ave.	50th St.
Fruitland Ave.	52nd St.
Heliotrope St.	52nd Place
Washington Blvd.	

NORTH AND SOUTH STREETS:

Ayers Ave.  
Atlantic Blvd.  
Bonnie Beach Place  
Charter St.  
Corona St.  
DeKalb Alley  
Downey Rd.  
Everett Ave.  
Everett Court  
Frontage Rd.  
Gifford Ave.  
Indiana Ave.  
Industrial Way  
Loma Vista St.  
Maywood Ave.  
Pennington Way  
Sunol Drive

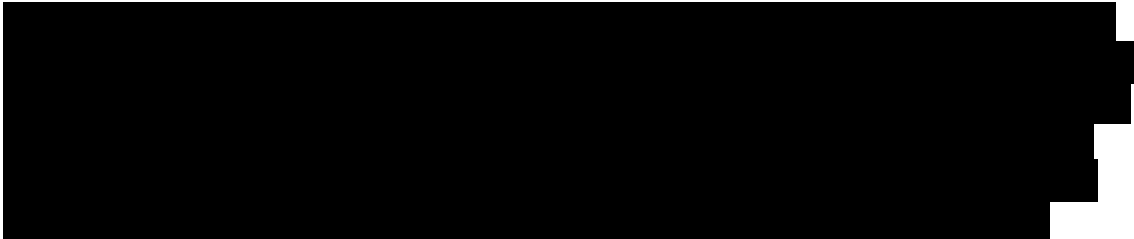
**3.**  
**CONTROL OF PERSONS/PRISONERS**

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3.2 The trainee shall know how to properly book adult and juvenile prisoners in conformance with department policy and legal codes.

PRISONER PROCESSING: When an officer makes an arrest, and for any other reason has a person in custody and such person is not confined to a jail or other secure facility such officer will ensure that the prisoner is in sight continuously and will use the utmost precautions to prevent escape. In addition, Department members, when making an arrest or taking custody of an individual, will adhere to the following procedures:

PROCEDURE IMMEDIATELY FOLLOWING ARREST: When an arrest has been made, the officer making the arrest will immediately, if possible and practical, perform the following tasks:

1. Inform the arrestee of the charge.
2. Conduct a cursory search to ensure the officer's and others safety (Review Week 7 section 7.3, dealing with search and seizure and limits of a frisk).
3. 
4. Search the area within the arrestee's immediate reach. (For procedures on search incident to arrest, review Week 7 section 7.3 regarding "Search and Seizure.")
5. Prior to transportation, determine if the arrestee has any medical problems. If a medical problem exists, the arrestee will be transported to Stacy Medical for a pre-booking physical prior to transporting to the booking facility.
6. If no medical problems exist transport the arrestee without delay to the booking facility. Officers are not to become involved in enforcement situations unless an immediate emergency exists and no other officers are available to respond. If an officer does have to stop with a prisoner, the situation will be turned over to another officer as soon as possible. Officers will not become involved in pursuits when transporting prisoners.
7. Prior to transporting female prisoners or juveniles to the jail facility, officers will advise Communications Center of the starting mileage and ending mileage.



8. After transporting an arrestee, thoroughly search the police vehicle in the event evidence or weapons have been discarded during transportation.

USE OF BOOKING FACILITY: When an officer determines that an in-custody arrestee is to be booked and not cited or released, the arrestee will be processed through the Huntington Park PD booking facility.

PROCESSING AT COUNTY JAIL: Officers, when presenting a prisoner for booking at the Los Angeles County Jail, will adhere to the following procedures:

1. Call the County Jail facility and obtain an "authorization to book" from the watch commander or watch sergeant.
2. All appropriate forms will be thoroughly completed.
3. An inventory will be made of the prisoner's property and money, if any, and the items listed on the appropriate booking entrance form.
4. The prisoner must have a Los Angeles County identification "arm-band" attached to the wrist.
5. The signature of the prisoner, the deputy receiving the prisoner, and the officer processing the prisoner will be obtained on the booking form.

DETENTION PROCEDURES: In-custody individuals will be held in an appropriate place of detention in accordance with the following procedures.

MALE ADULTS: Males 18 years and older will normally be booked into the Huntington Park PD City Jail.

FEMALE ADULTS: Females 18 years and older will be processed at the Huntington Park PD City Jail and will be booked into the Los Angeles County, Century Regional Detention Facility.

JUVENILES: If continued detention is appropriate, officers will process juveniles through the Juvenile Intake Center at the Los Padrinos Juvenile Hall Center.

1. Call Los Padrinos and obtain an authorization to transport to the facility.
2. All appropriate forms will be thoroughly completed.

PROCESSING JUVENILE PRISONERS:

"SECURE CUSTODY" deals with juveniles "14 and over" who are serious securities risk, a danger to themselves or others, or have committed a violent felony (and where the juvenile exhibits violence or threat of violence to you or others.)

"NON-SECURE" DETENTION deal with "any juvenile under 14" and the juveniles will be held in an unlocked room or enclosure with no sight and contact with adult prisoners. Must be in constant visual contact.

DEPENDENT CHILDREN: Dependent children will be taken to the Department of Child Services.

MENTALLY ILL PERSONS: Mentally ill persons will be transported to an approved Mental Facility for screening.

PRE-BOOKING MEDICAL CLEARANCE: Department members will seek medical clearance for any of the following:

Any arrestee:

1. Upon whom a carotid restraint was applied during arrest.
2. Who has ingested PCP.
3. Who is unable to walk or stand independently due to alcohol or drug use or traumatic injury.
4. Who due to alcohol or drug use is involved in a traffic collision.
5. Who reports a traumatic head injury with loss of consciousness.
6. Who has a medical condition that requires immediate medical attention such as:
  - a) Traumatic injuries requiring sutures.
  - b) Possible bone fractures.
  - c) Possible internal injuries.
7. Notify the Watch Commander of any/all medical conditions.

In all cases medical treatment will be sought when the arrestee has injuries that are a result of the arrest, including the use of force or when required by Department policy.

There may also be conditions that require medical clearance heretofore were not listed. These will be dealt with on a case-by-case basis with the on duty supervisor.

SICK OR INJURED SUSPECTS IN CUSTODY: Officers will evaluate illnesses or injuries of suspects in their custody. Suspects with illnesses or injuries requiring immediate medical attention will be transported to either Stacy Medical Center or notification of Vernon City Paramedics. An ambulance or police vehicle may be used for transporting depending on the prisoner's condition. If the arrestee is transported by ambulance to a medical facility, an officer will accompany the paramedics, as the prisoner will be in custody. Upon arrival at a medical facility, the officer transporting will adhere to the following procedures:

1. Advise hospital emergency room of the prisoner's presence.
2. Complete all appropriate hospital forms in accordance with hospital procedures.
3. Ensure that the prisoner remains under control during the preliminary processing.
4. Determine as soon as possible if the suspect is going to be admitted or treated and released.

When the preliminary tasks have been completed, the officer having custody of the prisoner will ensure that one of the following appropriate procedures is employed:

1. MISDEMEANOR CRIME - SUSPECT NOT ADMITTED: The officer having custody of a suspect will gather sufficient information to accurately identify the suspect. The officer may then issue a citation after obtaining approval from the on duty supervisor, unless the circumstances of the incident and/or the need to further identify the suspect indicates that booking is appropriate. If the suspect is issued a citation, the appropriate hospital personnel will be advised that the suspect may be released upon completion of medical treatment. If the suspect is to be booked, the officer having custody will stand by at the medical facility until medical treatment is completed and then book the suspect in accordance with established procedures.
2. MISDEMEANOR CRIME - SUSPECT ADMITTED: The officer having custody of a conscious suspect will gather sufficient information to accurately identify the suspect and may then issue a citation after obtaining approval from the on duty supervisor. When a suspect is unconscious and unable to sign the citation, as much information as possible will be obtained about the suspect's identity and a complaint may be obtained at a later time.
3. FELONY CRIME - SUSPECT NOT ADMITTED: The officer having custody of the suspect will stand by until completion of medical treatment and then process the suspect in accordance with established procedures.

4. FELONY CRIME - SUSPECT ADMITTED: All felony suspects will be booked at the Los Angeles County Jail, unless directed otherwise by the on duty supervisor.

VIOLENT SUSPECTS: Officers transporting a violent suspect to a medical facility for treatment will stand by with the suspect until medical treatment is completed or until the suspect is booked at the Los Angeles County Jail.

HOSPITAL BOOKING: When a suspect has been admitted to the county medical facility, and it is determined that booking is appropriate; the following procedures will be adhered to:

1. NOTIFICATION: The officer having custody of the suspect will contact the County Sheriff's Department Booking Control Desk and advise a supervisor on duty of the circumstances.
2. DETERMINING EXTENT OF SECURITY REQUIRED: The Sheriff's Department Booking Supervisor will then determine based on the nature of the crime, if a guard is necessary. When it is determined that a guard is necessary, the officer having custody of the suspect will stand by with the suspect until arrival of the Sheriff's personnel. If the Sheriff's Department determines that a guard is not necessary, the Sheriff's Department supervisor making the decision will place a "custody hold" on the suspect.

OFFICER'S RESPONSIBILITY AT HOSPITAL: The officer responsible for the booking of the suspect will perform the following tasks prior to leaving the hospital:

1. Obtain as much of the pre-booking form information as possible.
2. Obtain all the personal property of the suspect unless the person's medical condition prevents removal and/or collection (Sheriff's Department requires all property at time of booking).
3. Ensure that physical evidence from the suspect's person or belongings is collected, property marked, and packaged for booking.
4. Perform other necessary tasks as required or directed.

The officer booking the suspect will upon arrival of the sheriff's personnel or placement of a "custody hold," respond to the Sheriff's Department booking desk and perform those tasks necessary and required of a normal booking.

LOS ANGELES COUNTY JAIL INMATE RECEPTION CENTER (IRC) - MISDEMEANOR INMATE ACCEPTANCE POLICY: Los Angeles County Inmate Reception Center will accept all felony over the counter bookings who have an appropriate medical condition which necessitates their booking into this facility. However, they will only accept certain misdemeanor bookings,

regardless of their medical condition (see below). Any direct booking into this facility or any inmate transfer, other than from court or another custody facility, requires the prior approval of the Watch Commander. All requests for booking approval shall be made through the Watch Deputy, located at the 1st floor Main Control [213/893-5324](tel:2138935324).

The only misdemeanor bookings, which will be accepted at Inmate Reception Center, are:

- 243(C) PC
- 2626 PC
- 273.5 PC
- 166(C) PC
- 1203 PC
- All Juvenile Warrants
- Out of County Warrants
- 243(E) PC
- 273(D) PC
- 273.6 PC
- 6646.9 PC
- 4011.6 PC
- 4532 PC
- 3351 H&S
- 853.7 PC
- 40508(a) CVC
- 3056 PC

### 3.

#### **PRISONER RELEASE PROCEDURES**

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3.3 The trainee shall know the department procedures for releasing prisoners.

CRIMINAL CITATIONS: Section 853.6 of the Penal Code authorizes the use of criminal citations whenever the following elements are present.

1. Reasonable cause for an arrest exists.
2. The offense involves an infraction or misdemeanor.
3. The individual responsible for the violation does not demand to be taken before a magistrate.

In any event, officers will adhere to the following procedures when using the criminal citation in lieu of booking.

PROCEDURE PRIOR TO ISSUING: When the circumstances surrounding an arrest allows for the issuance of a citation the arresting officer will conduct a brief background investigation to determine if the arrested individual should be issued a citation and released. This investigation will include the following items:

1. Adequate proof of identity.
2. Adequate proof of residence.
3. Length of time at the present address.
4. Occupation and employer and length of time employed.
5. Previous criminal record.
6. Marital and family status.
7. Any other facts, which would assist the arresting officer in determining if a citation and release is appropriate.

A citation will not be issued if there is a reasonable likelihood that the offense would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested. The decision to use the criminal citation will be made by a supervisor. When a decision is made to issue a citation, officers will obtain adequate information to ensure that the individual receiving the citation can be located at a later date if such individual fails to appear as promised (O.R. form must be completed).

COMPLETING THE CITATION: Information required on the face of the citation must be filled in as completely as possible. In securing a violator's name, address, description, etc., an officer must exercise the same care as though the information was to be used for an arrest report. Where information is not available, the word "none" should be used in the proper space. Citations will not be issued for offenses without identifiers such as driver's license number, date of birth, or alien registration card in addition to the name and physical description.

The defendant's copy of the citation will be given to the violator after he/she signs it.

THUMB PRINT ON CITATION: When processing an arrested person for whom the officer intends to issue a criminal citation, the Department member will affix the arrestee's right thumbprint on the rear of the Department's copy of the citation. If the arrestee does not have a right thumb, the Department member will indicate which thumb or finger was used for the print. The thumbprint should be placed at the area of the citation where the space for the diagram appears.

This will allow the Department a more exacting form of identification at a later date.

BOOKING AT A LATER TIME: In all cases in which an officer has issued a criminal citation for a misdemeanor violation in lieu of a physical arrest and the defendant is to be booked at a later time, the officer will complete the appropriate form and instruct the defendant to appear at the Vernon City Jail for fingerprinting prior to the date set for arraignment. Officers will instruct individuals requiring booking before arraignment that failure to appear at the Vernon City Jail will result in the court returning the individual to the Police Department for processing.

EXAMPLE: Petty theft cases where state law requires that persons arrested must be fingerprinted.

In such cases, officers will indicate that booking is required on the "Notice to Appear."

BOOKING AND CITABLE VIOLATIONS COMBINED: When officers book an adult subject into the County Jail, the subject will be booked for all charges (a citation will not be used).

TIME OF ARRAIGNMENT: All arraignments for criminal violations and court specified traffic misdemeanors which have resulted in a citation in place of a physical arrest will be set for 21 days from the date issued. Extreme care must be taken to see that the date on which the arrested person is required to appear in court is not a Saturday, Sunday, or holiday. In instances where the date falls on a weekend or holiday, appearance will be scheduled for the next available court date. A calendar should be checked each and every time a citation is issued in place of a physical arrest.

CITATIONS FOR MUNICIPAL CODE VIOLATIONS: In adult cases involving Vernon Municipal Code infractions/misdemeanor, officers will set a court date as in citations for other criminal offenses. Officers will complete an incident report in RMS and record all the facts and circumstances. The officers will submit the citation for review by a supervisor.

CONCURRENT VIOLATIONS OF DIFFERENT CODES: Citable violations from different statute codes will be listed on the same citation form (C.V.C., P.C., and Municipal Code).

FELONY VIOLATIONS: Felony arrests may be cited and released only by Watch Commander at his/her discretion when extenuating circumstances require the release from custody.



### 3.

#### **JUVENILE DETAINMENTS**

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3.4 The trainee shall know applicable laws pertaining to the investigation of juvenile offenses and to the apprehension and detention of juvenile offenders.

JUVENILE CONTACTS: A juvenile is a person under 18 years of age. When an officer contacts a juvenile, such officer will process the incident in the following procedures.

REPORTING: A report will be completed in the "Juvenile Custody" section of RMS for all juvenile detainments.

DEGREE OF PROOF: The same degree of proof is needed in the arrest of a juvenile as in the arrest of an adult. Evidence and statements will be preserved for use in Juvenile Court.

NOTIFICATION OF CUSTODY: The officer having custody of the juvenile will be responsible for notifying the minor's parents, guardian, or responsible relative that the juvenile is in custody. When the juvenile is delivered to Juvenile Probation, officers will advise an appropriate relative to call the Juvenile Probation Department to secure information regarding the juvenile's status as it pertains to visitation and/or release.

When a juvenile is detained and taken to the Vernon Jail facility, or other place of confinement, the juvenile must be advised of their right to make two local calls at public expense no later than one hour from the time of arrival at the place of confinement. One call can be made to an attorney and the other to a parent, guardian, relative or employer.

Minors not in custody who are taken to an office setting for interview are excluded from the above requirement.

USE OF JUVENILE FACILITIES: The taking into custody of a juvenile should be considered a method of providing guidance and protection. When the incident requires referral to Juvenile Probation, officers will adhere to one of the following appropriate procedures.

DEPENDENT JUVENILES (300 WIC): Officers may, without a warrant, take custody of any dependent juvenile when one or more of the following elements are present:

1. When an officer has reasonable cause to believe that the juvenile has no parent or guardian willing, capable, or actually exercising care or control.
2. When the juvenile is destitute and not provided with the necessities of life or suitable home.
3. When the juvenile is a danger to the public and such danger is the result of a mental or physical disorder.

4. When the juvenile is being neglected, deprived or physically abused by a person having custody of such juvenile.

An officer taking custody of such a juvenile will complete an incident report in RMS and will include the circumstances in detail. The Los Angeles County Department of Children and Family Services will be contacted.

STATUS OFFENDERS (601 WIC): Officers may, without a warrant, take custody of any juvenile when the juvenile continuously disobeys the reasonable and proper orders or directions of a parent, guardian or custodian, or is beyond the control of such persons.

The officer assigned to the incident will determine that the elements of 601 WIC are clearly present and that the juvenile is not a law violator (602 WIC) nor a dependent minor (300 WIC). The assigned officer will record these facts on an incident report in RMS.

The officer will then inform the reporting party that juvenile laws do not provide for placement of status offenders into secure detention facilities, and will then attempt to resolve the issue in accordance with the following procedures.

LAW VIOLATORS (602 WIC): When the juvenile is a suspect in a criminal offense, the officer assigned will process the incident in accordance with one of the following appropriate procedures:

PRIVATE PERSON'S ARREST INVOLVING MISDEMEANOR VIOLATION: When appropriate, officers should have the victim or other person who observed the misdemeanor violation perform a citizen's arrest of the juvenile suspect. The juvenile suspect will then be taken into custody and processed in accordance with established procedures. Discretion will be used in permitting juveniles to arrest other juveniles, and the procedure should not be followed in such cases unless no other alternative is available.

ARREST FOR FELONY: When the circumstances and facts cause an officer to reasonably believe a felony has been committed, such officer will make a direct arrest as authorized by Sections 625(a) and 625(b) of the Welfare and Institutions Code.

JUVENILE DETAINMENT: As outlined in Section 1220 of the Vernon Police Department Jail Manual, Classification and Segregation Plan, "It is the policy of the Vernon Police Department to either release the juvenile to a parent or guardian or to the juvenile authorities." This of course basically means that juveniles should not be detained in a secured fashion in our jail. Sometime however, it may become necessary to securely detain a juvenile in our facility, and for that reason the following guidelines are being published for your referral.

207.1 WIC allows minors who are detained for criminal offenses under 602 WIC to be held in a law enforcement facility that contains a lockup for up to 6 hours. This time is allowed to enable the agency to investigate the criminal case, facilitate the release of the minor to a parent or guardian or arrange transfer to an appropriate juvenile facility. While being detained in our jail, it is important to remember that the juvenile must be segregated from adult prisoners. This segregation involves VISUAL contact only. The requirement to keep juveniles out of HEARING distance of adult prisoners has been eliminated and is no longer an issue.

If a juvenile is being detained in our jail, he/she is being placed in "secured detention." Secured detention is in effect when the prisoner is placed in a locked room, cell or enclosure or secured to a fixed object. If for example, the juvenile is being watched in the Records Bureau, Detective Division, Report Room, or front lobby area, he/she would be classified as being in "non- secured detention."

A minor may be placed in secure detention ONLY under the following circumstances:

- a. When a law enforcement officer has a reasonable belief that the minor poses a serious security risk of harm to self or others.
- b. The minor must be informed at the time they are securely detained, of the purpose of the secure detention, the length of time the secure detention is expected to last, and of the six-hour maximum time limit.
- c. Contact between minors and adults are prohibited per 208 WIC.
- d. The minor is adequately supervised.
- e. An appropriate log or written record is maintained by our agency, which shows the offense which is the basis for the minor's detention, the reason and circumstances, which formed the basis for the minor being placed into secure detention, the length of time the minor was in secure detention, and the times the minor received security checks (at least one every half-hour) and the identification of the person completing the checks.

As a matter of information, a minor being handcuffed to himself and not handcuffed to a fixed object is considered "NON SECURED DETENTION." This means that if a juvenile is being watched in the Detective Bureau and he is handcuffed behind his back, this is perfectly allowable under the guideline of non-secured detention. If a minor is in non-secured detention, we are required to provide CONSTANT PERSONAL VISUAL SUPERVISION of the minor.

In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:

- a. Age, maturity and delinquent history.
- b. Severity of the offense for which the minor was taken into custody.
- c. Minor's behavior, including the degree to which the minor appears cooperative or non-cooperative.
- d. The availability of staff to provide adequate supervision or protection of the minor.
- e. The age, type, and number of other individuals who are detained in the facility.

JUVENILE DETAINMENT PROCESS: Upon detention of a juvenile (under 14 years) at the Vernon Jail facility, officers will complete the appropriate booking forms. The Juvenile Probation officer will be contacted to determine if the juvenile will be held at Los Padrinos Juvenile Center. The Probation officer will advise whether to release the juvenile to the parents or to transport to a juvenile hall.

JUVENILE FORMS: The following forms shall be used for all juveniles:

1. Gladly's form (under 14 years of age)
2. Jail record/Juvenile Entrance Record
3. Juvenile Confinement Log.

GLADY'S R. FORM: Requires verification that a minor 13 years or under has knowledge of the difference between right and wrong. This form will be completed if the minor is 13 years or under and will be included with the JCR form.

NONSECURE DETENTION CONDITIONS:

1. Juveniles described by Section 602 WIC, under 14 years of age, shall be kept in non-secure detention if a brief period of time is needed to investigate the case, facilitate release of juvenile to a parent or guardian, or arrange for transfer of the juvenile to an appropriate juvenile facility.
2. Juveniles 14-17 years of age who do not present a security risk of harm to self or others shall be kept in non-secure detention.
3. Non-secure detained juveniles shall not be detained in either a Department jail or lockup (holding tank or other locked enclosure).

4. Non-secure detention allows the handcuffing of a juvenile, regardless of age, but not to a cuffing rail or other stationary object.
5. Non-secure detained juveniles shall not be permitted to come into sight contact with adult arrestees.

NONSECURE/SECURE JUVENILE CONFINEMENT LOG: Section 207.1 (d)(6) WIC Code requires that a log or written record be maintained by each law enforcement agency that holds one or more juveniles in secure confinement for any period of time.

This log will assist in maintaining information on juveniles placed in secure detention or non-secure custody. The log will be completed when a juvenile is placed in secure or non-secure detention for any length of time. The log will also be completed when the juvenile is released or transferred.

Officers placing juveniles in a secure detention must complete the thirty-minute observation portion of the form and initial the form every thirty minutes. The arresting officer must also advise the juvenile of the purpose of the detention, expected duration of the detention and that there is a six-hour limit on the detention. The arresting officer must initial and complete each advisement listed on the form.

JUVENILE WARRANT DETAINMENT PROCEDURES: The Probation Department, approved by the Juvenile Court, approved that minors arrested solely on Juvenile Court warrants issued pursuant to Section 601 Welfare & Institutions Code must be delivered by officers to foster homes within the SODA (Status Offender Detention Alternative) program. Such minors will not be admitted to the 601 WIC unit at Los Padrinos Juvenile Hall.

The following procedure will be followed when a juvenile is detained:

1. To obtain a SODA foster home assignment call:
  - (A) Monday - Friday, 8:00 a.m. to 5:00 p.m.  
Resource Control: (213) 226-8533
  - (B) All other hours:  
Central Juvenile Hall IDC: (213) 226-8506

(This is the same procedure as that for obtaining a SODA bed for a runaway minor.)

2. Telefax a copy of the Warrant Abstract and the Juvenile Hall Entrance Record to Central Juvenile Hall IDC, Fax # (213) 221-4879
3. Deliver the minor to the SODA foster home.

PLACEMENT OF JUVENILES IN DETENTION FACILITY: In all cases where detention at the Juvenile Detention Center is the desired disposition, clearance will be obtained if possible, from the Juvenile Probation Officer. When a decision to place a juvenile in a detention facility is made, officers will ensure that one of the following elements is present.

1. The juvenile has been properly taken into custody for a violation of a federal, state, or local law.
2. The juvenile is a ward or dependent of the Juvenile Court and there is reasonable cause to believe that the juvenile has violated an order of such court or has escaped from any commitment ordered by such court. (625 WIC)

Officers will transport the juvenile to the main Intake Center entrance and advise Juvenile Probation personnel of their presence and that they have a "law violator" ready for processing.

In addition, officers will thoroughly report in the "Juvenile Custody" section in RMS all facts, which indicate detention is necessary. Such facts include, but are not limited to the following:

1. The circumstances, which establish the elements of the crime.
2. Facts that indicate the juvenile are likely to flee the jurisdiction of the court.
3. Facts which indicate that detention is urgent and of immediate necessity in order to protect the juvenile, or the person or property of someone else.

OBTAINING MEDICAL TREATMENT: When circumstances, facts, or other sources of information are such that it is reasonable to believe that a juvenile is in need of immediate medical treatment, the Department member assigned to the incident will obtain such medical treatment in accordance with the following procedures:

IN A PUBLIC PLACE: When a juvenile is discovered in a public place and is in need of immediate medical treatment, the officer will take the juvenile into custody and ensure that medical treatment is obtained. Upon arrival at a medical facility, officers will abide by the medical facility's procedures pertaining to completing forms, obtaining parental consent and other procedures deemed necessary by medical staff personnel.

IN A PRIVATE DWELLING: When the circumstances are such that it is reasonable to believe that a juvenile is in need of medical care and a parent, guardian or other person in control of a juvenile's welfare refuses to provide the officer with information regarding the condition of the juvenile, or refuses to allow an officer's entrance into the place where the juvenile resides in order to investigate the condition of such a juvenile, officers will document all such facts available and notify the on duty supervisor and the Juvenile Probation Department, who will

then arrange an immediate Juvenile Court hearing to determine if the juvenile should be taken into custody.

EXCEPTION: When the facts, circumstances or other information leads an officer to reasonably believe that a medical emergency exists and a delay in obtaining medical aid would threaten the life of a juvenile, such officer is authorized to take immediate custody of the juvenile. In any event, the officer intending to take custody of such a juvenile will explain to the parent, guardian or other person in control of the juvenile that the law authorizes such action and will demand entry. [REDACTED]

JUVENILES ARRESTED FOR CERTAIN OFFENSES: Persons under 18 years of age who are arrested for drunkenness, glue sniffing, or narcotics, and who display the symptoms of intoxication to a degree where injury might result, must be taken to Stacy Medical Center for an examination if detention is anticipated. A medical clearance will be obtained from the examining physician and included in the detention report.

In all cases, officers will ensure that the facts, circumstances, and information are adequate to establish reasonable cause to believe that immediate medical treatment was necessary and required in taking a juvenile into custody. In addition, officers will report all such facts, circumstances and information received in either the "Juvenile Custody" section of RMS or an incident report in RMS and submit such report prior to ending the tour of duty during which the incident occurred.

PROTECTIVE CUSTODY CASES: When a child is placed in a hospital because such child has been the victim of violence or neglect, the investigating officer will fill out all appropriate forms placing the child in protective custody under the provisions of Section 300 of the Welfare and Institutions Code. The officer will sign the form and deliver it to Juvenile Hall. The Juvenile Probation Department will then notify the hospital that the child is in protective custody and is not to be released to such child's parents.

PROCEDURES FOR THE CITATION OF NON-DETAINED MINORS: Vernon Police Department personnel shall complete the "Juvenile Notice to Appear" form for all non-detained minors under 602 W.I.C. (criminal offenses) versus a modified traffic citation. The notice to appear will be given when it is determined that the juvenile offender is to be released to a parent or guardian.

JUVENILE NOTICE TO APPEAR PROCEDURE: If it is determined that the juvenile offender is to be released and processed through a non-detained petition, the handling officer shall issue the "Juvenile Notice to Appear" form to the juvenile and to his or her parent or guardian. The notice to appear form is located in the booking facility and in the report writing room. The

parent or guardian that the juvenile is released to shall be identified by driver's license or identification card when possible and a photocopy of the driver's license or identification card placed with the police report. **The appearance date for each court will remain the same, 60 calendar days from the date of the notice to appear.** If the 60<sup>th</sup> day is a non-court day, the juvenile should be cited to the next available court date. The officer will also ensure that co-defendant juveniles are issued the same court appearance date unless the notice to appear is issued on different dates.

A copy of the completed "Juvenile Notice to Appear" form will be given to the juvenile and the parent or guardian. A copy of the form will also be included in the officer's report. **The original copy of the juvenile notice to appear form will be forwarded to the proper court along with four copies of all police reports.** The police reports will be delivered to the appropriate Juvenile office of the District Attorney's Office within 7 calendar days after issuance of the juvenile notice to appear. The Court Officer will handle this task. Should the juvenile or parent/guardian refuse to sign the Notice to Appear, the officer will indicate on the signature line, "copy of notice given, refused to sign."

If the juvenile is on 602 WIC probation grant, the notice to appear for the criminal offense should be made to the delinquency court even if the offense falls within the traffic court jurisdiction. If some offenses from the arrest fall within the delinquency court and other offenses fall within the traffic court, all of the offenses should be directed to the delinquency court so as to avoid dismissal of the delinquency case due to a claim of multiple prosecution. In cases where there is more than one juvenile, all juveniles should be assigned to the same court and court date regardless of place of residence.

JUVENILE COURT: The juvenile will be cited to Los Padrinos Juvenile Court, 7281 E. Quill Dr., Downey, CA. 90242, 562/940-8827 at 0830 hours.

Law enforcement has not been granted the authority to cite additional offenses to traffic court and can cite only those offenses currently listed under 256 WIC. All offenses listed under 256 WIC will be cited using a yellow traffic citation and no parent(s) or guardian(s) signature is required. When citing offenses 1 through 14, a copy of the citation and four copies of all police reports will be delivered to 1945 Hill Street, Los Angeles within 7 calendar days. When citing a juvenile on item 15 offenses, infractions only, the juvenile will be cited in the field and released. The offenses listed under 256 WIC are as follows:

1. Vehicle Code violations not a felony (in Los Angeles County excluding 23152 V.C.)
2. 602m Penal Code
3. Fish and Game code not a felony.
4. Harbors and Navigation Code, equipment and registration provision.
5. State or local traffic offenses, loitering, curfew, and evasion of fares on public trust
6. 27176 Street and Highway Code
7. 640 or 640a Penal Code



8. 5003, 5008 Public Resources Code
9. 33211.6 Public Resources Code
10. 25658, 25658.5, 25661, 25662 Business and Professional Code
11. 647f Penal Code
12. 594 Penal Code involving paint or other liquid
13. 594. 1 (b), (d), or (e) Penal Code
14. 11357(b) Health and Safety Code
15. Any Infraction

### 3.

#### **PENAL CODE**

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3.5 The trainee shall identify the code name with the section number, interpret the section and give the elements of the codes listed.

#### PENAL CODE:

211 ROBBERY: (F) Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means on force or fear.

240 ASSAULT: (M) An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

242 BATTERY: (M) A battery is any willful and unlawful use of force or violence upon the person of another.

415 FIGHTING, CAUSING LOUD NOISE, OR USING OFFENSIVE WORDS IN PUBLIC PLACE: (M) Any of the following persons shall be punished by imprisonment in the county jail for a period not more than 90 days, a fine not more than four hundred dollars (\$400), or by both such fine and imprisonment.

- (1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.
- (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.
- (3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

459 BURGLARY: (F) Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, as defined in section 21 of the Harbors and Navigation code, floating home, as defined in subdivision (d) of section 18075.5 5 of the Health and Safety code, railroad car, locked or sealed cargo container, whether or not mounted on a vehicle, trailer coach, as defined in section 3 62 of the Vehicle code, any house car, as defined in section on the Vehicle code, inhabited camper, as defined in section 243 of the Vehicle code, vehicle as defined by the Vehicle code, when the doors are locked, aircraft as defined by section 21012 of the Public Utilities code, or mine or any underground portion thereof, with intent to commit grand or petty larceny or any felony is guilty of Burglary. As used in this chapter, "inhabited" means currently being used for dwelling purposes, whether occupied or not. A house, trailer, vessel designed for habitation, or portion of a building currently being used for dwelling purposed if, at the time of the burglary, it was

not occupied solely because a natural or other disaster caused the occupants to leave the premises.

466 POSSESSION OF BURGLARY TOOLS: (M) Every person having upon him or her in his or her possession a picklock, crow, keybit, crowbar, screwdriver, vice grip pliers, water-pump pliers, slidehammer, slim jim, tension bar, lock pick gun, tubular lock pick, floor-safe door puller, master key, ceramic or porcelain spark plug chips or pieces, or other instrument or tool with intent feloniously to break or enter into any building, railroad car, aircraft, or vessel, trailer coach, or vehicle as defined in the Vehicle code, or who shall knowingly make or alter, or shall attempt to make or alter, any key or other instrument above named so that the same will fit or open any of the above mentioned without the permission of the owner is guilty of a misdemeanor.

484 THEFT: (M) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his wealth or mercantile character any by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received, the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgement that the employer has been unable to meet shall be prima facie evidence of intent to defraud.

496 RECEIVING STOLEN PROPERTY: (F / M) Every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. However, if the value of the property does not exceed nine hundred fifty dollars (\$950) the offense shall be a misdemeanor, punishable only by imprisonment in a county jail not exceeding one year.

647 DISORDERLY CONDUCT: (M) Except as provided in paragraph (5) of subdivision (b) and subdivision (l), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

- (a) An individual who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.
- (b)(1) An individual who solicits or who agrees to engage in or who engages in any act of prostitution with the intent to receive compensation, money or anything of value from another person. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation by another person to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.
- (c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.
- f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in such a condition that he or she is unable to exercise care of his or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.

647.6 CHILDREN ANNOY OR MOLEST: (M)

- (a) Every person who annoys or molests any child under 18 years of age shall be punished by a fine not exceeding five thousand dollars (\$ 5,000) by imprisonment in a county jail not exceeding one year or by both the fine and imprisonment.
- (b) Every person who violates this section after having entered, without consent, an inhabited dwelling house, or trailer coach as defined in section 635 of the vehicle code, or the inhabited portion of any other building, shall be punished by imprisonment in the state prison, or in a county jail not exceeding one year, and by a fine not exceeding five thousand dollars (\$5,000).
- (c) Every person who violates this section is punishable upon the second and each subsequent conviction by imprisonment in the state prison.
- (2) Every person who violates this section after a previous felony conviction under section, conviction under section 261, 264.1, 269, 285, 286, 288a, 288.5, or 289 any of which involved a minor under 16 years of age, or a previous felony conviction under this section, a conviction under section 288, or a felony conviction under section 311.4 involving a minor under 14 years of age, shall be punished by imprisonment in the state prison for two, four, or six years.

- (d) In any case in which a person is convicted of violating this section and probation is granted, the court shall require counseling as a condition of probation, unless the court makes a written statement in the court record, that counseling would be inappropriate or ineffective.

664 ATTEMPTS: Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration, shall be punished, where no provision is made by law for the punishment of those attempts, as follows:

- (a) If the crime attempted is punishable by imprisonment in the state prison. or by imprisonment pursuant to subdivision (h) of Section 1170, the person guilty of the attempt shall be punished by imprisonment in the state prison or in a county jail, respectively, for one-half the term of imprisonment prescribed upon a conviction of the offense attempted. However, if the crime attempted is willful, deliberate, and premeditated murder, as defined in Section 189, the person guilty of that attempt shall be punished by imprisonment in the state prison for life with the possibility of parole. If the crime attempted is any other one in which the maximum sentence is life imprisonment or death, the person guilty of the attempt shall be punished by imprisonment in the state prison for five, seven, or nine years. The additional term provided in this section for attempted willful, deliberate, and premeditated murder shall not be imposed unless the fact that the attempted murder was willful, deliberate, and premeditated is charged in the accusatory pleading and admitted or found to be true by the trier of fact.
- (b) If the crime attempted is punishable by imprisonment in a county jail, the person guilty of the attempt shall be punished by imprisonment in a county jail for a term not exceeding one-half the term of imprisonment prescribed upon a conviction of the offense attempted.
- (c) If the offense so attempted is punishable by a fine, the offender convicted of that attempt shall be punished by a fine not exceeding one-half the largest fine which may be imposed upon a conviction of the offense attempted.
- (d) If a crime is divided into degrees, an attempt to commit the crime may be of any of those degrees, and the punishment for the attempt shall be determined as provided by this section.

VEHICLE CODE:

10751 MANUFACTURERS' SERIAL OR IDENTIFICATION NUMBERS: (M) No person shall knowingly buy, sell, offer for sale, receive, or have in his or her possession, any vehicle, or component part thereof, from which any serial or identification number, including, but not limited to, any number used for registration purposes, that is affixed by the manufacturer to

the vehicle or component part, in whatever manner deemed proper by the manufacturer, has been removed, defaced, altered, or destroyed, unless the vehicle or component part has been attached thereto an identification number assigned or approved by the department in lieu of the manufacturer's number.

10851 THEFT AND UNLAWFUL TAKING OR DRIVING OF A VEHICLE: (F/M) Any person who drives or takes a vehicle not his or her own, without the consent of the owner thereof, and with intent either to permanently or temporarily to deprive the owner thereof of his or her title to possession of the vehicle, whether with or without intent to steal the vehicle, or any person who is a party or an accessory to or an accomplice in the driving or unauthorized taking or stealing, is guilty of a public offense.

10852 BREAKING OR REMOVING VEHICLE PARTS: (M) No person shall either individually or in association with one or more other persons, willfully injure or tamper with any vehicle or the contents thereof or break or remove any part of a vehicle without the consent of the owner.

24002 VEHICLE NOT EQUIPPED OR UNSAFE: (I) It is unlawful to operate any vehicle or combination of vehicles which is in an unsafe condition, or which is not safely loaded, and which represents an immediate safety hazard. It is unlawful to operate any vehicle or combination of vehicles which is not equipped as provided in this code.

24004 UNLAWFUL OPERATION AFTER NOTICE BY OFFICER: (I) No person shall operate any vehicle or combination of vehicles after notice by a peace officer, as defined in Section 830.1 or subdivision (a) of Section 830.2 of the Penal Code, that the vehicle is in an unsafe condition or is not equipped as required by this code, except as may be necessary to return the vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment have been made to conform with the requirements of this code. The provisions of this section shall not apply to an employee who does not know that such notice has been issued, and in such event the provisions of Section 40001 shall be applicable.

24250 LIGHTING DURING DARKNESS: (I) During darkness, a vehicle shall be equipped with lighted lighting equipment as required for the vehicle by this chapter.

24252 LIGHTING EQUIPMENT REQUIREMENTS: (I) All lighting equipment of a required type installed on a vehicle shall at all times be maintained in a good working order. Lamps shall be equipped with bulbs of the correct voltage rating corresponding to the nominal voltage in the lamps.

#### 4.

#### **IMPOUNDING/STORING VEHICLES**

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4.1 The trainee shall understand the department policy regarding towing procedures and shall possess the knowledge to impound/store vehicles in an authorized manner.

**RESPONSIBILITY:** Whenever the Department removes a motor vehicle from the possession or control of its owner or owner's agent, it assumes the responsibility for protection of that vehicle until it is returned to its owner or disposed of through lawful process.

Vehicles impounded for Vehicle Code violations or parking infractions are to be considered as automatically cleared for release without further investigation.

Vehicles with registration or identification in an unclear condition need to be held for proof of ownership. In these cases, Detective approval is required before release. Once ownership has been established and the vehicle has been properly registered with the Department of Motor Vehicles the vehicle may be released. A vehicle release fee will be charged to the vehicle owner.

Vehicles held for investigation need a release from the assigned investigative unit.

Vehicles seized on authority of a search warrant require an order of the Court to the investigative unit prior to release.

Complications arising from any vehicle storage or impound should be resolved by the on duty Watch Commander.

**REPORTING VEHICLE TOWS:** All incidents requiring the storage or impound of vehicles under the authority of this section will be reported on CHP Form 180, and the form will be forwarded to the Records Division as soon as possible after the tow. The justification for the tow will be recorded under the narrative section. Any police "hold" will be explained at that time. Exceptions to this requirement are:

1. Tows summoned to an accident scene when the driver is capable of negotiating the vehicle's disposition.
2. Tows called as a courtesy service for motorists.
3. Tows called for police vehicles or other City vehicles.

PROCEDURES TO FOLLOW IN ORDER TO STORE/IMPOUND A VEHICLE:

1. Whenever possible, a reasonable attempt should be made to contact the vehicle owner and avoid taking the vehicle into custody unless the situation by its nature requires an immediate removal of the vehicle.
2. Notify Communications of the number and type of vehicles to be towed. Advise them of unusual circumstances such as flat or missing tires, exceptionally large vehicles, or vehicles that might be damaged unless special equipment is dispatched.
3. When removing the vehicle because of a law violation, cite the vehicle at the time of tow.
4. Complete the CHP Form 180 prior to consigning the vehicle to the contract tow company. Submit the completed form as soon as practical but in no case later than the end of shift.
5. Prepare an inventory of vehicle accessories and its accessible contents. Request the tow driver to verify the written inventory before acceptance.
6. Verify the Vehicle Identification Number to make sure the vehicle matches with the license plates on the vehicle.
7. On recovered stolen vehicles, list the specific items taken from the vehicle in the narrative. Check the box on the inventory section showing the engine and transmission have been stripped only if one or both have been taken. Do not check this box if only engine parts have been stripped. Complete a narrative explaining the circumstances surrounding the recovery. Complete the inventory section even though the vehicle has been released to the vehicle owner in the field.

CLASSIFYING TYPE OF VEHICLE STORAGE/IMPOUND: Vehicle towing shall be classified on the CHP Form 180 in one of the following ways. Each has its own for release.

STORED BY OWNER: The vehicle has been temporarily removed to a place of safety, usually a contract tow company, requires no investigative time, and is automatically cleared for release. This covers courtesy tows and tows made at the request of the owner (fatalities and hit-and-run accidents not included). The vehicle owner is directed to pick up the vehicle at the tow company.

STORED/IMPOUNDED: Includes all vehicles towed for statute violations (i.e., Penal Code, Vehicle Code, Health and Safety Code, etc.).



A stored vehicle is one that the Department has no interest in. This means that there is nothing that our Department would need from the R/O or his agent in order to secure a release. The Department does not have to authorize a release or collect a "processing fee". The R/O or his agent can go directly to the tow yard to recover his or her vehicle. With this procedure, many of the vehicles stored in connection with an arrest, will not require fees or release slips. Under these conditions, the CHP 180 "Storage Authority/Reason" would be 22651 CVC (h)(1) and marked as **stored**.

Vehicles that we do have an interest in should be marked as **impounded**. This would include those that have been impounded as evidence (no fees are collected but the Detective Bureau must grant approval prior to release), impounded for 4000(a) CVC (it would require proof of current registration before it can be approved for release), 12500(a) CVC, and/or 14601CVC (requiring proof of a valid driver's license before it can be approved for release), 16.20-1 (b) VMC, 16.21 (c) VMC, or for a DUI arrest. Vehicles impounded for a DUI arrest is different from vehicles stored for other arrests because we have a local ordinance that specifically requires that we recover a "release fee" and provide the R/O or his agent with a release slip. Under these circumstances, the CHP 180 "Storage Authority/Reason" will still be 22651 CVC (h)(1) but it will be marked as **impounded**, based upon the fact that we still have an interest in seeing that something is done before we release the vehicle.

Lastly, if the vehicle is **stored**, then in the "release vehicle to" box, check the "R/O or agent" box on the CHP 180. If the vehicle is **impounded**, then in the "release vehicle to" box, check the "Agency Hold" box on the CHP 180.

1. A vehicle seized by court order or search warrant and can only be released by a court order. A vehicle release fee is charged, unless waived by the investigative unit and all other vehicle release requirements are in force.
2. A recovered stolen vehicle with a release required. No vehicle release fee is charged. All other vehicle release requirements are in force.
3. The vehicle has been seized as evidence or contains fruits of a crime. A "hold" will be placed on the vehicle for an investigative unit to examine the vehicle prior to release.

VEHICLE HOLDS: Vehicles may be impounded by officers when additional follow-up is needed by an investigative unit.

STORAGE FACILITIES: Most vehicles will be stored at a contract storage facility.

Current contract storage facility:

U.S. Tow 2119 25<sup>th</sup> St. Los Angeles



VEHICLE "HOLD FOR PRINTS": Vehicles may be stored in the police department sally port with the following restrictions:

1. Involvement in a major crime such as homicide.
2. Involvement in a traffic fatality or serious traffic accident and its future examination is considered essential to a prosecution.

When a vehicle is involved in one of the above incidents, the officer initially assigned to the incident will contact an appropriate investigative unit and supervisor and request the vehicle involved be stored in the police department. When authorization is obtained, the officer impounding the vehicle will perform the following tasks:

1. Anytime a vehicle is stored at this facility, a CHP Form 180 will be completed indicating the vehicle is stored at the police department. A copy will be given to the investigator assigned to the case. The name of the investigator or command officer giving authorization will be shown on the CHP Form 180.
2. The vehicle will be sealed using police seals or ribbon flagging. Officers will take into consideration any evidence located on the outside of the vehicle when using seals or ribbon flagging. The vehicle will be inventoried only after consulting with the authorizing investigator.
3. The keys will be left with the vehicle.

Vehicles that have a "Hold for Prints" (i.e. recovered stolen) can be stored at the storage facility (HP Tow). HP Tow has a secured garage where the vehicles can be kept until a release is given.

INVENTORY OF STORED/IMPOUNDED VEHICLES: The Police Department and the contract tow company share a responsibility to protect the vehicle and its contents while in police custody. It is the policy of this department, that all vehicles be thoroughly inventoried. The towing officer has an obligation to make an inventory that is as complete as possible, given the limitations established by search and seizure case law and in accessibility to certain areas of the vehicle. Therefore, the inventory section of CHP Form 180 should contain as much detail as possible before the officer releases the vehicle to the contract tow company.

VEHICLES INVOLVING ALTERED OR MISSING IDENTIFICATION NUMBERS:

Officers may impound vehicles whose VIN plates have been removed, defaced, altered, or destroyed (CVC 10751). The recommended procedure is to first attempt to communicate with Auto Theft investigators who are knowledgeable in these matters. If it is necessary to impound the vehicle, use the above-quoted authority and fully describe all the circumstances justifying the impound.

VEHICLES LACKING REGISTRATION FOR MORE THAN SIX MONTHS: Such vehicles, when found unattended upon a highway or city street, may be towed under authority of CVC 22651(o). Officers will determine from CLETS that the last date of valid registration exceeds six months

and one day, and that no temporary operating permit is displayed upon or within the vehicle. The vehicle storage report should state that a visual search was made and disclosed no interim registration. (A TIP entry on the CLETS entry indicates the vehicle is currently registered but DMV has not updated its automated files. These vehicles should not be towed due to expired registration.)

UNATTENDED VEHICLE: Storage of vehicles on city streets more than 72 hours is prohibited by Municipal Ordinance and given towing authority under California Vehicle Code Section 22651(k) or 22669(d). The vehicle must have been marked for the 72 hours violation prior to towing.

SECURING VEHICLE LEFT AT SCENE: When an officer determines that a vehicle involved in an incident is to be left at the scene, the officer will secure the vehicle by rolling up the windows and locking the doors, if possible.

THIRTY DAY IMPOUND UNDER 14602.6 VC: Officers have the discretion to impound vehicles pursuant to 14602.6 CVC whenever there is proof that the violator is operating on a suspended or revoked license and service has been made, or when the violator is operating without ever having been issued a driver's license.

One of the goals of our traffic safety grant has been to reduce the number of hit & run collisions we have each year. Evidence shows that citing 12500 and 14601 violators and impounding their vehicles for 30 days per 14602.6 CVC, is a significant tool in helping to reduce the number of hit & run collisions that occur.

As always, officers should use reasonable judgment when applying this section.

PROCEDURES FOR FILING AND FORWARDING OF CHP 180 FORMS TO RECORDS DIVISION:

ALL PERSONNEL COMPLETING A CHP 180 FORM SHALL FOLLOW THE FOLLOWING PROCEDURES:

1. The officer/VSO completing the CHP180 form will immediately or as soon as practical, forward it to the communications center.
2. The dispatchers will attach all the related paperwork and place the CHP 180 in the Watch Commander's basket located in the communications center.
3. It is the Watch Commander's responsibility to review and approve the CHP 180 in the basket at the end of his/her shift and then forward it to records.

#### 4.

#### **PRIVATE PROPERTY VEHICLE IMPOUND**

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4.2 The trainee shall know the department policy regarding private property vehicle impound procedures.

PRIVATE PROPERTY VEHICLE IMPOUND: The California Vehicle Codes pertaining to private property vehicle towing and storage are Section 22658 and Section 22953.

The law allows for the removal of unauthorized parked vehicles from private property if the property is posted with signs (at each entrance) to restrict public parking, or if the property is improved with a single-family dwelling. The property owner or the property owner's agent must immediately notify the proper law enforcement agency. The tow operator shall give notice in writing to the vehicle's registered and legal owners about the removal of the vehicle, the grounds for the removal, and the location of the vehicle. The tow operator who removed the vehicle is not responsible for the validity of the removal. The law will:

1. Require that signs that restrict parking be not less than 17 x 22 inches in size with lettering not less than one inch in height. The sign prohibiting public parking must indicate the vehicle will be removed at the owner's expense, and contain the telephone number of the proper law enforcement agency. The signs may also indicate that a citation may be issued for the parking violation. (22658 VC)
2. Limit the charge that a towing company may impose for the initiation of towing of a vehicle to \$20, if the vehicle owner returns to the vehicle before it is removed from the private property. (22658 VC)
3. Prohibit the owners of private property which is open to the public for parking, at no fee, from towing a vehicle away within one hour after being parked, except if parked in specified locations. (22953 VC)
4. Require the operator in charge of the facility where vehicles are stored to accept valid bank credit cards or cash and to have sufficient money on the premises to accommodate a reasonable money transaction. (22658 VC)
5. Make the private property owner or the person who causes the removal of the vehicle liable for double the storage or towing charges if property posting and waiting period are not met. (22658 VC)
6. Make towing companies who charge excessive fees (higher than a contract for comparable services between a tow company and a law enforcement agency) liable to the vehicle owner for four times the amount charged. (22658 VC)

7. Make towing companies liable for damages to a vehicle while being towed or in storage and for the removal of a wrong vehicle. (22658 VC)

GUIDELINES FOR THE REMOVAL OF ABANDONED VEHICLES FROM PRIVATE PROPERTY:

If a police officer or parking control officer is dispatched to a company within the City of Vernon to assist in the removal of an abandoned vehicle from private property owned or leased by that company, the officer should make sure that the area is properly posted for the removal of vehicles, and then advise the person requesting that he may have the vehicle removed from company property. He should then be advised to contact a tow service of his choice. At no time should the company representative be advised that the owner of the vehicle will be responsible for all towing and storage fees. This is an issue that would be brought up and resolved between the tow service and the representative at the time the vehicle is being removed from private property. If a company has already contacted a tow service and they will not remove the vehicle, the Vernon Police Department does have the authority, per Section 22669(a) CVC, to remove the vehicle from private property. This should only be done after all other possibilities have been exhausted.

#### 4.

#### **VEHICLE RELEASE PROGRAM/ POST STORAGE HEARING PROCEDURES**

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4.3 The trainee shall know the department vehicle release program procedures and the post storage hearing procedures.

VEHICLE RELEASE FEE PROGRAM: The following procedures are the guidelines on how to handle a vehicle release and the collection of fees, when the City Clerks Office is closed, after hours, weekends and holidays.

The fees are as follows:

\$144.00 - for release of any vehicle impounded as a result of an arrest for driving under the influence of an alcoholic beverage, drug, or any illegal substance

\$50.00 - for release of any other vehicle impounded under the provisions of the California Vehicle Code.

1. The fees collected are to be paid in "cash." (money order, or cashier's check are acceptable). No personal checks are to be accepted.
2. Vehicles are to be released only to the "registered owner."
3. As a convenience when City Hall is closed, Records personnel will attach an envelope to all CHP 180's where the fee is applicable.
  - a) The person releasing the vehicle should fill out the information asked for on the envelope completely.
  - b) The person releasing the vehicle should fill out a receipt from the book on the counter at the front window. The original receipt will be given to the registered owner of the vehicle posting the fee. The copy will be put inside the envelope. The envelope containing the monies received will be sealed and put into the safe located at the front counter.
4. During business hours, a services slip indicating the amount for the payment due will be filled out and the R/O should be directed to the City Clerks Office to pay the fee.
5. Let the R/O of the vehicle know this fee does not cover the tow/storage fee due to the tow service.
6. The fee shall be waived for any vehicle reported stolen prior to its impoundment or on other verifiable proof of theft.

7. The fee shall be waived for any vehicle stored as a result of a traffic collision or if a vehicle was stored because it was found disabled on a roadway.
8. The fee may be waived by the Chief of Police for any vehicle impounded for any other cause if the vehicle or its driver were not cited for a traffic violation or other violation.
9. The fee shall be waived for any vehicle released to a "Lien Holder" or "repossessing agency."
  - a) The person releasing the vehicle will verify that the person representing the Lien Holder or repossessing agency has the proper documents.
  - b) The person will make copies of the following required documents, Hold Harmless Letter, representative's identification, and original Title or associated DMV paperwork.

POST STORAGE HEARING PROCEDURES: Per California Vehicle Code Section 22852 a registered owner, legal owner or agent of a vehicle has the right to request a post-storage hearing to determine the validity of the storage of their vehicle. The owners, or their agents, have the right to request the hearing in person, in writing, or by telephone. Post storage hearing information is located on the backside of the "Notice of Stored Vehicle" portion of a CHP 180, which is mailed to the registered owner by the Records Division.

POST STORAGE HEARING PROCEDURES: The on-duty patrol watch commander will conduct a post-storage hearing request. The watch commander may handle the post-storage hearing at the time of the request or schedule an appointment. Unless mutual arrangements are made to the contrary, all post-storage hearings **must** be conducted within 48 hours of the request **excluding weekends and holidays**. Failure of either the registered or legal owner, or his or her agent to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement.

The registered or legal owner of an stored/impounded vehicle, or their agent, must request a post-storage hearing within 10-days of the date appearing on the Notice of Stored/Impounded Vehicle, CHP 180, or lose the right to a hearing.

The outcome of the post-storage hearing shall not affect any related traffic citation or other criminal proceedings that may be brought against the owner or claimant of the impounded vehicle. The Department and/or the citizen may present witnesses and evidence at the post-storage hearing.

The on-duty watch commander shall review the circumstances surrounding the stored/impounded vehicle and determine whether or not reasonable grounds for the storage/impound were established. If it is determined that reasonable grounds for the storage/impound did **not** exist, the owner of the vehicle should not be responsible for the costs incurred for towing and storage. In this case, the watch commander will contact the appropriate towing company and make arrangements for the vehicle release. In the event the tow company requests the incurred tow fees, the watch commander will advise the towing

company to direct the billing to the Vernon Police Department. The watch commander will then submit a memo to the Patrol Commander briefly describing the circumstances of the vehicle impound and explain the reason why the department is obligated to cover the tow fees. A copy of the CHP 180 form and the completed Post Storage form should be included with the memo to the Patrol Commander.

If it is determined that reasonable grounds for the storage/impound **did** exist, the citizen shall be informed of the determination and explain the reason for the storage/impound. The citizen should also be informed that it will be the citizen's responsibility to pay all fees in order to obtain the release of the vehicle.

The on-duty watch commander will document the results of the investigation on the "Post-storage Hearing" form (see attached sample) and attach it to the Vehicle Storage/Impound CHP 180 form. The narrative section of the post-storage form should briefly describe the circumstances of the vehicle storage/impound and explain the results of the investigation. At the conclusion of the hearing, the on-duty watch commander shall inform the citizen of the results of the investigation and provide the citizen a copy of the hearing results.



#### 4. LAW

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4.4 The trainee shall know the law requirement of Miranda advisement.

##### ADMINISTRATION OF MIRANDA WARNING:

Must Mirandize if suspect is in custody and will be interrogated.

1. CUSTODY: Custody is objectively determined by the totality of circumstances, and is limited to formal arrest or equivalent restraint (California v. Beheler, Berkemer v. McCarty, Minnesota v. Murphy, Stansbury v. California)

NOTE: Miranda warnings are not required simply because police question someone whom they suspect. The issue is not one of focusing upon a person as a suspect; it is an issue of custody.

Just because the suspect is questioned at a law enforcement facility does not necessarily trigger Miranda requirement, as long as it is apparent that the suspect is free to leave the facility at will (Oregon v. Mathiason).

2. INTERROGATION: Interrogation means the following:
  - a. Someone known to the suspect to be an officer engaging in direct questioning about a crime, or any words or action likely to elicit an incriminating response.

##### PRIVILEGE AGAINST SELF INCRIMINATION:

1. This privilege is based upon a constitutional guarantee. (Fifth Amendment)
2. This privilege applies to testimonial communication only.
3. This privilege is not violated by requiring the accused to
  - a. model articles of clothing;
  - b. participate in a line up;
  - c. provide body fluid or other sample for analysis;
  - d. submit to routine fingerprinting;
  - e. provide handwriting exemplars;

- f. repeat a statement for voice identification;
- g. provide routine booking information; or
- h. reenact the crime

JUVENILES:

1. In any case where a minor is taken into custody the officer shall advise such minor that
  - a. anything they say can be used against him/her;
  - b. he/she can remain silent;
  - c. he/she have the right to have counsel present during questioning;
  - d. he/she-have the right to have counsel appointed if unable to afford one.
2. A minor must be advised of their rights whether or not they are going to be questioned (interrogated). The law, however, does not require that they be advised of their rights immediately upon arrest as long as the advisement is provided sometime during their custody and/or before any questioning.

LEGAL SUFFICIENCY OF MIRANDA WARNING:

- A. AMONITION: Any statement produced by in-custody interrogation may be inadmissible in court unless the suspect is advised of
  1. The right to remain silent;
  2. The fact that anything the suspect says may be used against him in court (People v. Valdivia);
  3. The right to have an attorney present while being questioned (People v. Kelly);
  4. The right to have an attorney appointed if the suspect cannot afford one.
- B. WAIVER: After a suspect has been admonished, they may choose to waive the right to remain silent. In order for any statement made after a waiver to be admissible, it must be shown that the waiver was:
  1. Knowingly given - The subject must understand they have the right to remain silent.
  2. Intelligently given - The subject must be capable of understanding the admonition and capable of understanding the consequences of the waiver. For example, a subject who does not speak English, but is admonished in English, would not be able

to make an intelligent waiver. Likewise, a person incapacitated by injury or intoxication may not be able to intelligently waive his rights.

3. Voluntarily given - A statement is involuntary if the suspect was "tricked, threatened, or cajoled" into waiving (Miranda v. Arizona). The waiver must be free of deception.
    - a. Officers cannot use deception (lie or bluff) in order to induce a subject to waive his right to remain silent.
    - b. However, once a subject has knowingly, intelligently, and voluntarily waived, you may use deception during the interrogation. The deception must not be of the type, which would induce an innocent person to confess to a crime he didn't commit.
- C. INVOKING MIRANDA RIGHT: If a subject does not waive their rights, they may invoke their right to:
1. Remain silent no specific language is required to invoke this right.
    - a. Once a suspect invokes this right, all interrogation must cease.
    - b. An officer may not re-initiate interrogation about that crime. He may re- initiate interrogation about other uncharged crimes if he "scrupulously honors" the request not to talk about the crime for which the subject was arrested and takes a waiver of the right previously asserted (Michigan v. Mosley).
    - c. The subject may re-initiate or express a desire to make a statement. In that case the officer should make a verbatim account of the re-initiation and any volunteered statement, re-admonished and then interrogate further.
  2. Have an attorney present or speak to an attorney. Again no specific language is required to invoke this right.

NOTE: The Miranda rule is a procedural safeguard, to protect a person's fifth amendment right. Once a suspect is charged, however, the right to an attorney is, guaranteed by the sixth amendment. The sixth amendment bars questioning of a suspect about the charged crime without legal representation, unless the suspect initiates discussion and waives the right to counsel (Stevens v. Sultana, etc.).

- a. Once this right is invoked all questioning must cease on this or any other case.

- b. An officer may not re-initiate interrogation about the crime for which the subject was arrested or any other crime.
- c. When a request for an attorney has been made, a subject may re-initiate. The subject should be re-admonished before interrogation.

NOTE: Many peace officers have been under the impression that if a juvenile requested a parent, grandparent, or probation officer, all questioning must stop. This concept was never a matter of statutory or decisional law. This argument was specifically rejected by the courts (in *Fare v. Michael C.*). What is important is whether or not the juvenile is attempting to invoke their Miranda rights (e.g., request for an attorney).

EXCEPTIONS TO MIRANDA RULE:

- A. Exceptions to the Miranda rule. Generally, the Miranda admonition is not required in the following situations:
  - 1. Consensual encounters
  - 2. Traffic stops
  - 3. Detentions
  - 4. Exigent circumstances (Emergency-Rescue Doctrine)
  - 5. General investigative questioning
    - a. What
    - b. When
    - c. Where
    - d. Why
    - e. Who
    - f. How

Non-custodial questioning eliciting incriminating statements (e.g., telephone calls).

NOTE: Miranda "custody" can occur during a pedestrian or car stop if arrest-like restraints are used (e.g., handcuffs, guns, cage, excessive show of force), or if the stop is prolonged beyond the bounds of an ordinary temporary detention.

"Investigative questioning, is precisely what is covered by Miranda. Who-what-when questions may very well be "interrogation," if likely to elicit incriminating responses. If the suspect is in custody, Miranda applies. The reason "general on-the-scene questioning" is usually permissible is because it is employed before anyone is taken into custody.

#### 4.

#### **IN-FIELD SHOWUP PROCEDURES**

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4.5 The trainee shall know the procedures regarding in-field show-up.

IN FIELD SHOWUP: A “show-up” is a one-on-one confrontation between a witness and a suspect in the field.

SUGGESTIVITY: Suggestiveness before the identification. You must avoid any conduct prior to the identification which might be ruled suggestive.

Never tell the witness:

1. You caught (or think you caught) the person who committed the crime;
2. The victim’s property was in the suspect’s possession;
3. The suspect made admissions or confessed to the crime;
4. The person to be observed is a “suspect” (do not use the word “suspect” at all).

Always tell the witness (Per VPD issued card):

We are detaining a person for you to view, who may or may not be the person who committed the crime now being investigated. The fact that this person is detained and may or may not be handcuffed should not influence your identification. It is just as important to free innocent persons from suspicion as it is to identify guilty persons.

Please look at the detained person carefully. If you wish to see her/him walk, stand, or move in any particular way, please tell an officer. Also, if you wish to see the person under different conditions, or speak certain words or phrases, please tell an officer.

SUGGESTIVENESS DURING THE IDENTIFICATION: Officers must avoid any conduct during the identification, which may be ruled suggestive.

Never permit the witness’ attention drawn to the suspect because of:

1. The composition or makeup of a lineup, whether physical or photographic; or
2. Remarks made during the identification.

Officers should try to balance all the circumstances including:

1. The witness’ opportunity to view the perpetrator at the time of the crime (length of time, lighting, distance, etc.);

2. The witness' degree of attention at the time of the crime and the show-up (was he/she concentrating to remember the perpetrator's looks; was the witness sober; did the victim know the suspect);
3. The amount of time that went by between the crime and the show-up (normally this should not be more than an hour or two at the most)
4. The physical set-up of the show-up itself (did the officer say "leading" things; how was the suspect positioned; where was he located; etc.);
5. The accuracy of the witness' description;
6. The certainty of the witness' identification at the show-up.

SUGGESTIVENESS AFTER IDENTIFICATION: Officers should be careful concerning conduct after the identification, which might be ruled suggestive.

For example, if an officer tells a witness that he/she picked the "right" (or wrong) person, it may jeopardize the admissibility of later in court identification.

DOCUMENTING A WITNESS DESCRIPTION: A helpful tool is for an officer to fully document any description obtained from a witness. An identification witness will be subjected to grueling cross-examination by a defense attorney at trial about his or her description as documented in the police report. This sometimes occurs because an officer unfairly "suggested" to the witness the description of the suspect. Such suggestions are not only unfair to the suspect, but also unfair to the witness.


Note: An officer must, before he/she gets a description documented in his reports, make sure that it is accurate.

SHOWUP - SEARCHES AND SEIZURE: The general rule is that an officer who detains (seizes) a suspect pending a show-up should not:

1. Move him/her to a different location; or
2. Conduct a full-scale search of the suspect.

SEIZURE: Officers may detain a suspect if there is reasonable suspicion to believe the suspect committed the crime. If the detention occurs soon after the crime, it is all right to arrange a show-up between the witness(es) and the suspect.

However, the courts require that officers inconvenience the suspect as little as possible in making these arrangements. As a general rule, this means the witness should be brought to the suspect; do not take the suspect to the witness if there is any reasonable alternative.



There are three exceptions to the general rule of “bring the witness to the suspect.”

1. Probable cause to arrest: If you have probable cause to arrest the suspect, you may transport the suspect to the witness(es) for identification.

NOTE: If there is any doubt as to whether probable cause to arrest exists, do not move the suspect unless consent is obtained or it is impracticable to bring the witness.

2. Consent: If officers obtain the valid, voluntary consent of a detainee to move him/her to the witness for a show-up, the movement is lawful.

A conditional consent is still voluntary.

3. Impracticability: If it is impossible or impractical to bring the witness to the suspect, the courts will often permit the movement of the suspect to the witness.
  - A. The witness or victim is injured or incapacitated. If the witness is injured, it is clearly permissible to transport the suspect to the witness.
  - B. Availability of officers is limited. If the detention occurs in an area where there are not enough officers to secure the scene, chase other suspects, transport the witnesses, etc., courts have permitted the immediate transportation of the suspect to the witness.

SEARCHES: A suspect detained on reasonable suspicion should not be subjected to a full search until after positive identification is made at the show-up and the suspect is arrested. Officers may, of course pat-down a lawfully detained suspect for weapons if officers have specific reasons to fear for their safety.

There are two exceptions to this general rule of no full search.

1. Probable cause to arrest. If officers are certain that they have probable cause to arrest, officers may take the suspect into custody and search him/her and the passenger compartment his/her car, prior to a show-up incident to that arrest.
2. Consent. Officers may search a suspect prior to field interrogation if consent is obtained.

RIGHT TO AN ATTORNEY: A suspect has the right to an attorney at physical lineups, but has no right to an attorney at lawful (soon after the crime) show-up.



#### 4.

#### **PENAL /VEHICLE CODES**

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4.6 The trainee shall identify the code name with the section number, interpret the section and give the elements of the codes listed.

187 MURDER: (F)

- a) Murder is the unlawful killing of a human being, or fetus, with malice aforethought.
- b) This section shall not apply to any person who commits an act in which results in the death of a fetus if any of the following apply:
  - (1) The act complied with the Therapeutic Abortion Act, Chapter 11 (commencing with Section 2590) of Division 20 of the Health and Safety Code.
  - (2) The act was committed by a holder of a physician's and surgeon's certificate, as certainty, the result of childbirth would be death of the mother of the fetus or where her death from childbirth, although not medically certain, would be substantially certain or more likely than not.
  - (3) The act was solicited, aided, abetted, or consented to by the mother.
- c) Subdivision (b) shall not be construed to prohibit the prosecution of any person under any other provision of law.

189 MURDER; DEGREES: All murder which is perpetrated by means of a destructive device or explosive, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, burglary, mayhem, kidnapping, train wrecking, or any act punishable under Section 286, 288, 288a, or 289, is murder of the first degree; and all other kinds of murders are of the second degree.

As used in this section "destructive device" shall mean any destructive device in Section 1203 1, "explosive" shall mean any explosive as defined in Section 12000 of the Health and Safety Code.

To prove the killing was "deliberate and premeditated" it shall not be necessary to prove the defendant maturely and meaningfully reflected upon the gravity of his or her act.

192 MANSLAUGHTER; VOLUNTARY, INVOLUNTARY, VEHICULAR: Manslaughter is the unlawful killing of a human being without malice. It is of three kinds:

- a) Voluntary upon a sudden quarrel or heat of passion.
- b) Involuntary in the commission of an unlawful act, not amounting to a felony; or in the commission of a lawful act which might produce death, in an lawful manner, or without due caution and circumspection. This subdivision shall not Apply to acts committed while driving a motor vehicle.
- c) Vehicular-
  - (1) Except as provided in Section 192.5, driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner and with gross negligence.
  - (2) Except as provided in paragraph (3), driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.
  - (3) Driving a vehicle in violation of Section 23152 or 23153 of the Vehicle Code and in the commission of an unlawful act, not amounting to a felony, but without gross negligence; or driving a vehicle in violation of 23152 or 23153 of the Vehicle Code and in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

This section shall not be construed as making any homicide in the driving of a vehicle punishable, which is not a proximate result of the commission of an unlawful act, not amounting to a felony, or of the commission of a lawful act which might produce death, in an unlawful manner.

“Gross negligence,” as used in this section, shall not be construed as prohibiting or precluding a charge of murder under Section 188 upon facts exhibiting wantonness and conscious disregard for life to support a finding of implied malice, or upon facts showing malice, consistent with the holding of the California Supreme Court in People V. Watson.<sup>30</sup> Cal 3d290.

194 TIME OF DEATH: To make the killing either murder or manslaughter, it is requisite that the party die within three years and a day after the stroke received or the cause of death administered. In the computation of such time, the whole of the day on which the act was done shall be reckoned the first.

196 JUSTIFIABLE HOMICIDE, PUBLIC OFFICERS: Homicide is justifiable when committed by public officers and those acting by their command and in their aid and assistance, either-

1. In obedience to any judgement of a competent Court; or
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or
3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

197 JUSTIFIABLE HOMICIDE, ANY PERSON: Homicide is also justifiable when committed by any person in any of the following cases;

1. When resisting any attempt to murder, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

198 SUFFICIENCY OF FEAR: A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

203 MAYHEM: (F) Every person who unlawfully and maliciously deprives a human being of a member of his body, or disables, disfigures, or renders useless, or cuts or disables the tongue, or puts out an eye, or slits the nose, ear, or lip, is guilty of mayhem.

207 KIDNAPING: (F)

- a) Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person in this state, and carries the person into another country, state, or county, or into another part of the same country, is guilty of kidnapping.
- b) Every person, who for the purpose of committing an act defined in section 288, hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any child under the age of 14 years to go out of this country, state, or county, or into another part of the same county, is guilty of kidnapping.
- c) Every person who forcibly, or by any other means of instilling fear, takes or holds, detains, or arrests any person, with a design to take the person out of this state, without having established a claim, according to the laws of the United States, or of this state, or who hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any person to go out of this state, or to be taken or removed therefrom, for the purpose and with the intent to sell that person into slavery or involuntary servitude, or otherwise to employ that person for his or her own use, or to the use of another, without the free will and consent of that persuaded person, is guilty of kidnapping.
- d) Every person who, being out of this state, abducts or takes by force or fraud any person contrary to the law of the place where that act is committed, and brings, sends, or conveys that person within the limits of this state, and is afterwards found within the limits thereof, is guilty of kidnapping.
- e) Subdivisions (a) and (b), inclusive, does not apply to any of the following:
  - (1) To any person who steals, takes, entices away, detains, conceals or harbors any child under 14 years, if that act is taken to protect the child from danger of imminent harm.
  - (2) Any person acting under Section 834 or 837.

236 FALSE IMPRISONMENT: (F) False imprisonment is the unlawful violation of the person liberty of another.

381 POSSESSION OF TOLUENE:

- (a) Possession, intoxication, or inhalation of glue (toluene), paint thinners, paints, other poison as defined in 4160 B.P. Schedule D, with intent to become intoxicated.

- (b) Under the influence or possession of nitrous oxide, intent to breathe for purpose of disturbing mental process.

#### 626.9 GUN-FREE SCHOOL ZONE ACT

- a) This section shall be known, and may be cited, as the Gun-Free School Zone Act of 1995.
- b) Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (1) of subdivision (e), unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, shall be punished as specified in subdivision (f).
- c) Subdivision (b) shall not apply to the possession of a firearm under any of the following circumstances:
  - (1) Within a place of residence or place of business or on private property, if the place of residence, place of business, or private property is not part of the school grounds and the possession of the firearm is otherwise lawful.
  - (2) The firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle. This section shall not prohibit or limit the otherwise lawful transportation of any other firearm, other than a pistol, revolver, or other firearm capable of being concealed on the person, in a motor vehicle in accordance with state law.
  - (3) When the person possessing the firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This subdivision may not apply when the circumstances involve a mutual restraining order issued pursuant to Division 10 (commencing with Section 6200) of the Family Code absent a factual finding of a specific threat to the person's life or safety. Upon a trial for violating subdivision (b), the trier of a fact shall determine whether the defendant was acting out of a reasonable belief that he or she was in grave danger.
- d) Except as provided in subdivision (b), it shall be unlawful for any person with reckless disregard for the safety of another, to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (1) of subdivision (e).

The prohibition of this subdivision shall not apply to the discharge of a firearm to the extent that the conditions of paragraph (1) of subdivision (c) are satisfied.

- e) As used in this section, the following definitions shall apply:
- (1) "School zone" means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, and within a distance of 1,000 feet from the grounds of the public or private school.
  - (2) "Firearm" has the same meaning as that term is given in Section 12001.
  - (3) "Locked container" has the same meaning as that term is given in subdivision (c) of Section 12026. 1.
  - (4) "Concealed firearm" has the same meaning as that term is given in Sections 12025 and 12026.1.
- f)(1) Any person who violates subdivision (b) shall be punished by imprisonment in the state prison for two, three, or five years.
- g) Any person who violates subdivision (d) shall be punished by imprisonment in the state prison for three, five, or seven years.
- h) Any person who brings or possesses a loaded firearm upon the grounds of any university or college campus, including the University of California, the California State University, the California Community Colleges, or any private university or college, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment in the state prison for two, three, or four years.
- i) Any person who brings or possesses a firearm upon the grounds of any university or college campus, including the University of California, the California State University, the California Community Colleges, or any private university or college, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority, shall be punished by imprisonment in the state prison for one, two, or three years.
- j) For purposes of this section, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.
- k) This section shall not require that notice be posted regarding the proscribed conduct.

- (l) This section shall not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 83 0) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter I of Title 2 of Part 4, or an armored vehicle guard, engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the Business and Professions Code.
- m) This section shall not apply to a retired peace officer or security guard authorized to carry a loaded firearm pursuant to Section 12031.
- n) This section shall not apply to an existing shooting range at a public or private school or university or college campus.

626.10 BRINGING OR POSSESSING WEAPONS ON SCHOOL GROUNDS; EXCEPTIONS: (M/F)

- a) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses any dirk, dagger, ice pick, knife having a blade longer than 2 ½ inches, folding knife with a blade that locks into place, a razor with an unguarded blade, a taser, or a stun gun, as defined in subdivision (a) of Section 244.5, any instrument that expels a metallic projectile such as a BB or a pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades I to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.
- b) Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 8 3 0) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in this state, a person summoned by any officer to assist in making arrests or preserving the peace while the person is actually engaged in assisting any officer, or a member of the military forces of this state or the United States who is engaged in the performance of his or her duties, who brings or possesses any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon the grounds of, or within, any private

university, the University of California, the California State University, or the California Community Colleges is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

- c) Subdivisions (a) and (b) shall not apply to any person who brings or possesses a knife having a blade longer than 2 1/2 inches or a razor with an unguarded blade upon the grounds of, or within, a public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, or any private university, state university, or community college at the direction of a faculty member of the private university, state university, or community college, or a certificated or classified employee of the school for use in a private university, state university, community college, or school-sponsored activity or class.
- d) Subdivisions (a) and (b) do not apply to any person who brings or possesses an ice pick, a knife having a blade longer than 2 1/2 inches, or a razor with an unguarded blade upon the grounds of, or within, a public or private school providing instruction in kindergarten any of grades 1 to 12, inclusive, or any private university, state university, or community college for a lawful purpose within the scope of the person's employment.
- e) Subdivision (b) shall not apply to any person who brings or possesses an ice pick or a knife having a fixed blade longer than 2 1/2 inches upon the grounds of, or within, any private university, state university, or community college for lawful use in or around a residence or residential facility located upon those grounds or for lawful use in food preparation or consumption.
- f) Subdivision (a) shall not apply to any person who brings an instrument that expels a metallic projectile such as a BB or a pellet, through the force of air pressure, CO<sub>2</sub> pressure, or spring action, or any spot marker gun upon the grounds of, or within, a public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, if the person has the written permission of the school principle or his or her designee.
- g) Any certificated or classified employee or school peace officer of a public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, may seize any of the weapons described in subdivision (a), and any certificated or classified employee or school peace officer of any private university, state university, or community college may seize any of the weapons described in subdivision (b), from the possession of any person upon the grounds of, or within, the school if he or she knows, or has reasonable cause to know, the person is prohibited from bringing or possessing the weapon upon the grounds of, or within, the school.



- h) As used in this section, “dirk” or “dagger” means a knife or other instrument with or without a hand guard that is primarily designed, constructed, or altered to be a stabbing instrument designed to inflict great bodily injury or death.

626.95 VIOLATIONS OF 417,12025, OR 12031; PUNISHMENT; LEGISLATIVE INTENT:

- a) Any person who is in violation of paragraph (2) of subdivision (a), or subdivision (b), of Section 417, or Section 12025 or 1203 1, upon the grounds of or within a playground, or a public or private youth center during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, knowing that he or she is on or within those grounds, shall be punished by imprisonment in the state prison for one, two, or three years, or in a county jail not exceeding one year.
- b) State and local authorities are encouraged to cause signs to be posted around playgrounds and youth centers giving warning of prohibition of the possession of firearms upon the grounds of or within playgrounds or youth centers.
- c) For purposes of this section, the following definitions shall apply:
  - (1) "Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city or county parks.
  - (2) "Youth center" means any public or private facility that is used to host recreational or social activities for minors while minors are present.
- d) It is the Legislature's intent that only an actual conviction of a felony of one of the offenses specified in this section would subject the person to firearms disabilities under the federal Gun Control Act of 1968 (P.L. 90-618; 18 U.S.C. Sec. 921).

12316 SALE OF AMMUNITION OR RELOADED AMMUNITION TO A MINOR; DEFENSE;  
POSSESSION OF AMMUNITION BY PERSON PROHIBITED FROM POSSESSING A FIREARM;  
SCHOOL GROUNDS; PEACE OFFICERS: (M)

- c) Unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto school grounds, except sworn law enforcement officers acting within the scope of their duties or persons exempted under subparagraph (A) of paragraph (1) of subdivision (a) of Section 12027. This subdivision shall not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part

2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any of these officers to assist in making an arrest or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter I of Title 2 of Part 4, or an armored vehicle guard, who is engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the Business and Professions Code. A violation of this subdivision is punishable by imprisonment in a county jail for a term not to exceed six months, a fine not to exceed one thousand dollars (\$1,000), or both the imprisonment and fine.

VEHICLE CODE:

16025 MANDATORY EXCHANGE OF INFORMATION: (I)

- (a) Every driver involved in the accident shall, unless rendered incapable, exchange with any other driver or property owner involved in the accident and present at the scene, all of the following information;
  - (1) Drivers' name and current residence address, drivers license number, vehicle identification number, and current residence address of registered owner.
  - (2) Evidence of financial responsibility, as specified in Section 16020. If the financial responsibility of a person is a form of insurance, then that person shall supply the name and address of the insurance company.
- (b) Any person failing to comply with all of the requirements of this section is guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250).

21800 UNCONTROLLED INTERSECTIONS: (I)

- a) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle, which has entered the intersection from a different intersection.
- b) When two vehicles enter an intersection from different highways at the same time, the driver on the left shall yield the right of way to the driver on his right. (note exception)
- c) When two vehicles enter an intersection, controlled from all directions by stop signs, from different highways at the same time, the driver of the vehicle on the left shall yield the right of way to the driver on his immediate right.
- d) (note exceptions)

21801 LEFT TURN or U-TURN RIGHT OF WAY: (I)

- a) The driver of a vehicle intending to turn to the left or to complete a U-turn upon a highway, or to turn left into public or private property, or an alley, shall yield the right of way to all vehicles approaching from the opposite direction which are close enough to constitute a hazard at any time during the turning movement and shall continue to yield the right of way to the approaching vehicles until the left turn or U-turn can be made with reasonable safety.
- b) A driver having yielded as prescribed in subdivision (a) and having given a signal when and as required by this code, may turn left or complete a U-turn and the drivers of vehicles approaching the intersection or the entrance to the property or alley from the opposite direction shall yield the right-of-way to the turning vehicle.

21802 APPROACHING INTERSECTION ENTRANCE: (I)

- a) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop as required by Section 22450. The driver shall then yield the right of way to other vehicles which have approached or are approaching so closely from another roadway as to constitute an immediate hazard and shall continue to yield the right of way to such approaching vehicles until such time as he can proceed with reasonable safety.
- b) A driver having so yielded may proceed and the drivers of all other approaching vehicles shall yield the right of way to the vehicle entering or crossing the intersection.
- c) This section does not apply where stop signs are erected upon all approaches to an intersection.

21803 YIELD RIGHT OF WAY SIGN: (I)

- (a) The driver of any vehicle upon approaching any yield right of way sign shall yield the right of way to other vehicles which have entered the intersection or which are approaching so closely on the intersecting street as to constitute an immediate hazard and shall continue to yield the right of way to such approaching vehicles until such time as he can proceed with reasonable safety.
- (b) A driver, having so yielded, may then proceed and the drivers of all other approaching vehicles shall yield the right-of-way to the vehicle entering or crossing the intersection.

21804 ENTRY ONTO HIGHWAY: (I)

- (a) The driver of any vehicle about to enter or cross a highway from any public or private property, or any alley, shall yield the right of way to all traffic . . . approaching on the highway.

21806 AUTHORIZED EMERGENCY VEHICLES: (I) Upon the immediate approach of an authorized emergency vehicle sounding a siren and having at least one lighted lamp red to the front of the vehicle, except as otherwise directed by a traffic officer:

- a)(1) The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and there upon stop and remain in such position until the authorized emergency vehicle has passed.
- b) Street cars shall also stop . . .
- c) All pedestrians upon the highway shall remain in a place of safety or proceed to the nearest curb . . . until the authorized emergency vehicle has passed.

21460 DOUBLE LINES: (I)

- a) When double parallel solid lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section.
- b) When one of the lines is broken . . . then the vehicle on that side of the roadway may cross over the double line or drive to the left thereof when over-taking or passing other vehicles . . . or as provided in section 21460.5
- c) . . . May turn left into intersection or driveway across double lines or make U-turn across if otherwise legal . . .
- d) Raised pavement markers may be used to simulate painted lines . . .

21461 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES: (I) It shall be unlawful for any driver of a vehicle to fail to obey any sign or signal erected or maintained to indicate and carry out the provisions of this code or any local traffic ordinance . . .

22651 CIRCUMSTANCES PERMITTING REMOVAL: (TOW) Any peace officer . . . may remove a vehicle located within his jurisdiction . . . under any of the following circumstances

- a) Obstructs traffic on bridge tunnel.

- b) Obstructs traffic, creates hazard on highway.
- c) Stolen or embezzled - on highway.
- d) Blocking driveway, impractical to move.
- e) Blocking fire hydrant, impractical to move.
- f) Unattended on freeway (4 hours)
- g) Driver incapacitated.
- h) Driver arrested and taken into custody
- i) Vehicle, other than rental, has been issued 5 or more parking citations over 5 or more days and the owner has not responded, or owner has been issued 5 or more failure-to-appears or failures-to-pay.
- j) Illegally parked, no evidence of registration displayed.
- o) Vehicle on highway, public lands, or off-street parking facility with registration expired over one year.
- p) Driver cited 12500, 14601, 14601.1, 14601.2, no licensed passenger in vehicle, and all of the following exist:
  - 1. The vehicle is on the highway.
  - 2. There is no validly licensed passenger.
  - 3. Reasonable steps have been taken to show that there is no valid license or that it is suspended.
  - 4. Service order on 14601 is a correct one for enforcement.
- q) Vehicle parked for more than 24 hours on a highway located within a common interest development.
- r) Illegally parked vehicle prevents movement of legally parked vehicle.

22669 REMOVAL OF ABANDONED VEHICLES:

- (a) Any peace officer in his jurisdiction who has reasonable grounds to believe that the vehicle has been abandoned may remove the vehicle from a highway, or from public or private property.
- (b) Motor vehicles which are parked resting or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety and welfare and may be removed immediately upon discovery by a peace officer . . .

26710 DEFECTIVE WINDSHIELDS AND REAR WINDOWS: (l) It is unlawful to operate any motor vehicle upon a highway when the windshield or rear window is in such a defective condition as to impair the driver's vision either to the front or the rear.

**5.**  
**REVIEW TRAINING**

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5.1 This week is to allow the FTO to review information that was covered with the trainee during this phase of training.

**6.**  
**MUNICIPAL CODES**

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6.1 The trainee shall have a general understanding of the Vernon Municipal Code book and shall know the listed municipal codes sections.

VERNON MUNICIPAL CODES

MOBILE CHECK CASHING CODES:

SECTION 18.40 PERMIT REQUIRED: It shall be unlawful for any person to conduct or assist in conducting a mobile check cashing service within the City of Vernon unless under and by authority of a written permit of the city council, and no permit issued under this article shall be transferable except with the consent of the city council.

Such permit so issued shall be posted in a conspicuous place in or on the establishment or vehicle for which it is issued.

SECTION 18.47. OPERATING REQUIREMENTS:

- a) Services shall be operated Monday through Friday from 8:00 am until 5:00 pm.
- b) The Vernon police department shall be notified of all locations where stops will be made, and the day or days and approximate time of each stop.
- c) All stops shall be limited to thirty minutes.
- d) No stop shall be made in a public right-of-way and the operator must be in possession of written authorization to park (stop) on any private property.

DANCES, DANCE HALLS AND CLUBS:

SECTION 18.56. PERMIT REQUIRED: It is unlawful for any person to conduct or assist in conducting any public dance hall, dancing club or any public dance without a written permit. No permit issued under this chapter shall be transferable except with the consent of the city council.

SECTION 13.7 HEALTH PERMIT REQUIRED: It shall be unlawful for any person to operate, within the city, any of the following businesses or vehicles without first applying for and receiving a health permit. Such health permit shall be in addition to any other license or permit required by the city or by any other public jurisdiction.

- A) Caterer
- B) Cesspool and sump pump vehicle
- C) Commercial agricultural operation
- D) Food processing establishment
- E) Food vending machine business
- F) Food warehouse
- G) Garment manufacturing establishment
- H) Laundry
- I) Laundry vehicle
- J) Offal (rendering) vehicle
- K) Rendering plant
- L) Restaurant
- M) Retail food delivery vehicle
- N) Retail food preparation vehicle
- O) Retail food production and marketing establishment
- P) Retail fruit and vegetable vehicle
- Q) Retail packaged food vehicle
- R) Waste disposal business
- S) Waste disposal site
- T) Waste processing facility
- U) Waste transfer station
- V) Water supply utility
- W) Wiping rag business

**SECTION 5.3. BUSINESS LICENSE REQUIRED:** No person shall engage in any business, profession, trade or occupation, or perform any act required to be licensed under the provisions of this chapter until such license is obtained.

**SECTION 16.20-1 PARKING OF COMMERCIAL VEHICLES OVERNIGHT:** No person shall stop, park or leave standing any commercial vehicle, whether attended or unattended, having a manufacturer's gross vehicle weight rating of six thousand (6,000) pounds or more on any city street between the hours of 2:00 A.M. and 4:00 A.M. of any day except for vehicles which display a valid parking permit.

**SECTION 16.21. UNATTACHED TRAILERS:** It shall be unlawful for any person to operate, park or leave standing any semi-trailer upon or along any public street in the city, unless the same is at such time being used in conjunction with a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle equipped with inflated pneumatic tires.

**SECTION 17.1. UNLAWFUL DISTRIBUTION OF ADVERTISEMENT:** It shall be unlawful for any person to throw, cast or distribute, any handbills, circular, cards or other commercial



advertising matter whatsoever in or upon any street, alley or other public place, or in automobiles or trucks, parked along any street or alley, or in the yards or courtyards of any factory, dwelling or office building, or upon any porch, stoop or in the vestibule or hall of any building; nothing contained in this section shall be deemed to in any manner whatsoever attempt to regulate the delivery of such commercial advertising matter by the postal service. Nothing in this section shall be deemed to prohibit or otherwise regulate the distribution of any regularly established newspaper, magazine or other periodical or circular from being distributed in the city other than the distribution of commercial advertising matter.

SECTION 17.1-1. DISCHARGE OF FIREARM WITHIN CITY LIMITS: It shall be unlawful for any person to discharge any gun or firearm, including any pistol, revolver, shotgun or rifle, within the city. It shall be unlawful for any person to discharge within the city any air rifle, toy pistol, toy gun, slingshot or any other air, gas or spring operated gun, weapon, apparatus or instrument for the purpose of projecting missiles of any kind in such manner as to endanger the safety of persons or property within the city.

SECTION 17.4. CURFEW: Persons under the age of eighteen every person under the age of eighteen years who loiters about the public streets, avenues, alleys, parks or public places between the hours of 10:00 p.m. and the time of sunrise of the following day, when not accompanied by his parent or legal guardian having legal custody and control of such person, or spouse of such person over twenty-one years of age, is guilty of a misdemeanor.

SECTION 17.5-1. DISPLAYING OF A FACSIMILE FIREARM: No person, within the city, shall display any facsimile of a firearm with intent to terrify, alarm, threaten or intimidate any person, within the city.

SECTION 17.6-1. DRINKING IN A PUBLIC PLACE PROHIBITED: It shall be unlawful for any person to drink or consume or to offer for immediate drink or consumption an alcoholic beverage in a public place in the city except as provided by section 17.6-7 hereof. Any person violating any provision of this section shall be guilty of an infraction.

SECTION 17.6-2. DRINKING IN A VEHICLE PARKED IN A PUBLIC PLACE: It shall be unlawful for any person to drink or consume or to offer for immediate drink or consumption an alcoholic beverage in any vehicle parked in a public place in the city of Vernon.

SECTION 17.6-3. PUBLIC PLACE DEFINED: A "public place" shall mean any area dedicated to or under the jurisdiction of a public agency, including but not limited to a street, thoroughfare, lane, alley, sidewalk, parkway, right-of-way, easement, planting strip, park, lot, parcel, parking lot, parking structure, building, school, or school grounds. A "public place" shall also include the front yard, side yard, driveway, parking lot, or other area of any private property the premises of which have been posted pursuant to section 17.7-3.

SECTION 17.7. DRUNK IN A PRIVATE PLACE: It shall be unlawful for any person to be on any private premises, or in any private house, in a state of drunkenness or intoxication to the annoyance of any other person.

SECTION 17.7-1. POSSESSION OF AN ALCOHOLIC BEVERAGE CONTAINER IN A LIQUOR STORE OR ON THE IMMEDIATELY ADJACENT PREMISES: No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee. Any person violating any provision of this section shall be guilty of an infraction.

SECTION 17.7-2. DRINKING ON POSTED PRIVATE PROPERTY: It shall be unlawful for any person other than the owner or tenant to drink or consume or to offer for immediate drink or consumption an alcoholic beverage on the posted premises of any private property in the city of Vernon. Any person violating any provision of this section shall be guilty of an infraction.

SECTION 17.7-3. POSTING OF PREMISES REQUIRED: As used in this chapter, "posted premises" means private property which has located on it in clear view a sign which contains the following or substantially similar warning in letters at least two inches high: "Drinking of an alcoholic beverage or possession of an open container thereof on these premises is prohibited" followed by a citation of the applicable Vernon city code section.

SECTION 19.41. PHILANTHROPIC OR RELIGIOUS APPEALS PROHIBITED WITHOUT PERMIT: No person, without having first applied for and received a permit from the chief of police shall make any appeal to the public or any individual or representative thereof for a philanthropic or religious purpose, either by soliciting or collecting gifts, contributions, donations or subscriptions or by promoting or conducting any sale, bazaar or exhibition, or by any other means whatsoever, at any place or to any person within the city.

SECTION 22.30. ENCROACHMENT PERMIT REQUIRED: It shall be unlawful for any person, firm, company, public agency or corporation, organization, or association, to encroach or cause an encroachment of any nature to be made upon, over or under the public street or right-of-way in the city, without first obtaining a written permit.

MUNICIPAL CODE CITATIONS: When a citation is issued for municipal code violations, officers will document the incident on an incident report and attach the citation to the report. The citation will then be forwarded to the Watch Commander for review/approval.

## 6.

### **EDUCATION/ENFORCEMENT PROGRAM FOR SMOKE-FREE WORKPLACE**

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6.2 The trainee shall know and understand the City of Vernon Education/Enforcement Program for Smoke-Free Workplace.

INTRODUCTION: On July 21, 1994, the Governor signed AB 13 (T. Friedman - Chapter 310, Statutes of 1994), which added Section 6404.5 to the California Labor Code. The law essentially prohibits smoking in enclosed workplaces throughout the state. The intent of the law is to protect employees statewide from the harmful health effects of secondhand tobacco smoke, which the U.S. Environmental Protection Agency (EPA) has identified as known human (Group A) carcinogen.

The U.S. EPA estimates that each year in the U.S., approximately 3,000 lung cancer deaths and 50,000 heart disease and other cancer-related deaths occur as a result of non-smoker exposure to secondhand smoke (USEPA). By providing smoke-free workplaces, the risks of smoke-related illnesses to nonsmoking workers can therefore be reduced significantly.

REQUIREMENTS OF THE LAW: General provisions of the law:

1. Basic requirement of a smoke-free workplace. Section 6404.5(b) of the California Labor Code reads:

"No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment."

Here, "enclosed space" refers to an enclosed building with walls and a ceiling, which is subject to the exceptions stated below; the term "place of employment" means any place where employment is carried on. The law specifies 14 areas that are excluded from the definition of a place of employment of which are relevant to the City of Vernon.

2. Exceptions Relevant to Vernon. The exceptions provided by law that are relevant to the types of businesses represented in the City of Vernon are: (1) meeting and banquet rooms; (2) wholesale and retail tobacco shops; (3) truck cabs; (4) specified warehouses; (5) bars and taverns; (6) theatrical productions; (7) private residences; (8) employee smoking rooms; and (9) specified small businesses. Table 1 (Exceptions) provides a summary of the types of and conditions for facilities relevant to Vernon that are excluded from the definitions of a place of employment and therefore exempt from the requirements of the law.

3. Effective Date of the Law. Effective January 1, 1995, smoking is prohibited in any enclosed space at a place of employment or restaurant with the above-mentioned exceptions.

REQUIREMENTS ON LOCAL BUSINESSES:

1. What an employer needs to do. The law [Section 6405.5(b)(c)] requires that the employer take all steps necessary to reduce employee exposure to environmental tobacco smoke by:
  - a. Prohibiting all employees from smoking in the enclosed work area (Such smoking is a violation of the law and may be enforced by police department citation).
  - b. Taking "reasonable steps to prevent smoking by non-employees" in the enclosed work area, which include:
    - (1) Posting no smoking signs:
      - i. **"No smoking"** signs must be posted at each building entrance if the building is required to be entirely smoke-free.
      - ii. **"Smoking is prohibited except in designated areas"** signs must be clearly posted at each entrance if the building has a designated smoking area.
    - (2) Requesting, when appropriate, that non-employees refrain from smoking in the enclosed work area.
2. What an employer is not required to do. As long as the above mentioned "reasonable steps to prevent smoking by a non-employee" have been taken, no further actions are required of the employer. The law states that "reasonable steps" do not include:
  - a. Physical ejection of smoking non-employee from work area.
  - b. Making a request to a non-employee under circumstances involving risk of physical harm to the employer or any employee.

TABLE 1: EXCEPTIONS TO THE SMOKE-FREE WORKPLACE LAW:

1. MEETING AND BANQUET ROOMS: Smoking is permitted in meeting and banquet rooms, except while food or beverage functions are taking place, including setup, service, and cleanup activities, or when the room is being used for exhibit purposes.
2. RETAIL AND WHOLESALE TOBACCO SOPS AND SMOKERS' LOUNGES: Smoking is permitted in any business whose main purpose is the sale of tobacco products and

accessories. Smoking is also permitted in any enclosed area in or attached to a retail or wholesale tobacco that is dedicated to the use of tobacco products.

3. TRUCK CABS: Smoking is permitted in the cabs of motor-trucks or truck tractors, if no nonsmoking employees are present.
4. WAREHOUSE FACILITIES: Smoking is permitted in a warehouse facility, defined as having more than 100,000 square feet of total floor space and 20 or fewer full-time employees working at the facility. However, smoking is not permitted in any area within such a facility that is utilized as office space.
5. BARS AND TAVERNS: Smoking is permitted in bars and taverns until the earlier of the following: (a) January 1, 1997; or, (b) the date of adoption of CAL-OSHA or USEPA ventilation standard. A bar or tavern is defined here as a facility primarily devoted to the serving of alcoholic beverages in which the serving of food is incidental.
6. THEATRICAL PRODUCTIONS: Smoking is permitted at theatrical production sites (movie and television production sets and live theater) if smoking is an integral part of the story.
7. PRIVATE RESIDENCES: Smoking is permitted in private residences, except for those residences licensed as family day care homes. In those cases, smoking is prohibited during the hours when the home is used as a family day care home and in those areas where children are present.
8. EMPLOYEE BREAK ROOMS: Smoking is permitted in employer designated smoking rooms, provided all of the following conditions are met: a) air from the smoking room shall be exhausted directly outside and not recirculated to other parts of the building; b) the employer shall comply with any ventilation standard adopted by Cal-OSHA or USEPA; c) the smoking room shall be located in a nonwork area where no one, as part of his/her job responsibilities, is required to enter(except when room is unoccupied); and d) there are sufficient nonsmoking Break rooms to accommodate nonsmokers.
9. SMALL BUSINESSES: Smoking is permitted in places of employment with 5 or fewer full or part-time employees, if all of the following conditions are met: a) the smoking area is not accessible to minors; b) all employees consent to smoking in the area, and such consent is not coerced; c) air from the smoking area is exhausted directly to the outside and not recirculated to other parts of the building; and d) the employer complies with ventilation standards described above for Break rooms.

REQUIREMENTS OF LOCAL GOVERNMENT: Local enforcement. Section 6404.5(j)(k) of the Labor Code specifies that enforcement shall be carried out by:

"local law enforcement agencies including, but not limited to local health departments, as determined by the local governing body."

As local governing body, the Vernon City Council hereby designates the City of Vernon Environmental Health Department and the City of Vernon Police Department to implement the education/enforcement program as required by Section 6404.5 of the California Labor Code.

#### COMPLIANCE THROUGH PUBLIC EDUCATION

PUBLIC EDUCATION - THE KEY TO COMPLIANCE: Compliance must focus first on public education, because - an informed public is much more apt to comply with the law. Most employers, when informed of the requirements and the benefits of a smoke-free work environment, will readily comply. Many "enlightened" businesses in the City of Vernon have already adopted a no smoking policy for their establishments on their own record.

PUBLIC EDUCATION CAMPAIGN FOR VERNON: Public education role of the Vernon Environmental Health Department. The Environmental Health Department will apply the following public education measures to the City of Vernon:

1. Give a presentation to the Vernon Chamber of Commerce on the Smoke-Free Workplace Law.
2. Prepare informational inserts for City Vernon water/utility bills regarding the requirements of the law.
3. Provide educational brochures and no smoking signs to all the facilities (either through mailings or upon routine inspections), including restaurants, and bars, food processors, garment manufacturers, hazardous materials establishments, and other workplaces visited by Environmental Health Staff.
4. Answer public inquiries from distribute literature, brochures, signs, etc., to employees, employers, and patrons regarding the provisions of the law.

PUBLIC ROLE OF THE VERNON POLICE DEPARTMENT: Police officers, in their contact with the public, will take on a limited educational role by informing violators of the requirements of the law through verbal warnings and/or citations.

#### ENFORCEMENT:

ENFORCEMENT AUTHORITY: As mentioned above, the law specifies that provisions of the law shall be enforced by local law enforcement agencies. In this endeavor, the City of Vernon Police

Department and the City of Vernon Environmental Health Department will coordinate in joint enforcement policy as described below (See table 2 which provides a summary of the enforcement policy against employers violating the Smoke-Free Workplace Law):

ENFORCEMENT ROLE OF VERNON ENVIRONMENTAL HEALTH DEPARTMENT: The City of Vernon Environmental Health Department will act as the clearinghouse for all smoking complaints received by the City. Responses to complaints will be as follows:

1. Smoking Complaints Against Employers: The Environmental Health Department will be responsible for receiving and responding to all inquiries regarding the requirements of the law and for maintaining a log of all complaints received by the City of alleged violations by employers. All complaints received will be documented by the Health Department in the Smoking Complaints Log Book. The Health Department staff will first determine if the complaint regards establishment defined by law as an enclosed place of employment and then will respond as follows:
  - a. First Complaint: Issue St. non-compliance letter to the business allegedly violating the Labor Code, along with a copy of the law, and an AB 13 informational brochure.
  - b. Second Complaint: Issue 2nd non-compliance letter and "no smoking" sign.
  - c. Third Complaint: Verify allegation by site investigation conducted by Environmental Health Department staff:
    - (1) If the complaint can be substantiated (evidence of smoking, ashtrays, no sign age, etc.), then a notice will be issued with a warning that upon the next complaint, the police will be notified, as well as Cal-OSHA. The third complaint will be referred to the Police Department for possible citation and to OSHA (except for a complaint about a restaurant, which OSHA will not respond to).
    - (2) Unsubstantiated complaints will be documented as such and no further action taken.
  - d. Fourth and Subsequent Complaints: If the third complaint was substantiated, then all subsequent complaints regarding a recalcitrant employer will be referred to the Vernon Police.

All complaints received by the Police Department after hours (after 5:30 P.M. and before 7:00 A.M.) and on weekends (Fridays through Sundays) will be recorded on an incident report and then referred to the Health Department on the next workday.

COMPLAINTS AGAINST SMOKERS: The Environmental Health Department will refer all complaints received against recalcitrant smokers in violation of the law to the Police Department.

A violation by a smoker may also result in a complaint against the employer for failing to enforce the prohibition on smoking.

ENFORCEMENT ROLE OF VERNON POLICE DEPARTMENT:

1. Responses to Complaints Against Smokers. A complaint against an employee, a customer, or any other person who deliberately refuses to comply with the prohibition on smoking in an enclosed space at a place of employment shall be referred to the Police Department for enforcement by warning or citation. The Police Department, in turn, will forward a copy of the complaint to Environmental Health Department for logging.
2. Issuance of Citations: When the Health Department's public education efforts prove ineffective, the matter will be referred to the Police Department for possible issuance of a citation. The Industrial Relations Lieutenant will be the primary contact person for the Police Department on issues regarding enforcement of Smoke-Free Workplace Law.
3. Violations: Section 6404.5(j) of the Labor Code specifies that a violation of the law is an infraction subject to subdivision (d) of Section 17 of the Penal Code. The Police Department can issue citations as follows:
  - a. 1st. violation: The first violation is punishable by a fine not to exceed \$100.
  - b. 2nd violation: The second violation cited within one year is punishable by a fine not to exceed \$200.
  - c. 3rd and each subsequent violation: The third and all subsequent violations cited within one year are punishable by a fine not to exceed \$500.00 per violation.
4. Hearing Process: The citing of an infraction for a violation of the law is a similar process to that of the issuance of a traffic citation in the City of Vernon. A specific time period is granted in order to pay the fine, after which time, payment must be submitted directly to the Southeast Municipal Court. If an individual wishes to contest the citation, the subsequent Court Hearing will be administered through the County Municipal Court system.

TABLE 2: ENFORCEMENT AGAINST EMPLOYERS



SUMMARY OF SMOKE-FREE WORKPLACE ENFORCEMENT POLICY FOR VERNON RESTAURANT AND WORKPLACES:

HEALTH DEPARTMENT RESPONSES TO:

1st. Complaint: Health Department logs complaint and issues a non-compliance letter.

2nd Complaint: Health Department logs complaint and issues 2nd non-compliance letter and "no smoking" sign.

3rd Complaint: Health Department logs complaint and conducts site inspection to verify non-compliance. Where complaints are verified, a notice is issued to establishment and matter then referred to Police Department.

4th Complaint: Health Department logs complaint. The 4th and all subsequent complaints will be referred to the Police Department for possible citing of criminal infractions. If the establishment is identified as a workplace (excluding restaurants), a referral is made to Cal-OSHA at this time.

POLICE RESPONSES TO:

1st. Complaint: No action

2nd Complaint: No action

3rd Complaint: Police Department investigates complaint and issues a warning or citation if a violation is noted

4th Complaint: Police Department issues citation.

1st. violation: Punishable by a fine not to exceed \$100.

2nd violation (within one year): Punishable by a fine not to exceed \$200.

3rd and subsequent violation (within one year): Punishable by a fine not to exceed \$500.

\* The Health Department will be responsible for receiving and responding to all inquires regarding the requirements of the law and for maintaining a log of all complaints received by the City of alleged violations.

\*\* A violation of the law is an infraction subject to subdivision (d) of Section 17 of the Penal Code.



**6.**  
**PATROL PROCEDURES**

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6.3 The trainee shall know the potential hazards of traffic stops and will possess the ability to satisfactorily perform a safe and efficient stop due to regard for a positive police citizen contact.

DEPARTMENT VEHICLE PULLOVER PROCEDURES:

INTRODUCTION: The vehicle pullover is a necessary part of the patrol officer's job. It is a potentially dangerous task that must always be guided by common sense, with officer safety foremost in mind. Because it would be impossible to cover every possible pullover situation a field officer may encounter, you should consider the procedures outlined here as a general guideline only. At times, you may find it necessary to vary these procedures in order to adjust to particular and unique situations. When you must do so, think before you act. Remember, every pullover, no matter how minor, can escalate instantly into a tragedy.

TYPES OF PULLOVERS: Generally, vehicle stops can be divided into three categories:

Traffic Violation, Investigation, and Arrest. All three will be discussed in detail in this outline.

PROBABLE CAUSE TO STOP/SEARCH: The actions you take as a police officer when stopping and/or searching vehicles must always be based on reasonable and probable cause. Your actions will also vary depending on whether the stop involves misdemeanor or felony activity.

TRAFFIC VIOLATION PULLOVERS:

A. Initial Procedures (One & Two Man Cars):

1. Know the reason for the stop and make sure your back up officer does too. (Communication is very important and must be maintained).
2. Write down the license number and a short description of the vehicle.
3. Check the vehicle license plate (10-29) and run the license XXXXXXXXXX



B. Stopping Location:

1. Try to stop the vehicle in a legal location, out of the traffic flow.

2. Note your avenues of escape, such as intersections, alleys, etc.
3. Avoid stopping near militant hangouts, unruly groups or near other hostile environments.
4. If possible, make the stop in an area in which you are familiar, and use lighting conditions to your advantage.

C. Pullover Procedure:

1. Before you attempt to stop the vehicle, make sure you know your location and direction of travel.
2. When you are close enough to control the stop and you are in a suitable location, turn on your red lights and honk your horn, if necessary. [REDACTED]
3. Give a short blast of your siren only if the vehicle fails to pull over. Watch for sudden stops.
4. Be alert for occupants in the vehicle discarding contraband. Watch for suspicious actions. In vans and campers, be alert for movement within the vehicle after it stops.

D. Positioning the Police Vehicle:



E. Pre-Stop Procedures and the Approach - Passenger Officer:

1. Before the police vehicle comes to a halt, you should have completed all pre-stop procedures (listed below) and be ready to exit the vehicle.
2. Focus your attention upon all occupants of the vehicle. Never take your eyes off the occupants.
3. Turn up your portable radio.
4. Notify Communications of your location and go 10-6.

5. At night, note the lighting conditions of the location. A well-lighted area will allow you to more easily observe the suspect's movements.



7. Exit the police vehicle as soon as it comes to a halt and take a guarding position of advantage. This will vary depending upon the type of vehicle you have stopped and the available cover at the stop location. There is no one-best spot. The best guideline to follow is:

Be in a position off to the right, near quarter-panel of the violator's vehicle. Do not hesitate to use a mailbox, tree, bus bench or anything else that allows you to adequately and safely cover your partner's approach to the vehicle (two man unit or two one-man units, see Figure #2). When stopping a van or camper, the stop procedure is the same, except that as the guarding officer, you must move farther toward the front of the violator vehicle in order to adequately see inside. Be aware of any available cover that is forward enough to allow you to observe the occupants in the vehicle (see Figure #3).

F. Pre-stop procedures & the approach - driver officer:

1. Before exiting the black & white, put the vehicle in "park" (Keep the engine running). Exit the unit while remaining alert to traffic approaching from the rear.
2. If a backup officer is requested, and when he/she reaches his/her guarding position, you can start your approach to the violator's window.
3. Use caution in your approach. Try to "read" the scene and be alert for anything out of the ordinary. Watch the driver's facial expression by looking in his side or rear view mirror. If he/she displays fear, panic or over-interest in what you (or your partner) are doing, take added precautions. This technique is especially effective with vans. Try to watch the violator's hands. If he/she appears to be reaching for his/her license, registrations, etc., be alert. Wait until he/she is through "reaching" before continuing the approach. If you cannot see his/her hands, don't hesitate to stop the approach and politely ask him/her to place his/her hands on the steering wheel of the vehicle (see Figure #4).

Remember, this is a traffic stop and a polite, professional contact is mandatory. But don't let this be an excuse for not being alert.









4. During your approach check the trunk lid and the rear seat area for irregularities. Check the trunk lid visually and then check it by hand.

NOTE: If the violator exits the vehicle and begins to walk back toward the police vehicle, verbally direct the violator to a safe location behind his vehicle. Follow the violator closely and take a position of advantage. The passenger or back up officer should continue to guard the violator's vehicle if other passengers are still in it.

G. The Interview - Driver Officer's Responsibility:



2. Inform the violator of the reason for the stop, obtain his/her drivers' license, verify his residence and business address. When finished, back away from the vehicle and walk to the passenger side of the police vehicle to complete the citation (see Figure #5).
3. Stand behind the passenger door of the police vehicle and face the violator's vehicle while writing the citation.
4. When you have completed the citation, return to the violator via the same route. Use the same caution as when you first approached. Present the citation to the violator for his/her signature. Compare the signature on the violator's license with the signature on the citation, and then return the license with a citation copy to him/her.
5. If necessary, assist the violator back into the traffic flow, then return to your vehicle.

H. The Back Up or Passenger Officer's Responsibility:

1. Maintain visual control over all occupants in the violator's vehicle and watch for any activity that might indicate you have stopped more than a traffic violator.
2. Remain out of the headlights of the police vehicle (see Figure 4).

I. Procedures to Follow When the Passenger Officer Issues the Citation (Two Man Unit):

1. All procedures are the same up to the point where the driver officer exits the police vehicle. Instead of approaching the vehicle, the driver officer maintains

observation of the violator and other occupants,

[REDACTED]

INVESTIGATIVE STOPS: When sufficient probable cause to investigate exists and the suspect(s) is in a vehicle, you may stop the vehicle and detain him/her. There are many legal guidelines, which authorize investigative stops of suspects in vehicles. The seriousness of the investigation, the number of suspects present, and the type of vehicle involved is all factors that must guide your actions in making this type of stop.

A. Initial procedures:

1. The initial procedures in an investigation stop are the same as in a traffic stop.

B. Stopping location:

1. The choosing of a stopping location in an investigation stop is the same as in a traffic stop.

C. The pullover procedure:

1. The pullover procedure in an investigation stop is the same as in a traffic stop. However, your mental alertness should be keyed to the degree and type of probable cause that exists.

[REDACTED]

[REDACTED]

E. Pre-Stop procedures and approach:

1. Just prior to coming to a stop, notify Communications of your position and activity, and then turn up your radio. From this point, tactical procedures may vary from the tactical procedures in a traffic stop. Your actions are controlled by the type of crime suspected and the degree of probable cause you have.
2. There will be rare occasions where you and your partner or back up officer will exit the black & white, approach the suspect(s) vehicle (one on each side) and conduct your interview without removing the suspect(s) from the car. There will be other times when you and your partner or back up officer will approach the suspect(s) vehicle (one on each side) and ask the suspect(s) to exit the vehicle. When doing this, direct the suspect(s) to a safe location to conduct your





investigation. Under many circumstances, however, you will want to take added precautions in removing suspects from vehicles during investigative stops.

F. Removal of suspects from passenger vehicles - Investigation Stops:

1. When circumstances indicate greater caution should be used in removing suspects from a vehicle, stand in a location that offers some cover and then ask the suspects to step from the vehicle.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

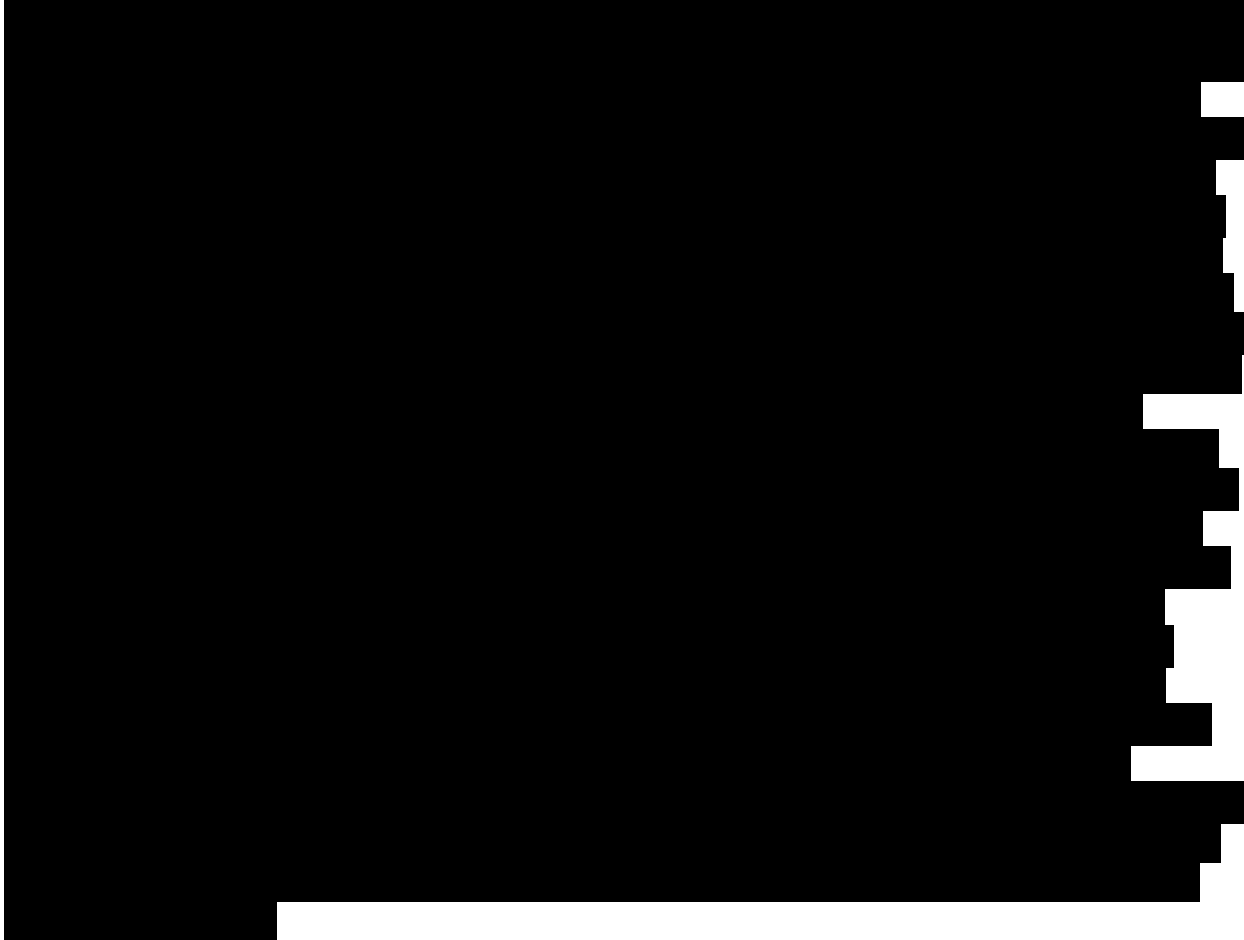
G. Removal of suspects from vans and campers - Investigative Stops:

1. The removal of suspects from vans and campers can vary considerably from passenger car procedures. Both you and your partner or back up officer must

become quickly aware of the vehicle's peculiarities (side doors, rear doors, windows, etc.) in order to provide adequately for your safety. The following



example is a general plan that you can use as a guide for most van and camper pullovers.



ARREST STOPS:

A. Misdemeanor arrest stops:

The guideline and established procedures for stopping, approaching, and removing suspects from vehicles during the arrest of misdemeanor suspects are the same as those involving investigative stops.

B. Felony arrest stops - initial procedures:

All pre-stop procedures, including the stopping of the suspect(s) vehicle that have been outlined previously for traffic and investigative stops remain the same for felony arrest stops.



However, if there is sufficient back up units available, a second back up officer should assist during the initial traffic stop. The second back up officer should stop the flow of traffic by stopping even with the primary unit, but at an angle [REDACTED]. From this position the second back up officer can take a position behind the driver's or passenger door of his/her unit and cover the suspect vehicle. When conducting any felony arrest stop, exercise extreme caution and key your actions to the seriousness of the crime.

C. Opening contact and directions to the suspect(s) - Felony Arrest Stops:

1. As soon as the black & white comes to a halt, the passenger officer exits the vehicle. The passenger officer or back up officer may either use the door for cover or if available, can move to cover off the right rear of the suspect(s) vehicle. As soon as the vehicle has been placed in "park" and the emergency brake has been set, the driver officer exits the black & white and crouches behind left door. If a one-man unit, wait for back up. Do not remove the suspects from the vehicle until sufficient back up officers have arrived and are in position.
2. From this point on (unless an unusual situation exists), the passenger officer takes control of the arrest procedure.
3. The officer's first objective is to secure the suspect(s) vehicle. This has been accomplished when the vehicle gear shift is in "park," the emergency brake is on, the ignition switch is off, and all suspects' hands are in sight. There is no strict sequence for ordering these steps to be carried out. However, as a general rule, suspects in vehicles with automatic transmissions should be ordered to put the vehicle in "park" before anything else is done. After each portion of the orders to secure the vehicle has been carried out, the driver suspect should be ordered to return his/her hands to the windshield. In some cases, officers may direct suspects to hold on to the keys after the ignition has been turned off.

REMOVAL OF SUSPECTS FROM THE VEHICLE - FELONY STOPS:

Now that the suspect(s) vehicle is secured, you are faced with the problem of safely removing the suspects. Under normal conditions, these procedures should be followed:

1. The driver of the primary unit should give the suspects directions in a clear command voice. Only one officer should issue commands in order to avoid confusion. Keep the commands (directions) extremely simple.

[REDACTED]

3. Order all suspects to place their hands behind their heads with their fingers interlaced. Do not allow any quick movements on the part of any suspect. Make

sure that they understand this and that you will deal with any hidden movements as if it was hostile action.

4. Order the driver suspect to slowly turn off the ignition and take the keys into his/her hand. Order the driver to place both hands out the driver's window. You may have to allow the driver to roll down the window.
5. Have the driver suspect open the driver's door by using the outside handle, and then slowly step from the vehicle and face you. Order the suspect to extend his/her arms fully above his/her head. Have the suspect shut the driver's door using one of his/her feet to kick it shut. This will contain any other suspects within the vehicle.



7. Order the suspect to face away from you and then slowly back toward the sound of your voice. Remember only one officer gives commands at a time.
8. When the suspect has backed up to a point where the arrest will occur (usually by the sidewalk or the area where the backup officer can cover the suspect), have him/her assume a kneeling position (see figure #10). The kneeling position is favored over the prone position due to safety considerations.

Note: The prone position is only recommended under limited circumstances, i.e., such as detentions where multiple suspects are already out of the vehicle.

9. The backup officer will then handcuff and search the suspect and place him/her in the rear seat of the secondary unit.
10. This procedure will be repeated for each suspect in the vehicle.

#### CLEARING THE VEHICLE:

- A. After all the visible suspects have been removed from the vehicle and secured, the suspect vehicle must be cleared. An actual approach to the vehicle must be made on foot.
- B. The backup officer of the secondary unit or third unit will make the approach to the suspect vehicle.
  1. He/She will move from his/her position, out around the rear of the primary unit, then use appropriate cover or make a straight-on approach to the right rear of the suspect vehicle.
  2. He/She will first check the trunk to see that it is securely latched (finger pressure only). At the same time "feel" for movement in the vehicle.



3. After checking the trunk, the officer will move to a position that will allow a check of the rear seat area, followed by the front seat area.
4. When conducting the search, the officer's handgun should be pointed where he/she is looking [REDACTED]

#### PLACING & SEARCHING THE SUSPECT(S)- FELONY ARREST STOPS:

1. There are three department approved felony searches; standing felony, kneeling felony, and felony prone. [REDACTED]  
[REDACTED] Other determining factors may be the size ratio of officer to suspect, number ratio of officer to suspect, and seriousness of the crime.
2. When using the standing or kneeling felony search, the suspects should be faced away from the officers and placed properly. When using the felony prone search, the suspects should be faced away from the officers and properly placed.

#### REMOVING, SEARCHING, AND PLACING THE SUSPECTS-FELONY STOPS (VANS AND CAMPERS):

1. The procedures in removing felony suspects from a van or camper are totally different from procedures in removing suspects from a regular vehicle. In a van stop, the primary officer (driver) is in control of the stop from the beginning. The first suspect to be removed from the van is the driver suspect by the driver officer. (On some occasions, responsibility may then switch to the passenger or back up officer.)
2. The removal of the driver suspect should begin only after the van or camper is secured, which is done in the same manner a regular vehicle is secured. The passenger or back up officer again should be behind his/her police vehicle door or behind available cover to the right/rear of the van.
3. The driver officer directs the van driver to hold the keys to the van and place both hands out the van driver side window. When the officer is satisfied that the keys are the only objects in the suspect's hands, he directs him to open his door via the outside handle and step from the van. The suspect would be directed to face the officer, extend his arms over his head, lock out his elbows, and spread his fingers. The officer might ask the van driver how many other people there are in the van.



4. The van driver would be directed to the rear of the van and directed to open the rear doors of the van (if it has a rear door) and spread curtains, etc. that blocked observation into the van. This normally would allow the driver officer to observe

the interior of the van and a passenger suspect if one was in the front passenger seat.

5. If the van or camper had a side door and no back door, the van driver would be directed to the rear of the van where he/she would then be directed to open the side door and move curtains, etc. The driver should then be directed back toward the primary unit where the back officer can secure the driver [REDACTED]. The backup officer should then if possible find available cover to the right and rear of the van to view the interior [REDACTED].
6. On vans with side doors and no back door, the primary officer should remove all other suspects after the van driver has been secured.
7. On vans or campers with back doors, the guarding passenger officer should remain behind his police vehicle door.
8. When a van with a back door has been opened and the driver suspect has been secured, the primary officer should direct the remaining passengers to exit the van one at a time. The backup officer is responsible for handcuffing and securing each suspect. The remaining suspects in the van should be removed by either the rear or passenger door of the van, depending on their location in the van [REDACTED].
9. After all suspects have been removed from the van or camper, the backup officer should clear the vehicle in the same manner if possible as a regular vehicle [REDACTED].
10. When the vehicle is cleared, broadcast a "Code-4."
11. After all suspects have been secured, the suspect vehicle would then be searched by one officer.



## 6. PATROL PROCEDURES

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6.4 The trainee shall know and discuss the responsibilities of the role of back-up officer and the tactics of "Contact and Cover."

CONTACT AND COVER: This procedure, entitled "Contact and Cover," should be used by Police Officers in any enforcement - oriented contact involving two (2) or more officers and one (1) or more unsecured (not handcuffed or caged) suspects. Such contacts typically will include:

1. Arrest Situations
2. Field Interviews
3. Disturbances
4. On-Scene criminal investigation when possible suspects are present.
5. Any other situation, such as traffic enforcement contacts, where the behavior of the person(s) involved warrants a heightened safety awareness.

The duties of officers involved in such incidents are to be clearly, defined as one of two roles "Contact Officer" or "Cover Officer."

The "Contact Officer" is responsible for conducting the business of the contact. This officer records necessary suspect or incident information, performs pat-downs and searches, recovers evidence, writes traffic or misdemeanor citations, and handles radio communications. The "Contact Officer" assures the thoroughness of the investigation and the integrity of the chain of custody or evidence. The "Contact Officer" will usually be the officer who originally initiated the action.

The "Cover Officer" is responsible for surveillance and control of all suspects, both to neutralize the possibility of assault, escape, or destruction of evidence and to free the "Contact Officer" to perform a more thorough investigation. While the "Contact Officer" does not rely solely on the "Cover Officer" for protection or suspect security that is the "Cover Officer's" primary function.

Although the contact officer conducts the essential business required, the cover officer's twofold role is paramount. First, the cover officer discourages hostile acts, assaults or escape by devoting complete attention to security. Second, the cover officer must intervene with force to protect the officer if a suspect reacts violently. The cover officer should not be distracted by the business of the contact, recover evidence, pat-down suspects, or engage in unnecessary conversation with either suspects or bystanders. If, for example cover officer observes anything of possible evidentiary value, such as an object dropped by a suspect, the cover officer should not retrieve it, but simply advise the contact officer.

ASSIGNMENT OF CONTACT/COVER ROLES: One-officer units: The contact officer will normally be the one who initiated the activity. Additional personnel, whether responding to a call for cover or simply stopping at the scene, should automatically assume the role of cover officer unless otherwise instructed.

In some instances, an officer's expertise in a specific field may influence the assignment of roles, and officers may agree to exchange duties. If, for example, a complicated evidence-retrieval situation exists, and one officer is a Field Evidence Technician, the two may decide to reverse roles. Another example might be where the possession or use of narcotics is suspected and one officer has developed specialized expertise in the field. In such exchanges, the officer assuming the role of cover officer should be in position and fully prepared to respond to any sudden action the suspect(s)- before the original cover officer relinquishes that duty.

Some major crime scenes, or disturbances involving several suspects may require multiple contact or cover officers. This is particularly true when two or more suspects must be separated and other witnesses individually questioned, or when a potentially hostile crowd may interfere. In such cases, contact and cover, duties should be assigned as appropriate by either the primary contact officer or a supervisor.

In any case, those assignments should be absolutely clear, and as specific as the situation permits.

BRIEFING INFORMATION: Officers requesting a cover unit and those responding to cover calls should each assure that the other is briefed as thoroughly as possible. Upon arrival, the contact officer should advise the cover officer of the following:

1. The reason for the contact and suspected criminal activity.
2. Observations made or evidence obtained.
3. The contact officer's immediate plans.
4. Any previous knowledge of the suspect(s) and/or an appraisal of their potential for violence.
5. Whether or not a pat-down has been conducted.
6. Any other suspicious persons or activity in the area.

The cover officer should receive this information then brief the contact officer on the following:

1. Previous knowledge of suspect(s).
2. Observations made while approaching the scene.
3. Any significant radio traffic the contact officer may have missed since calling for cover.
4. Acknowledgment of their role as cover officer.

POSITIONING: The ideal position for a cover officer provides a clear and unobstructed view of the suspect(s) as well as the best peripheral view of the surrounding area, the safest possible background behind both the suspects and officer in the event of gunfire, and a position controlling the likeliest route of escape.

The cover officer assures control of the suspect(s), by his or her watchful presence. The contact officer should avoid moving between the cover officer and suspect(s) or into a position of vulnerability, but it is the cover officer's responsibility to warn him or her if their actions might place them in jeopardy.

The most hazardous moment of the majority of contacts occurs during a pat-down or handcuffing. Definition of roles is most important at this point. Adjusting their positions accordingly, the contact officer conducts the search or cuffing while the cover officer acts as security. Should the suspect gain control of the contact officer's weapon, the contact officer should shout a warning and if appropriate, GET OUT OF THE COVER OFFICER'S LINE OF FIRE. The cover officer will then be in the most advantageous position to deal with the now armed suspect.

However, if it appears that the contact officer needs assistance, the cover officer should not wait for the contact officer to request help, but should render aid immediately. This is where the officer's discretionary decision making powers are critical. Verbalize your intentions to the contact officer. Tell him or her what you are going to do. This will help the contact officer from injuring the cover officer as he joins the struggle.

If physical resistance occurs when dealing with multiple suspects, the cover officer retains responsibility for preventing others from joining the fight. Again it is emphasized that if the contact officer needs help the cover officer should not wait for a request for assistance but should intervene immediately.

Should the contact officer be unable to control a suspect's physical resistance in the situation, he or she may elect to jump back and break contact. Both officers will then be in a position to deal with any threat, particularly if the suspects pull weapons. Once additional "cover" has arrived, two officers can confront the suspect, leaving a cover officer free to deal with the other suspects.

## **6.** **BUILDING SEARCHES**

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6.5 The trainee shall identify the principles of a safe and effective search of a building which may contain a suspect.

**BUILDING SEARCHES:** Building searches are high-risk situations. Whenever officers arrive at the scene of a crime, where the suspect(s) may be contained in a building, officers must perform certain tasks in their attempt to apprehend the suspect(s). Common sense and flexibility are the keys to handling any situation. Time is usually on your side.

No building search is safe. Officers must prepare themselves in order to maintain a tactical advantage. This can only come through training. Roll call training and partner discussions serve to prepare officers for such a task. Each search creates a new set of problems and the technique is not an exact science. Each officer must develop their style, one that they are comfortable with and is tactically sound. As with most police skills, the more it's practiced, the more proficient the skill.

The following are suggested tactics for consideration in a building search:

### **INITIAL RESPONSE:**

1. Proper containment of the building and its perimeter.
2. Seek all available information, crime, suspect(s), description, weapons, etc.
3. Evaluate search risk.
4. Think proper tactics, take your time.
5. Acquire sufficient personnel to handle the situation.
6. Request a supervisor.
7. Scout location for best entry with structural considerations.
8. Determine what equipment is needed, k-9, flashlights, entry vest, night-vision, etc. (Shotgun is not recommended)

### **PLANNING ENTRY:**

1. Find out if there is anyone else in the location, any dogs or guns and their location.
2. Consider contacting people who can sketch the building floor plan.
3. Officers never search alone. A minimum of two officers are required to clear most buildings.
4. Based on the size of the location, determine the number of officers required for the search team and the number of officers who will be the back-up team.
5. A back up team will respond to aid the search team or handle any suspect found.

6. A suspect found should immediately be removed and controlled. The back-up team should be available before the search resumes.
7. Plain clothes officers should not take an active part in a search.
8. If a plain clothes officers must search, advise all involved units of how they are dressed; they must be readily identifiable as police officers.
9. Be sure everyone knows their job.
10. Planning is essential to avoid tactical errors. Be flexible, take your time.

ENTRY:

1. Have back up/arrest team near the entry point.
2. Use a landline, loudspeaker or loud voice to order suspect out.
3. Be prepared for suspect(s) to surrender.
4. Only one opening should be used to enter.
5. All officers must know entry point.
6. Entry team moves to entry point.
7. Only one officer enters at a time.
8. Advise all units and dispatch entry is taking place.
9. All other units should limit their radio transmissions.

[REDACTED]

SEARCHING:

[REDACTED]



[Redacted text block]

e.

[Redacted text block]

- [Redacted list item 1]
- [Redacted list item 2]
- [Redacted list item 3]
- [Redacted list item 4]
- [Redacted list item 5]
- [Redacted list item 6]
- [Redacted list item 7]
- [Redacted list item 8]

## 6. PATROL PROCEDURES

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6.6 The trainee shall identify and discuss those tactical variables to consider during foot pursuits.

FOOT PURSUITS: Foot pursuits by their very nature are dangerous and can easily escalate into life threatening situations. Tactical preparedness coupled with sound judgment, will greatly enhance officer safety and improve the chance of apprehending a suspect. The purpose of this training bulletin is to provide officers with some preplanning techniques and tactical considerations relating to foot pursuits.

PREPLANNING: Although the spontaneous nature of foot pursuits would seem to rule out preplanning activities, the opposite is true. Nearly all aspects of training and experience are called into play as an officer chases a fleeing suspect through backyards, over fences and down alleys. The successful outcome of the pursuit depends strongly on preparation and the ability to maintain a tactical advantage.

There are many opportunities during the work day for officers to discuss foot pursuit tactics. Discussing tactical situations in advance has proven to be an effective method of preparing officers to act together instinctively in a time of crises.

PHYSICAL FITNESS: Physical conditioning is perhaps one of the most overlooked aspects of preparing for a foot pursuit. Based on experience, an officer involved in a foot pursuit may expect the suspect to be ten years younger and more appropriately dressed for the occasion. An officer in poor physical condition will probably not catch the suspect, or more importantly, will probably not be able to achieve control if the suspect is caught. A regular program of physical training, particularly cardiovascular conditioning, will reduce the potential for these negative results.

COMMUNICATIONS: Radio communications are a routine part of police work; however, the stress of a foot pursuit may inhibit an officer's ability to communicate in a clear, concise manner. An inaccurate or distorted broadcast can endanger officers by delaying the response of back up units. Officers should pause before broadcasting to collect their thoughts and modulate their voice so that the pursuit information will be clearly understood by the other units. Good radio communications are absolutely essential to coordinate the response of other units.

When a foot pursuit begins, one officer should broadcast the location and direction of the pursuit. The broadcast should include a brief description of the suspect, the type of crime committed and any weapons used. When the backup officer joins the foot pursuit, he should

make additional broadcasts updating the location of the pursuit, while keeping the partner officer in sight.

**TACTICS:** Officer safety is of primary concern to all officers involved in a foot pursuit. A suspect may try to elude officers by doubling back hiding or running into a "safe location." A suspect may also attempt to lie in wait or turn and fight at any time. The rapidly changing nature of these encounters requires that officers develop a flexible tactical approach to each pursuit situation.

The most important safety rule during foot pursuits is to work as a team. **Do not split up!** Officers should maintain visual contact at all times. If visual contact is lost, voice or radio communications must be established and maintained. In the event that one officer cannot be located, the last known location should be broadcast to responding units and an immediate attempt should be made to locate the missing officer.

Whenever an officer loses sight of a suspect during a foot pursuit, the danger increases. Before climbing walls and fences, **stop, look and listen** for sounds the suspect might make. When going over the wall or fence, officers should not go over at the same place as the suspect. The move should be made quickly while maintaining a low profile. This technique can thwart a suspect's plan of attack should the suspect be waiting on the other side.

The same precautions apply to rounding building corners. The suggested technique is to make a wide arc around the corner. This will increase the officer's field of vision and the distance between the officer and suspect if a suspect is waiting on the other side. As in any tactical situation, the key is to out think the suspect.

Officers must be aware of their surrounding at all times. Suspects can lead officers into alleys, apartment complexes or "friendly" hangout where they can enlist aid. Officers should be aware of backyard hazards like swimming pools, vicious dogs, clotheslines and other obstacles during the pursuits. Officers should run in a controlled manner to avoid injury. If the surroundings become too dangerous to continue, officers should break off the chase and concentrate on establishing a perimeter with support units.

**FIREARMS:** Running with a firearm in hand will increase the chances for an accidental discharge. It is a good tactic to leave the firearm holstered during a foot pursuit. The baton or portable radio should be carried in the weak hand, leaving the strong hand available to draw the firearm as needed.

Carrying the shotgun during a foot pursuit can seriously limit an officer's tactical options. It is recommended that officers leave the shotgun locked in the vehicle rack unless the tactical situation calls for its use.

APPREHENSION: Successful foot pursuits usually end in one of two ways: either the suspect is caught or the suspect hides and is eventually apprehended. When officers overtake a suspect who will not stop, they should attempt to knock the suspect off balance rather than using a football tackle. This can be accomplished by placing the baton between the suspect's feet or pushing the suspect off balance with a shove to the back. This will reduce the chance of injury to the officers and leave them ready to employ the appropriate level of force necessary to effect the arrest. If the suspect eludes the pursuing officers, a perimeter should be established for containment. Sufficient personnel, including canine if necessary, should be deployed. Once the suspect is in custody, the route of the pursuit should be retraced to locate any evidence that may have been dropped by the suspect. This is also a time when officers should critique their actions and begin the process of planning for the next foot pursuit.

## 6.

### **PATROL TECHNIQUES**

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6.7 The trainee shall know and understand the basic patrol strategies that patrol officers may employ to provide protection and service within their assigned areas.

#### **PATROL CONCEPTS / TECHNIQUES:**

Law enforcement patrol is one of the most frequent assignments a uniformed peace officer will be called upon to perform. A patrol assignment may involve the use of automobiles, motorcycles, bicycles, or other law enforcement vehicles. It can also include foot patrol in a designated area as well.

Effective law enforcement patrol is made up of two fundamental elements:

1. Protection: provide public safety, and isolation from criminal activity.
2. Service: address the public's concerns and needs efficiently and professionally.

To provide protection and service, peace officers must develop a "beat knowledge" of the area they have been assigned to patrol. Such knowledge includes not just knowing the basic layout and makeup of the area, but also recognizing locations within the area that may require the officers' specific attention.

The following identifies examples of areas within their specific assignments with which officers should become familiar.

Criminal acts may occur:

- Shopping centers (e.g., purse snatches, auto burglaries, etc.)
- School grounds (e.g., narcotics activities, child molesters, etc.)
- Bars, night clubs, and other locations of nightlife activities
- Bus stops, convenience stores, isolated restaurants or bars, and other poorly lit areas with pedestrian traffic
- Abandoned buildings (e.g., arson)

Disturbances may occur:

- Youth gathering spots such as:
- Recreation centers or school dances,
- Drive-in theaters,
- Amusement centers,
- Public parks and beaches,
- Sporting events, and

- Secluded “drinking spots” (e.g., “lover’s lane,” wooded locations, etc.)
- Adult congregations such as:
- Popular bars or coffee shops, - churches,
- Sporting events, - swap meets, and
- Concerts, - motorcycle rallies.
- Public parks and beaches,
- Family/community celebrations,
- Community meetings involving:
- Emotional issues or negative public sentiment, and
- Public political debates

Public safety hazards may exist:

- Poor road conditions such as:
- Dirt roads,
- Poorly marked dead-end streets,
- Inadequate lighting or traffic signs, and
- Streets with potholes,
- Construction sites
- Chemical and industrial plants and storage facilities
- Ponds, rivers, lakes, or beaches used for fishing and swimming

There is a potential for natural disaster:

- Man-made dams susceptible to seepage or erosion
- Low lying areas that can easily flood
- Earthquake-prone zones
- Hillsides with a potential for mud or rock slides
- Open fields susceptible to fire during dry periods
- Areas prone to fog or other weather related conditions

Patrol officers may employ two basic patrol strategies to provide protection and service within their assigned patrol area.

Preventative patrol:

- To be highly visible in order to discourage occurrences of unlawful or problem activity.  
Example: Conducting visible patrols through a parking structure where there have been a large number of auto thefts with the intention of dissuading potential thieves from stealing cars.

Directed enforcement patrol:

- To apprehend violators or concentrate patrol activities on particular circumstances or problem areas.

Example: Hiding from view and maintaining surveillance of a parking structure where there have been a large number of auto thefts with the intention of arresting a car thief in the act of stealing a car.

NOTE: Direct enforcement patrol may also be referred to as selected saturation or apprehension patrol.

Officers' choices of a patrol strategy are dependent on a number of factors. These factors are identified in following:

Desire for public visibility:

- Preventative patrol has the advantage of increasing public awareness and community confidence in law enforcement efforts.
- Reduction of some types of crime (e.g., rape, robbery, assaults, narcotics, etc.) may be more easily accomplished through surveillance or undercover officers.

Specific type of criminal activity:

- Burglary-prone businesses and residences (e.g., buildings with poor lighting, poor security, etc.)
- Robbery-prone businesses (e.g., businesses with night money deposits, all-night convenience stores, etc.)
- Parking lots or areas attractive to vehicle thieves
- Gathering areas prone to vandalism or petty thefts
- Locations of known narcotics activity (e.g., street sales, crack houses, abandoned buildings, etc.)
- Locations of known gang activity

Existence of problem prone areas:

- Youth/adult gathering spots
- Traffic problems (e.g., rush hour, activity hubs such as malls or sports facilities, etc.)

Existing environment or conditions:

- Certain tactics related to directed enforcement (i.e., surveillance) may require specific conditions such as a minimum of noise or low light.
- In order for officers on preventative patrol to be clearly seen, public areas must have adequate lighting.

Area demographics:

- Population distribution and density (e.g., apartment buildings, housing projects, single family houses in residential areas)
- Areas where there are high concentrations of elderly or juveniles

Community activities:

- Seasonally oriented community (e.g., summer beach population, winter skiing population, migrant worker camps, recreational hunting areas, etc.)
- School/sporting events (e.g., night games, dances, parades, etc.)

Availability of community resources:

- Hospitals
- Fire stations
- Mental health facilities
- Government facilities
- Rape crisis intervention centers
- Rehabilitation centers
- Transportation resources
- Services for persons with disabilities

Geography/topography:

- Mountains, canyons, etc.
- Waterways (e.g., lakes, dams and reservoirs, rivers, etc.)
- Deserts

Adequacy of access and egress to various locations:

- Disconnected and/or dead-end streets
- One-way streets
- Bridges
- Freeways
- Railroad crossings
- Construction zones
- Tunnels

Department/agency policies and resources:

- Calls-for-service patterns and types
- Directed enforcement patrol may require additional resources such as vehicles, patrol officers, special support (e.g., canine).
- Liability considerations (e.g., not using vehicle lights during hours of darkness)
- Storefront law enforcement offices
- Detox facilities

No matter what patrol strategy is deployed, peace officers on patrol must rely on their own observation and perception skills. Peace officers must function as trained observers. Officers on patrol are expected to:



- Practice disciplined *observation*, and
- Apply their training and experience to accurately *perceive* what is occurring or is about to occur.

To a peace officer, observation means the ability to gather information by noting facts or occurrences with a heightened sense of awareness. While on patrol, officers must use not only their eyes, but all of their senses including hearing, smell, etc. to obtain information from the outside world.

- Observation can be enhanced by: training (*knowing what to look for*),
- Experience (*knowing where and when to look for it*), and
- A variety of special tools (e.g., binoculars, night vision scopes, etc.).

**Perception** is the personal analysis derived from an observation. Perception involves interpreting observations, organizing them, and attaching meaning or significance to them. In order for an officer to perceive a situation accurately, the officer must be *paying full attention*.

A patrol officer's perception can be impacted by factors such as:

- Past personal experiences,
- Maturity,
- Education and training,
- Mental and physical condition (e.g., illness, fatigue, personal problems, stress, etc.),
- Emotional involvement in the situation (e.g., domestic violence, child abuse, etc.),
- Environmental conditions (e.g., daytime, nighttime, distracting noises, etc.),
- Cultural/ethnic factors, and
- Personal prejudices and biases.

The following examples illustrate how an individual's perception can be impacted by the factors noted above.

Example 1: A witness who is unfamiliar with firearms may not recognize the difference between the sound of a shotgun and that of a pistol.

Example 2: An officer who is biased against a certain group may tend to consistently perceive the actions of individuals from that group as being negative.

Example 3: The parents of a person being taken into custody may have difficulty accepting the fact that their child has committed a criminal act.

Use of a preventative patrol strategy is specific to providing protection from criminal activity. It has been consistently demonstrated that where there is a visible law enforcement presence, there is a reduction in criminal activity.

### **Preventative patrol techniques:**

To be effective as a deterrent to crime, a law enforcement presence should be highly visible within the community, especially in areas that are high risk crime targets. Preventative patrol actions include:

- Maintaining a law enforcement presence and visibility within the community,
- Conducting frequent security checks of high-risk targets and businesses, and
- Conducting checks of persons who may be involved in suspicious activities.

Three fundamental objectives of conducting security checks of businesses, residences, and other structures within an officer's area of assignment are:

- Help the officer remain knowledgeable about the specific structure or area (e.g., layout, normal activity in and around the area, normal conditions of the structure, etc.)
- Discover any suspicious activity or evidence of criminal activity (e.g., burglary)
- Enhance community relations by maintaining high visibility

When conducting security checks, patrolling officers should:

- Cover as much of their assigned areas as possible, including secondary thoroughfares (e.g., alleys, walkways, parking areas, etc.), as well as primary streets,
- Pay extra attention to areas that have a high crime risk,
- Constantly vary their patrol patterns and routines to prevent predictability,
- Employ appropriate investigative tactics and equipment (e.g., use of spotlights, flashlights, alley lights, etc.), and
- Implement additional patrol methods whenever possible (e.g., foot patrol, bicycle patrol, etc.).

During a security check, patrolling officers are not only preventing crime by making their presence known, but are also looking for indications of any criminal activity that might have taken place.

When checking structures, officers should:

1. Look for signs of property damage and/or forced entry such as:
  - Broken windows
  - Open doors
  - Pry marks around windows or doors
  - Broken equipment
  - Graffiti
2. Look for unusual conditions such as:

- Lights off that are normally on
- Activities during non-business hours
- Presence of suspicious vehicles
- Individuals involved in suspicious activity
- Individuals not in appropriate locations (e.g. no clerks at convenience store counter) check access areas. Areas around the structure.
- Access to the roof

While conducting a security check, if patrol officers discover that a business, residence, or other structure is not secured, specific precautions and actions should be taken.

While utilizing a preventative patrol strategy, peace officers are also looking for individuals who may be involved in suspicious activities. A peace officer may need to detain a person in order to investigate that person's involvement in possible criminal activity.

A **detention** or stop is an assertion of authority that would cause a reasonable person to believe they are obligated to stay, cooperate, or answer questions. A detention is something less than an *arrest*, but more substantial than a simple **consensual encounter**.

To be lawful, a detention must be based on *reasonable suspicion* that criminal activity has taken place or is about to take place, and the person detained is connected to that activity.

**Reasonable suspicion** is the standard used to determine whether a detention is legal. Reasonable suspicion exists when a peace officer has facts and circumstances to make it reasonable for the officer to suspect that criminal activity may be afoot, and the person detained is connected to that activity.

Reasonable suspicion may be based on:

- Observation,
- Personal training and/or experience, or
- Information from eyewitnesses, victims, and/or other officers.

NOTE: Reasonable suspicion *cannot* be based on a hunch or instinct. If reasonable suspicion does not exist, the case against the defendant may be dismissed or any evidence seized may be excluded from trial.

Once officers have stopped or detained a suspect, they may take whatever investigative actions are reasonable under the circumstances to determine the suspect's identity and possible participation in a crime.

Common investigative actions may include, but are not limited to:

- Conducting a pat-down search of the individual for weapons,
- Questioning the suspects about their identities and conduct,
- Contacting other individuals to confirm explanations, verifying identification, or determining whether a person is wanted (warrant check), or
- Checking premises, examining objects, or contacting neighbors or other individuals to determine whether a crime (e.g., burglary) actually occurred.

NOTE: A detainee is not obligated to answer any questions an officer may ask during a lawful detention. The refusal to answer questions alone does not provide probable cause for escalating a detention to an arrest.

A detention must be temporary and last no longer than is necessary to carry out the purpose of the stop. A detention, which is legal at the beginning, will become invalid if extended beyond what is reasonably necessary under the circumstances.

Often what officers see and hear during the detention (evasiveness, nervousness, conduct, property) will increase their suspicion, justify a longer detention, and possibly provide probable cause for arrest.

On the other hand, if the suspect answers all questions about the suspicious circumstances satisfactorily so that suspicion decreases or disappears, the suspect must be released.

Direct Enforcement Patrol:

Realistically, patrol officers cannot completely cover all parts of their assigned areas. Use of a directed enforcement patrol strategy can target areas where problems are likely to occur by concentrating patrol activities on particular circumstances.

A thorough knowledge of one's own area of assignment and available resources is necessary to be able to respond where problems are more likely to occur. The following identifies a number of factors for consideration when establishing a directed enforcement strategy.

Specific circumstances:

- Special event in area such as sporting events, holiday celebrations, concerts, etc.

Frequency and/or severity of specific violations:

- Analytical and statistical information based on the types of service calls being received
- Traffic collision profiles
- Crime patterns by time of day, day of week, etc.
- Statistical projections of where a crime is likely to occur (i.e., trend analysis)

Geography, topography, climate, etc.:

- Seasonal conditions that affect activity in a specific area (e.g., heavy rain or snow)
- Heavily populated urban areas vs. sparsely populated rural areas
- Terrain (e.g., deserts, mountains, beaches)

Other resources:

- Information from officers who work in the same area on other shifts
- Specialized units (e.g., intelligence, narcotics, etc.)
- Briefings and bulletins
- Detectives conducting investigations in the area
- Community organizations

When employing a directed enforcement strategy, personnel and equipment can be deployed depending upon specific crime patterns or service needs.

For example:

- Undercover officers may be assigned to foot patrol in an area that has recently had a high number of violent crimes.
- Additional law enforcement vehicles may be assigned to patrol an area that is plagued by a cruising problem (e.g. bicycles, horses, etc.).
- Investigative and enforcement efforts may be directed toward an area that has a high amount of drug activity.

The following examples illustrate the appropriate use of directed enforcement strategies by officers on patrol assignments.

Example 1: On weekend nights hundreds of juveniles gathered to “cruise” and “hang out” in the downtown area of a city. This created many law enforcement problems for patrol officers assigned to the area. A plan was devised so that officers were deployed into three groups: uniformed foot-patrol, uniformed vehicle patrol, and plainclothes officers. Officers on foot patrol handled problems associated with drinking, fights, vandalism, etc. Officers in vehicles handled most of the traffic violations. Plainclothes officers acted as observers and relayed information to the uniformed officers who then responded. Careful planning and effective coordination enabled the officers to respond effectively to problems as they occurred.

Example 2: A patrol officer learned that a dance was to take place at a club located on his beat. The dance would attract teenagers from all over the city and, although alcohol was prohibited, there was a potential for offsite drinking. The patrol officer made a point of cruising by the club frequently during the evening to observe and to respond to any problems promptly.



## **6. TRAFFIC CONTROL**

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6.8 The trainee shall know and understand the procedures for conducting traffic control.

### TRAFFIC CONTROL

There may be incidents such as traffic collisions, power outages, disasters, or special occurrences, when there is need to alter the normal flow of traffic. You will be called upon to manually direct traffic. This is a dangerous task for both you and the driving public, and must be handled with care and attention.

### FLARES AND CONES

Flares and cones are used to dictate traffic flow by forcing vehicles to a certain movement. Too many flares may tend to confuse oncoming traffic. Lighting a flare is accomplished by removing the protective cap and striking the end of the flare with the outside end of the cap.

Be careful where you lay a lit flare. Avoid putting a hot flare into flammable liquids like gas or oil, and be mindful of the possibility for destruction of evidence.

Put the cap of the flare back on the back end to keep it from rolling.

A single flare burns for approximately 12-14 minutes. For those incidents that tend to go for long periods of time, stack flares in a chain to get longer burn times. Place the unlit striker end on top of a burning flare at the back so that as it burns it will ignite the next flare in the chain. Space the flares about 15 feet apart, giving motorists an opportunity to react to the new traffic pattern and make the necessary adjustments leisurely.

To extinguish a flare, tap the lit end against the pavement until the flame falls off the end of the flare. DO NOT throw flares into the storm drains.

During daylight, traffic cones are more effective than flares. Lay out the pattern in the same manner as flares, giving drivers a chance to gradually come into the lane where you want them to travel.

### THE FLASHLIGHT

The flashlight should be held in the direction of traffic that will be proceeding, parallel to the ground, with the wand end nearest the thumb, arm extended.

Directions to the driver to begin a movement are done with the flashlight hand. Keep the flashlight/wand moving in a sweeping motion, repeating the direction. The flashlight can be used to get a motorist's attention by painting a light pattern on the ground in front of an oncoming vehicle. Avoid shining the light in the driver's eyes.

### BARRICADES

In those situations where traffic must be stopped for long periods of time, you can call for barricades to be delivered to the scene. These are located in the city street department and can be transported by city personnel. Be specific on what you need and where you want it placed.

### ADDITIONAL ASSISTANCE

When controlling a large intersection or street, additional officers should be called. This additional assistance should also be used to give breaks when the traffic must be controlled for long periods of time, as traffic control is a tiring, stressful activity.

### VEHICLE AND OFFICER POSITIONING

#### BE HIGHLY VISIBLE

Use your vehicle's rotating lights to call attention to a dangerous situation. When controlling blacked-out intersections at night, use your spotlights to light your position. Be mindful not to shine the spotlights in the vision of oncoming traffic. If no lights are available, light a ring of flares at your feet to mark your position. Whenever possible, use two people back-to-back to control an intersection. You must maintain constant communication with your partner as it is crucial to controlling traffic safely.

Never assume that you can be seen, always watch the traffic and make sure you make eye contact with each driver before having them execute a maneuver.

### BURNED OUT SIGNALS

Whenever you encounter electronic traffic signals that have stopped working or are malfunctioning, you should try to reset the signals. Use a long gold traffic control box key that can be used to open the signal control box. These boxes are located on one of the corners of the intersection. The key opens an access panel on the box. Inside the panel are switches marked "Reset" and "Flash."

You should hold down the "Reset" switch and then release it. If the lights return to normal, secure the access panel and leave. If the lights DO NOT return to normal, activate the "Flash" switch. This places the control lights on 4-way flash that will control the intersection. Secure



the access door and immediately notify the Communication Center that you have placed the intersection on 4-way flash. The Communication Center will notify the street department who will make the proper notification to fix the problem. This procedure should be followed also if the lights do not function at all and cannot be put on flash. Manual control of the intersection would then be required. Contact city personnel and request portable stop signs to be placed in the intersection. Keep in mind that if you control an intersection, you are obligated to maintain traffic control of that intersection until it is properly functioning again.

If you find a signal where a single light is burned out, contact Dispatch and advise them of the nature of the problem. Identify the direction the light faces, the intersection it controls, the corner it is on, and which light is burned out. (Example: Northbound Santa Fe Ave at 38<sup>th</sup> Street. Green light on the pole on the northeast corner is burned out.) Dispatch will notify TSR, who in turn will respond to fix the problem.

Be prepared to answer any questions from the Communications Center that will help them clearly describe the problem to TSR. They will sometimes ask if the problem is something urgent that needs to be handled as soon as possible, or if it can wait until Monday (in cases where the problem is discovered on the weekends).

### WHISTLE SIGNALS

The whistle is used to get the attention of drivers and pedestrians.

1. One Long sound with the STOP signal
2. Two Short sounds with the GO signal
3. Several Short sounds to get the attention of a driver or pedestrian who does not respond to a given hand signal

Be judicious in the use of the whistle. Whistle sounds directed at pedestrians usually need not be as shrill as those to get the attention of drivers.

The voice is very seldom used in directing traffic. Arm gestures and the whistle are usually sufficient.

## 6.

### VEHICLE / PENAL CODES

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6.9 The trainee shall know and understand the department policy regarding the activation of the CODE ALPHA.

#### CODE ALPHA – RESPONSE TO VIOLENT CRIME INFORMATION

The California Highway Patrol can potentially provide assistance in the apprehension of violent criminals and aid in officer safety by attempting to locate outstanding suspects when they have fled in a vehicle. At any given moment, the CHP has hundreds of officers patrolling the streets and highways of Los Angeles. Many violent felons make good their escape by utilizing the freeway system. CHP supervisors may initiate a **CODE ALPHA** when a violent crime (211 PC, 245 PC, 215 PC, 187 PC etc.) has recently occurred in the area's vicinity *and* enough information exists so that available beat officers would have a reasonable opportunity to identify and intercept the suspect/vehicle. In initiating a **CODE ALPHA**, the CHP will deploy units to monitor freeways and other routes to intercept violent crime suspects.

When a serious crime occurs within the City of Vernon and enough information exists, in addition to contacting our local surrounding agencies, the on-duty W/C should request that dispatch contact the California Highway Patrol by using the CHP Los Angeles Communications Center (LACC) allied agency phone contact number, [REDACTED], and request that their dispatch put out a **"Be-On-The Lookout" (BOL)** alert to the CHP units. The Vernon W/C may request that the CHP W/C initiate a **CODE ALPHA**. The **CODE ALPHA** will usually remain in effect no less than 30 minutes. Usually, all suspects arrested during a **CODE ALPHA** will be returned to the initial agency.

## 6.

### VEHICLE / PENAL CODES

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6.10 The trainee shall identify the code name with the section number, interpret the section and give the elements of the codes listed.

#### VEHICLE CODE:

2800.1 EVADING A PEACE OFFICER: (M) Any person who, while operating a motor vehicle with the intent to evade, willfully flees or otherwise attempts to evade, or otherwise attempts to elude a pursuing peace officer's motor vehicle, is guilty of a Misdemeanor if all of the following conditions exist:

1. The officer's vehicle is exhibiting at least one lighted red light to the front, and the person sees, or should have seen then lamp.
2. The officer's vehicle is sounding a siren as may be reasonable necessary.
3. The officer's vehicle is distinctively marked.
4. The officer is wearing a distinctive uniform.

2800.2 (W): Same, and driven in willful or wanton disregard for the safety of persons or property.

2800.3 (W): Same, and proximately causes the death or serious bodily injury to any person.

4000 (A) REGISTRATION REQUIRED: (I) No person shall drive, move, or leave standing upon a highway or in an off-street public parking facility, any motor vehicle, trailer (others)..., unless it is registered and the appropriate fees have been paid.

4152 (A) - FOREIGN VEHICLE REGISTRATION: (I) Whenever the home license plates of a foreign vehicle expire and the owner of such vehicle has previously established residence or accepted employment in this state, such owner shall make application for registration of the vehicle in this state within 20 days following the home state license plate's expiration date.

4454 (A) -REGISTRATION CARD KEPT WITH VEHICLE: (I) Every owner upon receipt of a registration card shall maintain the same or a facsimile copy thereof with the vehicle for which issued.

5200 - DISPLAY OF LICENSE PLATES: (I) When two license plates are issued by DMV, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear. When one license plate is issued for use upon a vehicle, it shall be attached to the rear thereof.

5204 - TABS: (I) A tab shall indicate the year number for which issued and a tab shall indicate the month of expiration.

12500 (A) DRIVING WITHOUT A LICENSE: (M) No person shall drive a motor vehicle upon a highway unless the person holds a driver's license.

12951 (A) POSSESSION OF A LICENSE: (M) The driver of a motor vehicle shall present his license for examination upon demand of a uniformed peace officer.

14601 DRIVING WHEN PRIVILEGE SUSPENDED OR REVOKED: (M) No person shall drive a motor vehicle at any time when that person's driving privilege has been suspended or revoked for reckless driving and when the person has knowledge of the suspension or revocation.

14601.1(A) LICENSE IS SUSPENDED OR REVOKED FOR OTHER THAN RECKLESS DRIVING OR DUI, FAILURE TO APPEAR: (M)

14601.2 (A) LICENSE IS SUSPENDED OR REVOKED FOR DUI: (M)

22349 MAXIMUM SPEED LIMIT: (I) Except as provided in 22356 CVC, no person shall drive a vehicle upon a highway at a speed greater than 65 MPH.

22350 BASIC SPEED LAW: (I) No person shall drive a vehicle upon a highway at a speed greater than is prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

22450 RUNNING A STOP SIGN: (I) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection, or railroad grade crossing shall stop at the limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

40302 - MANDATORY APPEARANCE: Whenever any person is arrested for any violation of this code, not declared to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases:

1. When the person arrested fails to present his driver's license or other satisfactory evidence of his identity for examination.
2. When the person arrested refuses to give his written promise to appear in court.
3. When the person arrested demands an immediate appearance before a magistrate.
4. When the person arrested is charged with violating Section 23152 CVC (DUI).

40305 - OFFENSE BY NONRESIDENT: Whenever a nonresident is arrested for violating any section of this code while driving a motor vehicle and does not furnish satisfactory evidence of identity and an address within this State at which he can be located, he may, in the discretion of the arresting officer, be taken immediately before a magistrate . . . or issued a notice to appear.

14602.6 SEIZURE OF VEHICLE:

- a) Whenever a peace officer determines that a person was driving a vehicle while his or her driving privilege was suspended or revoked or without ever having been issued a license, the peace officer may immediately arrest that person and cause the removal and seizure of that vehicle in accordance with Chapter 10 (commencing with Section 22650) of Division II. A vehicle so impounded shall be impounded for 30 days.
- b) The registered and legal owner of a vehicle that is removed and seized under subdivision (a) or their agents shall be provided the opportunity for a storage hearing to determine the validity of the storage in accordance with Section 22852.
- c) Any period in which a vehicle is subjected to storage under this section shall be included as part of the period of impoundment ordered by the court under subdivision (a) of Section 14602.5.

21650 RIGHT HALF OF ROADWAY: (I) Upon all highways, a vehicle shall be driven upon the right half of the roadway, except as follows:

- a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.
- b) When placing a vehicle in a lawful position for, and when the vehicle is lawfully making a left turn.
- c) When the right half of a roadway is closed to traffic under construction or repair.
- d) Upon a roadway restricted to one-way traffic.
- e) When the roadway is not of sufficient width.
- f) When the vehicle is necessarily traveling so slowly as to impede the normal movement of traffic, that portion of the highway adjacent to the right edge of the roadway may be utilized temporarily when in a condition permitting safe operation.

- g) This section does not prohibit the operation of bicycles on any shoulder of a highway, where the operation is not otherwise prohibited by this code or local ordinance.

21651 DIVIDED HIGHWAY: (I)

- a) Whenever a highway has been divided into two or more roadways by means of intermittent barriers or by means of a dividing section of not less than two feet in width, either unpaved or delineated by curbs, double-parallel lines, or other markings on the roadway, it is unlawful to do either of the following:
  - (1) To drive any vehicle over, upon, or across the dividing section.
  - (2) To make any left, semicircular, or U-turn with the vehicle on the divided highway, except through an opening in the barrier designated and intended by public authorities for the use of vehicles or through a plainly marked opening in the dividing section.
- b) It is unlawful to drive any vehicle upon a highway, except to the right of an intermittent barrier or a dividing section which separates two or more opposing lanes of traffic, except as otherwise provided in subdivision (c), a violation of this subdivision is a misdemeanor.
- c) Any willful violation of subdivision (b) which results in injury to, or death of, a person shall be punished by imprisonment in the state prison, or county jail.

21657 ONE-WAY STREET OR HIGHWAY: (I) The authorities in charge of any highway may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices. When a roadway has been some designated, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by traffic control devices.

21658 (A) LANE ROADWAYS: (I) whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply:

- (a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

21703 FOLLOWING TOO CLOSELY: (I) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition, of the roadway.

21706 EMERGENCY VEHICLES: (I) No motor vehicle, except an authorized emergency vehicle, shall follow within 300 feet of any authorized emergency vehicle being operated under the

provisions of section 21055. This section shall not apply to a police or traffic officer when serving as an escort within the purview of section 21057.

21707 FIRE AREA: (I) No motor vehicle, except an authorized emergency vehicle or a vehicle of a duly authorized member of a fire or police department, shall be operated within the block wherein an emergency situation responded to by any fire department vehicle exists, except that in the event the nearest intersection to the emergency is more than 30 feet therefrom, this section shall prohibit operation of vehicles only within 300 feet of the emergency, unless directed to do so by a member of the fire department or police department, sheriff, deputy sheriff, or member of the California Highway Patrol. The emergency shall be deemed to have ceased to exist when the official of the fire department in charge at the scene of the emergency shall so indicate.

Officials of the fire department or police department or the department of the California Highway Patrol who are present shall make every effort to prevent the closing off entirely of congested highway traffic passing the scene of any such emergency.

21708 FIRE HOSE UNPROTECTED: (I) No person shall drive or propel any vehicle or conveyance upon, over, or across, or in any manner damage any fire hose or chemical hose used by or under the supervision and control of any organized fire department. However, any vehicle may cross a hose provided suitable jumpers or other appliances are installed to protect the hose.

21712 UNLAWFUL RIDING: (I)

- a) No person driving a vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.
- b) No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.
- c) Subdivisions (a) and (b) shall not apply to any employee engaged in the necessary discharge of his duty or in the case of persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.
- d) No such person shall drive a motor vehicle that is towing a trailer coach, camp trailer, or trailer carrying any vessel, containing any passenger, except when a trailer carrying or designed to carry a vessel is engaged in the launching or recovery of the vessel.
- e) No person shall knowingly drive a motor vehicle which is towing any person riding upon any motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, skis, or toy vehicle.

- f) Subdivision (d) shall not apply to a trailer coach being towed with a fifth-wheel device if the trailer coach is equipped with safety glazing materials wherever glazing materials are used in windows or doors, with an audible or visual signaling device which a passenger inside the trailer coach can use to gain the attention of the motor vehicle driver, and with at least one unobstructed exit capable of being opened from both the interior and exterior of the trailer coach.

PENAL CODE:

135 DESTROYING OR CONCEALING DOCUMENTARY EVIDENCE: Every person who, knowing that any book, paper, record, instrument in writing, or other matter or thing, is about to be produced in evidence upon any trial, inquiry, or investigation whatever, authorized by law, willfully destroys or conceals the same, with intent thereby to prevent it from being produced, is guilty of a misdemeanor.

142 OFFICER REFUSING TO RECEIVE / ARREST CRIMINAL: (W) Any officer who has the authority to receive or arrest a person charged with a criminal offense and willfully refuses to receive or arrest such person is guilty of a wobbler.

148 RESISTING OR OBSTRUCTING OFFICER / REMOVAL OF OFFICER'S FIREARM:

- a) Every person who willfully resists, delays, or obstructs any officer, or an EMT in the discharge or attempt to discharge any duty of his office. (M)
- b) Every person who, during the commission of any offense described in section A, removes or takes any weapon other than a firearm, from the person or immediate presence of an officer is guilty of a (W)
- c) Every person who, during the commission of any offense described in section A, removes or takes a firearm from the person of or immediate presence of an officer is guilty of a (F)

148.3 FALSELY REPORTING EMERGENCY:

- (a) Any individual who reports, or causes any report to be made, . . . (to any governmental agency) . . . that an "emergency" exists, knowing that such report is false, is guilty of a (M)
- (b) Same as above . . . except where great bodily injury or death is sustained by any person as a result of such false report (F)



148.5 FALSELY REPORTING CRIME: (M) Every person who reports to any police officer . . . (others) that a felony or misdemeanor has been committed, knowing such report to be false, is guilty of a.. (M)

148.9 GIVING FALSE IDENTIFICATION: (M) Any person who falsely represents themselves as another person or as a fictitious person to a police officer . . . upon lawful detention or arrest of the person, either to evade the process of the court, or to evade the proper identification of the person by the investigating officer is guilty of a . . . (M)

149 ASSAULT AND BATTERY BY OFFICER: (W) Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is guilty of a. . . (W)

834 ARREST DEFINED: An arrest is taking a person into custody, in a case and in the manner authorized by law. An arrest may be made by a police officer or by a private person.

842 SHOWING WARRANT ON DEMAND: An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in his possession at the time of the arrest, but if the person arrested so requests it, the warrant shall be shown to him as soon as practicable.

1531 EXECUTION; AUTHORITY TO BREAK IN AFTER ADMITTANCE REFUSED The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

241B ASSAULT UPON AN OFFICER: (M) An assault upon an officer engaged in the performance of his duties by a person who should reasonably know his victim is an officer.

243B BATTERY ON AN OFFICER: (M) Any person who commits a battery upon an officer engaged in the performance of his duties, whether on or off duty, and the person committing the offense should reasonably know the victim is a peace officer.

245 ASSAULT WITH A DEADLY WEAPON OR FORCE LIKELY TO PRODUCE GREAT BODILY INJURY: (W) Every person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm or by means of force likely to produce great bodily injury, punishable by county jail or by state prison.

246 SHOOTING AT AN INHABITED DWELLING: (F) Any person who maliciously and willfully discharges a firearm at an inhabited dwelling, occupied building, occupied motor vehicle, occupied aircraft, inhabited house car or camper, is guilty of a felony.

417 DRAWING, EXHIBITING OR USING FIREARM OR DEADLY WEAPON ON; SELF DEFENSE; PEACE OFFICERS: (F)

- a)(1) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other than a firearm, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than 30 days. Every person who violates this section when the other person is in the process of cleaning up graffiti or vandalism is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months nor more than one year.
- (2) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months. Every person who violates this section when the other person is in the process of cleaning up graffiti or vandalism is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months nor more than one year.
- b) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any loaded firearm in a rude, angry, or threatening manner, or who, in any manner, unlawfully uses any loaded firearm in any fight or quarrel upon the grounds of any day care center, as defined in Section 1596.76 of the Health and Safety Code, or any facility where programs, including day care programs or recreational programs, are being conducted for persons under 18 years of age, including programs conducted by a nonprofit organization, during the hours in which the center or facility is open for use, shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not less than three months, nor more than one year.
- c) Every person who, in the immediate presence of a peace officer, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, and who knows, or reasonably should know, by the officer's uniformed appearance or other action of identification by the officer, that he or she is a peace officer engaged in the performance of his or her duties, and that peace officer is engaged in the performance of his or her duties is guilty of a felony, punishable by imprisonment in a county jail for not less than nine months and not to exceed one year, or in the state prison.

As used in this section, "peace officers" means any person designated as a peace officer by Section 830.1,830.2, subdivision (a) of Section 830.3, Section 830.31,830.32,830.33, or 830.5.

417.1 DRAWING OR EXHIBITING FIREARM IN PRESENCE OF RESERVE OR AUXILIARY PEACE OFFICER: (F) Every person who, in the immediate presence of a peace officer, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry or threatening manner, and who knows or reasonably should know that the victim is a peace officer engaged in the performance of his or her duties, and the peace officer is engaged in the performance of his or her duties, is guilty of a felony punishable by imprisonment in the county jail not to exceed one year, or in the state prison.

As used in this section, "peace officer" refers to any person designated as a reserve or auxiliary sheriff or city police officer, or a deputy sheriff, pursuant to Section 830.6.

417.3 DRAWING OR EXHIBITING FIREARM IN PRESENCE OF MOTOR VEHICLE OCCUPANT; PUNISHMENT: (F) Every person who, except in self-defense, in the presence of any other person who is an occupant of a motor vehicle proceeding on a public street or highway, draws or exhibits any firearm, whether loaded or unloaded, in a threatening manner against another person in such a way as to cause a reasonable person apprehension or fear of bodily harm is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years or by imprisonment for 16 months or two or three years and a three thousand dollars (\$3,000) fine.

Nothing in this section shall preclude or prohibit prosecution under any other statute.

417.4 IMITATION FIREARM; DRAWING OR EXHIBITING; PUNISHMENT; EXCEPTIONS: (M) Every person who, except in self-defense, draws or exhibits an imitation firearm in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor punishable by imprisonment in a county jail for a term of not less than 30 days. For purposes of this section, an imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

417.8 DRAWING OR EXHIBITING DEADLY WEAPON WITH INTENT TO RESIST OR PREVENT ARREST OR DETENTION BY PEACE OFFICER; PUNISHMENT: (F) Every person who draws or exhibits any firearm, whether loaded or unloaded, or other deadly weapon, with the intent to resist or prevent the arrest or detention of himself or another by a peace officer shall be imprisoned in the state prison for two, three, or four years.

417 BRANDISHING A FIREARM: (M) Every person who, except in self-defense, in the presence of another person, draws or exhibits any deadly weapon in a rude, angry or threatening manner, or who in any manner, unlawfully uses same in any fight or quarrel is guilty of a misdemeanor.

422 ELEMENTS OF OFFENSE; PUNISHMENT; "IMMEDIATE FAMILY" DEFINED Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no

intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

For the purposes of this section, "immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

## 7.

### PATROL PROCEDURES

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7.1 The trainee shall know procedures and factors to consider when responding to crime in progress.

BURGLARY - GENERAL PROVISIONS: Officers will remain aware that the potential for violence is present at incidents involving in-progress burglary. Individuals engaging in such incidents may be professionals, narcotic addicts, first time offenders, or juveniles. When confronted with an incident involving burglary, assigned officers will employ appropriate procedures in order to successfully apprehend the perpetrator(s) and to ensure the safety of other involved individuals.



RESPONSE TO REPORTED BURGLARIES: Officers initially arriving on a scene of a reported burglary will determine if the incident is founded or unfounded. If the incident is founded, and the circumstances indicate that the perpetrator(s) may be present, the outside of the building will be secured. Officers will notify Communications of their respective positions.

The primary officer assigned to the location will request the response of a supervisor and additional personnel as needed. Officers will then follow the following additional procedures when appropriate.

1. RESIDENTIAL BURGLARY: Prior to entering the premises, officers will, when possible contact the reporting party and determine what was seen. Information received will then be evaluated and an approach conducted in a manner which ensures the safety of assigned officers and residents possibly inside the residence allegedly being burglaried. When possible the following information should be obtained:
  - A. Age and description of suspects: This information may assist the officer in determining a proper entrance into the premises and/or what tactics to employ. The information will also assist assigned officers in assessing the involvement of persons discovered in the area.
  - B. Status of resident: The assigned officer should determine if the resident works at night, is on vacation, or is otherwise normally absent. This information will assist the officer in deciding if the person seen entering would be a resident.

- C. Vehicles belonging to resident: This information may assist the assigned officer to determine if residents are home and thus indicate the most appropriate approach.
- D. View of victim's residence by reporting party: This information may assist the assigned officer to determine what could be seen, where actual entry was made, and other information not determined prior to arrival.

2. COMMERCIAL BURGLARY: When assigned to respond to a commercial burglary, officers should remain aware that commercial burglaries are more hazardous than residential burglaries because of the potential existence of the following circumstance:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- D. Incidents involving alarms: Officers assigned to respond to an incident involving a burglar alarm will assume that the alarm is valid. In addition, assigned officers will consider the following circumstances:
  - 1. Source of the alarm: The type of alarm and source within the building may indicate what areas to secure or how to approach the scene.
    - a. Safe or interior alarm: This type of alarm may indicate that perpetrators entered by overcoming the exterior alarm or cutting through the roof.

- b. Sonic alarm: This type of alarm is designed to detect sounds or movements within a building and like an interior alarm, may indicate an experienced perpetrator who has prepared for escape or detection by responding officers.
- c. Multiple alarms: A building, or series of buildings, experiencing multiple alarms may indicate the presence of several perpetrators, the entering of several businesses, or the cutting of telephone line carrying the circuitry for several businesses adjacent to each other.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RESPONSE TO REPORTED ROBBERY: Officers assigned to respond to the scene of robbery incident will remain aware that the potential for violence is present at incidents involving in-progress robbery. When possible, assigned officers will employ appropriate procedures in order to successfully apprehend the perpetrator(s) and to ensure the safety of others involved individuals.

RESPONSIBILITY OF PERSONNEL RECEIVING REPORT: The person receiving the initial report of a robbery will ascertain the address of the incident, and while maintaining contact with the reporting party, ensure that patrol vehicles are immediately dispatched to the scene.

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

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[Redacted]

[Redacted]

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[Redacted]



Note: When the presence of officers is known by a suspect(s), the officer in command of the scene will contact Communications and request that an immediate supervisor respond to the scene.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

The supervisor on duty will respond to the scene to evaluate the situation and make the appropriate notifications.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RESPONSE TO SECURITY ALARMS: The Department's response to security alarms will be in accordance with the following procedures.

RESPONSIBILITIES OF RESPONDING OFFICERS: This type of service is a multiple unit response due to the potential dangers involved. Alarms indicate an in-progress situation and will be

responded to accordingly. The responding officers will determine if additional units are needed. If the alarm is valid and entry or other criminal activity has occurred, appropriate actions will be initiated.

NO ATTEMPTED ENTRY - FALSE ALARM: Officers will check the premises of the alarm. If there is no evidence of entry or attempted entry, or if the alarm is otherwise determined to be false, the officers will return to "in-service" status. The officers should not wait for the alarm company or the responsible party to respond to the scene. However, if police assistance to enter and check the premises is requested by the responsible party, officers will respond and assist consistent with existing resources and demands for service.

7.

**BOMB THREAT INVESTIGATIONS**

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7.2 The trainee shall know the procedures for handling bomb threats directed at police facilities or private facilities.

BOMB THREATS DIRECTED AT POLICE FACILITIES: The Department members receiving the bomb threat will perform the following tasks:

1. OBTAIN DESCRIPTION OF BOMB: Attempt to obtain the following information about the bomb: the location, size, time of detonation, and appearance.
2. OBTAIN DESCRIPTION OF SUSPECT: The characteristics of the suspect's voice, background noises, and stated group affiliation will be obtained if possible.
3. NOTIFICATION: The Department member receiving the threat will then notify an immediate supervisor.

INITIAL ACTION: The officer assigned to investigate the case or the supervisor on scene will notify the Bureau of Investigations that a bomb threat has been received. The information obtained from the suspect will also be supplied. The investigators or supervisor on scene will determine the course of action. The following tasks should then be performed by personnel indicated:

THREAT EVALUATION: Attempt to determine the credibility of the threat and the extent of police action necessary.

[REDACTED]

[REDACTED]

These actions should be based on a determination of the seriousness or believability of the threat.

The determination as to evacuation or to the intensiveness of the search can be based on several indicators.

[REDACTED]

[REDACTED]

The supervisor or investigator on scene will use personal judgment when determining credibility and seriousness and will determine the course of action.

BOMB THREATS DIRECTED AT PRIVATE FACILITIES: The assigned field unit should respond at normal response unless the situation dictates an emergency response or if directed by a supervisor.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In addition, the assigned officer(s) will inform the owner/manager that he/she must make the decision as to the seriousness of the threat and what action is to be taken. However, the officer(s) may suggest the following alternatives:

1. Total evacuation and search
2. Partial evacuation and search
3. No evacuation, but conduct a search
4. Disregard the threat

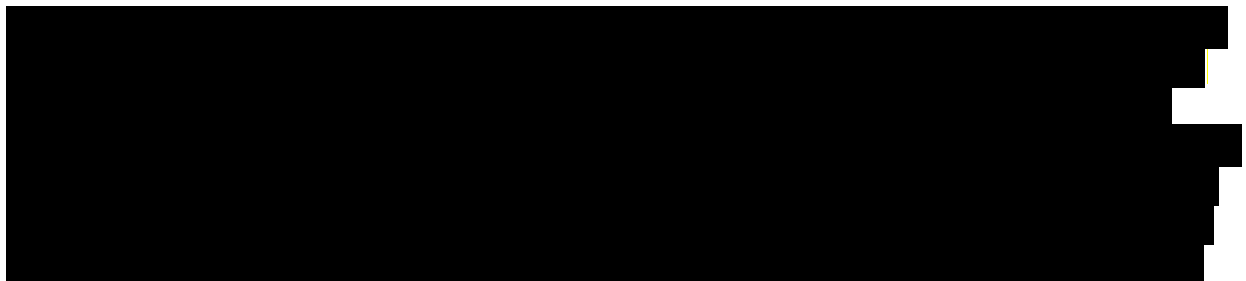
The assigned officer(s) will emphasize that the evacuation and/or search is a management decision and should be based on available information. The owner/manager will be advised that, if requested, officers will assist in conducting a search and will dispose of any explosive device found.

EVACUATION: When the manager/owner decides to evacuate the involved facility, the officer in charge of the scene will request that all personal property such as packages, briefcases, boxes, lunch pails, and other property is removed by each employee upon departure. In addition, a request will be made for employees to unplug or turn off all typewriters, copy machines, and other electrical equipment prior to departure.

Consideration should also be given to turning off lines that supply gas to the facility involved. Persons leaving the facility will be instructed to evacuate a minimum distance of 300 feet but will be requested to remain at evacuation areas so that police personnel can summon them to identify unclaimed packages and suspicious objects as necessary. Once evacuation has begun, the officer in charge of the scene will ensure that the following tasks are performed:

1. Assist in orderly evacuation.
2. Prevent unauthorized persons from entering the restricted area.
3. Protect the scene from damage by the public.

While an evacuation is in progress, assigned officers should observe the area closely, looking for anyone exhibiting unusual interest in the proceedings. (The perpetrator of a bomb hoax may derive intense satisfaction from the excitement at the scene, much in the same manner that a pyromaniac does at a fire. Look for persons who insist on volunteering their aid or anyone who exhibits unusual knowledge of what is going on.)



[REDACTED]

[REDACTED]

[REDACTED]

TIME FACTOR: If a time of detonation has been given and during the course of the search nothing suspicious is discovered, a recommended standard procedure is to clear the target area of all searchers fifteen minutes prior to the time of detonation. The target should not be reentered for at least fifteen minutes after the stated detonation time. If a detonation time was not given, the search should continue until the officer in charge of the scene concludes that the search should be discontinued.

ACTION UPON LOCATING A SUSPICIOUS OBJECT OR EXPLOSIVE: If a suspicious object of the alleged bomb is found, do not move it. Notify the officer in charge of the scene. The officer in charge of the scene should immediately notify the on duty supervisor. The supervisor will determine whether or not to notify LASD Explosives Control Unit to be dispatched to the scene. This request will be made by landline and not radio. If an explosive device or suspicious object is found, the search for more devices should continue, keeping in mind the "time factor" mentioned above.

EVACUATION WHEN SUSPICIOUS OBJECT FOUND: A general evacuation of the entire facility may or may not be in order, depending on the size of the building and the size of the found object. The prime consideration will, of course, be the safety of building occupants. [REDACTED]

REMOVAL OF SUSPICIOUS OBJECTS OR ACTUAL DEVICES: Under normal circumstances, all improvised explosive devices, suspected bombs, suspicious objects and recovered explosives will be removed and destroyed only by trained bomb disposal technicians. (While it might appear that some bombs are simple in design and can easily be rendered safe by anyone, it is



also true that even the simplest bomb or amount of explosives can be rigged to detonate if disturbed in any way. It is always better to move "people" than to move a "bomb.")

MINIMIZING EFFECTS OF DETONATION: When an explosive device is discovered, the officer in charge of the search area will ensure that windows and doors are opened to allow the blast wave to vent to the outside. Such officer will also ensure that electrical power and natural gas is shut off whenever possible.

REQUESTING ADDITIONAL EQUIPMENT/PERSONNEL: The supervisor in charge of the overall incident is responsible for determining the need for additional personnel or equipment (police, fire, ambulance, or utility personnel).

STATEMENTS AND CANCELLATION OF EVACUATION/SEARCH: Due to the problem of civil liability, only the officer or supervisor in charge of the overall scene should make statements regarding the incident. When statements are made, they will be made in front of witnesses. Officers should not sign statements of any kind. When no explosive device(s) is found, a statement to that effect may be made. However, no officer(s) will state that the target area is clear and safe to be reoccupied. The officer or supervisor in charge should explain to the person in charge of the target facility that the decision to reoccupy is a decision that can only be made by managers of the facility involved.

[REDACTED]

[REDACTED]

**7.**  
**SEARCH AND SEIZURE**

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7.3 The trainee shall identify and explain the circumstances under which an officer may initiate a search of a person or vehicle. The trainee shall also identify those items for which an officer may legally search.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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The circumstances surrounding the pursuit and reasons for searching will be reported completely by the officer conducting the search whether or not any items were seized.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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## 7.

### **PENAL CODE**

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7.4 The trainee shall identify the code name with the section number, interpret the section, and give the elements of the codes listed.

#### PENAL CODE:

537(A) DEFRAUDING INNKEEPERS: (F/M) Any person who obtains any food, fuel, services, or accommodations at a hotel, inn, restaurant, boardinghouse, lodging house, apartment house, bungalow court, motel, marina, marine facility, auto camp, ski area, or public or private campground, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an hotel, inn, restaurant, boardinghouse, lodging house, apartment house, bungalow court, motel, marina, marine facility, auto camp, or private or public campground by use of any false pretense, or who, after obtaining credit, food, fuel, services, or accommodations, at a hotel, inn, restaurant, boardinghouse, lodging house, apartment house, bungalow court, motel, marina, marine facility, auto camp, or public or private campground, absconds, or surreptitiously, or by force, menace, or threats, removes any part of his or her baggage therefrom with the intent not to pay for his food or accommodations is guilty of a public offense.

537e(a) REMOVAL OR ALTERATION OF MANUFACTURER'S SERIAL NUMBER OR IDENTIFICATION MARK: (F/M) Any person who knowingly buys sells, receives, disposes of, conceals, or has in his or her possession any personal property from which the manufacturer's serial number, identification number, electronic serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, is guilty of a public offense.

16590 As used in this part, "generally prohibited weapon" means any of the following:

- (a) An air gauge knife, as prohibited by Section 20310.
- (b) Ammunition that contains or consists of a flechette dart, as prohibited by Section 30210.
- (c) A ballistic knife, as prohibited by Section 21110.
- (d) A belt buckle knife, as prohibited by Section 20410.
- (e) A bullet containing or carrying an explosive agent, as prohibited by Section 30210.
- (f) A camouflaging firearm container, as prohibited by Section 24310.
- (g) A cane gun, as prohibited by Section 24410.
- (h) A cane sword, as prohibited by Section 20510.
- (i) A concealed dirk or dagger, as prohibited by Section 21310.
- (j) A concealed explosive substance, other than fixed ammunition, as prohibited by Section 19100.
- (k) A firearm that is not immediately recognizable as a firearm, as prohibited by Section 24510.
- (l) A large-capacity magazine, as prohibited by Section 32310.

- (m) A leaded cane or an instrument or weapon of the kind commonly known as a billy, blackjack, sandbag, sandclub, sap, or slungshot, as prohibited by Section 22210.
- (n) A lipstick case knife, as prohibited by Section 20610.
- (o) Metal knuckles, as prohibited by Section 21810.
- (p) A metal military practice hand grenade or a metal replica hand grenade, as prohibited by Section 19200.
- (q) A multiburst trigger activator, as prohibited by Section 32900.
- (r) A nunchaku, as prohibited by Section 22010.
- (s) A shobi-zue, as prohibited by Section 20710.
- (t) A short-barreled rifle or short-barreled shotgun, as prohibited by Section 33215.
- (u) A shuriken, as prohibited by Section 22410.
- (v) An unconventional pistol, as prohibited by Section 31500.
- (w) An undetectable firearm, as prohibited by Section 24610.
- (x) A wallet gun, as prohibited by Section 24710.
- (y) A writing pen knife, as prohibited by Section 20910.
- (z) A zip gun, as prohibited by Section 33600.

29800 (a) (1) Any person who has been convicted of, or has an outstanding warrant for, a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417 and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(b) Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 23515, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 707 of the Welfare and Institutions Code, and who owns or has in possession or under custody or control any firearm is guilty of a felony.

(c) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless either of the following criteria is satisfied:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment.

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars (\$1,000), or received both punishments.

17500 POSSESSION OF DEADLY WEAPON WITH INTENT TO ASSAULT ANOTHER: (M) Every person having upon him or her any deadly weapon, with intent to assault another, is guilty of a misdemeanor.

17510 POSSESSION OF CONCEALED WEAPON OR LOADED FIREARM: (F/M) (a) Any person who does any of the following acts while engaged in picketing, or other informational activities in a public place relating to a concerted refusal to work, is guilty of a misdemeanor:

- (1) Carries concealed upon the person, or within any vehicle which is under the person's control or direction, any pistol, revolver, or other firearm capable of being concealed upon the person.
- (2) Carries a loaded firearm upon the person or within any vehicle that is under the person's control or direction.
- (3) Carries a deadly weapon.

#### 25850 CARRYING LOADED FIREARMS

(a) A person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory.

17512 It is a misdemeanor for a driver of any motor vehicle or the owner of any motor vehicle, whether or not the owner of the vehicle is occupying the vehicle, to knowingly permit any other person to carry into or bring into the vehicle a firearm in violation of Section 26350 .

25400 (a) A person is guilty of carrying a concealed firearm when the person does any of the following:

- (1) Carries concealed within any vehicle that is under the person's control or direction any pistol, revolver, or other firearm capable of being concealed upon the person.
  - (2) Carries concealed upon the person any pistol, revolver, or other firearm capable of being concealed upon the person.
  - (3) Causes to be carried concealed within any vehicle in which the person is an occupant any pistol, revolver, or other firearm capable of being concealed upon the person.
- (b) A firearm carried openly in a belt holster is not concealed within the meaning of this section.
- (c) Carrying a concealed firearm in violation of this section is punishable as follows:
- (1) If the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, as a felony.
  - (2) If the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.
  - (3) If the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.
  - (4) If the person is not in lawful possession of the firearm or the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.
  - (5) If the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of Section 1170, or by

imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(6) If both of the following conditions are met, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment:

**7.**  
**GANG AWARENESS**

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7.5 The trainee shall have an understanding of the general dynamics of gangs in order to assess and respond to possible gang related criminal activity.

Gang Dynamics (Commission On Peace Officer Standards and Training)

The California Department of Justice has reported that the number of street gang members is on the rise. Gangs are recruiting new members at a younger age. Their weapons arsenals are expanding to include high-powered, large-caliber handguns, shotguns, automatic and semiautomatic rifles. All of this has created a growing challenge for peace officers, schools, and communities.

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**8.**  
**INTOXICATION/DRIVING UNDER THE INFLUENCE CASES**

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8.1 The trainee shall know the procedures involving the use of intoxicants or drugs and shall explain law and investigative procedures for driving under the influence cases. The trainee shall also explain common driving indications of a suspected DUI, explain and demonstrate the field balance tests, and the two chemical tests, including how, when, and where and by whom these tests are given.

INTOXICATION CASES - GENERAL PROVISIONS: Officers assigned to incidents involving the use of intoxicants or drugs will record the facts associated with such an incident. Facts which will be recorded include, but are not limited to, the following:

ODORS: The odor of alcoholic beverage on the person's breath, clothing, or inside a vehicle will be noted. The presence of odors from the use of narcotics, marijuana, hashish or other controlled substances will be reported.

INSTRUMENTS AND CONTAINERS: The presence of bottles, cans, boxes, bags, or other containers used to hold the intoxicant, narcotic, drug, or controlled substance will be reported.

PHYSICAL CONDITION: Speech abnormalities such as slurring, rambling, or incoherence will be noted. Coordination problems such as staggering, fumbling, or misjudging distances will be reported.

When a person will not or cannot answer questions accurately or perform physical tasks with normal ability, the officer observing such conduct will first determine if some illness, injury, or emotional condition caused the abnormality, or if it was caused by ingestion of an intoxicating substance. The determination will be included in the report.

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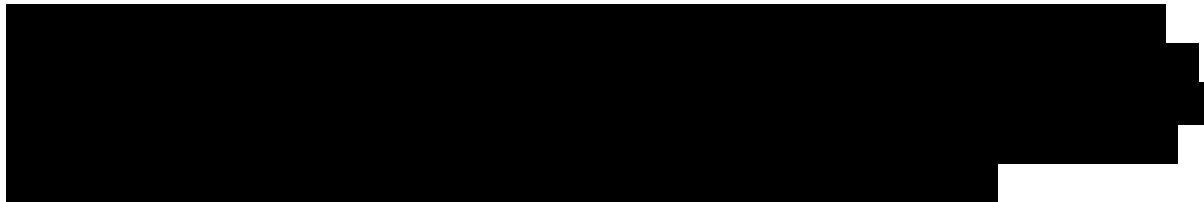
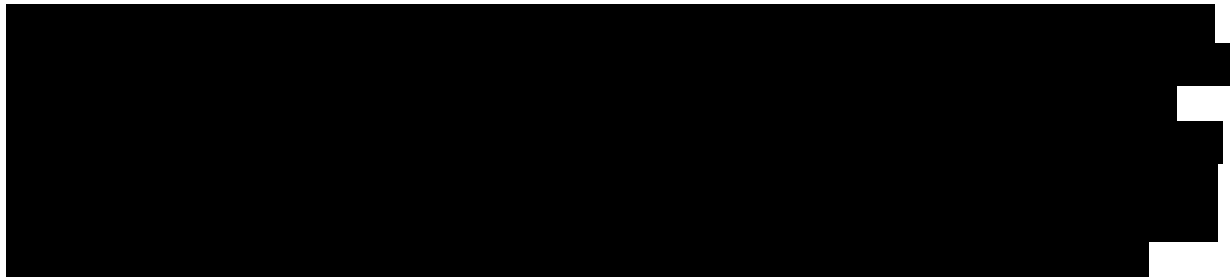
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OBSERVING AND IDENTIFYING THE INTOXICATED DRIVER: An officer can encounter a drunk driver at any time of the day or night. While patrolling an assigned district or "beat," the officer should be aware of any unusual activities that occur, including minor traffic violations that could indicate a drunk driver. These observations tend to be especially meaningful within two hours of the closing times of the bars and nightclubs in the patrol area.

The alert patrol officer understands that traffic violations could be symptoms of poor judgment executed by a person under the influence of some intoxicating substance. Since the first portion of the brain affected by alcohol or drug is the area that governs a person's judgment, the intoxicated driver will exhibit poor driving performance that can include (but not be limited to) failing to maintain a proper speed (too fast or too slow) for the area, failing to drive in a single marked lane of traffic, driving on the wrong side of the roadway, or displaying faulty judgment in making turns (hitting the curb, driving over the lines, etc.). The officer might spot the violator dozing behind the steering wheel of the motor vehicle while the violator's vehicle is stopped for an official traffic control device. The variety of circumstances surrounding identifying a DUI suspect is limited only to the officer's ability to observe and detect unusual behavior.

Having spotted what appears to be an intoxicated driver, the officer should stop the suspect as soon as possible. An officer who allows a suspected drunk driver to continue to operate the vehicle in hopes of seeing other more serious violations is risking a serious accident and putting the lives of others in jeopardy needlessly.



TRAFFIC CASES: When an officer has reasonable cause to believe that an involved individual is under the influence of an intoxicating beverage, drug, narcotic, or controlled substance, and

such intoxicating influence directly or indirectly contributes to the occurrence of the incident, then assigned officers will adhere to the following appropriate procedures.

[REDACTED]

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DRINKING DRIVER: Officers detaining suspected drunk drivers will then administer the following Standardized Field Sobriety Tests (SFSTS), unless the suspect is injured or refuses to be examined:

Standardized Field Sobriety Tests (SFSTS) procedural verbiage:

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Intoxicating beverages, drugs, or narcotics discovered on the arrestee's person or in the vehicle will be processed as evidence.

P.A.S. (Preliminary' Alcohol Screening Device) may be used to document B.A.C. results, in conjunction with field balance tests.

PAS PERSONS UNDER 21: PRELIMINARY SCREENING DEVICE: Under California Vehicle Code Section 23136 (a), Notwithstanding Sections 23152 and 23153, it is unlawful for a person under the age of 21 years who has a blood-alcohol concentrate (0.01 percent or greater, as measured by a preliminary alcohol screening or other chemical test, to drive a vehicle. However, this section shall a bar to prosecution under Section 23152 or 23153 or any other provision of law.

- b) A person shall be found to be in violation of subdivision (a) if the person was, at the time of driving, under the age of 21 years, and the trier of fact finds that the person had consumed an alcoholic beverage and was driving a vehicle with a blood-alcohol concentration of 0.01 percent or greater, as measured by a preliminary alcohol screening test or other chemical test.
- c)(1) Any person under the age of 21 years who drives a motor vehicle is deemed to have given his or her consent to a preliminary alcohol screening test or other chemical tests for the purpose of determining the presence of alcohol in the person, if lawfully detained for an alleged violation of subdivision (a).

- (2) The testing shall be incidental to a lawful detention and administered at the direction of a peace officer having reasonable cause to believe the person was driving a motor vehicle in violation of subdivision (a).
- (3) The person shall be told that his or her failure to submit to, or the failure to complete, a preliminary alcohol screening test or other chemical test as requested will result in the suspension or revocation of the persons privilege to operate a motor vehicle for a period of one year to three years, as provided in Section 13353.1.

ADMONISHMENTS: The officer processing a drinking driver will read the "Implied Consent" statement verbatim from the Department issued card. The officer will record on the form the "Intoxication Report" the arrestee's response indicated on the form by quoting the actual words used by the arrestee to indicate a waiver or refusal.

INVOLVEMENT: When a suspected drunk driver is involved in a vehicle accident, the investigating officer is required to establish that the suspect was driving at the time the accident occurred before an arrest for drunk driving can be made.

ARREST WITHOUT WARRANT: Under California Vehicle Code Section 40300.5, In addition to the authority to make an arrest without a warrant pursuant to paragraph (1) of subdivision (a) of Section 836 of the Penal Code, a peace officer may, without a warrant arrest a person when the officer has reasonable cause to believe that the person had been driving while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug when any of the following exists:

- a) The person is involved in a traffic accident.
- b) The person is observed in or about a vehicle that is obstructing a roadway.
- c) The person will not be apprehended unless immediately arrested.
- d) The person may cause injury to himself or herself or damage property unless immediately arrested.
- e) The person may destroy or conceal evidence of the crime unless immediately arrested.

PROCESSING ARRESTEE: When it is established that the driver is in violation and is placed under arrest, officers will follow the following procedures:

DISPOSITION OF ARRESTEE'S VEHICLE: The arresting officer will advise the arrestee that his/her vehicle will be towed to a secure storage facility for safekeeping unless the officer determines that the vehicle can be lawfully parked or released to another person with the consent of the driver. Officers may also conduct a lawful search of the person or the vehicle as determined by court decisions. When the vehicle is stored, an inventory will be conducted.

PROCEDURES AT PROCESSING FACILITY: The arrestee will be transported to the Huntington Park PD Jail for booking. The processing officer will then perform the following tasks:

Complete Reports: The "Intoxication Report" form and all required "Booking Information Sheets" will be completed.

OBTAINING TEST SAMPLE: If breath is selected, any Datamaster Intoximeter certified officer may operate the Intoximeter. Certified officers are to assist noncertified officers whenever feasible.

If the arrestee refuses breath, the officer should determine if the arrestee will consent to a blood test. If the arrestee consents, the arrestee will be transported to Stacy Medical Center, for a sample to be obtained. If the arrestee verbally refuses both tests, the reports should reflect the refusal.

Officers operating the Intoximeter may find an apparently inebriated person registering a very low or zero indication. Whenever this occurs, attempts should be made to obtain a blood sample in order to test for drugs. The sample should be obtained by the same methods as would be used in any investigation of a drug related misdemeanor.

OTHER TRAFFIC RELATED INCIDENTS: Officers assigned to other traffic incidents (hit and run, vehicle/pedestrian, etc.) involving persons suspected of being intoxicated or otherwise under the influence of an intoxicating beverage or drug will process the incident in accordance with applicable procedures in this section.

CHEMICAL TESTS - GENERAL PROVISIONS: Officers will witness the taking of blood or breath specimens and ensure that the specimen container label contains the date, case number, initials of the person taking the specimen, and the suspect's name. Witnessing officers will also date and initial the container label and indicate on the processing envelope what intoxicating substance is suspected. When a specific substance is suspected, the following appropriate specimen will be obtained:

1.	Alcohol	Blood or Breath
2.	Opiates (heroin and morphine)	Urine
3.	Amphetamines (stimulants)	Urine
4.	Tranquilizers (except neprobromate)	Urine
5.	Neprobromate (equanil, miltown)	Blood
6.	Cocaine	Urine
7.	PCP	Urine

When the incident involves the use of a combination of controlled substances, or the officer is unable to determine the specific substance, both a blood and urine specimen will be obtained and submitted for analysis.

TAKING OF SPECIMEN AGAINST SUSPECT'S WILL: Officers will adhere to the following appropriate procedures whenever a suspect refuses to consent to a chemical test of the suspect's blood or breath.

The trainee will review and know McNeely (Blood Draw) Warrant procedure.

1. MISDEMEANORS DRUNK DRIVING: Whenever a suspects refuses to consent to a chemical test, tests will not be administered unless with prior approval from the on duty supervisor or unless such suspect is unconscious.
2. FELONY CASES: A chemical test should be administered when the incident involves a felony violation with prior approval from the on duty supervisor. When administering such a test, officers will remain aware that the courts will examine the method used, to obtain the specimen and decide if such method "shocks the conscience" of the suspect from whom the specimen was obtained.

CHEMICAL TESTS AT HOSPITAL OR OTHER MEDICAL FACILITIES: Officers will abide by hospital or medical facility procedures when requesting blood, breath or urine specimens.

CHEMICAL TEST OF DECEASED PERSONS: Chemical tests in death cases referred to the coroner will be the responsibility of the coroner's office personnel assigned to the incident.

SPECIFIC CHEMICAL TEST PROCEDURES: Officers will adhere to the following additional procedures when intending to obtain any of the following biological specimens for a chemical test:

1. BLOOD TESTS: Officers intending to subject a suspect to a blood test will make a reasonable effort to determine if the suspect is a hemophiliac or using anticoagulants under the direction of a physician. When it is determined that a suspect is a hemophiliac or using anticoagulants, such a suspect is exempt from the blood test. Officers will then record, on an appropriate report form, the name of the suspect's attending physician and the date of the last visit to the physician.

A blood test may be administered when the person is unconscious or in a condition rendering such person incapable of refusal to submit. It is not necessary to obtain the permission of relatives or any other person.

2. URINE TESTS: Officers will obtain a urine sample in cases where the subject is under the influence of a drug, or under the combined influence of any alcoholic beverage and drug.

The law requires that when a urine specimen is taken the subject must be given reasonable privacy consistent with the accuracy of the sample and the dignity of the individual. Urine sample bottles are available at the booking cell.

The urine sample kits can be used for collecting urine for hard (morphine, heroine, and their derivatives) narcotics analysis. Any narcotics taken by addicts show up in the urine for several days after a dosage. In narcotic cases, collect all urine. Preliminary voiding is not necessary.

BREATH TESTS: Intoximeter certified officers operate the breath analysis machines. Upon completion of the test, officers will attach the printout of the test result to the "Sheriff's Department County of Los Angeles Datamaster Precautionary Check List" form.

PUBLIC INTOXICATION CASES: Officers assigned to an incident or observing an incident involving a person who is intoxicated while in a public place will process the incident in accordance with the following procedures:

FIELD TESTS: When the degree of intoxication is such that the person is not able to stand without assistance, or the degree of staggering or weaving indicates that the individual is drunk beyond a reasonable doubt, the officer need not conduct any field tests. When the circumstances indicate that coordination tests should be conducted, the line walking and standing balance test should be administered by the assigned officer.

In either case, officers will, when necessary, record the events and conduct which indicated the degree of intoxication.

DISPOSITION: Intoxicated persons taken into custody will be transported to the Vernon City Jail for booking and processing such persons. Officers will complete all forms and other records required by personnel receiving the intoxicated person.

CURRENT DMV FORMS REQUIRED FOR DRIVING UNDER THE INFLUENCE ARREST:

- 1) Intoxication Report
- 2) Drug Influence Report
- 3) Age 21 and Older Officer's Statement 13353 CVC Form (Ds 367)
- 4) Administrative per Se Order of Suspension/Revocation Temporary License Endorsement (DS 367)
- 5) Under Age 21 Officer's Statement 13353 (DS 367M)
- 6) Under Age 21 Administrative per Se Order of Suspension/Revocation Temporary License Endorsement (DS 367M)
- 7) Sheriff's Department County of Los Angeles Datamaster Checklist (Intoximeter)



## DRIVING UNDER THE INFLUENCE ARRESTS

The Department of Motor Vehicles (DMV) has a recent adverse court ruling concerning Administrative Per Se hearings and probable cause. This also includes probable cause as it is related to California Vehicle Code (CVC) 40300.5.

In a recent court case, *Solovij VS. Gourley*, the probable cause issue was addressed. In this case, the officer indicated in the probable cause section: “22350 CVC N/B Chapala St. & W/B Carrillo St.” The court found that there was no competent evidence in the officer’s sworn report to justify the initial stop and detention.

Probable cause must be articulated in as much detail as possible. In order to justify a stop or detention, officers must have specific and “articulable facts” causing them to suspect that some activity relating to a crime had taken place, is occurring or is about to occur, and that the person detained is involved in that activity. The relevant facts necessary to support the initial stop must be contained in the DS-367 form. Officers must state the observation(s) that led them to believe that there was reasonable cause to detain the subject. **The court found the CVC 13380 required the arresting officer to include “all relevant information” in the sworn report. Therefore, DMV cannot evade the statutory requirement by using the arresting officer’s unsworn report as additional evidence to supplement an arresting sworn report with missing “relevant information.”**

In summary, the DMV could not rely on the arresting officer’s unsworn arrest report and there was no evidence that the officer’s initial stop of Solovij was reasonable. Thus, there was insufficient evidence of probable cause for the arrest.

Pursuant to CVC 40300.5, a peace officer may, without a warrant, arrest a person when the officer has reason or cause to believe that the person had been driving while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. The officer must indicate in detail the reason for the contact. In reports it is crucial that officers establish the facts for the arrest pursuant to CVC 40300.5, and articulate the probable cause relating to this section as well as indicate the applicable sub-section:

- a) The person is involved in a traffic accident;
- b) The person is observed in or about a vehicle that is obstructing a roadway;
- c) The person will not be apprehended unless immediately arrested;
- d) The person may cause injury to himself or herself or damage property unless immediately arrested; or
- e) The person may destroy or conceal evidence of the crime unless immediately arrested.

It is necessary that reporting officers state their “articulable facts” of their law enforcement actions because probable cause to stop and investigate is an essential component to the

legality of the arrest. Conclusionary statements by officers are not sufficient. See the below examples.

INSUFFICIENT	SUFFICIENT
1. Probable cause statement is blank or "see attached arrest."	1. The officer should indicate the reason for the initial contact. No reference to any other attached report.
2. Erratic driving	2. Observed subject driving 20 miles above posted speed limit and on numerous occasions, changing lanes without signaling when passing other vehicles.
3. Weaving	3. Observed subject driving from side to side for at least ½ mile. At times, driving in two different lanes of traffic.
4. Illegal maneuver	4. Observed subject crossing the solid double yellow line while exiting the carpool lane on the freeway.
5. Illegal turn	5. Subject made a left turn lane against a posted "no left turn" sign.
6. Reckless driving	6. Subject's vehicle paced driving at 100 mph on the freeway.
7. Almost caused accident	7. Subject stopped in the middle of the road for no apparent reason, causing vehicles from behind to quickly brake to avoid a traffic collision.
8. Improper lane usage	8. Observed subject's vehicle passing other cars on the right shoulder of the road.
9. Unsafe lane change	9. Observed subject driving vehicle in the #1 lane of a 3-lane highway and suddenly making a right turn. Other vehicles in lanes 2 and 3 had to sharply brake to avoid a collision.
10. "Speeding" or driving in violation of 22350 Basic Speed.	10. Subject was paced driving at 40 mph in a 25 mph zone, in violation of CVC 22350.
11. Subject was found asleep in the driver's seat with the engine on, parked on the shoulder of the freeway. Section 40300.5 applies.	11. Observed vehicle parked on the shoulder of the freeway. Approached vehicle to conduct a welfare check under CVC 40300.5(d). the vehicle's engine and handbrake were on, with the transmission in neutral. Subject was asleep in the driver's seat.
12. Subject observed in or about a vehicle blocking the roadway.	12. Observed subject walking away from a vehicle blocking the #3 lane. Front end of vehicle was angled 3 feet into lane #3. Subject stated that he drove to that location.

REPORT WRITING: In basic DUI arrests the department DUI arrest form will be completed.

If any additional charges are included with the DUI charge the following is an example of a DUI arrest narrative format:

INITIAL OBSERVATION OF THE VEHICLE:

- A. What attracted your attention?
- B. Vehicle code violation for the stop.

UNIT EMERGENCY LIGHT ACTIVATION/TRAFFIC ENFORCEMENT STOP:

- A. Did the driver pull over immediately?
- B. Did the driver park a distance away from the curb or did the driver bump the curb?

INITIAL CONTACT WITH DRIVER:

- A. Asked to see driver's license registration card and insurance.
- B. How many times did you have to ask for the items?
- C. Did the driver fumble through the wallet while looking for the items?
- D. What did the driver finally give you?

OBSERVATIONS:

- A. Use your senses.
- B. Drivers condition. (Eyes, clothes, urination, vomit, speech, open alcohol container, etc.)

DRIVER EXITING VEHICLE:

- A. Describe the driver's balance.
- B. Did the driver hold on to the vehicle?
- C. Did the driver stumble or trip while walking toward the curb/street?

COMPREHENSION OF INSTRUCTIONS:

- A. Did the driver have difficulty understanding instructions given? If so, describe them.
- B. If the driver displays symptoms of intoxication, conduct DUI investigation. Refer to investigative questions listed in the "Intoxication Report."

FIELD BALANCE TEST:

- A. Explain and demonstrate field balance tests and have driver conduct the test. Note results in the "Intoxication Report."

PAS TEST:

- A. Ask the driver if he/she would take PAS tests. Note results on arrest report.

ARREST:

- A. Advise driver of DUI arrest charge.

IMPLIED CONSENT:

- A. Advise driver of implied consent admonishment, per 13353 VC.

OBTAIN SAMPLE:

- A. Obtain sample requested by driver.

VEHICLE/EVIDENCE DISPOSITION:

- A. Indicate vehicle and evidence disposition in arrest narrative.

8.

**CONTROLLED SUBSTANCES**

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8.2 The trainee shall identify and explain the objective symptoms of the symptoms of substance listed and explain the procedures for obtaining proper samples in controlled substance cases.

UNDER THE INFLUENCE EVALUATIONS: The "Under the Influence" evaluation is simply a series of observations. You are noting the objective symptoms being displayed, and comparing them against what you know to be "normal." It is important to remember that most addicts are poly-drug abusers, so the objective symptoms of many drugs may be present.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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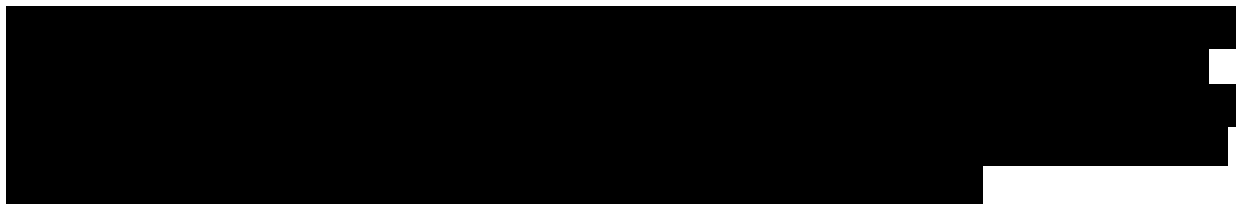
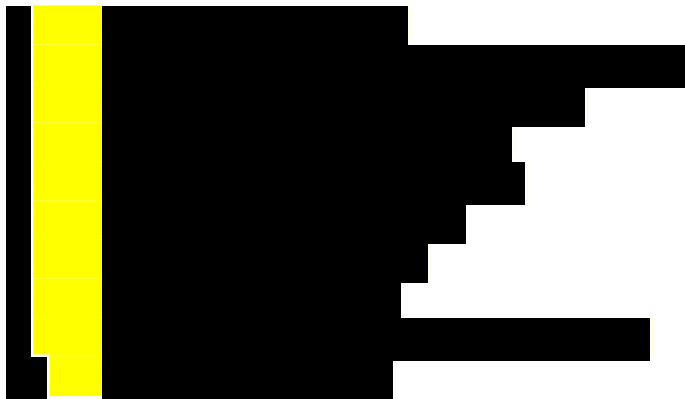
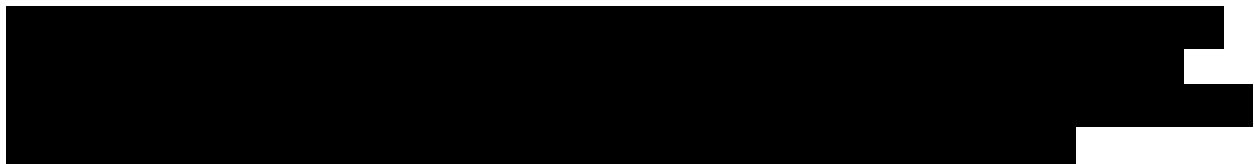
SIGNS OF USE:

INJECTION MARKS: Look for puncture wounds over a blood vessel. These will usually be located on the arms, hands, or neck. Remember, if you ask a suspect to roll up his/her sleeves or take off his jacket, this it could constitute a search. Make certain that you follow the proper rules of evidence.

For the purpose of the "under the influence" evaluation, we are primarily concerned with a fresh injection site. Nonetheless all tracking or scar tissue should be noted.

NOSE: You might see residue running out of the nose, but most often you will have to examine the nasal passages. Have the subject tilt his head back, shine a flashlight up each nostril and look for powder attached to the nose hairs. Also, note any sores or irritation on the inside of the nose.

BREATH: Smell the subject's breath and note alcohol, marijuana, or other chemical odors.



CHEMICAL TEST: In order to convict a person of being under the influence of narcotics or drugs, most jurisdictions require a chemical test. Controlled substances can be detected in both the blood and urine, but it is important to remember that most compounds will not reach the urine for at least one hour.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





DRUG INFLUENCE SYMPTOMS:

STIMULANTS: (cocaine, amphetamines): Dilated pupils (over 6.5), rapid speech, debris in nose dry nose, dry mouth, sweating, high pulse (over 90), tremors-anxiety, transient muscle rigidity, impaired coordination.

DEPRESSANTS: (alcohol, barbiturates, tranquilizers, quaaludes): Horizontal and vertical nystagmus, slow pupil reaction, hippus, drunk appearance, impaired coordination, low pulse (60 or below).

NARCOTICS: (heroin, codeine, darvon, methadone, opium) constricted pupils (2.9 or less), pupils non-reactive to light, droopy eye lids, slow-deliberate speech.

PHENCYCLIDINE: Horizontal and vertical nystagmus, no significant pupil reaction (normal), chemical odor, debris in mouth, muscle rigidity, divided attention impairment, impaired coordination, high stepping, high pulse (over 90), slow repetitive speech.

MARIJUANA: Rebound dilation, eyes reddened, dry mouth, debris in mouth, high pulse (over 90) impaired coordination.

HALLUCINOGENS: (L.S.D., psilocybin, peyote): Dilated pupils, (Over 6.5), high pulse (over 90), paranoia, goose flesh.

INHALANTS: (paint glue, toluene): nystagmus, impaired coordination odor of substance being used, disorientation, dilated pupils.

Note: Not all symptoms observable in every person.

REPORT WRITING: Officers conducting the above examination will note the results on the department "Drug Influence Report."

The two main areas in which defense attorneys may attack your arrest will be: (1) your probable cause for the initial detention or examination; and (2) your expertise. Pay very close attention to these two areas and clearly articulate all of your observations. Describe what you observed, and what made you form your opinion. For example: "Based on my training and experience in the area of narcotic enforcement, I concluded that the objective symptoms being displayed by the suspect (that being constricted pupils, sedation, lethargy, dry mouth and lips,

the scratching of the face, cold and clammy skin, and the fresh puncture wound on his inner left arm) are consistent with heroin influence. Because of this, he was arrested for 11550 H&S

## 8.

### **MARIJUANA INVESTIGATIONS**

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8.3 The trainee shall know the procedures regarding marijuana law involving adults and juveniles.

ADULT PROCEDURE: The following procedure will be followed in all marijuana law violations involving adults.

POSSESSION, TRANSPORTATION, OR GIVING AWAY OF MARIJUANA - ONE OUNCE OR LESS (11357(a) H&S): As required by law, officers arresting an adult for a marijuana law violation will utilize the criminal citation and field release the violator whenever the following elements are satisfied.

1. The amount of marijuana is one ounce or less and is not "concentrated cannabis."
2. The violator provides satisfactory evidence of identity.
3. The violator gives his written promise to appear in court.
4. The violator is not selling the marijuana or furnishing it to a juvenile(s).

When field releasing an arrestee satisfying the above elements, the officer will check the "No" box on the citation section headed "Booking Required."

REFUSAL TO SIGN CITATION OR INSUFFICIENT IDENTIFICATION: Whenever a refusal to sign the citation or a lack of satisfactory identification occurs, the violator will be booked.

POSSESSION, TRANSPORTATION, OR GIVING AWAY - MORE THAN ONE OUNCE (11357 c H&S): Officers arresting an adult for a marijuana law violation will book, the arrestee whenever the following elements are satisfied.

1. The amount of marijuana possessed, transported, or given away is more than one ounce. The circumstances of possession or transportation will determine the H&S code section to be used, i.e., possession for sale/possession for personal use.
2. Whenever a sale or offer to sell any quantity of marijuana occurs.
3. Whenever any adult furnishes or offers to furnish any amount or form of marijuana to a minor.
4. Whenever the violator demands an immediate appearance before a magistrate.

POSSESSION OF CONCENTRATED CANNABIS: Whenever the possession, transportation or furnishing of any form or amount of "concentrated cannabis" occurs, the violator will be booked.

CONCENTRATED CANNABIS DEFINED: Hashish, hashish oil, and any form of resin from the marijuana plant is considered "concentrated cannabis."

CONCURRENT ON-VIEW VIOLATIONS: Officers will not include possession, transportation, or giving away of one ounce or less of marijuana as an additional charge when booking an arrestee for other violations. Instead, the marijuana law violation will be included on the arrest report. No criminal citation will be issued.

JUVENILE PROCEDURES: The following procedures will be followed in all marijuana law violations involving juveniles.

POSSESSION OR TRANSPORTATION OF MARIJUANA - ONCE OUNCE OR LESS (11357(a) H&S): Officers arresting a Juvenile for a marijuana law violation will issue a Misdemeanor Traffic Citation and release the juvenile whenever the following elements are satisfied:

1. The amount of marijuana is one ounce or less and is not "concentrated cannabis."
2. The juvenile provides satisfactory evidence of identity.
3. The juvenile gives his written promise to appear in Juvenile Court when notified.
4. The juvenile is not selling, offering to sell or furnishing any form or amount of marijuana.

REFUSAL TO SIGN CITATION OR INSUFFICIENT EVIDENCE OR IDENTITY: A juvenile refusing to sign a citation or failing to produce satisfactory identification will be detained per the provisions under the Welfare and Institution Codes.

POSSESSION, TRANSPORTATION OR GIVING AWAY OF MARIJUANA - MORE THAN ONE OUNCE (11357 c) H&S: Officers arresting a Juvenile for a marijuana law violation will detain the violator when any of the following elements are satisfied:

1. The amount of marijuana possessed or transported is more than one ounce. The circumstances of possession or transportation will determine the H&S code section to be used, i.e., possession for sale/possession for personal use.
2. Whenever a sale or offer to sell any quantity of marijuana occurs.
3. The juvenile furnishes or gives away any form or amount of marijuana.

POSSESSION OF CONCENTRATED CANNABIS: Whenever any juvenile possesses, transports or furnishes any form or amount of "concentrated cannabis" the violator will be detained.

CONCURRENT VIOLATIONS: If independent ground for an arrest occurs and the juvenile is processed through the Juvenile Center, all marijuana law violations will be included in the Juvenile Arrest Report at the time of processing. A separate juvenile citation will not be issued.

USE OF SUBSECTIONS ON FORMS: Whenever a citation is issued or booking procedure used, the appropriate subsection must be used on all appropriate forms. Examples: H&S 11357(a) or H&S 11357(b).

PROPOSITION 215: MEDICAL USE OF MARIJUANA: Proposition 215, which adds Section 11362.5 to the Health & Safety Code, (Compassionate Use Act of 1996). The following information describes the policy and procedure of the Los Angeles County District Attorney's Office and guidelines for Vernon Police Department personnel as it relates to Proposition 215.

It is the policy of the Los Angeles County District Attorney's Office that Proposition 215 has created an affirmative defense to the offenses of possession or cultivation of marijuana -- Health and Safety Code Sections 11357 subsections (b) through (e) and 11358. This medical use defense applies only to a "patient or patient's primary care giver," as defined, who possesses or cultivates marijuana for the "personal medical purposes of the patient upon the written or oral recommendation or approval of a physician."

It is also the policy of the Los Angeles County District Attorney's Office that Proposition 215 is inapplicable to subsection (a) of Section 11357 (concentrated cannabis) and to the sale of marijuana or any actions predicate to sales of marijuana.

In cases relating to Proposition 215, Deputy D.A.'s, before filing a case in which the medical use defense may apply, will inquire of the arresting agency whether the medical use defense is factually applicable, and what investigation there has been to confirm or disprove the defense. As with other affirmative defenses, the burden of proof is on the defendant. In prosecuting marijuana violations, the District Attorney's Office will presume that the conduct is unlawful unless the affirmative defense can be proven.

If evidence of the medical use defense comes to light after a case has been filed, it is the policy of the District Attorney's Office to request appropriate investigation by the investigating agency, and if the defense is determined to be valid, to dismiss pending charges.

In an effort to provide guidance to law enforcement personnel, the State Attorney General suggests that:

1. In light of Proposition 215, the focus in cases involving potential marijuana violations should be on whether the medicinal use defense is factually applicable.

2. Vernon Police Department personnel should consider the following matters in determining probable cause for arrests involving marijuana. Further, it is imperative that all information obtained during the initial investigation should be included in the arrest report:
  - A. An officer has the right to detain and question for that period of time reasonably necessary to determine whether the defense applies.
  - B. The officer should ask early whether the person is taking medication, what medication, for what condition, at which doctor's direction, and the duration of treatment. The officer should attempt to verify the information when possible.
  - C. An officer should ask whether the individual is a patient or care giver. If he/she says patient, then ascertain the name of doctor and care giver. If care giver, ascertain for whom, for how long, and on what basis (responsible for housing, health or safety of patient). The officer should attempt to verify the information when possible.
  - D. The quantity and packaging of the marijuana.
  - E. The presence of cash, pay/owe documents and the absence of any indicia of patient or care giver status.
  - F. Observed sales to persons.
  - G. The presence of weapons, scanners or the use of evasive tactics or other conduct associated with unlawful drug activity.
  - H. The criminal history of the individual.
  - I. Activity evidencing consciousness of guilt.
  - J. The experience and expertise of the law enforcement officer.
  - K. The nature and consistency of the statements made by the person detained and questioned.

## 8.

### **NARCOTICS INVESTIGATIONS**

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8.4 The trainee shall know the department procedure regarding the recognition, arrest, and prosecution procedures for PCP investigations.

#### PCP - OFFICERS' GUIDE TO RECOGNITION, ARREST AND PROSECUTION:

HISTORICAL BACKGROUND: PCP was first synthesized by researchers at Parke-Davis Co., in 1956, and was used as an animal tranquilizer and surgical anesthetic. Although effective as such, patients manifested agitation, excitement and disorientation during the recovery period.

PCP appeared as a street drug in Los Angeles, in 1965. It is one drug in a family of phencyclidine which is classified as inside outers. Chemists expected that there are at least thirty analogs of PCP on the market. It is often marketed to the user as LSD, MDA, STA, and most commonly, THC, the psycho-active agent of marijuana.

When sold as THC in tablets or powders, the color may vary from beige to brown, green, orange, strawberry, white to yellow. Phencyclidine sold as PCP usually appears beige, tan-white, or gray-white to yellow. Physical forms may vary from tablet, powder, crystalline and granular, or sold as liquid.

Phencyclidine is frequently taken by inhalation (smoking), intravenous administration (injection), insufflation (snorting), orally, in eye drops and rectally. The most popular method in California for use of phencyclidine is smoking the material on parsley, mint or other leaves.

The onset of subjective effects after smoking, is reported to occur within one to five minutes. The drug will peak or plateau in fifteen to thirty minutes, and the person will remain high for four to six hours. Generally, twenty-four to forty-eight hours are required until a person again feels completely normal.

PCP HANDLING PROCEDURES: Inhaling nonodorous PCP vapors will, after continued exposure, cause you to be under the influence of PCP. Further, liquid PCP is easily absorbed through the skin, especially through the way of cuts or sores. Normal clothing, paper towels, surgical gloves, or thin plastic will not sufficiently protect you from PCP. Once PCP is in your system, it may have serious, long-term effects.

Due to the potential of a "Contact High" from handling the PCP, each supervisor's unit will be supplied with the necessary equipment for the handling and transportation of the drug.

The equipment will consist of a pair of heavy duty industrial type gloves and various sizes of glass containers in which the drug is to be placed. Glass vials should not be placed into glass containers without protective packing, ie: cotton, paper. The drug should be transported to the

station and sealed in a "KAPAK EVIDENCE PRESERVATION SYSTEM" package according to packaging instructions.

The "KAPAK EVIDENCE PRESERVATION SYSTEM" is available in the evidence room and should only be used in the handling and packaging of PCP. The heating unit should be allowed to warm up for 3-5 minutes. Depress sealing arm for 2-3 seconds. Use bags provided with kit only.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SAFETY TECHNIQUES: Because of the extreme volatility of the drug and the unpredictability of the suspect, investigating officers should use extreme caution in weighing the benefit of his actions against the risk involved. The following list should be used as a guide augmented by experience and training:

- Do approach with caution.
- Do speak softly.
- Do call for immediate assistance.
- Do maintain constant vigilance.
- Do not shine bright lights in the eyes.
- Do not attempt to arrest alone.
- Do not touch, sniff or handle suspected contraband.
- Do not excite suspect unnecessarily.
- Officers should be alert for signs of PCP intoxication.

REPORT WRITING: Successful prosecution mandates a report which accurately reflects one incident. A well written PCP arrest reports will contain the following pertinent data:

1. Objective symptoms of suspect's PCP intoxication. Physical symptoms of intoxication are listed as follows:



- A. The most common observable signs include horizontal and vertical nystagmus, gait ataxia, muscle rigidity, blank stare appearance, non-communicative.
  - B. Additional signs of PCP are a fluctuating state of confusion or excitement, hallucinations or delusions, disorientation, agitation and combativeness, aggressive and violent behavior.
2. The report should include documentation of alcohol and drug admonitions.
  3. Urine test.
  4. When possible, a drug expert or Medical Doctor should provide a drug evaluation of the arrestee. This evaluation should denote the physical symptoms of PCP intoxication.

**8.**

**PENAL CODE/HEALTH & SAFETY CODES/BUSINESS & PROFESSIONS CODES**

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8.5 The trainee shall identify the code name with the section number, interpret the section, and give the elements of the codes listed.

**PENAL CODE:**

**381 POSSESSION OF TOLUENE:**

- (a) Possession, intoxication, or inhalation of glue (toluene), paint thinners, paints, other poison as defined in 4160 B.P. Schedule D, with intent to become intoxicated.
- (b) Under the influence or possession of nitrous oxide, intent to breathe for purpose of disturbing mental process.

**BUSINESS AND PROFESSIONS CODE:**

**4149 POSSESSION OF HYPODERMIC NEEDLE/SYRINGE: (M)** Any person who illegally possesses a hypodermic needle syringe.

**4390 PRESCRIPTIONS: (F)** Prescription, alter or forge; obtain drugs.

**HEALTH & SAFETY CODE:**

**11350 POSSESSION COCAINE, HEROIN, ETC.: (F)** Every person who possesses any controlled substance specified in the enumerated subdivisions of sections 11054, 11055, or any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.

**11351 POSSESSION COCAINE, HEROIN, ETC FOR SALE: (F)** Every person who possesses for sale or purchases for sale any controlled substance specified in the enumerated subdivisions of sections 11054, 11055, or any controlled substance classified in Schedule III, IV, or V which is a narcotic drug shall be punished by imprisonment in the state prison for two, three, or four years.

**11352 TRANSPORTATION COCAINE, HEROIN ETC FOR SALE: (F)** Every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer or give away, or attempts to import into this state or transport any controlled substance specified in the enumerated subdivisions of sections 11054, 11055, or any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon written prescription of a physician, dentist, podiatrist, or veterinarian licensed to

practice in this state, shall be punished by imprisonment in the state prison for three, four, or five years.

11353 ADULT INDUCING MINOR: (F) Every person 18 years of age or over, (a) who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate Section 11550 with respect to either a controlled substance in the enumerated subdivisions of section 11054, 11055, or any controlled substance classified in Schedule 111, IV, or V which is a narcotic drug, (b) who hires, employs, or uses a minor to unlawfully transport, carry, sell, give away, or offers to sell, furnish, administer, or give, any such controlled substance to a minor, shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

11357 CONCENTRATED MARIJUANA: (W)

- a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine not more than five hundred dollars (\$500), or by both such fine and imprisonment, or shall be punished by imprisonment in the state prison. (F)
- b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor. (M)
- c) Except as authorized by law, every person who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor. (M)

11359 POSSESSION FOR SALE (MARIJUANA): (F) Every person who possesses for sale any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the state prison.

11361 ADULTS EMPLOYING OR SELLING TO MINORS (F)

- (a) Every person 18 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, or offers to sell, any marijuana to a minor, or who furnishes, administers, or gives, or offers to furnish, administer, or give any marijuana to a minor under 14 years of age, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of three, five, or seven years.
- (b) Every person 18 years of age or over who furnishes, administers, or gives, or offers to furnish, administer, or give, any marijuana to a minor under 14 or older shall be punished by imprisonment in the state prison for a period of three, four, or five years.

11364 PARAPHERNALIA: (M) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking a controlled substance specified in the enumerated subdivisions of sections 11054, 11055, or a controlled substance which is a narcotic drug classified in Schedule 111, IV, or V.

11365. PRESENCE IN ROOM OR PLACE WHERE DESIGNATED CONTROLLED SUBSTANCES SMOKED OR USED; AIDING OR ABETTING:

- (a) It is unlawful to visit or to be in any room or place where any controlled substances which are specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or c) or paragraph (2) of subdivision (d) of Section 11055, or which are narcotic drugs classified in Schedule 111, IV, or V, are being unlawfully smoked or used with knowledge that such activity is occurring.
- (b) This section shall apply only where the defendant aids, assists, or abets the perpetration of the unlawful smoking or use of a controlled substance specified in subdivision (a). This subdivision is declaratory of existing law as expressed in People V. Cressey (1970) 2 Cal. 3 d 836.

11366 OPENING OR MAINTENANCE OF UNLAWFUL PLACES; PUNISHMENT: (M/F)

Every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance which is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (13), (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b), (c), paragraph (1) or (2) of subdivision (d), or paragraph (3) of subdivision (e) of Section 11055, or (2) which is a narcotic drug classified in Schedule III, IV, or V, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison.

11377 POSSESSION METH, PCP ETC: (F/M) Every person who possesses any controlled substance which is classified in Schedule III, IV, or V, and which is not a narcotic drug, unless upon the prescription of a physician, dentists, podiatrist, licensed to practice in this state, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison.

11380 ADULT USING MINOR AS AGENT: (F) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are classified in Schedule III, IV, or V and which are not narcotic drugs, by use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offer to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

11550 UNDER THE INFLUENCE: (M) No person shall use, or be under the influence of any controlled substance which is a narcotic drug classified in Schedule III, IV, or V except when administered by or under the direction of a person licensed by the state to dispense, proscribe, or administer controlled substances.

11351.5 POSSESSION OF COCAINE BASE FOR SALE; PUNISHMENT: (F)

Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale cocaine base which is specified in paragraph (1) of subdivision (f) of Section 1 1054, shall be punished by imprisonment in the state prison for a period of three, four, or five years.

VEHICLE CODE:

13353 REFUSAL OF CHEMICAL TEST: If any person refuses the officer's request to submit to, or fails to complete, a chemical test or tests pursuant to Section 23157, upon receipt OF THE officer's statement that the officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153 and that the person had refused to submit to, or did not complete, the test or tests after being requested by the officer, the department shall do one of the following; Suspend the person's privilege to operate a motor vehicle for a period of one year, revoke the person's driving privilege to operate a motor vehicle for a period of two years if the refusal occurred within seven years of a separate violation of Section 23102, 23103 or 23152, 23153. revoke the person's privilege to operate a motor vehicle for a period of three years if the refusal occurred within seven years of two or more separate violations of Section 23102, 23103, or 23152, 23153.

21200.5 RIDING UNDER INFLUENCE OF ALCOHOL AND DRUGS; CHEMICAL TESTS;

PUNISHMENT: (M) Notwithstanding Section 21200, it is unlawful for any person to ride a bicycle upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. Any person arrested for a violation of this section may request to have a chemical test made of the person's blood, breath, or urine for the purpose of determining the alcoholic or drug content of that person's blood, and, if so requested, the arresting officer shall have the test performed. A conviction of a violation of this section shall be punished by a fine of not more than two hundred fifty dollars (\$250). Violations of this section are subject to Section 13202.5.

23140 DUI MINOR: (M)

- (a) It is unlawful for a person under the age of 18 years who has 0.005 percent or more, by weight, of alcohol in his or her blood to drive a vehicle. (M)
- (b) A person may be found to be in violation of subdivision (a) if the person was, at the time of driving, under the age of 18 years and under the influence of, or affected by, an alcoholic beverage regardless of whether a chemical test was made to determine that

person's blood alcohol concentration and if the trier of fact finds that the person had consumed an alcoholic beverage and was driving a vehicle while having a concentration of 0.05 percent or more, by weight, of alcohol in his or her blood.

23152 DUI ALCOHOL OR DRUGS: (M)

- (a) It is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle. (M)
- (b) It is unlawful for any person who has a.08 percent or more by weight of alcohol in his or her blood to drive a vehicle.

23153 DUI ALCOHOL OR DRUGS CAUSING INJURY: (F)

- (a) It is unlawful for any person, while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle and concurrently do any act forbidden by law, which act or neglect proximately causes bodily injury to any person other than the driver. (F)
- (b) It is unlawful for any person, while having 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver. (F)

23175 DUI, FOURTH OR SUBSEQUENT OFFENSE WITHIN SEVEN YEARS: (F) If any person is convicted of a violation of Section 23152 and the offense occurred within seven years of three or more separate violations of Section 23 103, as specified in Section 23 103.5, or Section 23152 or 23153, or any combination thereof, which resulted in convictions, that person shall be punished by imprisonment in the state prison, or in the county jail for not less than 180 days nor more than one year, and by a fine of not less than three hundred ninety dollars (\$3 90) nor more than one thousand dollars (\$ 1,000). The privilege to operate a motor vehicle shall be revoked.

23222 POSSESSION OF MARIJUANA OR OPEN CONTAINER: (M)

- (a) No person shall have in his or her possession on his or her person, while driving a motor vehicle upon a highway, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed. (I)
- (b) Every person who possesses, while driving a motor vehicle upon a highway, not more than one ounce of marijuana, other than concentrated cannabis is guilty of a misdemeanor.

## 9.

### **CHILD ABUSE INVESTIGATIONS**

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**9.1** The trainee shall know those factors necessary in the proper handling of child abuse investigations.

CHILD ABUSE POLICY: The trainee will review and know the department's Child Abuse Policy. Refer to the Vernon Police Department's Policy 314 in the Lexipol policy system.

CHILD ABUSE (Robbins, Nichols, and Dineen 1992): Child abuse, a particular variety of behavior directed against children, is a form of personal violence brought into focus only in recent years. Offenders are typically parents or guardians, and they do not view themselves as criminals. In fact, they usually are individuals who are provoked by forms of aggravation typical of most children persistent crying, failure to use the toilet, disobedience, and so forth and who respond by anger that strikes out in violence or some other harmful behavior.

NEGLECT: Physical neglect is the failure of a parent or caretaker to provide a child with adequate food, shelter, clothing, protection, supervision, and medical and dental care.

Neglect is a difficult concept to define. Parents sometimes neglect some aspects of their child's needs; however, in situations where the individual legally responsible for the child fails to provide the minimum physical and emotional support necessary for the adequate care of that child, the law requires intervention by law enforcement agencies in protecting that child.

Child neglect is the most common form of child abuse, and, therefore, officers may become involved in a variety of such cases. Child neglect can be dangerous as actual physical abuse. In fact, serious physical and mental trauma can result from neglect. A neglected child, as well as the physical and/or sexually abused child, may often experience a life of emotional problems, delinquency, and adult crimes.

"Neglect" means the negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

"Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

"General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision, where no physical injury to the child has occurred.

A child receiving treatment by spiritual means as provided in Section 16509.1 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for this reason (spiritual means) be considered a neglected child. An informed and appropriate medical decision made by a parent or guardian after consultation with a physician or physicians who have examined the minor shall not constitute neglect.

Any person, who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts upon any child unjustifiable physical or mental suffering, or, having the care or custody of any child, willfully causes or permits the person or health of such child to be injured or placed in a situation that endangers the child's person or health is punishable by incarceration in the county jail not exceeding one year, or in state prison for two, four, or six years (PC 273a (a)).

The Welfare and Institutions Code (Section 300) provides that any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the "juvenile court. The court may adjudge such person to be a dependent child if the court (1) who is in need of proper and effective parental care or control and has no parent or, at least, has no parent willing to exercise or capable of exercising such care and control. No parent shall be found to be incapable of exercising proper and effective parental care or control solely because of a physical disability, including, but not limited to, a defect in the visual or auditory functions of his or her body, unless the court finds that the disability prevents the parent from exercising such care or control; (2) who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode; (3) who is physically dangerous to the public because of a mental or physical deficiency, disorder, or abnormality; (4) whose home is unfit place for him or her by reason of neglect, cruelty, depravity, or physical abuse by either of these parents, guardian, or other person in whose custody he or she is; or (5) who has been freed for adoption by one or both parties for twelve months by either relinquishment or termination of parental rights and for whom an Interlocutory decree has not been granted pursuant to Section 224n of the Civil Code or an adoption petition has not been granted.

Under this provision, an officer may, in order to protect a child under 18 from further abuse or neglect, take a child into temporary protective custody without a warrant (WIC 305).

NEGLECT INDICATORS: Neglect may be suspected if the following conditions exist:

- 1) lack of adequate medical care or dental care,
- 2) child is chronically sleepy or hungry;
- 3) child is chronically dirty and has poor personal hygiene and inadequate dress for weather conditions;



- 4) evidence of poor supervision;
- 5) conditions in the home constitute a health hazard, such as garbage or human excretion;
- 6) home lacks heating or plumbing;
- 7) fire hazards or other unsafe home conditions;
- 8) nutritional quality of food in the home is poor; or
- 9) spoiled food in a refrigerator or cupboards.

While some of these conditions may exist in the home environment, the extreme or persistent presence of these factors indicates some degree of neglect. Extreme conditions resulting in an "unfit home" constitutes "severe neglect" and may justify protective custody and dependency proceedings under WIC Section 300, as well as criminal neglect charges. Disarray and an untidy home do not necessarily mean that the home is unfit.

Infants or young children who are much smaller than would be expected at a particular age can be a difficult diagnostic problem for physicians. After excluding infants who are small because they were small at birth, these are children who are small because of a failure to meet their nutritional and emotional needs. These children may also demonstrate delayed development and abnormal behavior. Some of these small children, however, do have some hidden medical problems.

Hospitalization may be required to screen for significant medical illness and, more important, to see if the child responds to adequate nutrition or nurturing. The medical evaluation consists of more than just measuring and weighing the baby. The behaviors and interaction of the child and the parent should be observed. If no intervention occurs, the child may be endangered. Emotional disorders, school problems, retardation, and other forms of dysfunction may result.

Certain behavioral indicators may be present, including:

- 1) development lag,
- 2) behavioral extremes,
- 3) infantile behavior,
- 4) depression or apathy,
- 5) begging or stealing food,
- 6) seeking excessive attention or affection, and
- 7) chronic absence or tardiness at school.

Any of these should alert the officer to the possibility of child neglect. Of course, there are characteristics in parent or guardian behavior that should arouse suspicion of neglect. These include apathy or passive behavior, an unresponsive attitude, depression, unconcern for a child, social isolation, substance abuse, and other irrational or bizarre behavior.

**INVESTIGATION:** In the assessment of neglected conditions and behaviors, the investigating officer should interview the reporting party and any other known witnesses. Be alert to any

emerging neglect situation, such as repeat calls concerning a child or the of parent or guardian.

In neglect cases, the officer should determine the need for immediate medical attention. Investigation should focus on whether the children are left alone during the day or early evening hours for short periods or whether they are left for long periods late at night, and the children's ability to care for themselves. Determine if the children know how to contact the parent, guardian, or some other responsible party, and find out if the children are adequately supervised and not left in the care of other children too young to protect them. During the investigation, learn the ages of the children and see if the ages of older children suggest that they are capable of supervising the younger children's activities. Capability and maturity may be more important than ages, since in some families and in some ethnic subcultures children are trained at a relatively young age to care for the younger siblings, and they may do so competently, despite their ages. If any of the children are infants or preschoolers, or if they have other special needs for supervision and care, such as medication, contact child welfare services and turn the case over to them.

As a part of the investigation, the officer should evaluate the entire living environment. Observe and document the condition and adequacy of clothing, presence and adequacy of utilities, presence of adequate plumbing, and presence of safety or health hazards, such as poisons, weapons, or controlled substances. Observe and document the presence and condition of food in the house, presence of cockroaches, vermin flies, undisposed of human or animal feces, as well as the presence and condition of bedding and clothing and victim's physical condition. Furthermore, such conditions as diaper rash, skin disorders, poor personal hygiene, size appropriate for age, apparent lack of medical or dental care, should be observed and documented by the officer. Proper investigation will include statements from the reporting party, victims, parents or guardian, neighbors, relatives, and other professionals. There should be a background and records check through welfare services, State Child Abuse Central Index (DOJ), law enforcement, schools, and health facilities. Physical evidence should be collected and preserved, photographs or videotape recordings should be made of the living environment, and sketches and diagrams should be made. Finally, medical information examination reports and history should be obtained along with physicians' observations and statements.

Severe neglect cases require cross reporting and law enforcement intervention. Care should be exercised to distinguish neglect from poverty. Inability to provide a child with material comforts does not constitute child neglect. Conversely, the officer should be aware that being poor in itself does not excuse neglect. Also, the investigation should include questions into family background, cultural, social, and economic history, as well as religious beliefs and possible lack of education.

**EMOTIONAL ABUSE AND DEPRIVATION:** Just as physical injuries can scar and incapacitate a child, emotional cruelty can similarly cripple and handicap a child emotionally, behaviorally, and intellectually. Severe psychological disorders have been traced to excessively distorted parental attitudes and actions. Emotional and behavioral problems, in varying degrees, are

very common among children whose parents abuse them emotionally. Excessive verbal assaults (belittling, screaming, threatening, blaming, sarcasm), unpredictable responses (inconsistency), continual negative moods, constant family discord, and double-message communication are examples of ways parents may subject their children to emotional abuse.

Emotional deprivation is the deprivation suffered by children when their parents do not provide the normal experiences producing feelings of being loved, wanted, secure, and worthy. Under California law, Penal Code Section 273a(a), any person, who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts on any child unjustifiable physical pain or mental suffering, or who allows the person or health of any child in his or her care or custody to be injured or placed in such a situation that it is endangered is guilty of a felony. The offense is a misdemeanor when conditions or circumstances are less than likely to produce death or great bodily harm.

The Welfare and Institutions Code, Section 300, defines who is in need of proper and effective parental care or control, and who has no parent or guardian willing or capable of exercising such care or control. Physical disabilities, including, but not limited to, a defect in visual or auditory functions of the body, do not render a parent incapable of exercising proper and effective parental care or control, unless a court finds that such disability prevents the parent from exercising such care and control. The code further defines whose home is an unfit place for him or her by reason of neglect, cruelty, depravity, or physical abuse of either parent, or of a guardian or other person in whose custody or care he or she is.

Victims of emotional abuse may exhibit certain indicators such as withdrawal, depression, and apathy. Such individuals may act out and be considered behavior problems, or they may be overly compliant, exhibit speech disorders, rocking, head banging, and habit disruption. They may even become self-destructive. Of course, such behavioral problems can be produced by other causes; however, the possibility of abuse should be considered.

Victims of emotional deprivation may experience eating disorders, exhibit developmental problems, or display antisocial behavior. Furthermore, they may display exaggerated fears or attention-seeking behavior.

Sometimes parents or others who may be in charge of children may place demands on children that are based on unreasonable, or even impossible, expectations, and often a child may be used as a "battleground" in marital conflicts. Parents may ignore, threaten, or reject their children, regardless of the reason, the result sometimes being irrational, even bizarre, behavior. In such situations, the home environment is often characterized by domestic violence, alcohol or drug abuse, criminal behavior, prostitution, promiscuity, and gambling.

In conducting investigations of suspected emotional abuse or deprivation, the officer should make a serious effort to gather evidence of school records, psychological records, photographs of the victim and/or living conditions, and any other physical evidence available.

PHYSICAL ABUSE: Inflicted physical injury most often represents unreasonably severe corporal punishment. This usually happens when the parent is frustrated or angry and shakes, throws, or strikes a child. Other forms of punishment may also place a child in a situation where injury occurs or the child is endangered.

The combination of physical punishment and rage is ineffective as a disciplinary tool. Experts agree that while physical punishment and rage have the immediate effect of interrupting the child's behavior, the deterrent effect is not long-term. In addition, the use of excessive corporal punishment may teach a child to resolve conflicts violently. Physical punishment may be more effective in relieving parental tension than in disciplining the child. Moreover, it may frequently leave the parent with feelings of guilt and remorse.

Many believe that all corporal punishment is abusive. Others believe it is a useful method of discipline under restrained conditions. Discipline and punishment are not the same. Parents and children need to establish mutual respect and rules of behavior. Some techniques suggested for maintaining good discipline are giving choices, suggesting substitutes, giving face-saving commands, removing tempting objects, setting up rituals and cooperative activities, being sensitive to a child's needs and values, and keeping a sense of fair play. Numerous books and articles are available through local Child Abuse Councils.

TRAUMA: Trauma is an internal or external injury or, wound brought about by an outside force. Usually trauma means injury by violence, but it may also apply to the wound caused by any surgical procedure. Trauma may be caused accidentally or, as in a case of physical abuse, non-accidentally. Trauma is also a term applied to psychological discomfort or symptoms resulting from an emotional shock or a painful experience.

California Penal Code Section 273d defines "willful cruelty or unjustifiable punishment of a child" as a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered. Corporal punishment or injury means a situation where any person willfully inflicts on any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition.

There are a number of indicators of physical abuse. The presence of unexplained, or of inconsistent or incompatible explanations of, injuries help the officer determine the appropriate course of action. Some indicators may be consistent with accidents, so care must be taken to ensure consultation with medical experts.

Some of the more common, or obvious, indicators are bruises and welts. For example, bruises on an infant, especially facial bruises, and bruises on the child's posterior are signs that should cause suspicion. Bruises with specific patterns or designs, such as belt buckle, hand, and coat hanger, as well as clustered bruises indicating repeated contact with a hand or instrument,

should also arouse suspicious concern. This is true as well for bruises in various stages of healing, as indicated by differing shades of skin discoloration. Such bruises indicate injuries occurring with a pattern of abuse. The timing or age dating of bruises can be an important factor. From immediately to a few hours the bruise will appear red, and from 6 to 12 hours blue, and later from 12 to 24 hours, it will be black-purple. In four to six days, the bruise will have a green tint, and in five days to ten days it will appear pale green or yellow. Officers investigating alleged child abuse should be especially alert to bruises that appear on more than one side of the body or on multiple surfaces of the body; to bite marks, pinch marks, and pulled-out hair; to bruise locations that are not compatible with the age, growth, and development of the child; and defense bruises, such as forearms held to protect buttocks, and so forth.

Immersion burns indicating dunking in a hot liquid, "stocking" burns on the arms or legs, "doughnut"-shaped burns on the buttocks, or any burn that stops at a distinct boundary line, should alert the officer to the possibility of abuse. Furthermore, be suspicious of burns that appear to have made by cigarettes, ropes, hot liquids, and the like.

Fractures, too, should be regarded with suspicion, as well as sprains. Any fracture in a young child should be of concern, and dislocations, skull fractures, and fractures at various stages of healing should be specifically investigated. Finally, lacerations and abrasions should be inquired into, especially loop-type, wrap around, buckle impressions, particular instrument marks, and any laceration, abrasion, or bruise on the genitalia.

Blows to the body may cause serious internal injuries to the liver, spleen, pancreas, kidneys, and other vital organs. Evidence of internal trauma includes distended abdomen, blood in urine, vomiting, abdominal pain, and shock.

Head injuries are the most common cause of child abuse-related deaths and an important cause of chronic neurological disabilities. Serious intracranial injury may occur without visible evidence of trauma on the face or scalp. Such injury may cause brain damage or death if undetected and untreated. Skull X-rays may reveal an "eggshell" fracture of the back of the skull. Since an accidental trauma to the head usually involves impact to the shoulders also, the blow rarely produces more than a single crack. When children are slammed or thrown against a solid object, the back of the head may shatter. Generally, serious head injuries do not result from simple falls.

Whiplash Shaken Infant Syndrome is a condition that is usually induced by violently or excessively shaking a child. The injury can also be caused by inappropriate play, such as throwing a very young child into the air, and so forth. Young children have weak neck muscles, and their heads are heavy in relation to their size. Death may result from this type of abuse. A careful postmortem examination of every child who dies in infancy is required, to detect the real cause of death.

**BEHAVIORAL INDICATORS:** Investigating officers should be watchful for children who are overly passive, compliant, or fearful; or, at the other extreme, excessively aggressive or physically violent. Such behavior as attempts to hide injuries, frequent absences from school, excessively dependent or independent behavior for the age group, inordinate shyness, lack of curiosity, wariness of physical contact, and extreme self-control are signs that should alert officers to the possibility of abuse.

Note delays or failures of parents or caretakers in seeking medical care for an injured child. Inconsistent or incompatible explanations for a child's injury should arouse suspicion, as well as unrealistic expectations of the child; irrational, unprovoked acts of abuse by parents; and irrational or bizarre actions.

Be alert to statements from the child that might indicate the injury was caused by abuse. Any unexplained injuries should be further questioned. For example, investigate further if a parent is unable to explain the cause of an injury, if there are discrepancies, if a third party is blamed, or if explanations are inconsistent with medical diagnosis. Any explanation that does not correspond with the injury or any history of previous or recurrent injuries should be investigated thoroughly.

In the investigation of suspected abuse reports, the level of response should depend on the nature of the call, the age of the child, imminent danger to the child without intervention, immediate need for medical attention, reliability and authenticity of reporting person, and the history of any prior reports.

Pertinent evidence should be collected to substantiate the alleged physical abuse. Such evidence may be photographs of the victim and the crime scene, medical information, instruments or weapons that caused the injury, other possible evidence to substantiate the allegation, statements of victims and/or witnesses, and documentation of observations. Officers should consider the need to secure a search warrant.

**MEDICAL EXAMINATION:** If the preliminary investigation indicates abuse, the child should be taken to a medical facility that has personnel trained in detection of child abuse, if available. The family doctor, or even the doctor at a local facility, may be hesitant to diagnose a case as child abuse. The child should be carefully and sensitively told where he or she is being taken, why this is being done, and what to expect.

In accordance with the reporting law, medical personnel are required to fill out a suspected child abuse medical report and diagram the child's injuries. A physician, surgeon, or dentist, or such a person's agent and by his or her direction, may take skeletal X-rays of the child without the consent of the child's parent or guardian, but only for purposes of diagnosing the case as one of possible child abuse. Neither the physician-patient privilege nor the psychotherapist - patient privilege applies to information reported pursuant to PC 11171 in any court proceeding or administrative hearing. The physician should also be encouraged to explain if the injury is

consistent with the parent-caretaker's explanation and the child's age, growth, and development.

The investigating officer should record all spontaneous statements made by the child to medical personnel. Furthermore, he or she should record both consistent and inconsistent statements of parents or guardians to medical personnel.

Parents have a right to physically discipline their children. However, if the discipline is excessive, authorities have the responsibility to intervene. Considerations include discipline resulting in physical injury; the severity and amount of discipline; the age of the child being disciplined; instruments used, if any; and the location of the injury on the child.

CHILD ABUSE REPORTING PROCEDURE: The following procedure shall be followed when taking a suspected child abuse report from the Vernon City School:

- 1) Have the reporting party complete the Department of Justice Form SS 8572 (1/93) which is entitled "Suspected Child Abuse Report (11166 PC). Take the entire completed form from the party. If the reporting party has no form, give them one. Additional forms could be located in the Records Division. Do not complete the form yourself. It is the responsibility of the first Child Protective Agency's which discovers the possible abuse to complete the form. For further details, refer to the reverse side of the form itself.
- 2) Determine the city in which the abuse probably occurred. (Usually this will not be the City of Vernon, but will be the residence of the child and their parents.) Upon determining what city, the abuse possibly occurred in, immediately call the police agency responsible for that area and notify them of the report. Get the name, rank, employee number of the person contacted and make a note of it for your report.
- 3) File a Vernon Police Department Incident Report on the incident.
- 4) Complete boxes 1 through 12 of the Section A (Investigating Agency) portion of Department of Justice Form SS 8583 (Rev 7/01) entitled "Child Abuse Investigation Report" (this form has a pink first page). In box 12, "Comments," state, possible abuse occurred elsewhere, copy to (agency policing that area).
- 5) If the condition of the child warrants it (obvious medical attention is necessary, the abuse is so severe that in your opinion, the child will be endangered by returning to the home) so advise the agency notified and request that they respond immediately to take custody of the child. If that is impossible, then follow proper procedures for custodial protection of any endangered child and inform the responsible investigating agency where the child may be located. Contact should be made with the Child Protection hotline at 1-800-540-4000.
- 6) Attach all forms to your incident report and submit to your Watch Commander.

## 9.

### DISABILITY LAWS

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**9.2** The trainee shall know and must understand that there are laws protecting the rights of people with disabilities.

AMERICANS WITH DISABILITIES ACT: The Americans with Disabilities Act (ADA) of 1990 (*42 US Code 2101 et seq.*) and the Rehabilitation Act of 1973, Section 504, were written to provide clear and comprehensive mandates for the elimination of discrimination against individuals with mental and physical impairments.

*“No qualified individual with a disability shall, on the basis of the disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by the public entity.”*

GUIDELINES OFFERED BY ADA: The guidelines offered by ADA are separated under five categories;

- Employment
- State and Local Government
- Transportation
- Public Accommodations
- Telecommunications

In law enforcement, the ADA is used as a guide for the development of agency specific policies.

LAW ENFORCEMENT IMPACT: The ADA applies to all law enforcement facilities (including local detention facilities). Not only must these facilities be accessible to the general public but accommodations must be made for inmates with specified disabilities. Agencies are responsible for addressing issues such as, but not limited to;

- Providing qualified and certified sign language translators to ensure proper communication (e.g., Miranda admonishments, interviews, etc.)
- Having TDD availability for phone calls from law enforcement facilities
- Transporting individuals with disabilities who require special equipment (e.g., wheelchairs, lifts, ramps, tie downs in vans, ramps, etc.)
- Protecting arrested people with disabilities from exploitation by other prisoners
- Instituting specific procedures for emergency evacuation
- Providing special accommodations (e.g., showers, toilets, etc.)

COMMUNITY POLICING: For many years, people with disabilities struggled to live in a world that paid them little attention. It was assumed that they had to manage somehow on their own. The



Americans with Disabilities Act (ADA) was legislated to ensure that people with disabilities are provided equal opportunity and access to services. The ADA has caused law enforcement to modify their response to incidents involving those with disabilities. People with disabilities are entitled to protection and services that are equal to the general population even if providing that level of protection and service requires additional effort. In addressing special needs, we should be careful not to confuse special with equal.

LEADERSHIP: Learning the behavior signs and indicators of various special conditions can assist officers in identifying the proper intervention to bring the situation to a quick and safe conclusion. Take control of a situation by using proper communication techniques for people with disabilities.

AGENCY POLICY: The trainee will review and become familiar with the department's Americans with Disabilities Act policy. Refer to the Vernon Police Department Lexipol policy system.

**9.2.1** The trainee shall know the Types of Disabilities. A **disability** may be physical, cognitive, mental, sensory, emotional, developmental, or some combination of these. A disability may be present from birth, or occur during a person's lifetime. People with disabilities have the same constitutional rights and protections as everyone else.

DISABILITY: To understand the laws pertaining to people with disabilities, peace officers must first understand what the term disability means:

A physical or mental impairment that substantially limits a person from actively taking part in one or more **major life activities**, has a record of a physical or mental impairment, or is regarded as having a physical or mental impairment.

A major life activity can be any one of the major functions that an average person can perform with little or no difficulty. These include, but are not limited to:

- walking
- seeing
- hearing
- speaking
- breathing
- learning
- performing manual tasks
- thinking or concentrating
- interacting with others
- working

PHYSICAL/ DEVELOPMENTAL DISABILITY: A disability is a functional limitation. There are two types of disabilities;

1. Physical disabilities

Limitations can include but not be limited to:

- deaf or hard of hearing
- visual impairment
- neurologically based disorders (e.g., Alzheimer's disease, brain or spinal cord injury, etc.)
- other physical impairments (e.g., amputation, etc.)

2. Developmental disabilities

Limitations can include but not be limited to:

- mental retardation
- cerebral palsy
- epilepsy
- autism
- other disabling conditions (e.g., Down's Syndrome, Tourette's Syndrome, etc.)

MENTAL DISABILITY: A **mental disability** refers to a group of disorders that can cause disturbances in thinking, feeling, or relating to others. They often result in an inability to cope with the ordinary demands of life.

The two primary categories of mental disability are:

1. thought disorders (e.g., Schizophrenia or other psychotic disorders)
2. mood disorders (e.g., bipolar or major depression)

**9.2.2** The trainee will know how to interact with People with Disabilities. Any type of call for peace officer assistance may potentially involve a person with a disability. In day-to-day contact, officers must not allow stereotypes or prejudices to cloud decisions on enforcement, intervention, or investigation.

ROLE OF THE PEACE OFFICER: Although, it is not the role of or within the capacity of peace officers to attempt to diagnose a person's disability, officers need to recognize cues and other indicators in order to make appropriate decisions regarding intervention strategies.

To the extent possible, responding officers should observe the behavior exhibited by the person in an effort to determine *what is happening and what might be prompting the observed behavior*.

VICTIM AND WITNESSES: If an officer suspects or concludes that a victim of or witness to a criminal act is a person with a disability, the officer should consider the person's special needs.

ARRESTS: People with disabilities are capable of committing crimes. They are not relieved from their obligation to obey the law.

Officers should treat a person who has a disability with the same caution that they would use with any other suspect regarding judgments about enforcement of the law and personal safety. Although the individual may have a disability, that individual may still be capable of injuring the officer.

Once the scene is stabilized and there is no threat to life then the officer has a duty to reasonably accommodate the person's disability, but not before. (*Hainze v Richards, No. 99-50222, 207 F 3d 795 [5th Cir. 2000]*)

RESOURCES AND REFERRALS: Several resource services are available to peace officers and individuals with mental illness, physical disabilities, and developmental disabilities. Examples of the types of resources available include but are not limited to the following:

- Agency-related assessment or crisis teams
- Private organizations offering support groups
- Substance abuse facilities
- County mental health agencies
- Regional developmental disabilities centers
- Independent/assisted living centers
- National support/information organizations such as the National Alliance for the Mentally Ill (NAMI)
- Local missions or shelters
- Faith based organizations
- Senior citizens centers or dependent adult resources

NOTE: Peace officers should become familiar with the organizations that are available within their respective regions.

AGENCY POLICY: Specific procedures will depend upon the department policies and the availability of resources and equipment. It is the trainee's responsibility to review, become familiar with and comply with the department's People with Disabilities policy. Refer to the Vernon Police Department Lexipol policy system.

## 9.

### DEVELOPMENTAL DISABILITIES

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**9.3** In order to make appropriate decisions regarding intervention strategies, trainees and peace officers must be able to recognize, based on behavioral cues and other indicators, people with developmental disabilities.

LANTERMAN-PETRIS-SHORT DEVELOPMENTAL DISABILITIES SERVICES ACT: The Lanterman-Petris-Short Developmental Disabilities Services Act was written to establish the State of California's responsibility for, and the coordination of, services for people with developmental disabilities. The author's intent was to maximize, to the extent feasible, the services available throughout the state and to prevent the dislocation of people with developmental disabilities from their home communities. These services are coordinated statewide through a system of 21 regional centers.

Regional centers offer the following services in part:

- Case management
- Emergency/residential relocation
- Forensic/functional capacity assessments
- Independent living services
- Medical authorization/medical support
- Alternative sentencing options
- Cost of transportation/housing/special diets

NOTE: These facilities are non-crisis and non-medical.

PROTECTIONS OF THE LAW: People with developmental disabilities have the same legal rights guaranteed to all individuals by the state and federal Constitutions as well as the laws of the State of California.

People with developmental disabilities may be under conservatorship. This may impact their legal rights.

DEVELOPMENTAL DISABILITY: A **developmental disability** means a disability which:

- manifests before an individual attains age 18
- continues, or can be expected to continue, indefinitely
- constitutes a substantial disability for that individual (Welfare and Institutions Code Section 4512(a))

The Lanterman-Petris-Short Developmental Disabilities Services Act includes, but is not limited to people with:

- mental retardation
- cerebral Palsy
- autism
- epilepsy

IMPACT ON LAW ENFORCEMENT: The Lanterman-Petris-Short Developmental Disabilities Services Act is not written specifically for law enforcement application; however, it does impact law enforcement agencies and department policies and guidelines.

One of the rights noted in the Lanterman-Petris-Short Developmental Disabilities Services Act is the right to be free from harm, including unnecessary physical restraint.

NOTE: Additional information regarding peace officer interactions with people with developmental disabilities is offered in later chapters of this workbook.

AGENCY POLICY: The trainee will review and become familiar with the department's policy and guidelines for Restraining People with Developmental Disabilities. Refer to the Vernon Police Department Lexipol policy system.

Officers are responsible for being aware of and abiding by their own agency policies and guidelines for restraining people with developmental disabilities.

**9.3.1** The trainee shall know how to recognize People with Developmental Disabilities. Developmental disabilities originate before adulthood (age 18) and continue throughout the person's lifetime. A person's ability to communicate, comprehend, move about, and generally interact within the community depends on the nature and severity of the disability. Depending on that individual's specific abilities and needs, standard law enforcement procedures may have to be adjusted when officers interact with people with developmental disabilities.

GENERAL INDICATORS: The behaviors associated with developmental disabilities vary by individual and the type and extent of each specific disability.

General behavioral indicators can include, but are not limited to:

- confusion and/or disorientation
- slow response to commands/directions/questions
- slurred speech and/or other speech disorders
- muscle control difficulty
- seizure disorders
- lethargy

- self-endangering behavior
- inappropriate responses to a situation
- lack of awareness of dangerous situations
- inability to understand and respond to commands, directions, and questions
- sensitivity to touch/sound

NOTE: Behavioral indicators for specific disabilities are noted in later portions of this chapter.

**FIELD CONTACTS:** The behavior of a person with a developmental disability can be misinterpreted by the reporting party and by responding officers. If possible, officers should take time to observe the behaviors exhibited by the person in an effort to determine possible reasons for the person's behavior.

Example: A person with cerebral palsy may have slow and/or slurred speech, move with jerky motions, or have an erratic gait. At first observation, it might be falsely assumed that the person is under the influence of alcohol or drugs.

**9.3.2** The trainee shall know how to recognize and interact with people with **Mental Retardation**. The term mental retardation (intellectual disability/cognitive impairment) refers to a below average intellectual functioning or deficits in adaptive behavior. Individuals affected by mental retardation have a limited capacity to learn which may have been caused by one or more genetic or environmental factors.

Mental retardation is not the same as mental illness.

**BEHAVIORAL INDICATORS:** The following identifies several behavioral cues and indicators which may lead an officer to believe that a person is affected by mental retardation.

Indicators:

1. Impaired Communication
  - Has difficulty understanding or answering questions
  - Mimics responses or answers
  - Has difficulty with abstract concepts or reasoning
  - Has limited vocabulary
  - Takes a longer time to answer questions
2. Shortened Attention Span
  - Is easily distracted
  - Has difficulty sticking to a subject

3. Poor Sense of Time
  - May not be able to judge how much time has passed since an event
4. Immature Social Relationships
  - Drawn to younger people or children for friends
  - Is easily influenced by others
  - Tries hard to please others
  - Is vulnerable to threats and coercion

NOTE: Because of their desire to be accepted into the group, individuals may unwittingly involve themselves with criminal activities and become the “scapegoat” for others.

5. Overly Compliant
  - Is overly willing to confess
  - Agrees with everything, even if statements are contradictory
6. Difficulty with Simple Tasks
  - Finding telephone numbers in a book
  - Using a phone
  - Dealing with money
  - Using public transportation if different from a routine, memorized route
7. Poor Understanding of Consequences of Actions
  - May act impulsively
  - May not differentiate between appropriate and inappropriate behavior for a given situation

A: Approximately 90 percent of all individuals affected by mental retardation are considered to be mildly retarded.

B: Officers must always take into account that each individual is different and may have different levels of skills and abilities depending on the severity of the mental retardation.

FIELD CONTACTS: An officer’s course of action during a field contact with a person affected by mental retardation will depend on that individual’s mental capacity. The following table identifies many guidelines for officers.

Process:

1. Initial Contact

- Approach in a calm and respectful manner
- Be patient
- Use simple language
- Speak slowly and clearly in a normal tone of voice
- Do not exaggerate inflections or speak louder than normal
- Use concrete terms and ideas rather than abstract concepts
- Proceed slowly; allow the individual to set the pace
- Give praise and encouragement

NOTE: Officers should keep in mind that the person may be extremely fearful and may appear to be uncooperative.

## 2. Instructions or Commands

- Give specific and concrete directions
- Verify the individual understands by repeating back information
- Refrain from giving more than one command at a time

## 3. Evaluation

- Evaluate behavioral cues that could identify possible causes for a behavior
  - a. Is the person under the apparent influence of alcohol or drugs?
  - b. If under the apparent influence of drugs, is it the result of illegal abuse or a reaction to prescribed medications?
  - c. Is the person exhibiting behaviors characteristic of a mental illness?
  - d. Is the person exhibiting behaviors characteristic of a physical or developmental disability?

## 4. Assessment

- Assess the threat level of the situation for:
  - a. the responding officers
  - b. the person being contacted
  - c. any nearby bystanders and members of the public
- Do not automatically assume or dismiss criminal activity based on the individual's behavior
- Look for:
  - a. assistance devices (e.g., cane, hearing aid, service dog, etc.)
  - b. obvious behavioral cues of impairments (e.g., tremors, hand signals, difficulty speaking, unsteady gait, etc.)
  - c. subtle behavioral cues of impairments (e.g., slow thought process, confusion, not responding to questions, etc.)

## 5. Questioning

- Allow plenty of time for the individual to respond



- If the individual does not understand, rephrase the questions from a slightly different perspective
- Ask for concrete descriptions (e.g., colors, clothing, etc.)
- Ask open ended questions
- Avoid questions regarding time or complex sequences
- Avoid questions that deal with abstract ideas (e.g., “Why do you think he did that?”)
- Avoid questions that tell the person the answer that is expected (e.g., “You saw him take the purse, didn’t you?”)

NOTE: Officers should be aware that the individual may attempt to answer questions in a way that would please the questioner rather than to communicate factual information.

#### 6. Information Gathering

- Gather additional information regarding the person’s condition from:
  - a. bystanders who may have observed the person’s behavior over a span of time
  - b. family members or acquaintances
  - c. medical alert bracelets or necklaces
  - d. other forms of medical alert information that a person may carry (e.g., special ID cards in wallets, etc.)

NOTE: Officers should be aware that persons in positions of trust may be an abuser.

#### 7. Resolution Options

- Take appropriate steps to resolve the situation
  - a. Arrest
  - b. Detention for evaluation
  - c. Cite and release
  - d. Referral to support services
  - e. No action

A: Each situation is distinctly different. Officers must learn the behavior patterns and characteristics for each in order to make an appropriate decision concerning intervention strategies.

**ARRESTS:** If it becomes necessary to arrest a person affected by mental retardation, officers need to take additional care to assure that the individual’s legal rights are not violated. For example, the admissibility of statements or confessions may be brought into question if the individual did not clearly understand those rights.

DOCUMENTATION: The questions asked, the individual's responses and all officer actions (e.g., Miranda advisement) should be recorded with either the officer's unit video recording system or officer's PUMA voice recorder and also in the investigating officer's field notes and subsequent report. This provides a written record establishing that the individual's legal rights were not violated and can help others in case preparation.

EXAMPLES:

- 1) Officers were called to a public park in response to a complaint that a man was bothering young children on the playground. When the officers arrived, they saw a man laughing and playing with several young children. One officer called to the man who did not seem to notice and continued to play. The officer approached the man and asked him what he was doing. When the man saw the officer, he became fearful and slowly backed away as the officer approached. The officer continued to speak to the man in a calm manner, reassuring him that everything was okay. The officer told the man that he just wanted to talk to him. The man relaxed and smiling, told the officer, "I play tag! These are my friends!" The officer was able to determine that the man meant no harm to any of the children and that he was with a caregiver who was nearby.
- 2) Officers responded to a call at a gas station/convenience store regarding a theft. When the officers arrived, they found an employee of the station holding onto a man who was calling for his mother. When the officers took control of the man, he became even more fearful and started to cry. The station manager told the officers that the man was "mentally retarded" and that he had started hanging out with a number of local teens in the neighborhood. The group had entered the station and when the clerk became busy with a customer, they started grabbing boxes of candy, beer, and other items from the shelves. One of the customers was able to grab the man but the boys ran away. The sobbing man who was now in the custody of the officers told them, "Bobby's my friend. He said it's okay. Why is everyone mad? Why did they run?" The officers attempted to calm the man and told him that they were going to take him to a place where he could call his mother.

AGENCY POLICY: The trainee will review and become familiar with the department's policy, guidelines and procedures involving People Affected by Mental Retardation. Refer to the Vernon Police Department Lexipol policy system.

**9.3.3** The trainee shall know how to recognize and interact with people with **Cerebral Palsy**. The word cerebral refers to the brain. The word palsy describes a disorder that impairs control of body movement. The term cerebral palsy refers to a large group of chronic conditions that affect an individual's body movements and coordination. Because of the lack of muscle control, the condition can also affect speech, hearing, vision, bowel/bladder control and eating/swallowing.

INDICATORS: The behaviors exhibited by a person affected with cerebral palsy will depend on which area of the brain is damaged and the degree of involvement of the central nervous system.

Some of the most common behavioral indicators of cerebral palsy include, but are not limited to:

1. loss of motor control including, but not limited to:
  - an awkward gait and poor balance
  - impaired coordination of movements
  - grimacing or drooling due to poorly controlled facial muscles
2. use of mobility aid such as wheelchairs or service dog (not all people with cerebral palsy require mobility aids)
3. limited range of motion
4. involuntary, jerky movements
5. slow and/or slurred speech
6. limited sensation of touch or pain

NOTE: There is no relationship between the extent of physical impairment and the person's intelligence. People with cerebral palsy may be highly intelligent and gifted or have normal levels of intelligence.

FIELD CONTACTS: An officer's course of action during a field contact with a person affected with cerebral palsy will depend on that individual's cognitive capacity. The following table identifies several guidelines for officers.

Process:

1. Initial Contact
  - Do not automatically assume the person has mental retardation or is under the influence of alcohol or drugs
  - Look directly at the person and not at a behavioral characteristic
  - Ask first if the person requires any assistance. Allow the person to suggest appropriate manners of assistance
  - Watch for signs of fatigue. Living with cerebral palsy can consume a great deal of energy
  - Determine if the person uses any prescription medications

- Be encouraging, not correcting
  - Try to calm the person and be patient with them
2. Evaluation
- Evaluate behavioral cues that could identify possible causes for a behavior
    - a. Is the person under the apparent influence of alcohol or drugs?
    - b. If under the apparent influence of drugs, is it the result of illegal abuse or a reaction to prescribed medications?
    - c. Is the person exhibiting behaviors characteristic of a mental illness?
    - d. Is the person exhibiting behaviors characteristic of a physical or developmental disability?
3. Assessment
- Assess the threat level of the situation for:
    - a. the responding officers
    - b. the person being contacted
    - c. any nearby bystanders and members of the public
  - Do not immediately assume or dismiss criminal activity based on the individual's behaviors
  - Look for:
    - a. assistance devices (e.g., cane, hearing aid, service dog, etc.)
    - b. obvious behavioral cues of impairments (e.g., tremors, hand signals, difficulty speaking, unsteady gait, etc.)
    - c. subtle behavioral cues of impairments (e.g., slow thought process, confusion, not responding to questions, etc.)
4. Questioning
- Allow extra time for the person to speak and answer questions
  - Do not attempt to "fill in" words or speak for the person
  - Ask questions that require short answers, a nod, or simple gesture rather than long worded responses
  - Ask the person to repeat what he or she has said if the officer did not understand
  - Speak directly to the person rather than to an assistant or others present
5. Information Gathering
- Gather additional information regarding the person's condition from:
    - a. bystanders who may have observed the person's behavior over a span of time
    - b. family members or acquaintances
    - c. medical alert bracelets or necklaces

- d. other forms of medical alert information that a person may carry (e.g., special ID cards in wallets, etc.)

NOTE: Officers should be aware that persons in positions of trust may be an abuser.

#### 6. Resolution Options

- Take appropriate steps to resolve the situation
  - a. Arrest
  - b. Detention for evaluation and treatment
  - c. Cite and release
  - d. Referral to support services
  - e. No action

ARRESTS: Officers should keep the following points in mind if they are required to arrest a person with cerebral palsy.

- A. Allow the person to retain mobility aids if possible
- B. Some individuals with cerebral palsy can lose their balance if handcuffed. It may be almost impossible to handcuff suspects with muscular rigidity without harming them. Alternate methods of restraint may be required
- C. An individual with cerebral palsy may be easily exhausted. Stress and pressure (e.g., interrogation) can overload the individual and lead the person to wrongfully confess or agree with anything

NOTE: Officers should always be mindful of personal safety when dealing with mobility aids.

#### EXAMPLE:

- 1) Officers received a report of an assault and attempted robbery in front of a local market. The victim had been knocked to the ground by two teens who then attempted to take her purse. The teens were chased away by a store employee who then reported the incident. The victim appeared to have poor motor control and her movements were jerky. Although her speech was slow and slurred, she told the officers that she was all right and did not need medical attention. The woman's actions and speech led the officers to think that the woman had cerebral palsy. They encouraged the woman to take her time and assured her that they were there to help. The officers offered to call a family member for the woman. When they questioned the woman, they allowed her to take as much time as she needed to answer. Because of their patience, the officers were able to obtain a detailed description of the suspects.

AGENCY POLICY: The trainee will review and become familiar with the department's policy, guidelines and procedures involving People with Disabilities such as Cerebral Palsy . Refer to the Vernon Police Department Lexipol policy system.

**9.3.4** The trainee shall know how to recognize and interact with people with Autism. Autism is a pervasive developmental disability usually evident by early childhood that affects the ability to function and interact with others and the environment. It is more commonly seen in males than females.

INDICATORS: People with autism may exhibit one or more of the following behavioral indicators, ranging from mild to profound.

- Difficulty relating to people
- Aversion to being touched, especially by strangers
- Sensitivity to noise
- May act as if hurt when touched lightly, while totally ignoring painful injuries
- May cover their eyes or ears to prevent unpleasant stimulus
- May appear to be fascinated by shiny objects (e.g., an officer's badge)
- Repetitive movements (e.g., rocking, spinning, hand twisting, etc.)
- Few social skills
- Social isolation
- Impaired communication skills
- Echolalia (repeating what others say)
- May be nonresponsive to questions and or commands
- May stare or avoid eye contact
- May not recognize appropriate physical or social boundaries/cues
- Insistence that the environment and daily routine remain exactly the same
- Possible limited intellectual ability
- Tantrums, self-stimulation, or self-mutilation
- Eating nonfood items or objects
- Inability to respond to commands, directions, and questions

FIELD CONTACTS: Individuals with autism may be accompanied by family members or under some other form of supervision. Officers may come into contact with people with autism who have become lost or who have wandered away from their companions.

The following identifies some guidelines for officers who come into contact with a person with autism.

Process:

1. Initial Contact

- Observe the person from a distance. Approach of a stranger in unfamiliar surroundings may result in agitation, screaming, or screeching
    - a. Limit amount of outside stimulation (e.g., noise, lights, and sirens)
    - b. Be observant. The individual may make unusual noises or movements
    - c. Remain calm
    - d. Speak in a normal tone of voice
    - e. Do not rush the person
    - f. Do not attempt to touch the person unless necessary
2. Evaluation
- Evaluate behavioral cues that could identify possible causes for a behavior
    - a. Is the person under the apparent influence of alcohol or drugs?
    - b. If under the apparent influence of drugs, is it the result of illegal abuse or a reaction to prescribed medications?
    - c. Is the person exhibiting behaviors characteristic of a physical or developmental disability?
3. Assessment
- Assess the threat level of the situation for:
    - a. the responding officers
    - b. the person being contacted
    - c. any nearby bystanders and members of the public
  - Do not immediately assume or dismiss criminal activity based on the individual's behaviors
  - Look for:
    - a. assistance devices (e.g., cane, hearing aid, service dog, etc.)
    - b. obvious behavioral cues of impairments (e.g., tremors, hand signals, difficulty speaking, unsteady gait, etc.)
    - c. subtle behavioral cues of impairments (e.g., slow thought process, confusion, not responding to questions, etc.)
4. Questioning
- Attempt to determine pre-established signals for "yes," "no," and "I don't know"
    - a. ask questions one at a time
    - b. give the person choices between two alternatives
    - c. allow time for the person to process information
5. Information Gathering
- Gather additional information regarding the person's condition from:
    - a. bystanders who may have observed the person's behavior over a span of time
    - b. family members or acquaintances

- c. medical alert bracelets or necklaces
- d. other forms of medical alert information that a person may carry (e.g., special ID cards in wallets, etc.)

NOTE: Officers should be aware that persons in positions of trust may be an abuser.

#### 6. Resolution Options

- Take appropriate steps to resolve the situation
  - a. Arrest
  - b. Detention for evaluation and treatment
  - c. Cite and release
  - d. Referral to support services
  - e. No action

NOTE: An individual affected by autism may refuse to answer or ignore questions causing an officer to assume the individual is deaf.

ARREST: Officers should keep the following points in mind if they are required to arrest a person with autism.

- A. When physical contact is necessary, force may be required because individuals with autism may react violently to physical contact or changes in environment or routine
- B. Advise jail/medical staff to contact the local regional center as soon as possible for further information and alternative placement assistance
- C. Physical restraint may (inadvertently) cause individuals with autism to harm themselves or others in an attempt to avoid restraint
- D. When possible, explain in simple concrete terms, the chain of events that will occur with detention and/or arrest

#### EXAMPLE:

- 1) An officer responded to a call regarding a suspicious boy who had been sitting on the edge of a fountain at the entrance of a local museum. The boy failed to respond when the officer spoke to him. As the officer approached the boy she saw that he was rocking back and forth and wringing his hands. The boy avoided any eye contact and did not appear to be aware of the officer's presence. The officer thought that the boy might be autistic. She did not attempt to touch him. The officer attempted to identify the boy and contact family members.



AGENCY POLICY: The trainee will review and become familiar with the department's policy, guidelines and procedures involving People with Disabilities such as Autism. Refer to the Vernon Police Department Lexipol policy system.

**9.3.5** The trainee shall know how to recognize and interact with people with Epilepsy. Epilepsy is a brain disorder that causes people to have recurring seizures. The seizures happen when clusters of nerve cells (neurons) in the brain send out the wrong signals.

A seizure is a symptom of a brain problem. They happen because of sudden, abnormal electrical activity in the brain. If only part of the brain is affected, it may cloud awareness, block normal communication, and produce a variety of undirected, unorganized movements.

Epilepsy cannot be cured, but may be controlled through the use of medications. Seizures may be isolated incidents or recurrent.

INDICATORS OF A SEIZURE: Often, people who are affected by epilepsy function in the general community without any outward behavioral indicators of their disability.

Indicators of a seizure may include:

- staring spells
- disorientation
- lethargy
- slurred speech
- staggering or impaired gait
- tic-like movements
- rhythmic movements of the head
- purposeless sounds and body movements
- dropping of the head
- lack of response
- eyes rolling upward
- lip smacking, chewing, or swallowing movements
- partial or complete loss of consciousness

NOTE: Individuals with epilepsy may exhibit characteristics similar to the effects of drug use or alcohol intoxication.

FIELD CONTACTS: When officers encounter someone who is experiencing a seizure, the officers should:

- look for medical alert bracelets, necklaces, or other forms of medical identification
- not restrain them

- move objects out of the way which could harm them
  - cushion the person's head
  - keep people away
  - turn the person on his/her side
  - never put any object in the mouth
  - loosen the clothes of the person
  - monitor airway, breathing, and circulation (ABC's)
  - call for medical assistance
- A. Refer to your First Aid and CPR training about administering first aid to a person experiencing an epileptic seizure.

After the seizure has ended, individuals may experience a period of post-seizure confusion. Officers should remain with the individual until the individual is reoriented to the surroundings or in the care of a responsible person.

- B. Individuals with epilepsy often exhibit behavior similar to the effects of drug use or alcohol intoxication.
- C. Convulsions, confusion, and episodes of agitated behavior during an episode should not be perceived as deliberate hostility or resistance to the officer.

MEDICATIONS: Depriving medications could trigger a seizure.

Officers should be guided by agency policy regarding the administering of prescribed medications.

EXAMPLE:

- 1) While on patrol, two officers were stopped by a man who stated that there was a woman on the sidewalk who seemed to be "sick or something." When the officers approached, they saw the woman on the ground. She was unconscious and jerking back and forth. One officer recognized that the woman was experiencing a seizure and told his partner to keep everyone else away. After a couple of minutes the woman's actions stopped. When the woman regained consciousness, the officer approached her and reassured her that it was all right. The woman appeared to be dazed and confused so the officers remained with her until she was able to leave safely.

AGENCY POLICY: The trainee will review and become familiar with the department's policy, guidelines and procedures involving People with Disabilities such as Epilepsy. Refer to the Vernon Police Department Lexipol policy system.

## 9.

### PHYSICAL DISABILITIES

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**9.4** In order to make appropriate decisions and serve those with physical disabilities, trainees must be able to recognize indicators of people with physical disabilities.

NEUROLOGICAL DISORDERS: Physical disabilities referred to as neurological disorders can be caused by illness or injury. Many people with neurological disorders require assistance such as wheelchairs, walkers, service dogs, or canes.

ACQUIRED DISORDERS: An acquired neurological disorder can be the result of any of a number of illnesses. Two of the most common of these disorders are stroke and Alzheimers.

TRAUMATIC DISORDERS: **Traumatic neurological disorders** are caused by injury to the brain or spinal cord due to military combat, a vehicle accident, sports injury, fall, act of violence, or any number of other forms of trauma. One type of injury is **traumatic brain injury** (TBI). TBI is an alteration in brain function or other evidence of brain pathology, caused by an external force (open or closed head injury). This altered state can result in an impairment of the individual's cognitive abilities, physical functioning, and/or emotional functioning.

Traumatic neurological disorders can range from barely noticeable by others to a level of severity where the individual requires constant mechanical support or assistance.

NOTE: Traumatic neurological disorders should not be confused with mental disorders.

OFFICER SAFETY: When making any contact with a person using a mobility aid, officers must always be aware of their personal safety and the safety of others. It is important to remember that even though the person may be disabled, that person may be capable of injuring the officer or others.

Officers should consider any piece of mobility equipment as an extension of the person. Such devices should be searched at the same time the person is being searched. These devices may be used to conceal/smuggle contraband and weapons.

Officers should also consider devices that can extend the reach of the individual and take these devices into consideration when establishing a safety zone (e.g., canes, crutches, etc.).

MOBILITY EQUIPMENT AND DEVICES: People with physical disabilities may use several types of aids for mobility. These aids can include:

- canes
- crutches

- walkers
- braces
- prosthesis
- motorized scooters
- manual or motorized wheelchairs
- service dogs
- personal attendants

People with severe spinal cord injuries may also use mobile respiratory devices or other equipment necessary for bodily support.

EXAMPLES:

- 1) Officers respond to a call, “theft from a jewelry store, and suspect still at scene.” The store owner tells officers that the female suspect, in a wheelchair, had asked to look at several rings from the display case. The store owner saw her put one of the rings into the seat cushion of her wheelchair. The woman denied taking the ring but consented to a search of her wheelchair. The officers searched the seat cushion and found nothing. The woman told the officers she had not taken the ring and that they were violating her rights. The officers continued their search and found the ring underneath the plastic armrest. The officers placed her under arrest and conducted a cursory search then asked her what assistance she would need to get into the back seat of the patrol vehicle or if other accommodations would be required. The woman was able to get into the back seat of the patrol vehicle without assistance. She was handcuffed to the back of the front seat. The wheelchair would not fit in the trunk of the car so the officers made special arrangements to have the wheelchair transported to the jail.
  
- 2) Officers were called to investigate a report of a man ranting and cursing in front of a restaurant. His actions were scaring patrons away. When the officers asked questions he had trouble comprehending what was being said, had trouble speaking and became increasingly agitated. The officers directed him away from the restaurant to quieter surroundings and allowed him to maintain his personal space. Only one officer gave directions or asked questions, using a calm, firm, and non-threatening approach. The officer directed the man to stop yelling, and proceeded to ask questions one at a time. The man gradually calmed down. He revealed that he had sustained a brain injury from a car accident several years earlier. He was supposed to meet a friend at the restaurant for lunch, but the friend had not shown up. He was frustrated and angry because he wanted to call his friend, but couldn’t remember the phone number. He told the officers that since his accident he sometimes goes into a rage when frustrated. The restaurant manager did not want to press charges and the man agreed to go home.

**9.4.1** The trainee must be able to recognize indicators of people with **Blindness or Visual Impairments**. The historical misconception about people who are blind or visually impaired is that they are helpless or inferior. Because they have impaired vision, others have patronized them or made false assumptions regarding their intelligence, ability to care for themselves, or credibility as witnesses.

LEGAL BLINDNESS: Visual impairments include all conditions limiting sight. Approximately 80 percent of all individuals who are legally blind have some usable vision. The degree to which a person's mobility is affected depends on that person's visual impairment.

INDICATORS: The following identifies some indicators of blindness and visual impairment.

1. Service Animals
  - A visually impaired person using a guide dog is usually, but not always, totally blind
2. Canes
  - Most common mobility tool
  - Can be all white with or without a red tip, and be collapsible or noncollapsible
  - Mobility training is required to acquaint a visually impaired person with the proper use and capabilities of a cane
3. Eyes
  - Jerky eye movements
  - Milky appearance
  - Person does not make eye contact
  - Person appears to be tracking the sound of someone's voice
4. Body Movements
  - Rocking body motions
  - Unusual positioning of the head or head movements
  - Moving unusually close to printed material or objects
  - Use of bioptic lens, thick clear lenses, or sunglasses
  - Holding onto the arm of another person who appears to be sighted

FIELD CONTACTS: There are several guidelines for officers when interacting with a person who is visually impaired. These include, but are not limited to the following:

Actions:

1. Communication
  - Talk directly to the person, not through an intermediary

- Speak clearly in a normal voice and volume
  - Do not attempt to avoid words such as “look,” “see,” “read,” etc
  - Give detailed descriptions
  - Attempt to describe visual scenes vividly
  - Advise the person first before leaving the room or area
  - End any conversation in such a manner that the person knows the other person is leaving
2. Sighted Guide Technique
- Ask the person about the extent of his or her visual impairment
  - Ask first if assistance is needed. If the person says “Yes,” ask what form of assistance he or she may need
  - When guiding a person who is visually impaired, officers should let that person hold the officer’s hand or elbow. This will allow the person to feel the officer’s body movements
  - Walk normally
  - Inform the person about impending obstacles or conditions before reaching them (e.g., curbs, steps, surface conditions, etc.)
  - Do not grab, pull, or lead the person
  - If taking the person into unfamiliar surroundings, explain where he or she is and why they have been moved there. Describe the location (e.g., location of chairs, obstacles, etc.)
3. Assessment
- Assess the threat level of the situation for:
    - a. the responding officers
    - b. the person being contacted
    - c. any nearby bystanders and members of the public
  - Do not immediately assume criminal activity based on the individual’s behaviors
  - Look for:
    - a. assistance devices (e.g., cane, hearing aid, service dog, etc.)
    - b. obvious behavioral cues of impairments (e.g., tremors, hand signals, difficulty speaking, unsteady gait, etc.)
    - c. subtle behavioral cues of impairments (e.g., slow thought process, confusion, not responding to questions, etc.)
  - Evaluate behavioral cues that could identify possible causes for a behavior
    - a. Is the person under the apparent influence of alcohol or drugs?
    - b. If under the apparent influence of drugs, is it the result of illegal abuse or reaction to prescribed medications?
    - c. Is the person exhibiting behaviors characteristic of a mental disability?
    - d. Is the person exhibiting behaviors characteristic of physical or developmental disability?

- Gather additional information regarding the person's condition from:
    - a. bystanders who may have observed the person's behavior over a span of time
    - b. family members or acquaintances
    - c. medical alert bracelets or necklaces
    - d. other forms of medical alert information that person may carry (e.g., special ID cards in wallets, etc.)
  - Take appropriate steps to resolve the situation
    - a. detention for evaluation and treatment
    - b. cite and release
    - c. referral to support services
    - d. no action
    - e. arrest
4. Entering Vehicles
- Indicate the type of vehicle and whether a car is a two-door or four-door
  - Open the door for the person
  - Place one of the person's hands on the car roof and the other on the door. This allows the person to move into the car and sit down by that person's own efforts
  - Make sure the person is sitting far enough away from the door so he or she will not be struck or bumped by the door when it is closed
5. Other
- Offer assistance if the person is not capable of filling out official forms or other printed documents
  - If necessary, read materials to the person

SERVICE ANIMALS: Service animals provide assistance with routine tasks. By law, a service animal must be allowed to accompany the individual anywhere the individual goes (with the exception of some animal parks and zoos).

Some service animals are protective of their owners. Officers should convey any actions to the animal's owner first so the owner can caution or calm the animal if necessary. Care should be taken not to separate the animal from its owner.

NOTE: Additional information regarding the laws related to the use of service animals is included later in this chapter.

PEOPLE WITH VISUAL IMPAIRMENT AS WITNESSES: Officers must be aware that people with visual impairment are capable of compensating for their limited sight by relying on hearing, touch, and other senses. Sight may be an important means of identifying people, the environment, or objects, but it is not the only means.

Officers should never discount a person with a visual impairment as a credible witness.

EXAMPLES:

- 1) While on foot patrol in a commercial area, an officer saw a man hesitate, stagger, and then fall while he was attempting to step off a sidewalk onto a gravel walking path. When the officer went to the man's aid, he suspected that the man might be intoxicated. The officer did not smell alcohol though and then noticed the man's eyes had a milky appearance. The officer asked the man if he had any trouble seeing and the man stated that his eyesight was poor, but that he thought he would be all right running the short errand. Because the man lived in an apartment nearby, the officer accompanied the man to make sure he made it home safely.
- 2) Two officers were dispatched to a domestic violence call in an apartment building. During their investigation, they contacted the reporting party, a neighbor in the only other apartment on that floor. When the neighbor opened the door, the officers saw a large dog at the person's side. The officers recognized that the woman was blind and asked her to calm the animal and reassure it that they were not a threat to the woman. The woman told the officers that she knew the couple next door well and was quite familiar with their loud arguments and past problems. The woman was able to support a number of statements that had been made earlier by the victim.

AGENCY POLICY: The trainee will review and become familiar with the department's policy, guidelines and procedures involving People who are Blind or Visually Impaired. Refer to the Vernon Police Department Lexipol policy system.

**9.4.2** The trainee must be able to recognize indicators of people that are **Deaf or Hard of Hearing**. The term deaf or hard of hearing means a substantial or complete loss of hearing. Deaf or hard of hearing affects all levels of society regardless of age, race, education level, or occupation. The ability to rapidly identify and properly treat people who are deaf or hard of hearing will enhance officers' abilities to accomplish their duties in a professional manner.

People who are deaf or hard of hearing often are concerned or even fearful about contacts with peace officers. They may be concerned that they will be misunderstood by officers and perhaps be:

- arrested or shot for not responding to an officer's commands
- mistaken for being under the influence of alcohol or drugs
- perceived as uncooperative or disrespectful
- appear to be anxious or confused because of an inability to communicate

INDICATORS: Many indicators can alert an officer that an individual may be deaf or hard of hearing. These indicators include, but are not limited to the following:



- use of signing
- wearing hearing aid(s)
- use of a signal dog
- speaking with difficulty or in an unconventional method
- pointing to an ear and shaking the head negatively
- pointing to an ear and then the lips
- reaching for a pad and pencil
- failing to respond to an officer's questions or statements
- failing to follow an officer's instructions or commands
- attempting to gain attention through body movement or touching (e.g., foot stomping, hand waving, clapping hands, etc.)

FIELD CONTACT: Peace officers come into contact with people who are deaf or hard of hearing during the course of their duties.

Officers must be aware of the fact that if a person does not answer a question or obey a command or instruction, he or she may not be refusing to cooperate. If the person is deaf or hard of hearing, he or she may not hear the officer or even be aware of the officer's presence.

The success of an officer's contact with a person who is deaf or hard of hearing is often determined by the officer's conduct during the first moments of an encounter.

People who are deaf or hard of hearing may attempt to reach into a glove compartment for a pad and pencil, or place their hands into pockets or purses for identification cards, medic-alert tags, or artificial speech devices. Officers may mistake the person's motion to reach for something that may pose a threat to the officer.

Although officers must always be conscious of their own safety, they should also be aware of the possibility that such movements can be innocent and indicate that the person is deaf or hard of hearing.

COMMUNICATION: People who are deaf or hard of hearing may use a number of different means of communicating. Some may use speech while others use a combination of speech and sign language.

Some deaf or hard of hearing people may have learned to speak through unconventional methods. Their speech may sound unclear or unintelligible at first. Officers should not confuse their speech as a symptom of intoxication.

One's age at the onset of becoming deaf or hard of hearing may affect language skills, writing, reading, speech abilities and will vary with each individual. This should have no bearing on their intelligence or everyday functions.

COMMUNICATION METHODS: Assessing the best way to communicate should be the officers' first task upon recognizing that an individual is deaf or hard of hearing. When coming in contact at a traffic stop or any other location, officers should take their cue from the individual regarding that individual's preferred method of communication.

WRITTEN COMMUNICATION: The most commonly used form of communicating with a person who is deaf or hard of hearing is through writing. The following list suggests a number of ways officers can use this method to their advantage.

1. Offer the person paper and pencil rather than waiting for person to retrieve his or her own. This shows that the officer understands, and also precludes the person from reaching into unseen areas
2. Use simple and concise language and brief sentences to inform the person of the reason for being stopped, questioned, detained, or arrested
3. Make every effort to explain violations when issuing traffic citations. Also explain the person's obligation for resolving the citation
4. Be patient and allow for adequate time for the person to respond and ask questions in writing
5. Recognize that the individual's statements may not be written in a standard grammatical format
6. Officers should refer to agency policy regarding the retention of notes exchanged during field contact

LIP READING: Officers should not automatically assume that a person who is deaf or hard of hearing can read lips. Even a skilled lip reader may understand a minimal amount of spoken language.

When communicating with a person who is skilled in reading lips, officers should:

- look directly at the person when speaking
- speak slowly and clearly
- speak in a normal tone and volume

- be aware that bright spotlights or insufficient lighting can hinder the person's ability to see an officer's lips

NOTE: Shouting, exaggerating or over emphasizing words will distort a person's lips and make lip-reading more difficult.

HEARING AIDS: Officers may be able to recognize that a person is deaf or hard of hearing by noticing that the person is wearing one or more hearing aids. Even if the person is wearing a hearing aid, that person may still have difficulty understanding an officer. Officers should speak slowly and distinctly, and face the person when speaking.

Hearing aids can also amplify background sounds (such as traffic noise) in addition to normal speech. It may be necessary to move the person to another location if possible, where it is less noisy.

PARTIAL HEARING: Some individuals may be deaf in only one ear or hear better in one ear than the other. People with partial hearing will often turn their heads so their "good ear" faces the speaker. Following the person's head movements can indicate to an officer where to stand so that the person will hear the officer better. Officers should also ask if the person would like them to speak louder.

NOTE: In such circumstances, officers should always talk to the person rather than to the person's ear.

SIGN TRANSLATORS: Another means of communicating with a person who is deaf or hard of hearing may be through a qualified and agency-certified sign language translator. Sign language translators are similar to foreign language translators.

When communicating through a translator, officers must remember to speak directly to the person being addressed, not to the translator. Qualified translators will translate everything that is said by officers and the individual. Officers should make no remarks that they would not want to have communicated.

NOTE: Use of an unqualified translator may result in the information being inaccurately translated or conveyed.

CALIFORNIA RELAY SERVICE: The California Relay Service can also be used. This service relays calls placed by a person using a TDD system to any other phone user within the United States. The system also allows a person without a TDD to call another person who uses a TDD.

Some TDD systems may also have a special feature that allows TDD equipment to communicate with computers equipped with a compatible modem and communications software.

ADDITIONAL COMMUNICATION RECOMMENDATIONS: The following identifies a number of additional recommendations that officers can use when communicating with a person who is deaf or hard of hearing.

1. Get the person's attention
  - Gain the person's attention before speaking
  - Since a deaf or hard of hearing person may not hear calls for attention, tap the person lightly on the shoulder or use other signals to gain the person's attention
2. Maintain eye contact
  - Maintaining eye contact conveys that the officer's attention is on the person and enhances the feeling of direct communication
3. Use nonverbal methods
  - All conventional means of face to face communication involve nonverbal cues and messages
  - Additional use of body language, facial expressions, and gestures can aid other means of communicating
4. Use clear and concise words
  - Keep sentences short
  - If the individual does not understand, rephrase the thought rather than repeating the same words
5. Use standard hand signals
  - To request a driver's license, place both thumbs together and extend index fingers upward
  - When not in uniform, identify oneself as an officer by making a "C" with the right hand over the heart

OFFICER SAFETY: People who are deaf or hard of hearing may be no less dangerous than other individuals to the safety of officers or others. Officers should not jeopardize their safety or the safety of others by adopting an overly sympathetic attitude.

Just as with other interactions with the public, officers must remain constantly aware of potential danger signal (e.g., any unusual behaviors, location of the individual's hands, etc.). If a situation warrants, they should not be reluctant to place any person in handcuffs or use other means to ensure officer safety.

EXAMPLES:

- 1) Two officers arrived at a hospital emergency room to interview a man involved in a traffic collision. They find the man sitting on a gurney in the examination room. As the officers introduce themselves the man points to the side of his head without speaking. The officers attempt to obtain information from him but he responds by making unintelligible sounds and waving his hands. When the officers continue to ask questions the man becomes increasingly agitated. One of the officers takes a pen and pad of paper from his pocket and writes a note, asking if the man is deaf. The man calms down and nods his head indicating “yes.” The officers apologize to the man for not recognizing the hearing difficulty sooner then ask in writing if he would like them to call a translator. The man declines and the interview continues by writing notes to each other.

NOTE: It is important to be aware that you may make some erroneous assumptions when first coming in contact with a person who is deaf. Some of these assumptions are:

- a) the person is versed in your native language
  - b) the person can read
  - c) the person can write
  - d) the person has normal eyesight
- 2) When a 10-year-old boy did not come home from school at the designated time, his mother became worried. The woman, who was deaf, was concerned that she would not be understood over the phone, so she flagged down a law enforcement vehicle that was on patrol in her neighborhood. She attempted to speak with the officers, but became more upset when she felt that the officers could not understand her. One of the officers pointed to his own ear and used hand motions to ask the woman if she could hear. When she shook her head no, the officer produced a pad and a pencil and wrote her a message asking her if she would like to go with them to the station where they could arrange to have a translator help them communicate. With the aid of the certified translator, the officers were able to determine the names and address of a number of her son’s friends. After making some phone calls they learned that the boy had gone to a friend’s house and forgotten to let his mother know.

AGENCY POLICY: The trainee will review and become familiar with the department’s policy, guidelines and procedures involving People who are Deaf or Hard of Hearing. Refer to the Vernon Police Department Lexipol policy system.

**9.4.3** The trainee shall be aware of the **Additional Laws Protecting the Rights of People with Physical Disabilities**. People with physical disabilities have the same rights as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public spaces. (Civil Code Section 54)

EQUAL ACCESS: A violation of an individual's rights under the Americans with Disabilities Act of 1990 also constitutes a violation of Civil Code Section 54.1.

Individuals with disabilities:

1. shall be entitled to
2. full and equal access
3. as other members of the general public have to:
  - a. accommodations
  - b. advantages
  - c. facilities
  - d. privileges

NOTE: This includes access to public streets and byways, buildings, facilities, modes of transportation, lodging, amusement, and other places to which the general public has access.

FAILURE TO COMPLY: Officers who fail to abide by the provisions of the Americans with Disabilities Act and Civil Code Section 54.1 may be subject to any or all of the following.

1. Criminal liability for a violation of civil rights
2. Civil liability
3. Departmentally imposed disciplinary action

BLIND OR VISUALLY IMPAIRED PEDESTRIANS: Individuals who are blind or visually impaired are not required to carry a white cane (with or without a red tip) or to use a guide dog.

Civil Code Section 54.4 stipulates that a totally or partially blind pedestrian shall have all the rights and privileges conferred by law upon other people in any of the places, accommodations, or conveyances specified in Civil Code Sections 54 and 54.1, even when that individual is not carrying a white cane or using a guide dog.

SERVICE ANIMALS: According to the ADA service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Posttraumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties.

NOTE: Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

1. Service animals can include:

- guide dogs or seeing-eye dogs for use by individuals who are blind or visually impaired
- signal dogs trained to alert a deaf person or a person whose is hard of hearing to intruders or specific sounds
- service dogs trained to a physically disabled person’s requirements, including but not limited to:
  - a. minimal protection work
  - b. rescue work
  - c. pulling a wheelchair
  - d. fetching dropped items

This definition does not affect or limit the broader definition of “assistance animal” under the Fair Housing Act, the broader definition of “service animal” under the Air Carrier Access Act, or local laws that define service animals more broadly than the ADA. Officers should refer to their animal control department for licensing requirements.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Officers may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Officers cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Officers should use discretion before taking enforcement action.

The following identifies several laws that pertain specifically to the use of service animals by people with disabilities.

1. Use of Guide, Signal, or Service Dogs
  - A. Civil Code Section 54.2 - elements of the law
    - 1) Every person who is:
      - a. totally blind or partially blind
      - b. deaf or hard of hearing
    - 2) shall have the right to be accompanied by a:
      - a. guide dog
      - b. signal dog
      - c. service dog
    - 3) especially trained for that purpose
    - 4) in any of the places specified in Civil Code Section 54.1
    - 5) without being required to pay an extra charge for the animal

- 6) provided that the person is liable for any damage done to the premises or faculties by such dog

## 2. Access to Public Transportation

### A. Penal Code Section 365.5(a) – elements of the law

- 1) Any person who is blind, deaf or disabled
- 2) a passenger on any public conveyance or mode of transportation operating within the state
- 3) shall be entitled to have with them a specially trained guide dog, signal dog, or service dog

## 3. Access to Public Accommodations

### A. Penal Code Section 365.5(b) – elements of the law

- 1) No person who is blind, deaf or disabled that person's specially trained guide dog, signal dog, or service dog
- 2) shall be denied admittance to places to which the general public is invited within the state
- 3) because of that person's guide dog, signal dog, or service dog

## 4. Failure to Comply

### A. Penal Code Section 365.5(c) - elements of the law

- 1) Any:
  - a. person
  - b. firm
  - c. association
  - d. corporation
- 2) who
  - a. prevents or interferes with
- 3) a disabled person in the exercise of the rights specified in Penal Code Sections 365.5(a) and (b)
- 4) is guilty of a misdemeanor

RIGHT OF WAY: Vehicle Code Section 21963 stipulates that:

- a pedestrian totally or partially blind
- who is carrying a predominantly white cane (with or without a red tip)
- or using a guide dog



- shall have the right-of-way

The driver of any vehicle approaching a person using a white cane or guide dog who fails to yield or take reasonable necessary precautions to avoid injury to the person is guilty of a misdemeanor.

## 9.

### **PERSONS WITH MENTAL ILLNESS**

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**9.5** Trainees must become familiar with the behavioral and psychological indicators of mental illness in order to determine if an individual is a danger to others, danger to self, or gravely disabled and to determine an appropriate response and resolution option.

Law enforcement routinely encounters persons with mental illness in a variety of settings. The causes and impacts of mental illness vary and are not bound by race, gender, or socioeconomic status.

How peace officers respond to persons living with a mental disorder can have tremendous impact on how these encounters will be resolved. The basic philosophy of any law enforcement officer should be to respond in a manner that is humane, compassionate, and supportive.

**MENTAL ILLNESS:** Mental illnesses are a medical condition that affect a person's thinking, feeling, mood, ability to relate to others, and disrupts daily functioning. Persons managing a mental illness can have a substantially diminished capacity for coping with the ordinary demands of life. Mental illnesses can affect people of any age, race, religion, or income and background. Several million people in this country are diagnosed with a serious long term mental illness. The good news about mental illness is that recovery is possible.

**MENTAL DISORDERS:** Mental disorder is not defined by law, and the initiator of a 5150 is not required to make a medical diagnosis of a mental disorder. The initiator must be able to articulate the manifested behavioral symptoms of a mental disorder.

A mental disorder:

- Is primarily a brain disorder
- Creates problems with feeling, thinking, and perception
- Affects a person's behavior by causing bizarre and/or inappropriate behavior
- Can be short term (acute) or long term (chronic)
- Can occur at any time during a person's life

NOTE: Mental retardation, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder. (WIC 5585.25)

**THOUGHT DISORDERS:** A thought disorder is a condition where the person's thought process is disrupted causing that person to experience delusions, hallucinations, and/or irrational fears, or they may exhibit unusual behaviors.

MOOD DISORDERS: A mood disorder, also referred to as an affective disorder, is a condition where the person experiences periodic disturbances in mood, concentration, sleep, activity, appetite, or social behavior. Mood disorders can be marked by periods of extreme sadness (depression) or excitement (mania).

Mood disorders tend to be episodic. Between episodes the individual may have no remarkable symptoms or difficulties.

RECOGNIZING BEHAVIORS ASSOCIATED WITH MENTAL ILLNESS: Officers should not attempt to diagnose mental illness. A mental illness is often difficult for even the trained professional to define in a given individual. Officers must be able to recognize general indicators of mental illness so that appropriate actions can be taken.

Indicators: The following identifies several indicators that officers may consider when determining whether a behavior is related to mental illness.

1. Fearfulness
  - Signs of strong and unrelenting fear of people, places, or things
  - Such fears may make the individual extremely reclusive or aggressive without apparent provocation
  - Extreme fright over something that a reasonable person would consider of little or no threat
2. Inappropriate Behavior
  - Extreme expression of emotion out of context for the situation
  - Nudity, extremely odd or inappropriate dress, self-mutilation
  - Belief that they are affected by extraordinary physical maladies that are not possible (e.g., belief that their heart stops beating for an extended period)
  - Impulsive activity
  - Reckless behavior (e.g., walking on the freeway)
3. Extreme Rigidity or Inflexibility
  - Easily frustrated
  - Acting out with inappropriate or aggressive behavior
  - Unable to compromise or adjust
4. Excitability
  - People who are affected by bipolar disorder may experience periods of excessive energy, reduced response to pain, or feel they require little or no sleep
  - Symptoms appear similar to those of a person on stimulants

## 5. Impaired Self-care

- A reduced capacity to take care of basic needs (e.g., stops bathing or eating, sleeps very little or more than normal, failure to find adequate shelter, etc.)

## 6. Hallucinations

- A hallucination is a false perception experienced through any of the five senses (e.g., hearing voices, feeling one's skin crawl, smelling strange odors, seeing visions, etc.)
- When hallucinating, individuals may be so overwhelmed that they have little or no awareness of their surroundings

## 7. Delusions

- A delusion is a persistent false belief or thoughts and actions that are not based on reality (e.g., delusions of grandeur, self-importance, being persecuted or conspired against, etc.)
- Delusions can be caused by either thought or mood disorders

## 8. Disorganized Speech, Thought Patterns, or Disorientation

- Inability to make logical thought connections or to concentrate
- Rapid flow of unrelated thoughts
- Speech that is unclear or does not communicate an idea (e.g., talking in rhymes, repetition of words or phrases, speech that is rapid non-stop)
- Failure to or slow to respond to simple questions or commands (e.g., blank stare)
- Memory loss related to common facts (e.g., name, awareness of time, identity of others)

## 9. Clinical Depression

- Major depression is the most common of the mood disorders. It is usually recurring, often many times in an individual's lifetime. Symptoms may include, but are not limited to:
  - a. Isolation
  - b. Sadness, inactivity and self-depreciation
  - c. Feelings of guilt, hopelessness, helplessness, or pessimism
  - d. Eating disturbances
  - e. Fatigue, decreased energy
  - f. Loss of motivation
  - g. - Crying spells
  - h. - Chronic pain

- i. - Sleep disturbances
- j. - Relentlessness or irritability
- k. - Difficulty concentrating or making decisions
- l. - Thoughts of death (including gestures, attempts or threats of suicide)

NOTE: The risk of suicide, suicide attempts, and suicidal behavior is significantly higher for people who are affected by all forms of depressive disorder.

#### 10. Bipolar Disorder

- Also referred to as manic depression and characterized by cycles of low and high mood swings. Swings between cycles can be rapid and unpredictable
- When in a depressive cycle, a person with bipolar disorder may demonstrate the same behaviors as with clinical depression
- When in a manic cycle a person may exhibit behavior such as:
  - a. boundless energy and enthusiasm
  - b. decreased need for sleep
  - c. rapid loud or disorganized speech
  - d. short temper and argumentative speech
  - e. impulsive and erratic behavior
  - f. possible delusional thoughts
  - g. religiosity (excessive devotion to religion)

#### 11. Schizophrenia

- Is not a single disorder. It is a group of related disorders in which a person's ability to function is marked by severe distortion of thought, perception, feelings, and bizarre behavior
- Is the most common of the thought disorders. It most often develops in young adults aged 16 to 25 and remains throughout their adult lives
- Characterized by a deterioration of a person's ability to work, relate to others, or to take care of oneself
- Behaviors include:
  - a. bizarre delusional thinking
  - b. hallucinations
  - c. incoherent, disconnected thoughts and speech
  - d. expression of irrational fear
  - e. deteriorated self-care
  - f. poor reasoning
  - g. strange and erratic behaviors

NOTE: Officers may come into contact with people affected by schizophrenia because certain medications taken by individuals who are affected by schizophrenia may cause agitation that can lead to a buildup of tension, anxiety, or panic. This may

lead to potentially dangerous situations. When frightened, a person with this disorder may act out with even more bizarre or paranoid behavior.

#### 12. Postpartum Depression

- Postpartum depression is the onset/increase of mental disorder which can occur after the birth of a child. The symptoms may include the above mentioned categories of disorders as well as; fluctuations in mood, agitation, severe ruminations, delusions, and/or hallucinations
- Postpartum depression episodes occur in 1/500 to 1/1000 individuals
- These episodes should be distinguished from “baby blues” which affect up to 70% of individuals within 10 days of delivery, and does not result in significant impairment in functioning
- Postpartum depression episodes may impact maternal attitudes towards infants and children and may include:
  - a. pre-occupation with the care of the child
  - b. child abuse
  - c. homicidal thinking
  - d. disinterest of the infant

#### 13. Postpartum Psychosis

- Postpartum psychosis is a rare illness experienced by approximately one in every 1,000 women after giving birth, which
  - a. can substantially diminish the mother’s capacity for coping with ordinary life demands
  - b. is not the same as a milder form of depression that some women experience after giving birth, commonly referred to as “baby blues”

#### 14. Psychosis

- Psychosis is a major disabling symptom of several severe mental illnesses. In particular, schizophrenia, which is a thought disorder; and bipolar disorder, which is a mood disorder.

NOTE: Substance abuse by an individual may lead to behaviors that mimic a number of different types of thought and mood disorders.

#### 15. Posttraumatic Stress Disorder (PTSD)

- Posttraumatic Stress Disorder (PTSD) is an anxiety disorder that can develop after exposure to a traumatic event or ordeal in which grave physical harm occurred or was threatened to the individual or someone close to them
- Symptoms can include dreams and nightmares about the incident, flashbacks, hyper-arousal, distress caused by reminders of the event, survivor’s guilt, hyper-vigilance, emotional numbing, exaggerated, startled response (usually to loud noises)

- Anyone who has gone through a life-threatening event can develop PTSD. These events can include:
  - a. combat or military exposure
  - b. child sexual or physical abuse
  - c. terrorist attacks
  - d. sexual or physical assault
  - e. serious accidents, such as a car wreck
  - f. natural disasters, such as a fire, tornado, hurricane, flood, or earthquake

#### 16. Personality Disorder

- Occur when personality traits (enduring patterns of perceiving, relating and thinking) become inflexible and maladaptive
  - Cause significant functional impairment or subjective distress
  - Person may not see the problem
  - The most common personality disorders are:
    - a. narcissistic (entitlement)
    - b. antisocial (manipulative)
    - c. borderline (abandonment)
    - d. histrionic (theatrical)
- A. The risk of suicide, suicide attempts, and suicidal behavior is significantly higher for people who are affected by all forms of depressive disorders.
- B. Officers should be aware that substance abuse (drugs and/or alcohol) can also cause delusions, hallucinations, and violent mood swings in an individual. Likewise, mentally disabled persons may use drugs or alcohol to mitigate their symptoms.

#### EXAMPLE:

- 1) An officer responded to a request from a neighbor for a welfare check of a woman who had not been seen for three weeks. After the officer knocked several times, the woman opened the door. The officer immediately noted a strong odor coming from the woman's home. The woman appeared to be wearing dirty clothes and had not bathed recently. Upon entering the home, the officer also noted that it had not been cleaned for some time and that the rooms were in disarray. The woman was not able to tell the officer when she had last eaten or left her home. When the officer inspected the woman's kitchen, she found only outdated or spoiled food. The officer also noted a number of empty prescription medication bottles near the kitchen sink. The woman was unable to remember how long it had been since she ran out of her medications. Based on the indicators that were apparent, the officer suspected that the woman was affected by a mental illness.

**9.5.1** When making **Field Contacts with Persons with Mental Illness**, Trainees must make difficult judgments and decisions about the behaviors and intent of any individual they think may be affected by a mental illness. This requires special considerations to avoid unnecessary violence or civil liability.

OFFICER SAFETY: People affected by mental illness can be unpredictable and sometimes violent. Officers should never compromise or jeopardize their own safety or the safety of others when dealing with individuals who display symptoms of a mental illness.

Once the scene is stabilized and there is no threat to life then the officer has a duty to reasonably accommodate the person's disability, but not before.

INDICATORS: Not all people with mental illness are dangerous, while some may represent danger only under certain circumstances or conditions. Some may be capable of going very quickly from a state of calm to being extremely agitated.

There are many indicators that officers may use to help determine if people who appear to be affected by mental illness are dangerous to others or themselves.

- The availability of any weapons to the person
- Statements made by the person that suggests that he or she is prepared to commit a violent or dangerous act. These could range from subtle innuendos to direct threats
- A personal history of prior violent acts under similar or related conditions. Information may come from a previous law enforcement contact or others familiar with that person
- Signs of violence at the scene prior to the officer arriving
- Officers shall consider statements made by a credible third party indicating that the subject may be prepared to commit a violent or dangerous act
- The amount of self-control the person is able to demonstrate. This can include signs of rage, anger, fright or agitation. Signs of lack of control can include an inability to sit or stand still, wide eyes, rambling speech, etc.
- Begging to be left alone or offering frantic assurances that one is fine may also suggest that a person is close to losing control.

SUICIDE AWARENESS: There are several factors that may help officers determine how serious a threat is. Officers should ask:

- if the person has the intent, a plan, or the means to carry out the act of attempting suicide
- if he or she has made previous attempts to commit suicide
- the method used in a previous attempt



- about knowledge and/or history of someone who has completed suicide
  - individuals close to the person about the person's history and mental state
- A. Excessive use of alcohol and/or other drugs can markedly increase the danger of a person successfully attempting suicide.
  - B. Officers are responsible for knowing and complying with specific policies and guidelines regarding contacts with individuals who may be suicidal.

FIELD CONTACTS: The following identifies appropriate tactical actions officers should be aware of.

1. Request Backup
  - Situation can be unpredictable and escalate quickly
2. Stabilize the Scene
  - Once the scene is stabilized and there is no threat to life then the officer has a duty to reasonably accommodate the person's disability, but not before
3. Calm the Situation
  - Take time to assess the situation
  - Provide reassurance that officers are there to help
  - If possible give the person time to calm down
  - Move slowly
  - When possible, eliminate emergency lights and sirens and disperse any crowd that may have gathered
  - Reduce environmental distractions such as radio or television noise
  - Assume a quiet nonthreatening manner when approaching and conversing with the individual
  - If possible, avoid physical contact if no violence or destructive acts have taken place
  - If possible, explain intended actions before taking action
4. Communicate
  - Keep sentences short
  - Determine if the person is taking medication
  - Talk with the individual in an attempt to determine what is bothering that person
  - Acknowledge the person's feelings
  - Ask the person if he or she is hearing voices and, if so, what they are saying
  - Avoid topics that may agitate the person

- Guide the conversation toward subjects that will bring the individual back to reality (e.g., where are you?, day of the week?)
  - Allow time for the person to consider questions and be prepared to repeat them
  - Do not mock the person or belittle his or her behavior
  - Do not agree or disagree with the delusions or hallucinations, but validate the feelings (i.e. “It must be frustrating for you to feel this way.”)
5. Do Not Make Threats
- Do not threaten the individual with arrest or in any other manner
  - Threats may create additional fright, stress, or potential aggression
6. Be Truthful
- If the individual becomes aware of deception, that person may:
    - a. withdraw from any contact in distrust
    - b. become hypersensitive
    - c. retaliate in anger

**9.5.2** The trainee will be familiar with the **Lanterman-Petris-Short-Act** and understand **Welfare and Institutions Code Section 5150**.

The Lanterman-Petris-Short Act (LPS) was established in 1968 with the intent of reforming commitment laws pertaining to mental health treatment. The Legislature’s effort was to balance communities’ rights with the rights of individuals to freedom and due process under the law.

The laws related to LPS are noted in the California Welfare and Institutions Code, beginning with Welfare and Institutions Code (W & IC) Section 5150.

DETENTION FOR EVALUATION:

- A. *Welfare and Institutions Code Section 5150* states that:
- any people who
  - as a result of a mental disorder
  - are:
    - 1) a danger to others, or
    - 2) a danger to themselves, or
    - 3) gravely disabled
  - may, upon probable cause
  - be taken, or caused to be taken
  - by a peace officer or other designated person
  - to a designated facility

- for 72-hour treatment and evaluation
- B. Welfare and Institutions Code Section 5150.05 states that:
- When determining if probable cause exists to take a person into custody or
  - Cause a person to be taken into custody, pursuant to Section 5150
  - Any person who is authorized to take that person, or cause that person to be taken
  - Shall consider available relevant information about the historical course of the person's mental disorder
  - If the authorized person determines that the information has a reasonable bearing on the determination as to whether the person is
  - A danger to others, or self, or is gravely disabled as a result of the mental disorder

DANGER TO OTHERS: The concept of danger to others as a result of mental illness often involves verbalizations or actions that are interpreted as aggressive and usually involve poor impulse control.

Indicators that might lead an officer to believe that a person may be a danger to others include, but are not limited to the individual's:

- A. use of words or actions that indicate the intent to cause bodily harm to another person
- B. expressions of thoughts or intentions which are specific as to the particular person to be harmed
- C. appearance of being agitated, angry or explosive (even when not focused at a particular person)
- D. engagement in or intent to engage in acts or behavior of such an irrational, impulsive or reckless nature as to put others directly in danger of harm (e.g., the destruction of property or misuse of a vehicle)
- E. acts or words regarding an intent to cause harm to another person being based on, or caused by the individual's mental state which indicated the need for psychiatric evaluation and treatment

DANGER TO SELF: Danger to self as a result of a mental illness typically means the presence of suicidal thoughts, statements, or behaviors.

Indicators that might lead an officer to believe that a person may be a danger to self-include, but are not limited to the individual's:

- A. words or actions that imply an intent to commit suicide or inflict bodily harm on self

- B. exhibition of gross neglect for personal safety which could lead to that person receiving or being at risk of receiving serious injury
- C. statements or action implying a specific plan to commit suicide or inflict harm on self
- D. plans and the means available or within that individual's ability to carry out

NOTE: Self-endangering or high-risk activities, such as sky-diving, are generally not associated with a mental illness.

GRAVELY DISABLED: The W & I Code defines gravely disabled as "a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing or shelter."

Indicators may include, but are not limited to the following:

- A. the person must be unable to avail themselves of food, shelter and clothing
- B. mere inability to provide for needs is not sufficient nor is refusal of treatment evidence of grave disability
- C. regardless of person's past, the question is whether they are presently gravely disabled

Interpretation of what food, clothing, and shelter may not be what most of us would consider "humane." For example:

- A. a person had a plan to sleep under a bridge and collect food from a trash can

NOT GRAVELY DISABLED: Examples may include but not be limited to:

- A. surviving safely with the help of responsible family, friends, or others who are both willing and able to help to provide basic personal needs (food, clothing and shelter)
- B. using poor judgment or displaying eccentric behavior does not necessarily mean a person is incompetent

NOTE: To meet gravely disabled criteria, the person must "presently" be gravely disabled and be unable to provide and/or utilize food, clothing, and shelter due to a mental disorder.

GRAVELY DISABLED-ADULT: Gravely disabled adult is an adult who, as a result of a mental disorder (rather than a chosen lifestyle or lack of funds) is unable to provide for his or her basic needs for food, clothing or shelter. The grave disability may result from neglect or inability to care for oneself.

NOTE: Courts have ruled that if a person can survive safely in freedom with the help of willing and responsible family members, friends, or third parties, then he or she is not considered gravely disabled.

GRAVELY DISABLED-MINOR: Gravely disabled minor is a person 17 years old or younger who, as the result of a mental disorder, is unable to utilize the elements of life, which are essential to health, safety and development, including food, clothing, or shelter, even though provided to the minor by others, (WIC 5585.25).

DEPRIVATION OF PERSONAL LIBERTIES: It is important that peace officers recognize that detention and commitment under Welfare and Institutions Code Section 5150 is a serious deprivation of personal liberty.

Detention under Welfare and Institutions Code Section 5150 can mean the individual:

- A. may be deprived of contacts with friends and family,
- B. may be subject to:
  - 1) medical and psychological examination, and/or
  - 2) the administration of medications
- C. can be held against that person's will for up to 72 hours

Because of these issues, peace officers must be aware of the responsibility involved when they evoke Welfare and Institutions Code Section 5150. A person cannot be detained under Welfare and Institutions Code Section 5150 for vague, ambiguous, unspecific, or potentially dangerous behavior.

EXPLICIT PROBABLE CAUSE: Because deprivation of personal liberty is involved, the courts have established explicit elements for probable cause for Welfare and Institutions Code Section 5150.

To establish probable cause to detain a person pursuant to Welfare and Institutions Code Section 5150, an officer must clearly articulate the circumstances under which the person's condition was brought to the officer's attention. The officer must:

- A. be able to state known facts
- B. that would lead a person of ordinary care and prudence to believe or to entertain a strong suspicion
- C. that the person detained
- D. is a danger to others, or self, or is gravely disabled

By "known facts" the officers must be able to point to specifics and facts, which if taken together with rational inferences, reasonably warrant the officer's belief or suspicion.

STATE LAWS: If requesting an evaluation of a person as per Welfare and Institutions Code Section 5150, the formal written application must be completed by the officer. If the person is compliant to the officer's directions, it does not mean the individual is consenting. There is no such thing as a voluntary 5150 W & I.

RIGHTS OF DETAINED PERSON: People who are detained under Welfare and Institutions Code Section 5150 are entitled to basic federal and state constitutional rights.

Welfare and Institutions Code Section 5157 requires that prior to transporting the person to a designated facility, officers must give the person the following advisement:

"My name is (officer's name), I am a peace officer with the Vernon Police Department. You are not under criminal arrest. I am taking you to (name of the mental health facility) for an examination by mental health professionals. You will be told your rights by the mental health staff."

If the person is detained under Welfare and Institutions Code Section 5157 at that person's residence, officers must also inform the individual of additional rights.

"You may bring a few personal items with you which I will have to approve. You can make a phone call and/or leave a note to tell your friends and/or family where you have been taken."

PROTECTION OF PERSONAL PROPERTY: Welfare and Institutions Code Section 5150 also states that it is the officer's responsibility to:

- A. take reasonable precaution to preserve and safeguard personal property in possession of or on the premises occupied by the person who is being detained, and
- B. provide the court with a report describing any property that is under law enforcement protection and its disposition

CONFISCATION OF WEAPONS: Whenever a person who has been detained under Welfare and Institutions Code Section 5150 is found to own, have possession of, or have control of any firearms or deadly weapons, peace officers will confiscate those weapons. (Welfare and Institutions Code Section 8102)

MANDATORY DOCUMENTATION: Welfare and Institutions Code Section 5150.2 requires officers who detain individuals under Welfare and Institutions Code Section 5150 to complete the written Applications for 72-Hour Detention, Evaluation and Treatment form (MH 302). A standard application includes:

- A. verification that the detainment advisement was given
- B. the name of the designated facility to which the person is taken
- C. the name and address of the individual who is being detained

- D. factual circumstances and observations constituting probable cause for the officer to believe that the individual is in fact a danger to others, self, or is gravely disabled

It is the trainee's responsibility to know the department's Reporting Policies. Refer to the Lexipol policy system.

DESIGNATED FACILITIES: Evaluation and treatment facilities must be designated by the county and approved by the State Department of Mental Health.

Welfare and Institutions Code Section 5150.1 mandates that when an individual is transported to a designated facility, that facility must accept that person for initial evaluation. The individual cannot be turned away due to a lack of a bed or any other reason.

INITIAL EVALUATION: When an officer detains an individual under Welfare and Institutions Code Section 5150 and transports that individual to a designated facility, the individual must be evaluated by a mental health professional. The mental health professional then determines if the individual should be detained for further evaluation and treatment (Welfare and Institutions Code Section 5150.3).

EXAMPLES:

- 1) An officer responded to a call regarding a man, shoeless and dressed only in his underwear, walking in the median of a four-lane highway. The officer found a man matching the description and attempted to detain and question him. Even though the officer's appearance was obvious and the officer repeatedly asked for the man to stop, the man continued to walk as if the officer were not there. The officer moved in front of the man and was finally able to get the man's attention. The man appeared confused and frightened by the sight of the officer. He told the officer that he had to pick up his mother; that she was waiting for him; and that she would be mad if he was late. The officer was able to find out that the man was attempting to walk to a town that was over 200 miles away. When the officer suggested that he give the man a ride to somewhere that would be safer, the man suddenly became agitated and bolted into the roadway screaming "You've killed her! Stay away! You've killed her!" Because of the man's inability to relate to the reality of the situation and because he was in immediate danger of seriously injuring himself along the roadway, the officer detained the man under Welfare and Institutions Code Section 5150 and transported him to an evaluation facility.
- 2) Two officers responded to a call regarding a family dispute. When they arrived, they were told by a young woman that her 19-year-old brother was in the kitchen threatening to harm her father. The officers saw that the young man was holding a large kitchen knife and yelling, "Don't tell me what to do! You don't have the power anymore. I have the power now!" The young man's father was also yelling and ordering his son to

put the knife down. When the young man saw the officers, he dropped the knife. The officers quickly took control of the situation and physically subdued the young man. The young man's mother then approached the officers holding several bottles of medications. She told the officers that her son stopped taking his medication two weeks ago and had become increasingly more paranoid and violent. Even though she and her husband had tried to care for their son on their own, they did not know what to do anymore. Because the young man was a threat to others and possibly to himself, the officers detained him for evaluation and treatment under Welfare and Institutions Code Section 5150.

- 3) Officers were dispatched to a local college dormitory. The reporting party told the officers that a male student had remained locked in his room for three days. Friends of the student told the officers that the young man's grades had dropped and that his girlfriend had broken up with him about two weeks ago. They also told the officers that the student had spoken of suicide numerous times over the last week. Since the dorm room was on the first floor, one of the officers was able to look through a window and saw the young man naked and lying in a fetal position on the bed. Officers entered the room and determined that the student was suicidal and detained him under Welfare and Institutions Code Section 5150 for evaluation and treatment.

**9.5.3** Trainees must make careful decisions about how to resolve situations involving people who are affected by mental illness.

RESOLUTION OPTIONS: If an officer determines that a person appears to be affected by a mental illness, but does not meet detention action under Welfare and Institutions Code Section 5150, there are several actions the officer can consider taking. The following identifies some of these actions.

1. Provide Urgent Medical Attention
  - Once an officer has taken control of a situation, that officer must render medical attention or summon medical personnel if required
  - After medical care is rendered, disposition of the individual can be determined
2. Arrest of Individual
  - Arrest if a crime has been committed
  - Officer discretion should be used regarding arrests for minor issues
3. Referral for Mental Health Services
  - Individuals and families who may be in need of treatment can be referred to available mental health services
  - Officers should become familiar with the services that are available within the community



4. Report to Child Protective Services
  - Peace officers are required by law to report conditions of child abuse to local child protective agencies
5. Cite and Release
  - If it is determined that the individual meets the criteria under Penal Code Section 849(b) and it is safe to release the individual, officers may consider citing and releasing the individual
6. No Further Action
  - If no urgent medical care is necessary, no crime has been committed, and no referral is needed, the officer may choose to take no further action

EXAMPLE:

- 1) Officers responded to a call from neighbors regarding a man and his dog taking items from trash cans in a residential neighborhood. When the officers located the man, he told them that he and his dog lived in a makeshift tent under a nearby freeway. He also told the officers that he was a war veteran and that the dog was his closest friend. The man was turned away from one shelter because they would not allow the dog to go with the man. The man told the officers that he had not been able to hold any type of regular work because he had bouts of post-traumatic stress. He also told them that he was hungry and was worried about his dog getting enough to eat. The officers were able to refer the man to a local war veteran's organization where he could get assistance.

AGENCY POLICY: Officers are responsible for being aware of and complying with all agency specific policies and guidelines regarding procedures, officer discretion, and referrals when interacting with a person who appears to be affected by a mental disorder.

CONFIDENTIALITY OF MEDICAL REPORTS: Officers are responsible for being aware of state and federal statutes that govern the release of medical records. The privacy rule protects all individually identifiable health information held or transmitted by a covered entity or its business associate in any form or media, whether electronic, paper or oral. The act strikes a balance that permits important uses of information while protecting the privacy of people who seek care and healing. (Health Insurance Portability and Privacy Act [HIPPA], Title 42 Code of Federal Regulations, and California Welfare and Institution Code 5328)

## 9.

### **MISSING PERSON REPORTING REQUIREMENTS**

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**9.6** The trainee shall understand and explain state law (including statutory reporting requirements) and the Department policy and procedure for handling missing persons, both adult and juvenile and shall be able to adhere to these policies and procedures when called to the scene regarding a missing person.

MISSING PERSON REPORTING REQUIREMENTS: The purpose of this bulletin is to inform our officers of their responsibilities pertaining to accepting missing person reports and reporting them to the Department of Justice, and to acquaint them with the missing person services offered by the Department of Justice.

Definitions: Before outlining specific requirements, we will define certain terms for clarification:

"At risk" includes, but is not limited to, circumstances where evidence or indications exist that the missing person (adult or child):

1. Is the victim of a crime or foul play?
2. Is in need of medical attention?
3. Has no pattern of running away or disappearing?
4. Is the victim of a parental abduction/kidnapping?
5. Is mentally impaired?

These circumstances are only examples and are not intended to be an exhaustive or all encompassing lists. Law enforcement personnel may use discretion when determining the presence of risk based on the officers' experience, expertise, and the facts and circumstances of each case.

Child means a person from birth through 17 years unless otherwise specified.

Dental/medical records or X-rays means all records or X-rays (dental or skeletal) in the possession of a dentist, physician, surgeon, or medical facility.

Dependent adult means someone between the ages of 18 and 64 who has physical or mental limitations which restrict their ability to carry out normal activities or further meets the statutory criteria of dependency specified in Section 368e of the Penal code (PC). Elderly adults with physical or mental impairments are not within the statutory definition of dependent adults; however, an elderly person with Alzheimer's disease who has disappeared meets the definition of "at risk."

Immediately and/or without delay (with no mandated time frame) should be defined by agency policy with a time frame denoting urgency.

Missing person means an individual whose whereabouts are unknown to the reporting party and includes, but is not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Section 277, et al of the Penal code. It also includes any child missing voluntarily, involuntarily, under circumstances not conforming to their ordinary habits or behavior, and who may be in need of assistance.

NOTE: Under this new definition, parental abductions must be accepted as missing person cases. Therefore, the agency in your "jurisdiction handling parental abductions," including District Attorney's, must adhere to the acceptance/reporting mandates of the new statutes.

PROCEDURES PERTAINING TO ACCEPTING MISSING PERSON REPORTS: The following are the mandates and guidelines for an agency's initial response and follow-up to missing person cases. Items added or modified by SB 2282 are highlighted by underlining.

POLICE OR SHERIFF DEPARTMENT MUST:

1. Accept any report of a missing person, as defined by Section 14213(a) PC, without delay, regardless of jurisdiction.
2. Accept any report of a runaway without delay.
3. Accept reports of missing persons by telephone.
4. Assign priority to missing person reports over non-emergency property crimes.
5. Make an immediate assessment of steps to locate based on: type of missing person case, defined in 14213(a) PC, and indications that victim might be at risk Sec. 14213(b)j.
6. Broadcast a "Be-on-the-Lookout Bulletin" without delay within your jurisdiction (if child is under 2 years of age or a person of any age is "at risk").
7. Provide the reporting party with a DOJ form which authorizes release of dental records/X-rays, skeletal X-rays, and/or photographs.

THE CALIFORNIA HIGHWAY PATROL:

1. May accept reports of missing persons/runaways.
2. Must tell the individual reporting a missing person the name and phone number of the agency having jurisdiction over the missing persons's residence and where the missing person was last seen.

TRANSMITTING REPORTS TO OTHER JURISDICTIONS: In cases where a report is initially taken by an agency that is not the agency of jurisdiction over the missing person's residence, the law enforcement agency taking the initial report must:

1. Notify and forward without delay a copy of the report to that agency having jurisdiction over the missing person's residence and where the missing person was last seen.
2. In cases involving children under 12 years of age or persons at risk, this cross-reporting must be accomplished within 24 hours of initial receipt of the report.

TRANSMITTING REPORTS TO THE CALIFORNIA DEPARTMENT OF JUSTICE AND NATIONAL CRIME INFORMATION CENTER (NCIC):

The law enforcement agency taking the initial report:

1. Must send a completed DOJ Missing Persons Reporting Form (SS 8568) to DOJ. To comply with the new mandates of classifying missing person reports, DOJ has revised the Form SS 8569. Supplies of the revised form will be available in late January and may be ordered by contacting the DOJ Missing/unidentified Persons Program by teletype (DOJ-34945400/MUPS) or phone [(916) 739-5114]. To accommodate the transition to the new form, DOJ will accept the current 55 8568 or your agency's form during an interim period. As of March 1, 1989, DOJ will accept missing person reports only on the revised Form 55 8568, or local agency forms containing at a minimum the same information as on the DOJ report form. Local agency forms must be pre-approved by DOJ. Requests for approval of local agency forms should be sent to the DOJ Missing/Unidentified Persons Program, P.O. Box 903417, Sacramento, CA 94203-4170. A revised Form 55 8568 is attached to this Bulletin for your information.
2. Should transmit a report to the NCIC Missing Persons System and must submit the report to DOJ within four hours after accepting the report, if the missing person is under 12 years of age or any person "at risk." When the on-line Missing/Unidentified Persons System (MUPS) becomes operational (July 1990), a single entry to MUPS will generate an entry to NCIC.
3. May initiate an investigation if the agency has jurisdiction over the place where the missing person was last seen. In most cases the agency having jurisdiction over the missing person's residence will normally handle the case.

WHEN THE MISSING PERSON IS A CHILD (UNDER 18 YEARS OF AGE):

1. A law enforcement agency should have the individual making the missing person report fill out DOJ Form 55 8567, "Authorization to Release Dental/Skeletal X-rays, Photograph and Description Information."
2. A law enforcement agency may execute a written declaration authorizing the release of dental skeletal X-rays if the missing child has no next-of-kin, or if none can be located.

3. If the missing child is under 12 years of age and missing at least 14 days, the release Form (SB 8567) must immediately be executed to obtain dental/skeletal X-rays, and a photograph. A law enforcement agency must immediately check with the coroner or medical examiner. The report, photograph, and the dental/skeletal X-rays must be submitted to DOJ within 24 hours.
4. If a law enforcement agency determines that the missing child may be "at risk," dental/skeletal X-rays and a recent photograph should be immediately obtained. A law enforcement agency must immediately check with the coroner or medical examiner. The report and the dental/skeletal X-rays, including a signed DOJ Release Form (55 8567) must be submitted to DOJ within 24 hours.
5. If a child 12 years of age or over is still missing after 30 days, the reporting individual is required to obtain the dental records and give them, within 10 days, to the law enforcement agency that took the initial report.
6. If a child is still missing after 45 days, a law enforcement agency is to confer with the coroner or medical examiner and immediately send the report, dental/skeletal X-rays, and photograph, including a signed release Form (55 8567), to DOJ.
7. If a missing child under 12 years of age, or "at risk" is found, a law enforcement agency must report this fact to DOJ within 24 hours.
8. If a missing child 12 years of age or over is found, a law enforcement agency must immediately (as defined by agency policy) report this fact to DOJ.

WHEN THE MISSING PERSON IS AN ADULT:

1. A law enforcement agency should have the individual making the missing person report fill out DOJ Form 55 8567, "Authorization to Release Dental/Skeletal X-rays, Photograph, and Description Information."
2. If the person is still missing after 30 days, the individual making the report should submit the dental records within 10 days to the law enforcement agency.
3. If the missing person has no next-of-kin, or if none can be located, a law enforcement agency may execute a written declaration authorizing the release of the dental records.
4. If the person is still missing after 45 days, a law enforcement agency should check with the coroner or medical examiner and send the report and dental records to DOJ.
5. If the missing person was considered to be "at risk" and is found, a law enforcement agency must report this fact to DOJ within 24 hours.

6. All other missing adults who are found, must be reported to DOJ immediately.

DOJ SERVICES OFFERED TO LAW ENFORCEMENT: The Missing/Unidentified Persons Unit maintains files containing dental records, physical characteristics, photographs, fingerprints, and related information on missing persons, amnesia victims and unidentified deceased persons. To assist local law enforcement agencies, the Unit:

1. Compares records on file against law enforcement agency and coroner reports to help identify or recover missing persons.
2. Assist law enforcement agencies and coroners to identify victims in homicides or major disasters.
3. Acts as coordinator between agencies to exchange information on missing and unidentified persons.
4. Collects and maintains information on missing children for the Missing Children Registry.
5. Produces and distributes quarterly bulletins and monthly posters containing information about and photographs of missing children.
6. Operates a statewide, around-the-clock, toll-free telephone hotline to receive information from the public on missing children, and then relays that information to the appropriate authorities.

If you have any questions regarding the new statutes, please refer to the new California Penal Code Sections 14200 through 14213.

The forms referred above can be obtained from the Records Division upon request.

INCIDENTS INVOLVING CHILDREN (11 YEARS OLD OR LESS): When the missing person is a child under 11 years of age or younger, an officer will be dispatched to the location and will begin a search of the location where the child was last seen and expanded outward as determined by the amount of time the child has been missing. When the child is not located within reasonable time, or when the circumstances indicate the child has met with foul play, the assigned officer will notify the on duty supervisor of the circumstances. The supervisor will make the appropriate notifications and will ensure that the NCIC entry has been made.

FOUND PERSONS: Officers handling incidents in which a found person (adult or minor) who is located alive and identity and/or parent, guardian or residence is unknown and whose welfare or safety is threatened will use all means available to determine the identity of found persons and return them to either parents, guardian, medical institution, or appropriate government institution.

An incident report will be completed to document those instances which require investigative follow-up, or to document formal placement of a found person. An "Incident Report will be completed to facilitate the placement of a juvenile in the Children's Shelter.

#### PROCEDURES FOR FILING MISSING PERSON REPORTS FOR OTHER AGENCIES:

PATROL OFFICER PROCEDURES: When a patrol officer accepts and completes a missing person report, the officer will contact the police dispatcher and request that the missing person information be entered into the NCIC System. In cases where the missing person does not reside in the City of Vernon, the officer taking the initial report will contact the agency where the missing person resides. The officer taking the report must:

1. Notify and forward (fax) without delay a copy of the report to the agency having jurisdiction over the missing person's residence. Notification to the agency should be made with the on-duty watch commander and/or watch sergeant. The officer will request that the agency having jurisdiction, telephone the department when they have received the copy of the missing person report. Once confirmation has been made that the agency has received the copy of the report, the officer will contact the police dispatcher and request that the entry for the missing person be removed from the NCIC. This will allow the agency having jurisdiction to enter the missing person into the NCIC.
2. The officer will include information regarding the notification to the agency having jurisdiction of the missing person in the report narrative. This information will include the name and telephone number of the agency, person contacted, date and time of notification, and the time the agency verified that the missing person report was received. The officer taking the missing person report will leave a copy of the report with the Detective Lieutenant.

#### DETECTIVE PROCEDURES:

1. In cases where a missing person report is taken for another agency, the assigned Detective upon receiving a copy of the missing person report will contact the agency and verify that they are handling the investigation and have received a copy of the report.

#### CHILD ABDUCTION EMERGENCY ALERT PROCEDURES:

Child Abductions: Child abduction cases require a swift, focused response on the part of law enforcement. In such cases, it is essential to child safety that a coordinated response take place within those first hours immediately after an abduction occurs.

Local law enforcement agencies are now required by law (Government Code section 8594) to activate the State's Emergency Alert System (EAS) to initiate urgent media broadcasts when

warranted in child abduction cases. The AMBER Alert is broadcasted using the State's Emergency Alert System (EAS).

America's Missing Broadcast Emergency Response Alert (AMBER Alert) is a statewide program that combines law enforcement, media broadcasting agencies and the public, in an effort to locate abducted children. The AMBER Alert is designed to provide the public with immediate and up to date information about a child abduction through widespread media broadcasts that are intended to solicit help from the public in the safe and swift return of the child.

Much of the information used to develop this procedure came from the Attorney General's AMBER Alert Manual. This manual is available for reference in the Sergeant's Office. Copies of the AMBER Alert Field Activation Guide are also available in the Communications Center for dispatch personnel.

Criteria for AMBER Alert Activation: Upon receiving a report of a child abduction, the handling officer must conduct a preliminary investigation to determine if specific criteria for an AMBER Alert have been met.

All of the following conditions must apply:

- A confirmed abduction has occurred.
- The victim is 17 years of age or younger, or of proven mental or physical disability.
- The victim is reasonably believed by local law enforcement to be in imminent danger of serious bodily injury or death.
- There is information available, that if disseminated to the general public, could assist in the safe recovery of the victim.

NOTE: The AMBER Alert is not intended for cases involving runaways, missing children in which there is no evidence of foul play, or custody disputes that are not reasonably believed to endanger the life or physical health of a child.

Activating the Emergency Alert System (EAS): If it is determined by the handling officer that that all of the above criteria are met, the handling officer shall brief the on-duty supervisor of the circumstances. The supervisor will be responsible for initiating the process of issuing an AMBER Alert via the EAS. When the Department PIO is available, he or she will write and/or record the appropriate information to be sent out, prior to the alert being activated. In the absence of the PIO, the on-duty supervisor will be responsible for creating the message and/or reviewing it prior to the alert being activated.

When there is no other extenuating investigative need that dictates otherwise, activation of the EAS is required.



- The person assigned to initiate the EAS alert must be able to provide a summary information for the EAS message, including the name, age, sex, physical description and clothing description of the victim and suspect, vehicle description, possible direction of travel and location and time last seen. Our agency name and a telephone number for the public to call in leads must also be included.

NOTE: The telephone number for the public to call will be (323) 826-1449. This number will be linked to the (2) EOC / Police Dept. phone jacks located on the east wall of the briefing room (marked 663 & 664). In the event of an AMBER Alert notification, the on-duty supervisor or his designee will need to obtain the (2) corresponding phones (marked 663 & 664) from the EOC equipment room across the hall from Dispatch. Once these phones are plugged into the jacks, the above number is activated and as many as four lines can be handled by each phone. In the initial stages of the alert, it will be the on-duty supervisor's responsibility to see that this position is staffed.



- To initiate a more localized, regional alert covering just the Los Angeles area, the on-duty supervisor or his designee must contact our local primary radio station (LP-1), KFI 640 AM Radio, at (213) 385-0101. This station has been pre-selected by the Local Emergency Communications Committee (LECC). If necessary, the LECC representative, John Paoli, can be contacted at (213) 427-7269. If assistance is needed, the on-duty supervisor or his designee can contact ENTAC for assistance at (916) 657-8287.

NOTE: The activation of the EAS system will cause local television and radio programming to be pre-empted by the emergency broadcast and should only be used in "time-critical" circumstances where it is likely that the victim and suspect would be seen traveling in the areas where the information is disseminated.

Notification of Law Enforcement Agencies and Media Outlets: The Emergency Digital Information System (EDIS) is managed by the Governor's Office of Emergency Services (OES) and augments the EAS as an emergency public notification system in AMBER Alerts, by sending text information to other law enforcement agencies and media outlets. This is accomplished through the use of the Emergency Digital Information System (EDIS) FLASH Message, which is sent via CLETS.

Once received, the media receives the message, they will decide if and when, the message will be broadcast. An EDIS FLASH message must be sent in all cases when the EAS has been activated. When the Department PIO is available, he or she will write the text of the message to be sent. In the absence of the PIO, the on-duty supervisor must review the text message for accuracy and completeness prior to directing Dispatch to send the message.


To send an EDIS FLASH message via CLETS, Dispatch must transmit a BOLO Administrative Message, using the AMBER Alert Users Group Code 4500. (This format can be brought up on the JDIC screen simply by typing in "AMBER" and pressing "enter").

**The EDIS messages should NOT contain any information that is confidential or intended for law enforcement use only.** The text message should contain the same information that was provided in the EAS message. A sample message is available in the AMBER Alert Activation Field Guide under Step 2. A copy of this Guide is available in the Communications Center and in the AMBER Alert Manual maintained in the sergeant's office.

In addition to this sending out this message, the on-duty supervisor must ensure that a BOLO Administrative message via CLETS is sent out in the appropriate format to initiate a regional law enforcement response to reported missing persons cases, in accordance with Penal Code section 14205 (a) (which mandates that all law enforcement agency MUST accept a report of a missing person).

Creation of a Child Abduction Poster: In instances where the criteria for an AMBER Alert has been met, a Child Abduction Poster will be created on the EDIS web site for dissemination to other law enforcement and media outlets. The Department PIO or on-duty supervisor will be responsible for seeing that this process is completed when possible.

To enter data on a poster, complete the following steps:

- 
- Select the **Post Image** option (Victim, Suspect, Suspect Vehicle) that is appropriate. A template format will appear.
- Enter the Vernon Police Department's EDIS User ID (vpd) and password (vpd1).
- Complete the boxes on the screen with all available information (Since this will be available to the public as well as law enforcement, avoid police codes, abbreviations, etc.)
- **DO NOT enter any confidential information intended for law enforcement only.**

To import an image to a poster, complete the following steps:

- After obtaining a photograph of the victim, suspect or suspect vehicle (or suspect vehicle likeness), you will need to save the photograph as a JPEG or GIF on the computer being used.
- Click **Browse** located on the Post Image screen. A pop-up window is displayed. Select and double click on the file containing the photograph. The file name will show up in the "Image File to Post" field and will be automatically uploaded when the template form is submitted.
- When all information has been entered and a photograph (if available) is uploaded, click on the **Post Image** button at the bottom of the screen. A sample draft of the poster will be displayed with the images and information provided.

- Review the poster for accuracy. If it is acceptable, click **OK** to send. If information needs to be corrected, click **Cancel** to correct any information.

Once the above steps have been completed, the poster will be added to the EDIS web site and EDIS messages will be sent to law enforcement agencies and media outlets advising that the poster is available to them on the website and to the public at [www.edis.ca.gov](http://www.edis.ca.gov).

If a poster is unable to be created by our own personnel for any reason, the Department PIO, on-duty supervisor or designee, should contact the CHP's ENTAC at (916) 657-8287 for assistance.

Updating or Canceling AMBER Alerts: Updates or cancellations of AMBER Alerts should be sent to all affected agencies in a timely manner. The process for updating or canceling an AMBER Alert is completed using the same formats for CLETS, EAS and EDIS as described above. EDIS messages that have been completed and sent cannot be modified. New messages must be sent containing the corrections or updates as they become available.

The final decision to cancel an AMBER Alert will be the responsibility of the on-duty Watch Commander. When the decision is made to cancel an AMBER Alert, the Detective Supervisor, Department PIO and other on-duty supervisors must all be advised of this decision by the on-duty Watch Commander. The Department PIO or his designee can contact the CHP ENTAC at [REDACTED] for any assistance they may require in canceling the alert.

## 9.

### PATROL PROCEDURES

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9.4 The trainee shall know and understand California law and department procedures concerning death investigations that must be handled by the medical examiner. The trainee shall also know the department crime scene check list/procedures.

CRIME SCENE INVESTIGATION: The handling of crime scenes by the reporting officer will determine the degree of success in:

1. Piecing together what actually occurred
2. Collecting physical evidence
3. Collecting witness evidence
4. Successfully prosecuting suspect(s)

These objectives can be accomplished if correct procedures are followed. The officers who respond to a crime scene must work as a team. If these officers understand and follow correct crime scene procedures, they will automatically recognize, evaluate, and respond to immediate needs.

We have all been taught the cardinal rule of "the first officer who arrives at a crime scene is responsible for protecting that scene." The philosophy of this rule is obviously valid. At the same time it is well known that each crime scene has its own unique circumstances. If crimes were always committed in the same manner, then police responses and procedures would always be the same. It is far more valid to say that specific procedures should be followed to coincide with individual crime scene needs. The following are areas of responsibility that you must be aware of when responding to crime scenes.

1. Quickest, most accessible route to crime scene.
2. Being alert for suspect(s) while enroute to crime scene. (Per the "Use of Mobile Video System" policy guidelines: Anytime officers respond to a crime in progress call, they will activate the video system for possible identification of suspects or vehicles leaving the area).
3. Coordinating response routes with other responding units.
4. Coordinating with other arriving units, regarding foot approach to crime scene.
5. Caring for injured victim(s).
6. Searching the crime scene for suspect(s).
7. Protecting the crime scene.
8. Collecting, marking, preserving evidence.
9. Locating, isolating and interviewing witnesses.
10. Completing the crime report to accurately reflect a complete investigation.

PRINCIPLES OF INVESTIGATION: The most basic police functions are to protect life and property and to serve the public. Along with these responsibilities are the fundamental tasks of identifying, arresting and prosecuting criminal violators. These tasks cannot be accomplished without understanding the principles of "basic investigations."

INFORMATION vs. EVIDENCE: Investigations, regardless of the type, involve the task of gathering and evaluating information. These are two basic sources of information:

1. People
2. Physical objects

These two sources are so different that the process of gathering and evaluating each type has necessitated specialization in law enforcement. Certain skills are needed to interview and certain skills are needed to analyze physical evidence. The patrol officer deals with people in emotionally charged situations and with the problem of human weaknesses in perception and communication. Laboratory personnel deal with inanimate objects that cannot interact. This is not to say that one of these tasks is more important than the other. The point is that they are different in nature and each requires different skills and techniques.

Victims, witnesses and suspects can provide you with invaluable information. Your approach and technique will be the key in obtaining accurate information. Direct observation will lead you to such answers as:

1. Identities of suspects
2. Descriptions of suspects
3. Direction and method of travel
4. What was said and done by the suspect(s)
5. What was taken/motive
6. Locations of physical evidence
7. Suspect(s) confession(s)

RELATIVE WEIGHT OF INFORMATION: The higher relative evidentiary value of information obtained from physical/tangible items as compared to information obtained from persons has been firmly established by our courts. Physical evidence does not lie. It is not affected by emotions and it cannot be impeached. On the other hand, testimony given by witnesses may be subject to all of these things. Courts therefore tend to give greater weight to scientific tests and those objects that represent "hard evidence."

The investigating patrol officer at the scene is responsible for submitting items of physical evidence to a laboratory for examination. This means that the patrol officer must be able to recognize, collect and preserve physical evidence. Basic knowledge what a laboratory can and cannot do assists the investigator in determining the value of small bits and pieces of evidence such as, glass fragments, blood, fibers, hair, etc.

THE THEORY OF TRANSFER: Every officer should bear in mind that when two objects meet, some effect of that meeting is left behind. These effects can be established and verified at a later time. Some examples would include:

1. Two automobiles that collide will leave paint transfer, broken glass, loose dirt knocked loose by the impact, indentations on one vehicle can be matched to the shape of the surface of the other vehicle, etc.
2. A club is used in the commission of a homicide will pick up traces of hair, skin, blood, etc. A skull will reveal certain facts regarding the shape of the weapon, etc.
3. If a burglar walks through a flower bed, he will most likely leave behind an impression of his shoe sole in the dirt. On the other hand, the shoe sole will pick up dirt.
4. In a rape case, the suspect will leave semen, clothing fibers and hair on the victim. The suspect can take away blood, clothing fibers, and hair from the victim. If the victim scratches the suspect, skin will be left under the victim's nails while visible scratches will be left on the suspect.

In short, every criminal or violent incident will result in the transfer of materials and/or an alteration which may be matched to the object that caused the change.

THREE CLASSES OF EVIDENCE: There are three basic classes of evidence that you will look for when conducting preliminary investigations.

1. Evidence that aids in identifying the suspect(s).
2. Evidence absent from the crime scene that is found on the suspect(s) and can tie the suspect(s) to the crime scene.
3. Evidence that will help locate the suspect(s); route of escape, statements made to the victim(s), etc.

CRIME SCENE PROTECTION: The success or failure of a criminal investigation largely depends upon both the thoroughness and the immediacy of the preliminary investigation. What the patrol officer does or fails to do in the earliest phase of the investigation may determine whether the suspect is identified and apprehended, or goes undetected. Positive and effective police action in this vital stage is also an important factor in determining the outcome of the case in court.

THE CRIME SCENE: The crime scene is that location where a crime occurred. It also is the central location from which subsequent investigative efforts will begin.

The responding patrol officers must arrive at the scene of a crime as soon as possible because it will provide the most productive evidence. The principles were there or may still be present. Physical evidence in the form of weapons, tool marks, fingerprints, footprints, tire marks and fibers may also be waiting for the scrutiny of the investigating officer.

The value of the crime scene rapidly deteriorates. With time the victim may leave the scene. Witnesses may leave the scene. Rain or wind may destroy evidence. Authorized and unauthorized individuals may destroy evidence. A margin of minutes may mean the difference between gathering overwhelming evidence, or after a frustrating hunt, find no physical evidence at all.

The protection and preservation of the crime scene is the responsibility of the first officer at the scene. His/her prompt arrival may prevent the destruction or contamination of physical evidence, further injury or loss of life, further destruction of property, and loss of witnesses.

PRESERVING THE CRIME SCENE: Preserving the crime scene means to keep the site of the crime in the same physical condition as it was left by the suspect. Responding officers must prevent the obliteration or deterioration of tangible clues. Touching objects, walking on stains, footprints or tire marks, will destroy the value or reliability of otherwise good evidence. All unauthorized persons must be kept from entering the area. Victims or employees often will want to "clean up" the crime scene. Keep in mind that nothing within the crime scene can be overlooked or considered too insignificant. So called "trivia" has often turned out to be key pieces of evidence. Remember, failure to obtain reliable physical evidence at a crime scene is usually attributed to faulty crime scene protection or a hasty preliminary investigation.

THE PRELIMINARY INVESTIGATION: Each crime scene preliminary investigation presents unique challenges, and procedural steps will vary with the situations. However, each preliminary investigation requires the performance of most of the following tasks:

- P...Proceed to the scene promptly and safely
- R...Render assistance to the injured
- E...Effect the arrest of the suspect(s)
- L...Locate, identify and isolate witnesses
- I...Interview the complainant and witnesses
- M...Maintain the crime scene and protect the evidence
- I...Interrogate suspect(s)
- N...Note all conditions, events and remarks
- A...Arrange for the collection of evidence
- R...Report the incident thoroughly and accurately
- Y...Yield all reports and follow-up responsibility to the appropriate investigative unit.

CRIME SCENE INVESTIGATION: The purpose of this procedure is to provide patrol with Guidelines which can be used at any major crime scene. It is impossible to provide detailed steps to be followed at every major crime scene or death situation. The adoption and implementation of these procedures should not preclude the use of initiative in a particular investigation or situation.

INVESTIGATION: Most often it is the patrol officer who responds to a reported homicide or other major crime scene before a detective. The officer's responsibility is to first apprehend the suspect and put out any crime broadcast if applicable. Medical assistance should be requested at the same time that responding units are sent to the scene of a possible death. Once death has been confirmed or when a major crime scene has been stabilized the patrol officers should back off and protect as much of the crime scene as possible. At this time the patrol officers should make observations and take notes. Notification to either the detective bureau commander or detective sergeant should be made. The patrol officer should request as many uniformed police officers as necessary to protect the crime scene and secure a perimeter.

The following is a list of things that need to be accomplished by the patrol officer who is assigned the initial radio call pertaining to the crime in question.

1. Establish a crime scene perimeter, protecting and keeping free of contamination all possible evidence within the protective area.
2. Initiate a crime scene log
3. Note the date, time and how the call was received
4. Record who was present upon arrival. This is to include all emergency personnel, all possible witnesses, friends, relatives, co-workers and curious onlookers. Complete field interview cards of all persons contacted requiring valid identification.
5. Initiate a crime scene broadcast for outstanding suspects if applicable.
6. Shut off the crime scene to public view when possible.
7. Note the condition of locked doors, windows and surrounding areas of the homicide or other major crime scene. However, do not touch anything.
8. Interview the paramedic or ambulance personnel. Obtain names and locations where they can be contacted. Record any information regarding their observations of the crime scene, position of the body, etc.
9. Record the location, make, model, color and license number of vehicles parked in the area.



10. Hold all witnesses for the detective. Witnesses should be separated from each other and asked not to discuss the matter until the detective gets a chance to talk to them.
11. Be prepared to tell the detective:
  - a) Who has viewed the crime scene after your arrival
  - b) What individuals at the crime scene said
  - c) Observations or reactions of individuals present
12. Ensure that no eating or smoking is permitted within the crime scene area.
13. Photograph the general crime scene from a wide perspective. Do not take photographs in close detail of the crime scene. The purpose of the photographs is to permanently record the crime scene before outside influences (E.g., weather conditions) changes the crime scene.

The best investigative method at the scene of a dead body call is to treat each case as a criminal homicide until the facts prove differently.

IMPLEMENTING CRIME SCENE PROCEDURES: One of the first things a responding officer should do when he arrives at a crime scene is to take charge. The preliminary investigation at a crime scene is one of the most important and possibly the most sensitive aspect of a homicide or major crime investigation. Extreme care must be exercised in preserving the scene. This is of the utmost importance because the smallest, most insignificant detail may later turn out to be vitally important.

If the crime scene is outdoors, it would be best to cordon off a wide area with ropes or barricades to effectively preserve the scene. Crime scene tape can achieve this goal. If the crime scene is indoors, the area to be protected should begin at the front gate or walkway leading to the actual structure. The entire area should be cleared and cordoned off. No one should be allowed inside a crime scene, including a business, and all persons who leave a crime scene must be identified by valid identification. Use extra precaution to protect latent fingerprints, potential footprints and other items of evidentiary value.

CONTROL AND USE OF UNIFORMED OFFICERS: The responding officer, in conjunction with his field supervisor, should ensure that officers are properly deployed at a crime scene to prevent contamination or destruction of evidence and to facilitate a suspect search when applicable. Uniformed officers who have been assigned to protect the scene should be told to remain at their post until relieved by a detective or field supervisor.

The crime scene of a homicide or major incident will be the responsibility of the responding patrol officer until relieved by the responding detective bureau personnel. Once a detective takes charge of a crime scene (which will be done explicitly through the field supervisor), the responsibility of witness statements, measurements and collections and preservation of

evidence will lie with the detective bureau personnel. For major incidents or situations where detective bureau personnel are insufficient to process crime scene and/or locate a suspect, the detective in charge may request that patrol personnel process certain aspects of a crime scene. It will be the responsibility of the detective in charge to request of the patrol officers through the field supervisor that their assistance at the crime scene is necessary.

The below listed checklist could be used by patrol in order to facilitate a crime scene investigation.

#### HOMICIDE/MAJOR CRIME SCENE CHECK LIST:

1. INITIAL CALL:

- Record exact time call was received and the type of call broadcast

2. ARRIVAL AT SCENE:

- Record exact time of arrival
- If ambulance crew is not present, determine if life exists
- Enter immediate crime scene area to view victim. (Preferably by one officer -use one path.
- If any possibility of life exists, apply appropriate rescue measures and summon paramedics to the scene.
- Record any changes to the crime scene which were necessary. (Lights, body moved, etc.)
- Protect the crime scene. Secure a wide perimeter.
- If victim is removed from scene by paramedics, ensure that one officer accompanies victim to the hospital. If death is imminent, attempt to elicit dying declaration.
- If victim's clothing is removed at the hospital, the accompanying officer shall maintain control of clothing and place a hold on all items for detectives.
- Identify all hospital personnel who had contact with the victim. Include work hours.
- Record names, addresses, dates of birth, and telephone numbers and employment information of all persons at the crime scene. Remove them and separate them from the area and maintain control.
- Record names and serial numbers of all rescue personnel at the scene.

- Determine if emergency personnel or other persons moved the body in any way within the crime scene. If any changes were made record the following:
- What changes were made.
  - When made.
  - Purpose for making changes.
  - Responsible party.
  - Initiate and maintain a personnel log, recording names, serial numbers and unit numbers of personnel at the scene; time of arrival and departure.
  - If the R/P is present, obtain valid identification, record identity and knowledge of crime.
  - If suspect has fled the crime scene prior to officer's arrival, initiate a crime broadcast.
  - Complete supplemental broadcasts as necessary.

### 3. PRELIMINARY INVESTIGATION:

- Do not permit witnesses to have contact with each other or any suspects. Obtain valid identification, complete field identification cards.
- Examine entire crime scene. Photograph from a broad perspective. Conduct visual examination only. Use one route. Do not destroy or step on evidence.
- Do not touch area surfaces where the possibility of evidence exists. If available, wear gloves.
- Do not smoke or eat within a crime scene.
- Do not flush toilets or run water in sinks of surrounding areas.
- Record any changes made at the crime scene. (Unlocking doors, opening windows, turning lights on, etc.)
- Depart from immediate crime scene using one route, preferably the same route as entry.
- Secure and protect the crime scene pending the arrival of detectives. Searches of an emergency nature to locate suspect(s) or additional victims can be made. However, crime scene searches for evidence shall be made by the detectives.

### 4. NOTIFICATIONS:

- Make notification by telephone if possible. Do not use any phones at the crime scene.
- Record time of notification and persons notified.

- Contact watch commander and field sergeants of the situation.
- Contact communication centers and provide them with a call back number of where you can be reached.
- Request detectives to respond through the field supervisor.

5. EXPANSION OF CRIME SCENE CONTROL:

- The responding officer assigned to the call shall ensure that no one enters the crime scene, including other officers.
- Make no statements to news media or the public. Refer them to detectives.
- Do not direct comments regarding the incident to spectators.
- Determine the scope of the general crime scene.
- Secure a perimeter and protect the general crime scene with the use of barricades and/or tape.
- Request additional units if necessary and assign to specific security locations.

6. ASSISTANCE TO DETECTIVES:

- Stand by for detectives.
- Continue to protect the crime scene until relieved by detectives.
- Assist detectives as directed by them.
- Submit personnel log and crime scene log to detectives.

7. SUSPECT (IN CUSTODY):

- Determine if suspect is armed. Search for weapons. (If weapon is recovered, record description and location recovered in notebook. Maintain custody of weapon and be guided by detective's instruction regarding the booking of the weapon.)
- Do not attempt to unload weapon or change position of evidence. Maintain control.
- If suspect is arrested outside of the crime scene do not return suspect to crime scene. If suspect is apprehended within crime scene, immediately remove from the crime scene.

- Note and preserve evidence found on suspects (blood, debris) and advise detectives.
- Do not permit the suspect to wash hands or use toilet to avoid contamination of evidence on person.
- Do not permit any communication between suspects and other parties.
- Do not initiate interrogation with suspects.
- Do not mirandize, but carefully record all spontaneous statements made by suspect.
- Observe and record behavior of suspects. (Sweating, nervous, emotional, erratic actions or lack of unusual behavior)
- Transport to station as directed by detectives or as situation warrants.

DEATH CASES - INITIAL RESPONSE: Officers initially assigned to a death case will follow one of the following appropriate procedures:

SUSPICIOUS DEATHS: When the incident involves suspicious circumstances or other indications of possible homicide, the incident will be reported immediately to the supervisor on duty. The supervisor will contact the homicide supervisor in the Bureau of Investigations. It will be the responsibility of the officer initially assigned to the case to secure the crime scene until the arrival of members of the Bureau of Investigations. The initial officer will not allow any persons, including other police personnel, into the crime scene until the scene has been examined by the Bureau of Investigations.

NATURAL DEATHS: Officers assigned to death cases involving circumstances which indicate death resulting from natural causes (history of illness, old age, etc.) shall notify the on duty supervisor. The officer initially assigned to the case will notify the County Coroner.

IN-CUSTODY DEATHS: When the incident involves the death of an individual as a result of a police action or the death of a subject in police custody, the procedures for "Suspicious Deaths" will be followed. Prior to the arrival of an investigator or coroner, the body will not be moved, searched, or disturbed, nor will personal property be removed or handled, unless it is necessary to do so to prevent destruction of the body, or the incident involves a fatal traffic accident and movement of the deceased is necessary to prevent further accidents. If the deceased is moved, the body will be placed in a location near the scene and not removed from the area via ambulance.

The coroner will be advised of any delay that might occur in the removal of the body because of the police investigation.

TRANSPORTING WHEN LIFE IS POSSIBLE: If there is any possibility that a person may be alive, though severely injured, the police officer on the scene will take all reasonable steps possible to resuscitate the victim and to arrange for immediate transportation to the nearest medical facility.

DEATHS OCCURRING AT MEDICAL FACILITIES: Deaths which occur in hospitals are considered to have a doctor in attendance and, therefore, require no investigation of the immediate circumstances. However, when the death results from criminal activity or the death occurs under unusual circumstances, an investigation will be conducted even though the death occurs in a medical facility.

DEATHS REQUIRING CRIME REPORT: A Crime Report or an Incident Report will be completed detailing the circumstances surrounding the following events:

1. Homicides
2. Suicides
3. Accidental deaths, except traffic accidents which are reported in RMS "Traffic Collision Report" (Form 555)
4. Suspected drug overdose deaths
5. All other deaths occurring outside medical facilities

HOMICIDE REPORTS: Officers originally assigned to an actual or suspected homicide case will deliver the original "Crime Report" to the investigator in charge of the case as soon as practical.

## 9.

### **VICTIM OF CRIME WHO HAVE A DISABILITY BACKGROUND**

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9.5 The trainee shall know the basic guidelines on first response to victims of crimes who have a disability background.

#### **Basic Guidelines on First Response to Victims of Crime Who Have a Disability Background**

Anyone can be victimized by crime. But people who have a disability can be more vulnerable to victimization than others in society. People with a mental impairment can be less able to recognize and avoid danger, and people with a physical impairment can be less able to protect themselves or escape harm. Furthermore, victims of crime who have a disability can be less able to contact law enforcement and, without disability accommodations, help in the investigation of their victimization.

One out of five people in the United States has a mental or physical impairment, and the disability is severe for half of this population. These disabilities come in many forms but all affect either a person's mental functioning, such as the ability to reason and exercise good judgment, or a person's physical abilities, such as the ability to see and hear.

Numerous research studies indicate that the risk of criminal victimization for people with a disability is much higher than for people without disabilities. In addition, people who have a disability are often victimized repeatedly by the same perpetrators. Yet, most of the issues that confront victims who have a disability are issues that affect all crime victims.

The way victims cope depends largely on their experience following the crime. As a law enforcement officer, you are usually the first official to interact with victims. For this reason, you are in a unique position to help victims cope with the trauma of the crime and restore a sense of security and control over their lives.

The circumstances of a crime dictate when and how responding officers are able to first address victims and their needs. You may have to juggle many other tasks, such as securing the crime scene, determining and calling for emergency medical services, advising other public safety personnel on their arrival, collecting evidence, and interviewing witnesses at the scene. Apprehending offenders is the law enforcement officer's primary duty and, as a result, first responders may not be able to respond to victims as quickly as they would like.

As soon as the responding officer's most urgent tasks have been completed, attention can be directed to crime victims and their needs. At that point, how you approach victims, explain your law enforcement responsibilities, and work with victims is crucial to their recovery. Always remember that you are there for each victim. Crime victims are not just witnesses for you.

By responding to victims appropriately and compassionately, the law enforcement officer is also more likely to gain their trust and cooperation. As a consequence, victims are more willing to provide detailed information about the crime to the officer and later to investigators and prosecutors, which, in turn, leads to the conviction of more criminals.

Finally, although most issues that crime victims who have a disability confront are concerns that affect crime victims in general, there are still important differences in how to approach and help victims with a disability. The information provided illustrates some of these differences and how to better serve all crime victims.

### **General Tips on Responding to Crime Victims Who Have a Disability**

A lack of personal familiarity with individuals who have a disability may cause you to feel professionally awkward and uncertain in your response to victims of crime with disabilities. On the other hand, a person's impairment may not be obvious, so watch victims carefully for signs of any disability. You should also not be hesitant to ask victims if they have any individualized needs because of a mental or physical impairment. In short, as the first response officer, you can promote effective communication, reduce your anxieties, and best serve victims by observing these guidelines:

- Rethink your attitude about people who have a disability (the negative attitudes of others are sometimes their greatest impairment).
- Consider that a person with a substantial disability may be healthier than you.
- Be careful not to label or define people by their impairment. For example, referring to the victim as "a disabled woman" rather than saying the victim is "a woman with a disability" can convey the image of a person who is primarily disabled and secondarily a woman. Similarly, it is better to say "the victim has schizophrenia" or "the victim has a mental illness" rather than "the victim is a schizophrenic" and "the victim is a male with blindness" is better than "the victim is a blind man." In other words, the person *has* an impairing condition, not the person *is* that condition.
- Ask victims how they wish to be characterized and how you can communicate with them most effectively. Your respect and sensitivity will ensure that the words you use and accommodations you make are appropriate, not detrimental. The presence of someone familiar to victims or a person knowledgeable about their impairment may also be extremely important for victims and helpful during your interview. But recognize that family members, service providers, and others could be the offenders or could protect the offenders. The presence of these people, therefore, may inhibit victims from fully describing the crime to you for fear of retribution.
- Do not act on your curiosity about the victim's disability. Restrict your questions to those necessary to accommodate the victim's needs.
- Avoid expressing pity with phrases such as "suffering from" Alzheimer's disease and "a victim of" mental illness.
- Speak directly to victims, even when they are accompanied by another person. People who have a disability are sometimes assumed to be incapable of making decisions for themselves.



- Listen to your tone of voice and monitor your behavior to avoid talking down to victims, coming across in a condescending manner, or treating victims as children.
- Do not express admiration for the abilities or accomplishments of victims in light of their disability.
- Be mindful of the underlying painful message communicated to victims by comments such as "I can't believe they did this to someone like you"; "She's disabled and he raped her anyway"; or "To steal from a blind man. That's got to be the lowest." The message is that one considers people who have a disability as "less than" complete human beings.
- Document victims' disability in your incident report and their individualized (1) communication, (2) transportation, (3) medication, and (4) other accommodation needs.
- Ensure that victims are in a safe environment before leaving the scene. Again, recognize that family members, service providers, and others could be the offenders and that an alternate caregiver or shelter may be needed for victims. Contact a victim advocate whenever possible for victim services and follow-up.
- Never assume that people with disabilities somehow suffer less emotional trauma and psychological injury than other crime victims.
- Remember that federal law requires—with few exceptions—that law enforcement make reasonable modifications to policies, practices, and procedures where needed to accommodate crime victims who have a disability, unless doing so would fundamentally alter the service, program, or activity the agency provides.

### Crime Victims Who Have Alzheimer's Disease

#### Background

Alzheimer's disease breaks down the connections between nerve cells in the brain. Outward signs of the disease may not be apparent in a person until the disease reaches its advanced stages. Initially, Alzheimer's causes one to forget recent events or familiar tasks. Eventually, people with the disease are unable to care for themselves.

First responders may observe the following common symptoms in people with Alzheimer's disease:

- Use of nonsensical words in speaking.
- Disoriented sense of time and place.
- Wandering or becoming lost and not knowing where one lives.
- Blank facial expression.
- Poor judgment. For example, wearing winter clothes in summer or a nightgown to go shopping.
- Rapid mood swings for no apparent reason.
- Walking manner characterized by slow, sliding movements without lifting the feet.

Although the disease can occur during a person's 30s, 40s, and 50s, most people with Alzheimer's disease are older than 65. Ten percent of people over age 65 and nearly 50 percent of those over 85 have the disease. The vast majority of these people live in the community, not

a caregiving facility. Thus, as the elderly are the fastest growing U.S. age group, the number of people with Alzheimer's disease is increasing, as is the likelihood that you will encounter victims who have this disability.

### **Tips on Responding to Crime Victims Who Have Alzheimer's Disease**

Approach victims from the front and establish and maintain eye contact (when you know in advance that the victim has Alzheimer's disease). Introduce yourself as a law enforcement officer and explain that you have come to help. Due to their impaired short-term memory, victims may repeatedly ask who you are. Thus, you may need to reintroduce yourself several times.

- Ask for identification if you suspect that victims have Alzheimer's disease. In addition, observe for a *Safe Return* bracelet, necklace, lapel pin, key chain, or label inside their clothing collar. *Safe Return* identification provides the first name of a person bearing this ID, indicates that he or she has a memory impairment, and gives the 24-hour toll-free number for the Alzheimer's Association's *Safe Return Program*. The program includes a nationwide participant registry that contains the full name of the registrant, a photograph, identifying characteristics, medical information, and emergency contact information. [REDACTED]
- Treat victims with dignity. The deterioration of their mental abilities does not mean victims are without feelings.
- Remove victims from crowds and other noisy environments as this can cause restlessness, pacing, agitation, and panic in people with Alzheimer's. Also, turn off your car's flashing lights and lower the volume on your radio.
- Establish one-on-one conversation. Talk in a low-pitched, reassuring tone, looking into the victim's eyes. Alzheimer's shortens attention span and increases suspicion. Your calm support can make victims less agitated and panicked. Speak slowly and clearly, using short, simple sentences with familiar words. Repeat yourself. Accompany your words with gestures when this can aid in communication, but avoid sudden movements.
- Include victims in all conversations, out of respect and so you will not arouse their suspicion.
- Explain your actions before proceeding. If victims are agitated or panicked, gently pat them or hold their hand, but avoid physical contact that could seem restraining.
- Expect difficulties making yourself understood. Do not assume victims understand you or are capable of answering your questions and complying with your instructions.
- Give simple, step-by-step instructions and, whenever possible, a single instruction. For example, "Please sit here. I'll take care of everything." Avoid multiple, complex, or wordy instructions, such as: "Please sit here, don't get up or go anywhere, and wait for me to come back." Also, substitute nonverbal communication by sitting down if you want victims to sit down.
- Ask one question at a time. "Yes" and "no" questions are better than questions that require victims to think or recall a sequence of events. Be prepared for answers that are

confusing and keep changing. If victims' words are unintelligible, ask them to point, gesture, or otherwise physically communicate their answer.

- Never argue with victims or challenge their reasoning.
- Do not leave victims alone; they may wander away.
- When victims' caregivers are located, encourage them to contact the *Safe Return Program's* non-emergency number at (888) 572–8566 to register victims not already listed in the program's registry.
- Find emergency shelter for victims with the help of a local Alzheimer's Association chapter if no other caregivers can be found.

## Crime Victims Who Have Mental Illness

### Background

Mental illness encompasses a number of distinct brain disorders—such as manic-depressive illness, schizophrenia, major depression, and severe anxiety—that disrupt a person's mood balance, thought processes, memory, sensory input, feelings, and ability to reason and relate to others. More than 7 million adults and 5 million children in the United States have severe mental illness which diminishes their capacity to meet the ordinary demands of life.

Mental illness should not be confused with mental retardation. People with mental illness are usually of normal intelligence but may have difficulty functioning at normal levels due to their illness.

Symptoms of mental illness vary from individual to individual depending on the type and severity of the disorder. Many symptoms are not readily observable from outward appearances but are noticeable in conversation. Although the first responder cannot be expected to recognize specific types of mental illness, the following symptoms are indicative that a victim may have mental illness:

- Accelerated speaking or hyperactivity.
- Delusions and paranoia. For example, false beliefs that one is a famous person or that others are trying to harm one.
- Hallucinations, such as hearing voices or seeing, feeling, or smelling imaginary things.
- Depression.
- Inappropriate emotional response. For example, silliness or laughter at a serious moment.
- Unintelligible conversation.
- Loss of memory. Not ordinary forgetfulness, but rather an inability to remember the day, year, or where one is.
- Catatonia, which is characterized by a marked lack of movement, activity, or expression.
- Unfounded anxiety, panic, or fright.
- Confusion.

Anyone who is a crime victim may be traumatized and experience one's victimization as a crisis. For people with mental illness, this crisis may be experienced more profoundly. The following guidelines can help you respond to victims who have mental illness.

### **Tips on Responding to Crime Victims Who Have Mental Illness**

- Approach victims in a calm, non-threatening, and reassuring manner. Victims may be overwhelmed by delusions, paranoia, or hallucinations and may feel threatened by you or afraid of you. Introduce yourself personally by name first, then your rank and agency. Make victims feel they are in control of the situation.
- Determine whether victims have a family member, guardian, or mental health service provider who helps them with daily living. Contact that person immediately.
- Contact the local mental health crisis center immediately if victims are extremely agitated, distracted, uncommunicative, or displaying inappropriate emotional responses. Victims may be experiencing a psychiatric crisis.
- Ask victims if they are taking any medications and, if so, the types prescribed. Make sure victims have access to water, food, and toilet facilities because side effects of the medications may include thirst, urinary frequency, nausea, constipation, and diarrhea.
- Conduct your interview in a setting free of people or distractions upsetting to victims. If possible, only one officer should interview victims.
- Keep your interview simple and brief. Be friendly and patient and offer encouragement when speaking to victims. Understand that rational discussion may not be possible on some or all topics.
- Be aware that victims experiencing delusions, paranoia, or hallucinations may still be able to accurately provide information outside their false system of thoughts, including details related to their victimization and informed consent to medical treatment and forensic exams.
- Avoid the following conduct in your actions and behavior with victims:
  - Circling, surrounding, closing in on, or standing too close.
  - Sudden movements or rapid instructions and questioning.
  - Whispering, joking, or laughing in their presence.
  - Direct continuous eye contact, forced conversation, or signs of impatience.
  - Any touching.
  - Challenges to or agreement with their delusions, paranoia, or hallucinations.
  - Inappropriate language, such as "crazy," "psycho," and "nuts."
- Back off and allow victims time to calm down before intervening if they are acting excitedly or dangerously and there is no immediate threat to anyone's safety. Outbursts are usually of short duration.
- Break the speech pattern of victims who talk nonstop by interrupting them with simple questions, such as their birth date or full name, to bring compulsive talking under control.
- Do not assume that victims who are unresponsive to your statements cannot hear you. Do not act as if they are not present. Be sensitive to all types of response, including a victim's body language.

- Understand that hallucinations are frighteningly real to victims. Never try to convince victims that their hallucinations do not exist. Rather, reassure victims that the hallucinations will not harm them and may disappear as their stress lessens.
- Acknowledge paranoia and delusions by empathizing with victims' feelings but neither agree nor agitate victims by disagreeing with their statements. For example, if victims state that someone wants to harm them, reply with: "I can see that you're afraid. What can I do to make you feel safer?" Recognize also that victims who state that others are trying to harm them may be the victims of stalking or other crimes.
- Continually assess victims' emotional state for any indications that they may be a danger to themselves or others.
- Be honest with victims. Getting caught by victims in your well-intentioned deception will only increase their fear and suspicion of you.
- Provide for victims' care by a family member, guardian, or mental health service provider before leaving them.

### Crime Victims Who Have Mental Retardation

#### Background

Mental retardation is an impairment affecting the brain and its ability to process information. People with mental retardation have difficulty learning and are below average in intelligence. They have problems with memory and judgment and in their abilities to reason, focus, and understand.

Approximately 3 out of 100 people have mental retardation. But people with mental retardation appear to represent much more than 3 percent of crime victims because they also appear to be at higher risk for victimization than people without disabilities.

Most people with mental retardation are only mildly affected and look no different from anyone else, making mental retardation difficult for first responders to recognize.

Furthermore, people with mental retardation may try to hide their impairment or pretend greater capabilities than they actually possess. There are, however, questions you can ask and traits you can watch for when attempting to determine if a crime victim has mental retardation:

- Ask victims where they live, work, or go to school, and if they have someone who helps them to determine if they live with their parents or in a group home, are employed in a vocational rehabilitation setting, attend special education classes, or have a social worker.
- Ask victims for directions to their home, what time they have, or to read or write something for you. Observe victims for any difficulty they have understanding you; listen to whether they speak with an impairment or have a limited vocabulary; and watch for any other difficulties exhibited by victims in responding to these simple requests.

There is often no way for the first responder to know that a crime victim has mental retardation. People with the disability can vary widely in their capabilities and skills. If you suspect this impairment, proceed as though the victim has mental retardation. In doing this,

you can ensure effective communication and know that you have done your best to respond appropriately to the victim's needs.

### **Tips on Responding to Crime Victims Who Have Mental Retardation**

- Show the same respect to crime victims with mental retardation that you show all victims.
- Introduce yourself first as a law enforcement officer, followed by your agency and name. People with mental retardation have been taught that law enforcement officers are their friends and are people they can trust and who will keep them safe.
- Avoid using the words "retardation" or "retarded" in front of victims. If you need to refer to a victim's impairment and the victim is nearby, say "person with a disability."
- Do not assume that victims are incapable of understanding or communicating with you. Most people who have mental retardation live independently or semi-independently in the community, so a fairly normal conversation is possible.
- Create a safe atmosphere, limit distractions, and establish a trusting rapport with victims before interviewing them.
- Be mindful of the issue of a victim's competency to give or withhold consent to medical treatment and forensic exams, notification of next of kin, and other services, but do not assume victims are incompetent.
- Explain written information to victims and offer to help them fill out paperwork.
- Ask victims if there is anyone they would like you to call to be with them during your interview. But remember, family members, service providers, and others can have a vested interest in the interview. They could be the offenders or try to protect the offenders.
- Allow adequate time for your interview and take a break every 15 minutes.
- Treat adult victims as adults, not children.
- Speak directly and slowly to victims, keeping your sentences short and words simple. Listen to how victims talk, and match your speech to their vocabulary, tempo, and sentence structure.
- Separate complex information into smaller parts and use gestures and other visual props to get your meaning across. Do not overload victims with too much information.
- Recognize that victims may be eager to please or be easily influenced by you. They may say what they think you want to hear, so be careful not to ask leading questions.
- Use open-ended questions or statements that cannot be answered with a "yes" or "no," such as "Tell me what happened." Let victims "lead the interview" as they disclose information.
- Help victims understand your questions by giving them points of reference. For example, ask "What color was the man's hair?" rather than "What did the man look like?" and "Did the fight start before or after lunch?" instead of "When did the fight start?"
- Wait patiently at least 30 seconds for victims to respond to an instruction or question. If victims do not respond or reply inappropriately, calmly repeat yourself, using different words. Also, have victims state in their words what they understood you to say.

- Repeat the last phrase of victims' responses in question form to help them stay focused during your interview and to transition victims through a sequence of events. For example, ask "He hit you?", "You fell down?", and "You tried to run?"
- Keep questions that require victims to do much reasoning or that can confuse victims to a minimum. Examples of types of questions to avoid include the following: "Why do you think she did this to you?", "Do you have any idea what was going on?", or "What made you do that?"
- Realize that you are not alone when you respond to crime victims with mental retardation. Look in the telephone book under "social service organizations," contact your local United Way or local chapter of The Arc, or call The Arc of the United States at (800) 433-5255 for help on how best to serve victims who have mental retardation.

## Crime Victims Who Are Blind or Visually Impaired

### Background

The ability to see exists along a wide continuum from sighted to partially sighted to blind. Although it is rare for a person to be completely blind, that is, with no vision, "legal blindness" and visual impairments affect an estimated 15 million people in the United States. Legally blind defines the condition in which a person is unable to see at 20 feet what someone with normal vision can see at 200 feet. Partially sighted people, although often able to get around without much difficulty, need adaptive methods to read and write because of their vision impairment. Blindness—whether complete or legal—and vision impairments become more common with advancing age. Seventy percent of people with blindness or severe visual impairment are age 65 or older. Thus, it is anticipated that the number of people with this disability will increase substantially over the next 20 or 30 years as baby boomers enter their elderly years. Whatever a crime victim's age, however, first responders can effectively meet the needs of victims who are blind or visually impaired by following these guidelines.

### **Tips on Responding to Crime Victims Who Are Blind or Visually Impaired**

- Introduce yourself immediately as a law enforcement officer when you approach victims and have others who are present introduce themselves, including children. These introductions let the victim know who is present and where they are situated, and also help the victim recognize voices during subsequent interviews. In addition, mention if there is a dog, cat, or other pet present to protect victims from tripping over the animals or being startled by them.
- Tell victims your name, badge number, and the telephone number of your dispatcher when responding to victims who are alone, and support them in verifying your identity.
- Do not speak loudly. Most people who are blind or visually impaired hear well.
- Identify the person(s) to whom you are speaking when conversing in a group because it may not be apparent to victims.
- Let victims know when you or someone with you steps away during a conversation.

- Avoid lapses of conversation in your interview without informing victims why you are silent; for example, tell victims that you are writing. Also, express attentiveness, concern, and compassion through your voice and choice of words because victims cannot see your facial expressions or body language to know if you are listening to them and interested.
- Offer to fill out forms and read aloud written information for victims. Explain what printed materials you are providing and make those materials available—as is legally required, with few exceptions, by ADA and Section 504—in alternative format, including large print, audiotape, computer diskette, and Braille, on request.
- Never pet guide dogs without permission. There is a special relationship between people who are blind and their dogs; the dogs are working animals that must not be distracted.
- Offer your arm, instead of holding the arm of victims, if they want you to guide them in moving around. Let victims take your arm from behind, just above the elbow. In this position, they can follow the motion of your body. Walk in a relaxed manner and expect victims to keep a half-step behind you so they can anticipate curbs and steps.
- Orient victims to their surroundings and give cues as to what lies ahead when guiding them. Close partially opened doors to cabinets, rooms, and cars that obstruct their path. Warn victims of hazardous objects around them. And be sure to make your warnings and directions specific, such as "straight in front of you," "two steps going up," and "directly to your left" rather than vague references like "at the front of the room" or "beside you."

### Crime Victims Who Are Deaf or Hard of Hearing

#### Background

The term "deaf" is used in reference to people who are unable to hear or understand oral communication with or without the aid of amplification devices. "Hard of hearing" refers to people with a hearing loss severe enough to necessitate their use of amplification devices to hear oral communication.

Almost 9 percent of the U.S. population is deaf or hard of hearing. Among the elderly, nearly 1 in 4 people between 65 and 74 years old and 1 in 3 people over age 75 have a hearing impairment.

Whether deaf or hard of hearing, crime victims with this disability are capable of cooperating fully with responding officers. To effectively meet victims' needs, however, first responders should determine and honor as early as possible the method by which victims wish to communicate.

#### **Tips on Responding to Crime Victims Who Are Deaf or Hard of Hearing**

- Signal your presence to victims by waving your hand or gently—so as not to startle—touching victims on the arm or shoulder if victims do not notice you.



- Determine how victims desire to communicate by initially communicating through writing in situations where victims are unable to hear you, they do not speech- or lip-read, and a sign language interpreter is not present.
- Realize that victims may not be literate in written English but may know American Sign Language (ASL).
- Never use a child to communicate with adult victims.
- Be careful not to assume that because victims are wearing hearing aids they can hear or understand you. The degree and type of a person's hearing loss may render hearing aids of limited assistance with the tones of speech.
- Remember in all your interactions with victims that deaf and hard of hearing people are visually oriented.
- Avoid shouting or speaking very slowly to make yourself heard and understood. This distorts your speech, lip movements, and facial expressions, which can make you seem upset.
- Never speak directly into a victim's ear.
- Bear in mind that not all people who are deaf or hard of hearing can speech- or lip-read and that only about 20 percent of words are readable from the lips; the rest is guessing.
- Use gestures and pantomime to better communicate. For example, you can motion toward a chair to offer victims a seat; touch your clothing, or hair, when interviewing victims for a description of the offender; and mimic drinking from a glass to ask victims if they are thirsty.
- Do not assume that victims are unable to speak or use their voice. Never use the words "deaf mute" or "deaf and dumb." Deaf people have the ability to use their voice but may prefer not to speak because of the quality of their speech.
- Observe victims' facial expressions and other physical gestures closely as deaf and hard of hearing people communicate a lot of information visually through their body language.
- Include victims in all conversations and describe any commotion. If you look away from victims to overhear another conversation, if you are distracted because of a noise or disturbance, or if you turn from victims to converse with someone else, explain to victims exactly what you are doing or what is happening.
- When interviewing victims who are hard of hearing—or victims who are deaf and desire to communicate by speech- or lip-reading—select a location free of distractions, interference, and, especially for those victims who are hard of hearing, any background noise, and
  - Face victims so your eyes and mouth are clearly visible. Be careful not to block your mouth with your hands or speak while looking away from victims or looking down at your notes.
  - Stand or sit at a distance between 3 and 6 feet from victims in a well-lit and glare- and shadow-free area. Avoid unnecessary gesturing and body movement because it is difficult for victims to speech- or lip-read if you are not physically still.
  - Begin speaking after you have the victim's attention and established eye contact.

- Make your questions and instructions short and simple.
- Speak clearly, distinctly, and slightly slower than usual but not unnaturally slow, and do not exaggerate your pronunciation of words.
- If necessary, talk slightly louder than usual but never shout. Extremely loud tones are not transmitted as well as normal tones by hearing aids and shouting distorts lip movements.
- Be prepared to repeat yourself. Use different words to restate your questions and instructions. The victim may have only missed a word or two initially and repetition will clarify what was missed.
- Use open-ended questions and statements that require victims to answer with more than a "yes" or "no" to prevent misunderstandings. For example, say "Describe the offender for me," rather than asking, "Is the offender someone you know?"
- Honor victims' request for a sign language interpreter as is legally required—with few exceptions—by ADA and Section 504. The national Registry of Interpreters for the Deaf, at (703) 838-0030, has affiliate chapters in all 50 states that can help you locate an interpreter.
- When communicating through an interpreter, remember the interpreter is present solely to transmit information back and forth between the responding officer and victims, not to explain information or give opinions. Thus, when using an interpreter, you should
  - Stand or sit across from victims, in a glare- and shadow-free area, with the interpreter beside you so that victims can easily shift their gaze between you and the interpreter.
  - Speak at a normal volume and pace and directly to victims, not to the interpreter. Never ask "How is he feeling?" or say "Ask her how she is feeling." Address your question to victims: "How are you feeling?"
  - Ask victims, not the interpreter, to repeat or clarify an answer if you do not understand it.
  - Take breaks. Interpreting (signing) and receiving information visually can be tiring for both interpreters and victims.
- Recognize that a Deaf culture exists. This culture has a language—ASL—and experiences, practices, and beliefs about itself and its connection to the larger hearing society. Crime victims who identify with the Deaf culture may live more isolated from the hearing society and be less comfortable with that society, including you, than victims for whom their hearing loss is merely a physical condition.

### **Directory of Service Providers**

### Alzheimer's Disease

Alzheimer's Association

(800) 272-3900; (312) 335-8882, TTY

[www.alz.org](http://www.alz.org)

Alzheimer's Association's *Safe Return Program*

Crisis Line: (800) 572-1122; (314) 647-5959, TTY

Nonemergency Line: (888) 572-8566; (888) 500-5759, TTY

[www.alz.org/ResourceCenter/Programs/SafeReturn.htm](http://www.alz.org/ResourceCenter/Programs/SafeReturn.htm)

### **Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973**

Americans with Disabilities Act Information Line

(800) 514-0301; (800) 514-0383, TTY

[www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

Office of Justice Programs

U.S. Department of Justice

(202) 307-0690; (202) 307-2027, TTY

### **Blindness or Visual Impairment**

American Council of the Blind

(800) 424-8666

[www.acb.org](http://www.acb.org)

American Foundation for the Blind

(800) 232-5463; (212) 502-7662, TTY

[www.afb.org](http://www.afb.org)

### **Deafness or Hard of Hearing**

National Association of the Deaf

(301) 587-1788; (301) 587-1789, TTY

[www.nad.org](http://www.nad.org)

National Institute on Deafness and Other Communication Disorders

(800) 241-1044; (800) 241-1055, TTY

[www.nidcd.nih.gov](http://www.nidcd.nih.gov)

Registry of Interpreters for the Deaf

(703) 838-0030; (703) 838-0459, TTY

[www.rid.org](http://www.rid.org)

### **Mental Illness**

National Alliance for the Mentally Ill

(800) 950-6264; (703) 516-7227, TTY

[www.nami.org](http://www.nami.org)

National Depressive and Manic-Depressive Association

(800) 826-3632

[www.ndmda.org](http://www.ndmda.org)

Treatment Advocacy Center  
(703) 294-6001  
[www.psychlaws.org](http://www.psychlaws.org)

### **Mental Retardation**

American Association on Mental Retardation  
(800) 424-3688  
[www.aamr.org](http://www.aamr.org)

National Down Syndrome Congress  
(800) 232-6372  
[www.ndsccenter.org](http://www.ndsccenter.org)

The Arc of the United States  
(800) 433-5255  
[www.thearc.org](http://www.thearc.org)

### **Other National Victim Resources**

Battered Women's Justice Project  
(800) 903-0111  
[www.bwjp.org](http://www.bwjp.org)

Childhelp USA/Forrester National Child Abuse Hotline  
(800) 422-4453; (800) 222-4453, TTY  
[www.childhelpusa.org](http://www.childhelpusa.org)

Family Violence Department's Resource Center on Domestic Violence: Child Protection and Custody  
(800) 527-3223  
<http://nationalcouncilfvd.org>

Family Violence Prevention Fund/Health Resource Center  
(888) 792-2873; (800) 595-4889  
[www.endabuse.org](http://www.endabuse.org)

Mothers Against Drunk Driving  
(800) 438-6233  
[www.madd.org](http://www.madd.org)

National Center for Missing and Exploited Children  
(800) 843-5678; (800) 826-7653, TTY  
[www.ncmec.org](http://www.ncmec.org)

National Center for Victims of Crime  
(800) 394-2255; (800) 211-7996, TTY  
[www.ncvc.org](http://www.ncvc.org)

National Children's Alliance  
(800) 239-9950  
[www.nca-online.org](http://www.nca-online.org)

National Clearinghouse for Alcohol and Drug Information  
(800) 729-6686; (800) 487-4889, TTY; (800) 735-2258, TTY Relay Service  
[www.health.org](http://www.health.org)

National Clearinghouse on Child Abuse and Neglect Information  
(800) 394-3366  
[www.calib.com/nccanch](http://www.calib.com/nccanch)

National Coalition Against Domestic Violence  
(800) 537-2238; (800) 553-2508, TTY  
[www.ncadv.org](http://www.ncadv.org)

National Criminal Justice Reference Service  
(800) 851-3420; (877) 712-9279, TTY  
[www.ncjrs.org](http://www.ncjrs.org)

National Domestic Violence Hotline  
(800) 799-7233; (800) 787-3224, TTY  
[www.ndvh.org](http://www.ndvh.org)

National Fraud Information Center  
(800) 876-7060  
[www.fraud.org](http://www.fraud.org)

National Organization for Victim Assistance  
(800) 879-6682  
[www.try-nova.org](http://www.try-nova.org)

Office for Victims of Crime Resource Center  
(800) 627-6872; (877) 712-9279, TTY  
[www.ojp.usdoj.gov/ovc/ovcres](http://www.ojp.usdoj.gov/ovc/ovcres)

Parents of Murdered Children  
(888) 818-7662  
[www.pomc.org](http://www.pomc.org)

Rape, Abuse & Incest National Network  
(800) 656-4673  
[www.rainn.org](http://www.rainn.org)

**9.**

**VEHICLE CODE/PENAL CODE**

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9.6 The trainee shall identify the code name with the section number, interpret the section, and give the elements of the codes listed.

CALIFORNIA VEHICLE CODE:

21200 LAWS APPLICABLE TO BICYCLE USE:

Bicycles are subject to the vehicle code same as cars.

23103 RECKLESS DRIVING: (M)

- a) Any person who drives any vehicle upon a highway in a willful or wanton disregard for the safety of persons or property.
- b) Same as (a) in an off-street parking facility.

23104 RECKLESS DRIVING BODILY INJURY: (W)

Whenever reckless driving of a vehicle proximately causes bodily injury to any person other than the driver.

23109 SPEED CONTESTS: (M)

- a) No person shall engage in any motor vehicle speed contest on a highway which includes a race against another motor vehicle, clock or timing device.
- b) No person shall aid or abet in any motor vehicle speed contest.
- c) No person shall engage in, aid, or abet any motor vehicle exhibition of speed on any highway.

23110 THROWING SUBSTANCES AT VEHICLES: (W)

- a) Any person who throws any substance at a vehicle or any occupant thereof on a highway.
- b) Any person who with intent to do great bodily injury maliciously and willfully projects any substance capable of doing great bodily harm.

23111 THROWING SUBSTANCES ON HIGHWAYS OR ADJOINING AREAS: (I)

No person in any vehicle and no pedestrian shall throw from or upon any highway or adjoining area any lighted cigarette, cigar, match or any flaming or glowing substance.

23112 THROWING, DEPOSITING OR DUMPING MATTER ON HIGHWAY: (I)

No person, registered owner or driver shall throw or deposit nor aid or abet same upon any highway any substance likely to injure or damage traffic, or any noisome, nauseous or offensive matter of any kind.

23114 SPILLING LOADS ON HIGHWAY: (I)

No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded so as to prevent any of its contents escaping other than clear water and feathers from live birds.

23116 PICKUP OR FLATBED MOTOR TRUCK: (I)

- a) No person driving a pickup truck or a flatbed motortruck on a highway shall transport any person in or on the back of the truck.
- b) No person shall ride in or on the back of a truck or flatbed motortruck being driven on a highway.

27150 ADEQUATE MUFFLER REQUIRED: (I)

Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent excessive noise and will not be equipped with a cut out, bypass or similar.

27151 MODIFICATION OF EXHAUST SYSTEM: (I)

No person shall modify the exhaust system of a motor vehicle so as to amplify noise.

27153 EXHAUST PRODUCTS: (I)

No motor vehicle shall be operated in a manner resulting in the escape of excessive smoke, flame, gas, oil or fuel residue.

27155 FUEL TANK CAPS: (I)

No motor vehicle shall be operated or parked on a highway without a cap or noncombustible material covering the opening to the fuel tank.

27315 SEAT BELT LAW: (I)

- d) (1) No person shall operate a motor vehicle on a highway unless that person and all passengers 16 years of age or older are properly restrained by a seat belt.
- e) No person 16 years of age or over shall be a passenger in a motor vehicle unless restrained with a seat belt.
- f) Every owner of a motor vehicle shall maintain seat belts in good working order.

27360 CHILD PASSENGER RESTRAINTS REQUIRED: (I)

- a) No parent or legal guardian present shall permit a child to be transported upon a highway in a motor vehicle without properly securing the in a rear seat in a child passenger restraint system.
  - (1) Six years of age or older.
  - (2) Sixty pounds or more.
- b) (1) No driver shall transport on a highway without properly securing the child in a rear seat in a child passenger restraint system.
  - (A) Six years of age or older.
  - (B) Sixty pounds or more.

PENAL CODE:

166.4 CRIMINAL CONTEMPT: (M)

Every person guilty of any contempt of court including willful disobedience of any process or order lawfully issued by any court.

243.4. SEXUAL BATTERY: (M)

- a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$ 10,000).
- b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this



subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

- c) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- d) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.  
  
(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.
- e) As used in subdivisions (a), (b), and (c), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.
- f) As used in this section, the following terms have the following meanings:

- 1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
  - 2) "Sexual battery" does not include the crimes defined in Section 261 or 289.
  - 3) "Seriously disabled" means a person with severe physical or sensory disabilities.
  - 4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
  - 5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
  - 6) "Minor" means a person under 18 years of age.
- g) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.
- h) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.
- i) A person who commits a violation of subdivision a, b, or c against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$ 10,000).
- j) Upon conviction of a felony for a violation or attempted violation of this section committed on or after January 1, 1993, the court may enter an order requiring that the defendant register pursuant to Section 290.

#### 261.5 STATUTORY RAPE: (F)

An act of sexual intercourse accomplished with a female not the wife of the perpetrator, where the female is under 18 years old.

#### 271 WILLFUL DESERTION OF A CHILD: (M)

Every parent or guardian of any child under the age of 14 years who deserts such a child in any place whatever with intent to abandon it.

#### 272 CONTRIBUTING TO THE DELINQUENCY OF A MINOR: (M)

Every person who commits an act or omits the performance of a duty which causes any child under 18 years to fall under the section of 300, 601, or 602 W&I or induces the child to violate a court order.

273A CRUELTY TO A CHILD: (W)

- 1) Any person who under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer or inflicts unjustifiable physical pain or mental suffering.
- 2) Same as 1 except under circumstances other than those likely to produce great bodily injury or death.

273D. CORPORAL PUNISHMENT OR INJURY OF CHILD; FELONY; PUNISHMENT; ENHANCEMENT FOR PRIOR CONVICTION; COUNSELING AS CONDITION OF PROBATION: (F/M)

- a) Any person who willfully inflicts upon a child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, punishable by imprisonment in the state prison for two, four, or six years, or in a county jail for not more than one year, by a fine of up to six thousand dollars (\$6,000), or by both that imprisonment and fine.
- b) Any person who is found guilty of violating subdivision (a) shall receive a four year enhancement for a prior conviction of that offense provided that no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense that results in a felony conviction.

273G IMMORAL PRACTICES OR HABITUAL DRUNKENNESS IN THE PRESENCE OF CHILDREN

Any person who in the presence of any child indulges in any degrading, lewd, immoral or vicious habits or who is habitually drunk.

273.5 DOMESTIC VIOLENCE: (F)

Any person who willfully inflicts upon his or her spouse, or any person who willfully inflicts upon any person whom he or she is cohabiting, or any person who willfully inflicts upon any person who is the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6000.00) or by both.

273.6 VIOLATION OF DOMESTIC VIOLENCE ORDER: (M)

Any willful and knowing violation of a domestic violence order.

## 9.

### **MEGAN'S LAW POLICY**

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9.7 The trainee shall know and understand the Department Policy regarding Megan's Law.

#### **MEGAN'S LAW POLICY Penal Code 290 & 290.4**

##### **POLICY STATEMENT**

The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California's Megan's Law (P. C. Sections 290 and 290.4).

##### **DEFINITIONS**

The Department of Justice (DOJ) has categorized each registered sex offender as either serious, high risk, or other. Disclosure under Megan's Law is allowed only as to serious and high-risk offenders. Agencies can identify the category of an offender by accessing the CD-ROM, CLETS (Violent Crime Information Network/Supervised Release File, SRF), or contacting DOJ directly.

##### **CATEGORIES OF REGISTERED SEX OFFENDERS**

These categories will be reflected in the CD-ROM and through CLETS.

- **HIGH RISK SEX OFFENDERS:**

High-risk offenders are serious sex offenders who have been identified by **DOJ** as having a higher risk of re-offending and who may pose a greater danger to the public. In 1996 there were approximately 1,500 high-risk sex offenders. (Note: If a serious offender is believed to be a "high risk sex offender" DOJ must reevaluate and make the change in designation)

- **SERIOUS SEX OFFENDERS:**

A serious sex offender is a registrant convicted of a felony sex offense (except those listed in the "other" category), or of misdemeanor child molestation. In 1996 there were approximately 57,000 serious sex offenders in California.

- **OTHER REGISTERED SEX OFFENDERS:**

Other registered sex offenders are misdemeanants (except misdemeanor child molest per P. C. Sections 647.6 and 289.a(c)), and those felons convicted of repeated indecent exposure, pornography and related offenses, and spousal rape. ***Information on these individuals may not be released to the public.***

##### **DEFINITIONS RELATING TO DISCLOSURE OF SERIOUS SEX OFFENDERS (P.C. Section 290.m)**

##### **REASONABLY SUSPECTS:**

“Reasonably suspects” means a suspicion based on information provided by another peace officer or a member of the public that a child or other person may be at risk of becoming the victim of a sex offense by a serious sex offender.

**LIKELY TO ENCOUNTER:**

“Likely to encounter” means that the entity or individual is in a location close to where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis, and contact with the offender is reasonably probable.

**REQUIREMENTS FOR RELEASE TO THE PUBLIC, INFORMATION ON HIGH RISK AND SERIOUS SEX OFFENDERS:**

Megan’s Law authorizes peace officers to disseminate information about high risk and serious sex offenders to protect the public. Release of information is governed by the offender’s status and department policy. Information about offenders may be released when the following criteria are met:

1. **High Risk Sex Offenders**

a) Information may be released to the public in the affected community at any time.

2. **Serious Sex Offenders**

a) An officer has a reasonable suspicion;

b) Based upon information which has come to his or her attention through information provided by any peace officer or member of the public;

c) That a child or other person may be at risk from a sex offender, and the offender;

d) Is likely to encounter that person.

**INFORMATION THAT MAY BE RELEASED:**

The department may, in its discretion, disclose any or all of the information permitted by P.C. 290 (m)(2). **INFORMATION IDENTIFYING THE OFFENDER’S VICTIMS SHALL NOT BE RELEASED.** For VPD purposes, information that may be released, when dissemination is approved, will be divided into two categories:

1. **Information released routinely**

a) full name

b) known aliases

c) gender

d) race

e) physical description

f) photograph

g) date of birth

h) crimes resulting in registration under this section

- i) location offender is likely to frequent (home, work, places frequented)—identified only by cross streets.

NOTE: Prior to the disclosure of any address information about a high risk or serious sex offender, the department must send an officer, or otherwise verify, the offender's residence or business address to confirm that the offender lives or works there.

- j) type of victim targeted by the offender
- k) relevant parole or probation conditions such as one prohibiting contact with children
- l) dates of crimes resulting in classification under this section
- m) dates of release from confinement

## 2. Information released with special circumstance

- a) exact address of home, work, or place frequented
- b) description and license number of offender's vehicle or vehicles the offender is known to drive.

## **NOTIFICATIONS AND DISSEMINATION OF INFORMATION ABOUT HIGH RISK AND SERIOUS SEX OFFENDERS:**

### **HIGH RISK SEX OFFENDERS:**

As previously indicated, the notice to the public may be made at any time. Virtually any means to notify the public in the community at risk may be used. Methods of notification may include, billboards, community newspapers, flyers, posters, radio announcements, TV spots, or personal contacts. As release of information by Vernon PD is limited to the local community, Internet shall **not** be used.

### **SERIOUS SEX OFFENDERS:**

Notification will be limited to persons (potential victims) known (or believed) to have had personal contact with the offender. These may include:

- 1. Public and private educational institutions, day care establishments, and organizations that primarily serve individuals likely to be victimized by the offender, or persons identified as being at risk, where a high risk or serious offender:
  - a) lives,
  - b) works,
  - c) or otherwise frequents an area. An area is not limited by jurisdictional boundaries, but is determined by the offender's method of operation, access and mobility.

### **SECONDARY DISCLOSURE:**

Disclosure of serious and high risk sex offender information to additional persons, described in PC 290(P)(2) may be disclosed only if:

- 1. Conditions have been satisfied regarding disclosure to additional persons;

2. Identification of appropriate scope of further disclosure.

The written statement of the type of secondary disclosure will be included in the case investigation

#### **SPECIFIC PROCEDURES:**

1. Notification shall be approved in advance by the Chief of Police.
2. Under exigent circumstances, usually where a potential victim is in the presence of a high risk or serious sex offender, an officer may make verbal notification without prior approval. A written report is required, with a copy to be forwarded to the Chief of Police.
3. Whenever possible, written notification should be made using the DOJ CD-ROM "Poster" found on the Law Enforcement side of the Megan's Law CD-ROM. It should indicate that the "poster" is not to be reproduced. A written report is required, with a copy to be forwarded to the Chief of Police.
4. In any case where information is disseminated about a high risk or serious sex offender, the publication or statement must include that the information is being provided to protect members of the public and their children. The notification may include that there are ramifications for misuse of the information disclosed.

#### **MAINTAINING RECORDS:**

- A) The Records Manager shall keep a record of the reasons for, and, the means and dates of disclosing information on a high risk or serious sex offender. The department must maintain a record of this information for a period of five years using the approved DOJ disclosure form. The Supervised Release File shall be utilized to supplement this record.
- B) The department will ensure those contacts with high risk and serious sex offenders are entered into the Supervised Release File. Officers will document on a departmental incident report, any contact with a high risk or serious sex offender. The report will be forwarded to the Records Division, with a copy to be forwarded to the Chief of Police. The on duty dispatcher will make an entry into the DOJ SRF, documenting the contact. The Records Manager is responsible to make sure that the data has been entered into the SRF.
- C) When a high risk or serious sex offender makes a change of address notification to Vernon PD, the Records Manager will notify the destination jurisdiction.

#### **ACCESS BY THE PUBLIC TO INFORMATION ON SERIOUS AND HIGH RISK OFFENDERS**

##### **CD-ROM:**

The CD-ROM may be viewed for a maximum of 15 minutes Monday—Thursday, from 8 a.m. to 4 p.m. The CD-ROM may be viewed for longer than 15 minutes (with good cause shown) or at other times by appointment made through the Records Manager. Department personnel shall supervise use of the CD-ROM. Access may be denied due to staffing constraints. Additionally, the department will make a reasonable attempt to accommodate non-English speaking persons by appointment.

The public will be allowed to view the Megan's Law CD-ROM upon complying with the following:

1. The applicant shall provide identification in the form of a California driver's license or California identification card, showing the applicant to be at least 18 years of age.
2. The applicant shall sign a statement, on a form provided by the Department of Justice, stating that the applicant is not a registered sex offender. That he or she understands the purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders. And he or she understands it is unlawful to use information obtained from the CD-ROM or other electronic medium to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant.
3. The applicant shall be a resident of the City of Vernon. All other applicants will be referred to the East Los Angeles County Sheriff's Station or their local law enforcement agency where they reside.
4. Mechanical and/or photographic reproduction of information on the CD-ROM by the public is not permitted; although authorized viewers may take handwritten notes.

Since the applicant must fill out a form to view the CD-ROM, information may not be given over the telephone. The applicant can be referred to the DOJ 1-900-463-0400 (\$10 FOR INFORMATION ON UP TO TWO INDIVIDUALS) number.

Police Officers on this department may view the CD-ROM at any time.

#### **RECORD KEEPING:**

The signed statement from the applicant shall be maintained in a file managed by the Records Manager for five years. *A copy of the signed statement may be provided to the applicant.*

The records of persons requesting to view the CD-ROM or other electronic medium are confidential, and are not subject to disclosure pursuant to the Public Records Act. A copy of the applications requesting to view the CD-ROM or other electronic medium may be disclosed to law enforcement agencies for law enforcement purposes.

#### **DEPARTMENT CONSIDERATIONS AND REGULATIONS:**

Agencies may not create a "sub-set" regarding offenders in their jurisdiction for public access.

The CD-ROM shall be stored in the Records Manager's office.

Department members shall not give legal advice to the public or the media.

The Vernon Police Department Detective Bureau Investigators will review the contents of the Megan's Law CD-ROM Program as often as necessary, but at least once every four- (4) months.



This will ensure that all registered sex offenders residing Vernon will have a current photograph and all pertinent registration information on file.

The Records Manager will ensure that updates of the CD-ROM are obtained on a quarterly basis from the DOJ, (916) 227-3740.

## **10.**

### **REVIEW PATROL PROCEDURES**

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- 10.1 This week is to allow the FTO to review information that was covered during this phase which includes the second segment of field training.

## 11.

### VEHICLE THEFT INVESTIGATIONS

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11.1 The trainee shall explain how to recognize stolen vehicles both parked (occupied or not) and moving. The trainee shall also know the investigative procedures and form required.

VEHICLE THEFT (Robbins, Nichols, and Dineen 1992): Form CHP 180, will be used for all vehicle theft reports. Officers use this report for both stolen vehicles and license plate(s). Included in the information required by the reporting officer are the following pieces of information:

1. All phone numbers, including home and work phones of the complainant
2. Information regarding insurance company and/or agent
3. Special points of vehicle identification (dents, decals, etc.) or peculiarities of the stolen vehicle
4. Financial background of the owner in relationship to the vehicle; for example,
  - a. Was there repossession as defined in CVC 28?
  - b. Was the owner behind in payments, which might result in repossession?

During the investigation, the officer should confirm the name of the registered owner, vehicle identification number (VIN), and license numbers through the Department of Motor Vehicles (DMV). The specific interview with the victim should quickly ascertain vital information to the investigation. For example, the investigating officer should seek to know if there is a possibility of a repossession or if the vehicle might have been taken as the result of a domestic dispute. Furthermore, the officer should determine if there was an embezzlement, lease, or rental relationship between the victim and the involved party. Once the CHP 180 report is complete, the victim is asked to sign an "Affirmation" that to the best of his or her knowledge the information on the form is true and accurate. Recall that CVC Section 10501 provides for prosecution of anyone who makes a false report of an automobile theft; therefore, the victim's signature on the theft report is vital for any such prosecution under this section.

Once the auto theft report is obtained, report information should be entered into the California Department of Justice Stolen Vehicle System (SVS) immediately or as soon as possible. When the auto theft has been entered into the SVS system, the information is also transmitted automatically to the National Crime Information Center (NCIC), which is a nationwide computerized database accessible to all states. In this manner, every law enforcement agency throughout the United States has access to this information. If the vehicle is found or located in another state or territory, officers in those jurisdictions will be able to immediately identify the vehicle as stolen in California.

PATROL FUNCTIONS AND OBSERVATION TECHNIQUES: Preventing vehicle thefts and recovering stolen vehicles are important functions of the beat patrol officer. Officers use assertive patrol techniques to identify stolen vehicles and arrest thieves. An alert officer will note conditions indicating that a vehicle may be stolen. For example, new tags on a used vehicle, or old tags on

a new vehicle, should arouse an officer's suspicion. Likewise, new tag bolts on an older vehicle, or vice versa, may also indicate a need for further investigation. Other indications that a vehicle may be stolen include "dirty plates" on a clean car (or vice versa), license plates that are wired onto the vehicle, ignition wires hanging down from the dashboard, and recent registration of a used car advertised for sale. Occasionally, an officer may spot an abandoned vehicle that has not as yet been entered into the SVS system: While the report may initially be negative, an officer may get a "hit" (indicating a stolen vehicle) by checking back at a later time. Even though the initial report is negative, a suspicious officer may wish to obtain registration information and contact the registered owner to determine if he or she is aware of the vehicle's location.



If you decide that any of the conditions just listed indicate a stolen vehicle, use great care in stopping and/or approaching the vehicle occupant(s). Keep in mind that some vehicle

recoveries are made before the owner's report of theft and the stopped vehicle may have just been stolen for use in other felony crimes such as robbery and burglary. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. Vehicles abandoned in isolated areas where other stolen vehicles have been recovered.


2. The condition of the vehicle when discovered may indicate that the vehicle is stolen. For example, if an abandoned vehicle is found in inclement weather with the windows open, the vehicle may be stolen. In addition, a vehicle covered with dirt or with debris accumulated under the vehicle is worth checking for a "stolen" report.
3. A parked vehicle displaying license plates improperly mounted (with string or wire) will warrant investigation.
4. If the VIN plate is missing, or has been altered, there is a high probability that the vehicle is stolen.
5. Are there altered license plates or the wrong plates on the vehicle?
6. Are there damaged or missing lock cylinders?
7. Is there any missing equipment such as tires, radio, etc.?
8. Are there holes in the body or fenders that might indicate recent removal of accessories?
9. Is the vehicle illegally parked (including parking for abnormally long periods of time)?
10. Are there cracked windows or wind vents?
11. Are there "old" parking tickets on the windshield or in the glove box?
12. Are the keys left in the ignition?
13. Is the glove box empty and clean? Are there any other clues that the vehicle may have been "detailed" (cleaned up and polished) and thus possibly taken from a used car lot?
14. Does the front end of the vehicle sit high due to the removal of the engine and/or transmission?

Generally speaking, abandoned vehicles can be found almost anywhere. Alert patrol officers check streets around vacant lots, side streets with few homes, on dead-end streets and in alleys for stolen (abandoned) vehicles. In addition, such vehicles may be found in "free" parking lots, near schools and shopping centers. Do not overlook the fact that the vehicle owner may have parked the vehicle and honestly "forgotten" where the vehicle was parked, especially in large shopping center parking lots. In some instances, the owner may believe that the vehicle was stolen, only to remember where he or she parked the vehicle once the investigating officer finds the vehicle nearby.

INVESTIGATION: An officer investigating a report of vehicle theft should check the neighborhood for possible witnesses and make note on CHP Form 180 if any such person is located. If the vehicle is found subsequent to the investigation, be careful not to get your fingerprints on the vehicle. However, you might look for possible clues left behind by the thief, such as dropped credit cards or other identification left in the vehicle. [REDACTED]

The investigating officer checks both the license plates and VIN plates to determine if they are properly attached. If you are not sure, or if something about the investigation puzzles you, note the unusual in the original report and refer the incident to the auto theft detail.

General rules for criminal investigation also apply to stolen vehicle investigation. An officer locating a stolen vehicle "protects the scene" until it can be thoroughly processed. [REDACTED]



The beat officer acquaints him or herself with the "hot spots" on the beat and is alert for all indicators that help to identify, and thus reduce, vehicle thefts. Whenever you spot a suspect vehicle, request a check on the VIN as well as the license plates. However, remember that just because the SVS system does not indicate a "hit" during the initial contact, the vehicle may still be stolen. Good follow-up work is required to handle this difficult part of the officer's job.

STOLEN BOAT PROCEDURES: Officers assigned to incidents involving stolen or missing boats will adhere to the following procedures:

REPORTING PROCESS: The assigned officer will complete a CHP Form 180 detailing the circumstances, statements and facts involved in the incident.

REQUIRED STOLEN BOAT INFORMATION: When a report of a stolen or missing boat is made, the officer receiving the report will when possible, obtain the following information:

1. REGISTRATION STATE: State in which boat is registered.
2. HULL NUMBER: The hull number is usually located on the nameplate of the vessel and often is not available unless the owner has separately recorded the number.
3. ENGINE NUMBER: When applicable, the engine number will be recorded on CHP Form 180. Engine numbers may be located on the registration document.
4. METHOD OF PROPULSION: Categories are inboard, outboard, inboard/outboard combination, sail only, sail with auxiliary inboard power, sail with auxiliary outboard power, manual (oars, paddles, etc.) and other.
5. MAKE: Include the complete manufacturer's name.
6. BOAT YEAR: Year of boat.
7. LENGTH AND WIDTH. Indicate these dimensions in feet and inches.
8. HULL: Hull material - metal, plastic, wood, other.
9. COLOR: Include trim color and main color (Example; red trim/white hull).

10. HULL SHAPE: Categories include catamaran, deep-V, flat bottom pontoon round bottom, semi-V, tn-hull, tunnel, other.
11. TYPE: Categories are air boat, commercial (ferry, oyster boat, etc.), cruiser, houseboat, hovercraft, hydrofoil, hydroplane, jet-ski, runabout, sailboat, utility, yacht, all other.
12. CATEGORY: Categories are air propeller, mast, propeller, sail, spinnaker, other.
13. ENGINE POWER: Horsepower, liter, cubic inches or centimeters, pounds of thrust.
14. REGISTERED OWNER: The name, addresses, and telephones number of the registered and legal owners are required.

The registration certificate will normally contain most of the foregoing information.



## 11. REPOSSESSIONS

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11.2 The trainee shall explain the general rules that pertain to the repossession of items.

REPOSSESSIONS (Robbins, Nichols, and Dineen 1992): A repossession usually results because someone has defaulted on a conditional sales contract. For example, a person may purchase a vehicle by making time payments. While the buyer has possession of the automobile, the seller retains title to the unit until the contract is paid in full. Officers should be careful when handling requests for services when the seller is attempting to regain possession of the property because the buyer did not make payment. The officer's involvement is limited to keeping the peace in such instances. Persons who call for peace officers will probably want to use the officers as a lever on the other party involved-such a role must be avoided.

CAUSES OF REPOSSESSIONS: California Civil Code 1812.2 gives the seller, under a conditional or installment contract, the right to retake property in the event of buyer's default. The sales contract usually contains specific clauses giving the seller the right to repossess under certain conditions. The U.S. Supreme Court has ruled that a notice and hearing are required before a seller can repossess property (*Fuentes v. Shevin*, 1972 407 U.S. 72). The usual practice of the seller is to have the buyer waive the right of notice and hearing in the contract of sale. The courts have held that these waivers are valid (*Ovenneyer v. Fick*, 1972 405 U.S. 174, and *Swarb v. Lennox*, 1972 405 U.S. 19 1). Because of such practices, officers are likely to encounter irate buyers who have had no notice of any repossession proceedings prior to losing the vehicle.

The buyer has a right to object to the reposessor taking the property in question. This objection must be made before the reposessor has possession. For example, at what point has a motor vehicle been legally repossessed? With regard to collateral subject to registration under the Vehicle Code, a repossession occurs when the reposessor gains entry to the collateral or when the collateral becomes connected to a tow truck. (B&P 7507.12) One court stated, "if the buyer is in personal possession of the automobile and protests against such repossession and attempts to obstruct the seller in doing so, under such circumstances, it becomes the duty of the seller to proceed no further and to resort to legal process" (*Burgin v. Universal Credit-Co.*, 1940 2 Wash. 2d 364, 98 P. 2d 29). Under civil law, the buyer's spouse has the same privilege, as do other persons entrusted with the property. In the event that repossession is complete and there is other personal property involved, the buyer has the right to retain the personal property, provided that the property is not an integral part of the repossessed property. Such items that may be reclaimed involve clothing, tools, etc.; however, the buyer has no right to remove an automobile radio or other item attached to the vehicle even if the item was purchased separately (known as fixture law).

In the event that the reposessor takes unattached property contained in a repossessed item, the reposessor is responsible for that property. The buyer has the right to recover his or her private property on demand. If the reposessor later refuses to return or disclaims knowledge of the existence of such personal property, the buyer may maintain a civil action to recover the

value of such property (*Varela v. Wells Fargo Bank*, 1970, 15 Ca. App. 3d 741). In addition to separate private property, the buyer has the right to demand and get a receipt for attached personal property from the reposessor and may likewise recover such property or value at a later time.

When a third person has dominion and control over property in question, this person may exercise the same rights and privileges as the buyer against the reposessor. If the property, when discovered, is in a commercial parking lot where an attendant is on duty or in a check stand, the reposessor has no right to take possession of the property. Under this circumstance, the third person has and keeps possession rights until redeemed by the buyer.

PEACE OFFICER RESPONSE: Peace officers responding to repossession calls should remember several points:

1. It is not the officer's responsibility to determine if there has been a notice and hearing or a waiver of notice and hearing.
2. Officers should not try to interpret the contract or get involved in any manner in private repossessions, except to keep the peace.
3. A person who makes a good-faith repossession without complying with the notice and hearing requirements is subject to civil liability but not to criminal liability.
4. Assuming that there has been a waiver, the reposessor may retake property wherever he or she finds it, within limits:
  - a. A reposessor has the right to go on private property to retake; however, in no event is he or she authorized to enter any building or enclosure without permission (CCP 1159-1161; PC 418, 602, 603).
  - b. The reposessor may retake an automobile from a driveway or furniture from an open porch.
5. The repossession act "has a tendency to excite a breach of the peace and invite violent resistance" (36 ALR [American La Review] 853). The officer's presence should serve to maintain peace. As a rule, repossession is complete if the buyer has to pursue the reposessor in order to object.
6. Peace officers may be called on to exercise their good judgment as to whether movement of the property has been sufficient to give possession to the reposessor.
  - a. In order for the reposessor to have complete possession, the reposessor must exercise complete dominion and control over the property. For example, if the reposessor has moved an automobile from a driveway and into the street, the

repossessor has possession and a right to retain possession against the buyer's objections.

- b. If the reposessor does not have control and dominion over the property, and the buyer objects to removal of property, peace officers should advise the reposessor to seek civil remedy.
7. Repossessor is required to conduct themselves in a peaceful manner at all times. Repossessor cannot commit an assault or battery or cause a breach of the peace.

Three groups of persons may repossess property. Group 1 includes the seller and full-time employees (B&P 7522). Under this condition, part-time employees may not be used for repossession purposes. Qualified members of this group do not need a state license. Group 2 consists of the bank or finance company who has purchased the debt from the seller. If the buyer defaults in the payments, a full-time employee of the financing company may repossess the property; this group does not need a state license. Group 3 includes private reposessor who are required to have a state license (B&P 7500-7583). Such persons are required to have a license posted at the principal place of business (B&P 7532), and each person is required to carry a pocket card (B&P 7533). In any of these groups, the reposessor is required to make immediate notification to the police, by the most expeditious means available, announcing the repossession.

When a peace officer is called to settle a dispute involving repossession, the officer's primary goal is to prevent a breach of peace. Remember that the incident is strictly a civil matter, and in no event is an officer authorized to give legal advice. The parties involved should be directed to contact their respective attorneys for such advice.

At the scene of a repossession dispute, first ascertain the identity of the reposessor. The person usually has a company identification card, a private license, a copy of the contract, or a document describing the property to be repossessed. Then identify the other disputing party. If this person is the buyer, the buyer's spouse, or a third person in lawful possession, inquire whether or not this person objects to repossession. If he or she objects, the reposessor cannot take the property.

Occasionally, officers must take some positive action if a crime is committed in their presence during the dispute. The most common crimes arising at such times are assault, battery, disturbing the peace, and malicious mischief. Even though a reposessor may break a lock on a garage to retake property, an officer would probably be incorrect in attempting to charge burglary, since the intent to steal or commit a felony is normally not present. In this case, a lesser-included offense such as malicious mischief may be more applicable.

Buyers often want to report repossessed property as stolen-this frequently happens in the case of automobiles. For this reason, carefully inquire as to whom has title and whether or not the buyer is delinquent in the payments before initiating a "stolen" report. Also, check through

records and communications. If you reasonably conclude that the property has been repossessed, refer the buyer to the titleholder.

In situations where the reposessor has not gained possession, advise the reposessor to seek civil remedy. This remedy consists of a “claim and delivery” action and the issuance of a writ of possession (CCP 509-521) by the court; this writ is served by an officer of the court. A peace officer may be called to help a court officer. In such instances, the peace officer gives only such assistance as needed to prevent the commission of a crime.

## 11.

### LABOR DISPUTES

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11.3 The trainee shall read and understand the Labor Manual. The trainee shall also know the Department procedures on labor management disputes and shall explain the Department procedure relative to typical policing problems which occur during labor-management disputes.

GUIDELINES FOR HANDLING LABOR DISPUTES/STRIKE SCENES: There is no secret formula for handling labor disputes. No two strikes are alike. There are differences in physical surroundings, types of disputes, types of businesses, issues involved, composition of striking and non-striking employees and the leadership ability of labor and management officials.

Decisions made by peace officers at the scene of a labor dispute must be based on sound judgement. Any enforcement action taken is quickly assessed by both labor and management as to its impartiality and reasonableness. It is primarily for this reason that the law enforcement agency's policies should be explained to both labor and management to eliminate confusion and misunderstanding. Every effort should be made to obtain the cooperation of both labor and management in controlling the demeanor of striking and non-striking employees. It is recommended that each shift of pickets, non-strikers, and management personnel be briefed regarding their conduct during the dispute. Experience has shown that tensions are reduced when an explanation is given to the concerned parties regarding the incident and the resulting police action taken at a dispute location.

The right to picket peacefully during the day or nighttime must be upheld by the police. Picketing is not a violation of law. If illegal acts result from picketing, corrective action should be taken.

When picketing is conducted in a congested area where pedestrians are deprived of the normal use of sidewalks, the public inconvenience should be brought to the attention of the union official. Peace officers have no legal authority to establish a strike perimeter or limit the number of pickets. A tactful suggestion to use a particular portion of the sidewalk or other public property is usually accepted.

Law enforcement cannot prohibit the use, nor limit the size, of placards carried by pickets. Union officials have been receptive to suggestions that the size of placards be reasonable to avoid inconvenience to the general public and lessen the possibility that picket signs be used as weapons.

The general public has a right to the free and immediate use of public sidewalks where picket activity is being conducted. Pickets are pedestrians and, as such, may delay the ingress or egress of persons and vehicles at a strike location. The question to be answered is whether the delay is "reasonable." Since the courts have not defined "reasonable," each incident must be evaluated individually. Any delay which creates a safety hazard should be considered unreasonable.

To establish an obstruction violation on the part of pickets, the intent of the person to enter the location must be shown and the intent of the pickets to prevent the entrance must likewise be evident, either verbally or physically. (647(C)PC)

Management and union representatives have the right to talk to the driver of a vehicle which approaches the picket line. The driver is not obligated to talk with either representative and must decide what course of action to take. During such confrontations, law enforcement personnel should be in a position to prevent violations of the law.

When it becomes necessary to temporarily open a picket line for the purpose of allowing a vehicle to cross, extreme caution should be exercised. Officers should at all times face the pickets. The use of arm signals to direct vehicles to cross the picket line is usually interpreted as an order to the driver to cross the line. This procedure should be avoided. It may be beneficial to have a representative of management present during these critical periods to direct vehicles onto their property.

Officers at the scene of a dispute must be alert and in a position to recognize potential problems. It is possible that alcoholic beverages may be consumed on the picket line or within the struck facility. Union and management officials are generally opposed to such activity as it lessens the ability to control their personnel. Officers should bring such incidents to the attention of management and/or union representatives with a suggestion that the individual be removed from the picket line or the facility.

STRIKE SCENES: The basic requirement for handling any labor-management dispute is impartiality. An officer must never allow his personal beliefs or feelings, whether they be pro-management or pro-labor to influence his actions. Strict neutrality is the policy of the Vernon Police Department.

Officers at a strike location: it must be remembered that strict adherence to a policy of neutrality must be maintained.

In policing a strike situation, officers shall be guided in their actions by the same statutes and ordinances used in normal operations. The following can be used, keeping in mind the corpus delicti of a misdemeanor and a felony.

1. Trespassing: (602-j PC) - this is a valuable section, which can be applied in the event pickets refuse to remove themselves from railroad tracks, because they are interfering with, and obstructing the lawful business of the railroad. However, good judgement should be used in applying this statute, and officers should not apply this section for simple trespassing upon other railroad property or private property.
2. Disturbing the peace: (415 PC) - this is probably the most valuable statute to an officer working a labor-management dispute, since the elements can be established;

complaints are easier to secure; and convictions can be obtained in the event of a prosecution.

3. Riot: (404 PC)
4. Rout: (406 PC)
5. Unlawful assembly: (407 PC)
6. Refusing to disperse upon lawful command: (416 PC)
7. Remaining present at a place of a riot, etc. after the warning to disperse: (409 PC)
8. Lynching: (405(a) PC)
9. Unlawful carrying & possession of a concealed weapon: (12020 & 12025 PC)
10. Officers to command unlawful assembly or rioters to disperse:
  - A. (726 PC) This command must be given under section 726 PC before a person can be guilty of section 409 PC.
11. Drunk: (647(f) PC)

Booking on statutes having to do with crowd control, such as a riot, unlawful assembly, refusal to disperse, etc., should be made only with the authorization of the strike commander.

#### DUTIES OF OFFICERS AT A STRIKE SCENE:

1. At a strike location, the duties of officers are the same as in any other situation, requiring police attention. At all times, the officer must maintain a fair and impartial attitude to both labor and management.
2. Officers may be detailed to "police" personnel and vehicular gates where there is movement of pedestrians and vehicles into and out of the location. It is their duty to see that persons enter and leave at will, if they so desire, and not be restrained in any manner from doing so.
3. Pickets have the right to picket the location in a legal manner. As has been pointed out previously, the issues of the strike are of no concern to the officers.
4. Officers assigned to a strike situation must keep their supervisors and the station informed of all incidents or changes in the local situation.

5. Every incident that occurs must be reported by the use of a written report.
6. The strike commander will require a periodic check of the number of pickets and the area unit will make a picket count at least once an hour. A picket check report will be prepared, maintained, and submitted by the area units at the end of their tour of duty.
7. Information concerning observations relative to unusual activity, or a concentration of pickets, employees, or spectators, is to be reported immediately to the strike commander, or the watch commander if the strike commander is not on duty.
8. Officers should not enter company property, except for enforcement, and should not, under any circumstances, park a department vehicle on the company grounds. Officers should not use company phones or befriend company security personnel.
9. At a strike location, both labor & management may have food available for their personnel and often may invite officer to partake of it. This must be avoided.

#### PEDESTRIANS AND VEHICLES CROSSING THE PICKET LINES:

1. Restraint of vehicular or personnel movement is a violation of the purpose of a picket line, as all persons and vehicles have the right to enter and leave at will. Therefore, it is the duty of officers to see that persons do have the right to enter and leave the location, and to keep the peace when this is done.
2. In some cases, the picket lines will be tightly closed in order to prevent entrance. In this event, the picket captain should be directed to open the picket line to those persons wishing to enter and leave. If the picket captain fails to comply with the request, or the pickets do not respond to his orders, the officers should open the line without hesitation to facilitate the movement of persons and vehicles.
3. When picket lines are opened by officers, the officers should face the pickets rather than the persons, or vehicles, entering or leaving the location. This action affords the officers the opportunity to observe the actions of the pickets and prevents the possibility of an assault being committed, or damage being done to vehicles entering or leaving the location.
4. Trucks can present a serious problem as to the physical safety of the people involved in the labor dispute, or as targets for damage. Generally they are delivering material to the location or removing finished products from the location.
5. If advice is requested from the officer at the location, he/she must be careful to notify the driver that he may stay out, or enter the location, as he elects. Preferably, this should be done in the presence of the picket captain. Under no circumstances do you advise a truck driver to enter or leave the location.



6. Pickets should have the right to present their case to the truck driver, and should be allowed a reasonable amount of time for this purpose.

#### INJUNCTIONS:

1. An injunction is a writ, or an order of the court, restraining a person or a group of persons from doing a particular act. (CCP 5250)
2. An injunction is a civil process involving labor and management.
3. An injunction may restrict:
  - a. The number of persons in a picket line;
  - b. The distance to be maintained between pickets;
  - c. Set forth the distance from entrances which must be maintained by the pickets; or
  - d. Anything that the court may see fit to do.
4. It is not the duty of the chief to enforce the injunction, therefore officers should not become involved.
5. Representatives of management may call to the attention of officers violations of the injunction and insist the injunction be enforced. These persons should be referred to the strike commander immediately, or the chief of police.

#### ARREST PROCEDURES:

1. In the event of a disturbance between two or more people at the strike location, an attempt should be made, if possible, to separate these parties and order them from the area. However, if a more serious crime has been committed, such as a.d.w., or an injury has resulted from a battery, an arrest at the scene would be justified, and should be made.
2. If it comes to the attention of an officer that an arrest should be made in the situation, he should call for assistance before making the arrest in order to protect himself. This cannot always be done because many incidents occur spontaneously and it is necessary for the officer to make an immediate arrest.
3. In other cases, citizen arrests, etc., handle in the normal manner. Where a person wants a complaint filed against another person, obtain the necessary information for a report and arrangements will be made to have the complainant brought to the district attorney's office to sign the necessary documents.
4. It is important that when an arrest is made, the officers should be certain of the identity of the persons arrested. This is true, especially, in mass arrests.

WRITTEN REPORTS: The following information will be required on the incident report at the time of the initial contact or incident:

1. Company involved: The company should not be listed as the victim, but as the subject, i.e. Santa Fe Iron Works, 4305 Santa Fe Ave.
2. Emergency notification: Plant supt., foreman, etc., name, address, and telephone number.
3. Union involved: name, address, and telephone number, also the local number, and the name of the business agent in charge.
4. Number of employees: 100 employees - 75 involved in the bargaining unit - 25 may be clerical, not involved.
5. Description of premises: fenced or unfenced, number of gates on property, secured or unsecured; spur tracks entering property or adjacent to property; and how many private guards, (armed or unarmed), and who they are affiliated with.
6. Hours of operation.
7. Hours of picketing.
8. Statements: statements made by labor or management concerning the incident.
9. Observations: regarding the number and demeanor of the pickets. Also include if the union has a temporary headquarters set up in the area.

## 11.

### **LANDLORD/TENANT DISPUTES**

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11.4 The trainee shall identify and explain California civil and criminal law and agency procedures applicable to situations which arise from landlord tenant disputes.

LANDLORD/TENANT DISPUTES: In general, landlord and tenants enter into a rental contract agreement which may be oral or written. The agreement gives the tenant temporary possession and use of the landlord's property for a specified amount of money for a specific period of time. In return, the tenant agrees to return the property to the landlord at a future time. Generally, rents are paid in advance, and the landlord gives the tenant a receipt for the covered period of rental time. If a tenant contemplates moving, he or she usually gives the landlord advance notice of the intention to move. This notice is usually based on the period of time in which the tenant pays rent-day, week, or month.

In order for peace officers to effectively handle landlord-tenant disputes, officers must understand the applicable Penal Code provisions governing these cases. Generally, officers should try to avoid arrests and achieve a lasting solution to the dispute by explaining what conduct is not lawful and by suggesting alternative solutions that are lawful.

UNLAWFUL CONDUCT BY LANDLORD: A landlord's unlawful conduct may include tenant lockout, seizure of tenant's property, removal of doors and windows, and trespass. Even though the landlord may have proper legal grounds for evicting a tenant, it is unlawful for the landlord to use any of these methods in attempting to force a tenant to vacate the premises. The law regarding each act is presented briefly as follows.

When a tenant is behind in rent, a landlord may not jam or change the tenant's door lock in order to prevent the tenant's further use of the dwelling unit until the rent is paid. Such a lockout procedure is a misdemeanor prohibited by Penal Code Section 418:

Every person using or procuring, encouraging or assisting another to use, any force or violence in entering upon or detaining any lands or other possessions of another, except in the cases and in the manner allowed by law, is guilty of a misdemeanor.

It is not unusual for a landlord to seize a tenant's possessions in payment for past-due rent. It is also a seizure when the landlord locks the tenant out of a dwelling, since the tenant's possessions are thereby locked in. The seizure of a tenant's property is a misdemeanor, also prohibited by Penal Code Section 481. Generally, a landlord may not take possession of tenants property without first obtaining a court order allowing the landlord to do so in accordance with California Civil Code Section 1861a:

Keepers of apartment houses, apartments, cottages, or bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such

tenants or guests which may be in such apartment house, apartment, cottage, or bungalow court, for the proper charge due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all monies expended for them, at their request, and for the cost of enforcing such lien, with the right to possession of such baggage and other property of value until such charges are paid, and such monies are paid.

The statute clearly requires that landlords obtain a lien (court order) prior to seizing the property of a tenant. Even with a lien, a landlord generally cannot seize any property necessary to the tenant's livelihood or any necessary household items (e.g., stove refrigerator, tables, chairs, beds, or washing machines). Civil Code Section 1861c outlines a complete breakdown of such items.

If the landlord removes the doors or windows to the tenant's dwelling in an attempt to evict the tenant, or in any other way destroys the tenant's property, the landlord may be guilty of vandalism. Penal Code 594 reads:

Every person who maliciously damages or destroys any real or personal property not his own, in cases otherwise than such as are specified in this code, is guilty of a misdemeanor.

Even though a landlord may thereby be destroying his or her own property, the courts have held that, since a tenant has a property interest in the premises, any such acts of destruction by the landlord constitute malicious mischief against the tenant.

In some instances, a landlord may enter a tenant's premises without permission from the tenant. If the entry is reasonable to effect repairs or for some other lawful purpose (to investigate smoke, etc.), the entry is not considered trespass. In addition, if the tenant has consented by lease to the landlord's entry at will, then such entry is not a trespass. However, landlords often enter a tenant's premises without prior permission in order to harass the tenant or to snoop around. Such conduct is considered to be trespass constituting a misdemeanor under Penal Code Section 602.5:

Every person other than a public officer or employee acting within the course and scope of his employment in performance of a duty imposed by law, who enters or remains in any non-commercial dwelling house, apartment, or other such place without consent of the owner, his agent, or the person in lawful possession thereof, is guilty of a misdemeanor.

Peace officers can often help resolve a landlord-tenant dispute if they understand some basic legal principles and can inform the parties of their right and obligations. If a permanent solution to the dispute can be found, officers may eliminate repeated calls and the possibility of a subsequent dispute leading to violence. The best legal way for a landlord to evict a tenant is by bringing an unlawful detainer action in court. There are several steps in this proceeding, involving "notice." If the tenant has violated any of the conditions of the lease or rental agreement (such as failing to pay the rent when due, keeping a pet when this is specifically

prohibited, etc.), the landlord must give the tenant a three-day written notice to either correct the condition or move, before bringing an action in court to evict. In effect, this means, that if the tenant who is behind in the rent pays the total due within the three-day period, the landlord cannot evict.

To be on solid ground under the law, the landlord must give a copy of the notice to every adult whom the premises were rented. In addition, the landlord must serve the tenant with a legally correct notice. Such forms are available at most large stationary stores.

A landlord has the right to terminate a month-to-month tenancy for almost any reason, even if the tenants have not violated any provisions of the rental agreement. To do this, the landlord must first serve the tenants with a written notice instructing them to vacate the premises in thirty days. If the tenants fail to move within the specified time period, the landlord must then bring an unlawful detainer action against them.

The landlord, however, is not without legal obligations. Landlords must keep the rental premises in a condition fit for human occupancy and must repair all defects that make the premises uninhabitable. This means that the landlord must provide

1. A structure that is weatherproof, water-proof, and rodent-proof.
2. A workable plumbing system.
3. One working toilet, bathtub, and bathroom sink.
4. One working kitchen sink.
5. Adequate heating facilities.
6. Safe electrical wiring.
7. Adequate garbage and trash storage and removal facilities.

The landlord cannot waive these requirements by placing a burden to repair these facilities on the tenant as part of the condition of the lease.

The tenant has rights when the landlord fails to perform his or her responsibilities. If the landlord fails or refuses to correct the problem after being notified of the defect, the tenant has several recourse alternatives. If the defective condition is a violation, the tenant should consider reporting the violation to the proper agency. Such agency will investigate the defect and compel the landlord to correct the condition. If the problem is not handled by the housing authorities, the tenant should consider calling the local public health department for help. If all else fails, the tenant should seek advice and help from an attorney.

The peace officer's objective, when confronted with a typical landlord-tenant dispute, is not to make or encourage an arrest but rather to try to achieve a lasting solution to the conflict. By explaining what conduct is not lawful and by suggesting alternative solutions that are lawful, you can bring about a positive result. If you have responded to tenants' complaints that the landlord has locked them out, seized their property, removed the doors or windows to the premises, interfered with the use of their utilities, or unreasonably trespassed on the premises,

you can often bring about a successful resolution to the dispute either by informing the landlord that he or she has committed a misdemeanor violation or by briefly explaining procedures for the landlord to bring an unlawful detainer action against the tenant. In some cases, the landlord may be unaware that his or her conduct is unlawful. If, however, the landlord is uncooperative (e.g., refusing to replace the tenant's doors and windows), you can explain that criminal proceedings can be initiated by the tenant.

If the tenant has a defective condition in the apartment, advise the tenant to explore the various legal alternatives that are open. While you should not normally encourage an arrest, you should ultimately take whatever enforcement action necessary under the circumstances. However, since most offenses are misdemeanors, you cannot arrest unless the offense occurred in your presence. If an on-the-spot arrest is warranted (such as for assaults and batteries), advise the appropriate party of the requirements and procedures for a private person's arrest.

**11.**  
**VEHICLE CODE**

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11.5 The trainee shall identify the code name with the section number, interpret the section, and give the elements of the codes listed.

VEHICLE CODE:

21453 (D) PEDESTRIAN: (I) Unless otherwise directed by a pedestrian control signal, a pedestrian facing a red light shall not enter the roadway.

21456 (A) PEDESTRIAN CONTROL SIGNAL: (I) A pedestrian facing a control signal shall obey the signal as directed.

21950 RIGHT-OF-WAY AT CROSSWALKS: (I) The driver of a vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

21951 VEHICLES STOPPED FOR PEDESTRIANS: (I) Whenever any vehicle has stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

21955 CROSSING BETWEEN CONTROLLED INTERSECTIONS: (I) Between adjacent intersections controlled by traffic signal devices or by police officers, pedestrians shall not cross the roadway at any place except a crosswalk.

21957 HITCHHIKING: (I) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

22500 PROHIBITED STOPPING, STANDING OR PARKING: (I) No person shall stop, park or leave standing whether attended or unattended in any of the following places, e.g., on a crosswalk, within 15' of a fire department driveway, in front of a driveway, on a sidewalk, upon a bridge, etc.

27600 FENDERS AND MUDGUARDS: (I) No person shall operate any motor vehicle having three or more wheels unless equipped with devices which provide adequate protection to minimize the spray of water or mud to the rear of the vehicle.

28071 PASSENGER VEHICLE BUMPER REQUIREMENTS: (I) Every passenger vehicle registered in this state shall be equipped with a front and rear bumper.

22100 TURNING UPON A HIGHWAY: (I) Except as provided in Section 22100.5 or 22101, the driver of any vehicle intending to turn upon a highway shall do so as follows:

- (a) Right Turns. Both the approach for a right-hand turn and as a right-hand turn shall be made as close as practicable to the right-hand curb or edge of the roadway except:
  - (1) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions. The driver of a vehicle in the middle lane may turn right into any lane lawfully available to traffic moving in that direction upon the roadway being entered.
  - (2) When a right-hand turn is made from a one-way highway at an intersection, a driver shall approach the turn as provided in subdivision (a) and shall completed the turn in any lane lawfully available to traffic moving in that direction upon the roadway being entered.
  - (3) Upon a highway having an additional lane or lanes marked for a right turn by appropriate signs or markings, the driver of a vehicle may turn right from any lane designated and marked for that turning movement.
- (b) Left Turns. The approach for a left turn shall be made as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel of such vehicle and, when turning at an intersection, the left turn shall not be made before entering the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in that direction upon the roadway being entered, except:
  - (1) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic on both directions, the driver of a vehicle in the middle lane may turn left into any lane lawfully available to traffic moving in that direction upon the roadway being entered.

22102 U-TURN IN BUSINESS DISTRICT: (I) No person in a business district shall make a U-turn, except at an intersection, or on a divided highway where an opening has been provided in accordance with Section 2165 1.

22103 U-TURN IN RESIDENCE DISTRICT: (I) No person in a residence district shall make a U-turn when any other vehicle is approaching from either direction within 200 feet, except at an intersection when the approaching vehicle is controlled by an official traffic control device.

22104 TURNING NEAR FIRE STATIONS: (I) No person shall make a U-turn in front of the driveway entrance or approaches to a fire station. No person shall use the driveway entrance or approaches to a fire station for the purpose of turning a vehicle so as to proceed in the opposite direction.



22105 UNOBSTRUCTED VIEW NECESSARY FOR U-TURN: (I) No person shall make a U-turn upon any highway where the driver of such vehicle does not have an unobstructed view for 200 feet in both directions along the highway and of any traffic thereon.

22106 STARTING PARKED VEHICLES OR BACKING: (I) No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway until such movement can be made with reasonable safety.

22400 MINIMUM SPEED LAW: (I)

- (a) No person shall drive upon a high way at such a slow speed as to impede or block the normal and reasonable movement of traffic, unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with the law. No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with the law.
- (b) Whenever the Department of Transportation determines on the basis of an engineering and traffic survey that slow speeds on any part of a state highway consistently impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with the law, when appropriate signs giving notice thereof are erected along the part of the highway for which a minimum speed limit is established. Subdivision (b) of this section shall apply only to vehicles subject to registration.

## 11.

### PATROL PROCEDURES

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11.6 The trainee shall know and understand the department policy regarding trains blocking traffic.

TRAINS BLOCKING TRAFFIC: Public Utilities Commission General Order #135 prohibits trains (other than passenger trains) from blocking a public grade crossing beyond 10 minutes, unless no pedestrian or vehicle is waiting at the crossing. If a train is stopped beyond 10 minutes, it is required to be opened and left open until the train is ready to depart. This section also prohibits trains that are in the switching process from blocking a public grade crossing for longer than 10 minutes. Violations of this order constitute a misdemeanor under Chapter 11, Part 1, Division of the Public Utilities Code.

Once a member of the Department becomes aware of a train blocking a public grade crossing beyond a 10 minute period, the officer should direct dispatch to call the Train Master and obtain an estimated time of clearing. Information regarding the blockage must be forwarded to the on-duty supervisor, who will be responsible for contacting the Hobart Yard Train Master at [REDACTED] to determine the cause of the blockage. The officer should also begin to coordinate a response that will help alleviate traffic congestion at affected locations. Major intersections should be the first priority. Once vehicles have been cleared, assigned officers should continue traffic control as necessary to avoid further congestion. Some drivers may choose to wait out the delay. This is acceptable as long as the safety of the public is not compromised.

In the event the cause of the blockage is beyond the control of the railroad, such as outlined in P.U.C. General Order #135, Section 5, the on-duty supervisor or his designee must respond to the location of the problem to confirm the cause and an incident report should be filed documenting the circumstances. If the cause is not one of those outlined in Section 5, then a crime report should be filed using the code section of Chapter 11, Part 1, Division 1 of the P.U.C. This report may be filed by the on-duty supervisor or his designee.

The crime report should contain the cause of the delay, the parties contacted and the actual times during which the train was blocking the crossings (the officer's own observations or statements of identified witnesses, including the Train Master, may be used to determine this information). In addition, the report should also contain the name of the involved railroad, a list of each individual intersection that was blocked (not a general statement such as "Bandini to Slauson"), and the time the train actually cleared the crossings rather than when it began moving. If the train is opened at some point to allow for pedestrians and vehicles to cross, indicate when and where the break was made.

## 11.

### ABC LAW / ENFORCEMENT

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11.7 The trainee shall know and understand their authority and responsibility to enforce ABC laws as established by the California legislature (Commission On peace Officer Standards and Training).

#### ABC Law

Upon adoption of the *Twenty-first Amendment* to the U.S. Constitution, repeal of Prohibition in 1933, the responsibility for taxing and regulating alcoholic beverages was delegated to the states. *Article XX, Section 22*, of the California Constitution gave the State exclusive power to regulate and license activities relating to alcoholic beverages.

#### Department of Alcoholic Beverage Control

The purpose of the ABC Act (*Business and Professions Code Division 9*) is to:

- exercise the police powers of the State for the protection of the safety, welfare, health, peace, and morals of the people of the State,
- eliminate the evils of unlicensed and unlawful manufacture, selling, and disposing of alcoholic beverages, and
- promote temperance in the use and consumption of alcoholic beverages. (*Business and Professions Code Section 23001*)

The Legislative intent of the ABC Act was to provide a governmental organization which will ensure a strict, honest, impartial, and uniform administration and enforcement of the liquor laws throughout the state. (*Business and Professions Code Section 23049*)

A 1954 amendment to the California Constitution created in state government, the Department of Alcoholic Beverage Control (ABC) which exclusively controls and regulates the manufacture, importation, and sale of alcoholic beverages in the state.

The Department of ABC is headed by a Director appointed by the Governor, subject to confirmation by the State Senate. ABC consists of two divisions, Northern and Southern California. The divisions are further divided into district field offices. Each district is managed by a district administrator or supervisor and staffed by investigative, licensing, and support staff.

The Department of ABC has two primary responsibilities:

- exclusive power to license the manufacture, importation and sale of alcoholic beverages in this State, and
- power to deny, suspend, or revoke any alcoholic beverage license if it shall determine for good cause that the granting or continuance of such license would be contrary to public welfare or morals.

The Department of ABC is responsible for investigating suspected violations involving licensed premises and/or licensees. Investigations may include violations of the Business and Professions Code or any criminal act occurring any place in the state. History has shown that criminals often focus their activities in or near ABC locations.

In addition to ABC investigators, every peace officer and every district attorney in the State of California has a duty and responsibility to enforce the ABC Act. Every such officer refusing or neglecting to enforce the ABC Act is guilty of a misdemeanor (*Business and Professions Code Section 25619*).

To effectively enforce the ABC Act, peace officers need to understand certain terms commonly referred to in the law. The following terms have a specific meaning when used in relation with the statutes specified in the ABC Act.

A license is the authorization of privileges pertaining to the manufacture, sale, purchase, possession, and transportation of alcoholic beverages by the State Department of ABC (*Business and Professions Code Section 23044*).

A licensee is any person holding a license issued by the Department of ABC (*Business and Professions Code Section 23009*).

A person includes any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination of people acting as a unit, including the plural as well as the singular number (*Business and Professions Code Section 23008*).

An alcoholic beverage includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing *one-half of one percent or more of alcohol by volume* and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances (*Business and Professions Code Section 23004*).

Examples: Mixed drinks, vodka, brandy, beer, or wine.

Beer is any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer, but does not include sake, known as Japanese rice wine. (*Business and Professions Code Section 23006*).

Distilled spirits refers to an alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof. (*Business and Professions Code Section 23005*).

Wine means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products and which contains not more than 24 percent of alcohol by volume, and includes vermouth and sake, known as Japanese rice wine. *Business and Professions Code Section 23007*)

NOTE: Peace officers should be aware of non-alcoholic beverages that contain less than one-half of one percent of alcohol by volume. The products have the appearance of, and may be marketed as, alcoholic beverages (i.e. non-alcoholic brews). It is legal for minors to possess, purchase or consume these products.

An eating place is a place maintained in *good faith* and used for the regular service of meals to patrons. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day (*Business and Professions Code Section 23038 and 23787*). Minors (any person under the age of 21 years) are permitted inside the premises except where restricted by specific conditions. Food servers may be 18 years old and serve alcoholic beverages if service occurs in the area used primarily for sale/service of food.

Good Faith is an affirmative duty on the licensee to maintain and operate his or her premises in accordance with the laws.

Public premises are premises operated for sales and service of alcoholic beverages for consumption on the premises, and in which food is sold and served incidental to the sale and service of alcoholic beverages. Minors are not permitted to enter and remain in the premises without lawful business. Persons 18-21 years old may be employed as musicians during business hours with certain restrictions (*Business and Professions Code Section 25663.5*). Signs must be posted at each entrance and inside the bar stating, "No persons under 21 allowed."

All state and local law enforcement agencies must notify the Department of ABC of any arrests for violations that involve a licensee or licensed premises (*Business and Professions Code Section 24202*). This notice (a copy of the investigative report) shall be given to ABC within ten days of the arrest and applies to the following situations.

- Arrest for violation of any penal statute of the state, city, or county occurring on licensed premises or adjacent areas under the control of the licensee.
- Any arrest of a licensee that occurs on or off the licensed premises.
- Arrest of any person for illegal sale, manufacture, possession, consumption, or transportation of alcoholic beverages.

Peace officers should utilize problem solving and creative thinking skills to address the many law enforcement problems caused by ABC violations such as drunk driving, spousal abuse, and teen delinquency.

Community policing requires the establishment of trust and credibility between law enforcement and the community. Peace officers conduct, both on and off-duty, should be

above reproach, if they are to be accepted as leaders or partners in the effort to reduce ABC violations in the community.

The enforcement of the ABC Act depends significantly upon the contributions of local law enforcement agencies and their partnership with ABC. Peace officers are important in the education of community members, especially minors, regarding the dangers of alcohol. Active involvement can help communities avoid the pain of alcohol-related problems. ABC violations in a community can be a clue to more serious criminal activity. In this context, ABC enforcement becomes useful in the law enforcement/community partnership to protect neighborhoods from disruptive licensed business and neighborhood deterioration.

ABC investigators, who are peace officers as defined in *Penal Code Section 830.2*, and local law enforcement officers are responsible for investigating suspected violations. Sources of information include observations by investigators, public complaints, and observations or complaints from local law enforcement. Officers will attempt to obtain competent material evidence of violations of the law in order to prove that a violation has occurred. They are authorized to seize and hold alcoholic beverages and other property as evidence (*Business and Professions Code Section 25373*).

ABC investigators have the additional authority to examine the books and records (i.e. accounting materials, invoices, etc.) of any licensee or other person and may visit and inspect the premises of any licensee (*Business and Professions Code Section 25753*).

Inspection is entering a premises for the purpose of enforcement of the provisions of the ABC Act. The ABC Act gives peace officers broad authority to enter and inspect otherwise private property without a warrant. Peace officers and ABC investigators have the right to visit and inspect the premises of any licensee at any time the licensee is exercising the privileges of the license (*Business and Professions Code Section 25755*). This means during business hours, after closing when people are consuming alcohol on the premises, or while receiving deliveries in the premises, etc. Officers may inspect anywhere within the licensed premises *without a search warrant*.

NOTE: Access to these premises increases the officer's authority to contact, detain, and arrest violators for other reasons.

ABC investigators may provide training to local law enforcement agencies, if requested. In addition, ABC has the following special programs of interest to local law enforcement:

- LEAD (Licensee Education on Alcohol and Drugs), a prevention and education program for licensees, license applicants and their employees on alcohol responsibility and the law.
- IMPACT (Informed Merchants Preventing Alcohol-Related Crime Tendencies), a prevention and education program to teach licensees how they can help reduce alcohol-related crime. ABC investigator teams with a local peace officer to visit licensed premises.

- Minor Decoy, an enforcement program for law enforcement agencies using persons under 20 years of age as decoys to purchase alcoholic beverages.
- GAP (Grant Assistance to Local Law Enforcement Agencies Project), an alcohol-related crime assistance program for local communities.
- ROSTF (Retail Operating Standards Task Force), an enforcement task force program. ABC investigators team with local law enforcement officers to check licensed premises for compliance with operating standards statute.
- SOU (Special Operations Unit), ABC investigators trained to provide rapid enforcement response to assist local agencies to address disruptive and disorderly premises.
- Decoy Shoulder Tap, an enforcement program for ABC and local law enforcement agencies using underage decoys to solicit persons to purchase and furnish them with alcoholic beverages.

Violation of the ABC Act may result in criminal action, civil action, and/or administrative disciplinary action.

Criminal action may result when there is a violation of a criminal code. It may result in a citation or physical arrest. The violator must answer to a magistrate (law official) or in court upon arrest or citation. Conviction may result in:

- a fine,
- community service,
- probation,
- imprisonment in county jail or state prison.

Civil action refers to action taken when a person initiates a lawsuit against another in civil court. Civil action may be brought by or on behalf of any person who has suffered injury.

Administrative disciplinary action against an ABC licensee can be taken only by the Department of ABC. Administrative action can be taken as follows:

Peace officer observes and reports on a violation that results in a warning, citation, or physical arrest. If, upon arrest, the violator is a licensee or employee of the licensee, the officer *shall* [offer to] release for a violation of the ABC Act provided the violator signs an agreement to appear in court (*Business and Professions Code Section 24209*). If the violator is not a licensee or employee of the licensee, the officer *may* cite and release upon arrest.

NOTE: This does *not* preclude peace officers from exercising their authority to arrest for violation of other statutes (i.e., Penal Code, Health and Safety Code, Welfare and Institutions Code, etc.)

- Administrative disciplinary action can result in: suspension of the license,
- a fine (in lieu of suspension), and/or
- imposition of restrictive conditions on the license, or

- revocation of the license

#### Suspension of license:

An ABC license may be suspended for violations of the ABC Act or other statutes. A suspension is a temporary termination of license privileges. If the license is suspended, a licensee may remain open during the term of the suspension, but cannot sell/serve alcoholic beverages (e.g., a restaurant may continue to serve food, but not alcoholic beverages).

The length of the suspension is determined by the Department of ABC, depending on the severity of the violation and prior disciplinary record. A *Notice of Suspension* sign is posted on the premises during the suspension period.

#### Revocation of license:

An ABC license may be revoked for violations of the ABC Act or other statutes. Revocation is the termination of the ABC license privileges.

Peace officers must recognize their authority and responsibility to enforce ABC laws as established by the California legislature. The purpose of the ABC Act is to:

- exercise the police powers of the State for the protection of the safety, welfare, health, peace, and morals of the people of the State.
- eliminate the evils of unlicensed and unlawful manufacture, selling, and disposing of alcoholic beverages.
- promote temperance in the use and consumption of alcoholic beverages.

The Department of Alcoholic Beverage Control (ABC) has two primary responsibilities:

- licensing, and
- enforcement

In addition to ABC investigators, every peace officer and every district attorney in the State of California has a duty and responsibility to enforce the ABC Act (*Business and Professions Code Section 25619*). All state and local law enforcement agencies must notify the Department of ABC of any arrests for violations that involve a licensee or licensed premises. To effectively enforce the ABC Act, peace officers need to understand certain terms referred to in the law.

- Violation of the ABC Act may result in: criminal action,
- civil action, and/or
- administrative action

#### ABC Licenses:

For a person (i.e. business) to manufacture, distribute, sell, or purchase alcoholic beverages or exercise any privilege of an ABC licensee, the person and location must be licensed by the Department of ABC. The privileges of an ABC retail license include, but are not limited to, the purchase of alcoholic beverages from a wholesaler or manufacturer, the sale of alcoholic beverages to patrons, the service of alcoholic beverages to patrons, or allowing persons to



consume alcoholic beverages at a location that is regularly maintained for the purpose of selling and/or consuming alcoholic beverages.

What constitutes a sale of alcoholic beverage?

“Sell” or “sale” or “to sell” includes any transaction whereby, for any consideration, title to alcoholic beverages is transferred from one person to another, and includes the delivery of alcoholic beverages pursuant to an order placed for the purchase of such beverages and soliciting or receiving an order for such beverages, but does not include the return of alcoholic beverages by a licensee to the licensee from whom such beverages were purchased (*Business and Professions Code Section 23025*).

For most applications, the question of what constitutes a sale of alcoholic beverages is not an issue as the proprietor will obtain the appropriate license before opening for business. This question usually comes about concerning a restaurant operation that does not have a license or from a nonprofit organization that wants to have a fund raising event that includes the consumption of alcoholic beverages.

If any form of consideration is required to receive the alcoholic beverage, then a sale has taken place and therefore an ABC license is required. This would include donations, prepaid tickets, and script. The purchase of drink tickets or admittance tickets or cover charge entitling a person to an alcoholic beverage constitutes an indirect sale, therefore, a license is required.

What about home brew or production of wine?

No license or permit shall be required for the manufacture of beer or wine for personal or family use by a person 21 years or older as long as it is not sold. The specific quantity limit for beer is 200 gallons per household per year, or 100 gallons per year if there is only one person 21 years of age. A person may produce 200 gallons of wine a year.

Non-retail licenses

Generally speaking, non-retail licenses are issued to businesses that will be engaged in the manufacture and/or distribution of alcoholic beverages. With the exception of wineries and brew pubs, these licenses:

- require their holders to sell only to other licensees, and
- do not permit the sale of alcoholic beverages to consumers.

Examples: distilleries, and wholesale distributors.

Retail licenses Retail licenses are issued to businesses engaged in the sale of alcoholic beverages to consumers. There are several retail licenses, separated into two basic types, off-sale and on-sale. With the exception of club licenses, all retail licensed premises must be open to the general public.

Off-sale and on-sale retail licenses:

Off-sale licenses authorize the sale of alcoholic beverages for consumption off the premises.

On-sale licenses authorize the sale of alcoholic beverages for consumption on the premises. On-sale licenses also have certain off-sale privileges (for beer and wine only), provided said privileges have not been prohibited pursuant to conditions on the license.

Information displayed on license:

As illustrated by the example, all ABC licenses display certain information regarding that licensed business, including:

- License Type
- Operating period
- Licensee and mailing address
- Numerical license designation
- Premises address
- Conditions, if any.

When is a license not required?

A license is not required where *all* of the following conditions exist:

- there is no sale of an alcoholic beverage,
- premises is not open to the general public during the time alcoholic beverages are served, consumed or otherwise disposed of,
- premises is not maintained for the purpose of keeping, serving, and consuming alcoholic beverages or otherwise disposing of alcoholic beverages. (*Business and Professions Code Section 23399.1*)

Sales Without a License:

Only persons licensed by the Department of ABC are authorized to sell alcoholic beverages. Sales without a license is covered under *Business and Professions Code Section 23300*.

To arrest a person for sales without a license, the necessary crime elements must include:

- any person who,
- exercises the privileges or performs any act which only a licensee may exercise,
- or performs under the authority of a license,
- unless the person is authorized to do so by a license.

The crime of sales without a license is classified as a misdemeanor, except that a person performing any act which a still licensee may perform is guilty of a felony (*Business and Professions Code Section 23301*).

The following is an example of sales without a license.

Example: A college fraternity was hosting a homecoming party and bought three kegs of beer, but did not obtain a license to sell. They sold drink tickets for party guests to obtain unlimited

glasses of beer. Because they sold tickets for the drinks, the person (fraternity) was required to obtain a license. They committed the crime of sales without a license.

Non-example: A neighborhood decided to have a block party. All of the neighbors donated money to purchase a keg of beer, then shared the beer with everyone who came to the party. Since they did not sell the beer, no license was required.

*Business and Professions Code Sections 23300* is useful for patrol officers investigating sales without a license at “kegger parties,” raves, or rave parties.

Unauthorized Alcohol on Premises:

It is unlawful for a person or licensee to have upon any licensed premises any alcoholic beverages other than the alcoholic beverages authorized by the ABC license.

Unauthorized (unlawful possession of) alcoholic beverages on licensed premises is covered under *Business and Professions Code Section 25607(a)*.

To arrest a person for unauthorized (unlawful possession of) alcoholic beverages on any licensed premises, the necessary crime elements include:

- any person or licensee who,
- possesses on any licensed premises,
- any alcoholic beverage not authorized by the license.

NOTE: Under *Business and Professions Code Section 25607(b)*, brandy, rum, or liqueurs may be kept solely for cooking purposes on a beer and wine eating place licensed premises.

The crime of unauthorized (unlawful possession of) alcoholic beverages on any licensed premises is classified as a misdemeanor.

The licensee does not have to be on the premises to be in violation. All alcoholic beverages found on the licensed premises are presumed to belong to the licensee. Proof of sale is not essential when the physical presence of unauthorized alcoholic beverages can be established in the licensed premises.

Patrons found in possession of alcoholic beverages other than those allowed by the license are also subject to arrest (e.g., possession of distilled spirits in an on-sale beer and wine eating place).

All alcoholic beverages that are in violation of this section should be seized.

The following is an example of unauthorized alcoholic beverages on the premises.

Example: A restaurant which had a Type 41 on-sale beer and wine license applied for a Type 47 license so it could serve distilled spirits and mixed drinks. The licensee assumed the license

would be granted, purchased the liquor, and began selling the distilled spirits. Because the Type 47 license had not been granted, the restaurant should not have possessed or sold distilled spirits.

Non-example: A restaurant had a Type 41 on-sale beer and wine license and the cook possessed brandy and rum for cooking purposes only. Because possession of brandy and rum for cooking purposes only is allowed for a Type 41 license, no crime has been committed.

Furnishing Alcohol to an Obviously Intoxicated Person:

It is unlawful for any person to sell, furnish, give or cause to be sold, furnished, or given away, any alcoholic beverage to any person who is obviously intoxicated.

Furnishing alcoholic beverages to an obviously intoxicated person is covered under *Business and Professions Code Section 25602(a)*.

To arrest a person for furnishing alcoholic beverages to an obviously intoxicated person, the necessary crime elements include:

- any person who,
- sells, furnishes, gives, or
- causes to be sold, furnished, or given away,
- any alcoholic beverage to any obviously intoxicated person.

*The officer must observe or establish that the person who sold or furnished the alcoholic beverage was in a position to have known, or to have reasonably known, that the person to whom sold exhibited the symptoms of obvious intoxication at the time of the sale or furnish.*

The crime of furnishing alcoholic beverages to an obviously intoxicated person is classified as a misdemeanor.

A person is **obviously intoxicated** when such intoxication can plainly be determined when a person exhibits objective symptoms or manifestations of intoxication such as the following:



NOTE: *Business and Professions Code Section 25602(a)* makes reference to sales to habitual drunkards. There are legal questions as to the enforceability of this portion of the statute. Common drunkard provisions have been deleted from the *Penal Code Section 647*. Peace officers should contact their local prosecutor regarding this statute.

The following are examples of furnishing alcoholic beverages to an obviously intoxicated person.

Example 1: An officer was at a licensed liquor store investigating a petty theft. While behind the counter and out of sight of customers, the officer saw an obviously intoxicated male enter the store. In view of the clerk, the man stumbled into the reach-in cooler and selected a 40 oz. bottle of beer. He staggered to, and supported himself on the sales counter. In front of the clerk, the man dropped his money, but after several attempts, eventually picked up currency and change from the floor. The clerk took money from the male for purchase of the beer and handed him some change. The man staggered out of the store with his beer. The clerk committed the crime of furnishing alcoholic beverages to an obviously intoxicated person.

Example 2: A peace officer conducted a premises check at a local bar and observed a patron who was obviously intoxicated. The patron had a strong smell of alcoholic beverages about his person, red bloodshot eyes, and a staggering gait. The officer observed the bartender mocking the person's state of intoxication, then serving the patron a bottle of beer. The bartender committed the offense of furnishing alcoholic beverages to an obviously intoxicated person.

Non-example: A man entered a store without showing signs of being obviously intoxicated. The man purchased a bottle of vodka and left the store. The man drove away and ran a stop sign. He was stopped by a peace officer who observed several empty alcoholic beverage bottles in the car. The officer administered a preliminary alcoholic beverage screening. The man's blood alcoholic beverage percentage was .23%, but he performed other tests well. The clerk did not commit the crime of furnishing alcoholic beverages to an obviously intoxicated person because, although the man's blood alcohol percentage was high, he exhibited no other objective symptoms of intoxication.

#### Sale/Consumption During Restricted Hours:

The sale, giving, delivering, purchasing and/or permitting consumption of alcoholic beverages in a licensed premises must be done during specified hours.

Unlawful sale/purchase during restricted hours is covered under *Business and Professions Code Section 25631*. Unlawful permitting consumption during restricted hours is covered under *Business and Professions Code Section 25632*.

To arrest a person for *unlawful sale/purchase* during restricted hours, the necessary crime elements include:

- any on- or off- licensee, or agent or employee of such licensee, who
- sells, gives, or delivers to any person,
- any alcoholic beverage or
- any person who knowingly purchases any alcoholic beverage,
- between the hours of 2 a.m. and 6 a.m. of the same day.

To arrest a person for *unlawful permitting consumption* during restricted hours, the necessary crime elements include:

- any retail licensee, or agent or employee of such licensee, who
- permits any alcoholic beverage to be consumed by any person,
- on the licensed premises,
- during any hours in which it is unlawful to sell, give, or deliver any alcoholic beverage for consumption.

NOTE: The sale, purchase, furnishing and/or consumption of the alcoholic beverage must be witnessed by an officer to constitute a violation. The mere presence of an alcoholic beverage on the counter will not sustain a prosecution under this section.

The crimes of unlawful sale, purchase, furnishing and/or permitting consumption during restricted hours are classified as misdemeanors.

The following is an example of sale and consumption during restricted hours.

Example: A 24-hour restaurant had a tour bus arrive for a late evening meal at 1:30 a.m. The group purchased pitchers of beer to drink with their meals. The waitress informed them that the beer needed to be consumed by 2 a.m. They began to complain and she allowed them to keep the beer. At 2:15 a.m. she sold them another pitcher of beer to keep them from complaining further. A peace officer on night shift had entered at 2:00 a.m. for a meal and watched as the group continued to purchase and consume the beer. The employee had committed the crime of unlawful sale and permitting consumption. The group has committed the crime of unlawful purchase.

Non-example: A man entered an all-night pizza parlor at 3:30 a.m. He ordered a ginger ale and a small pizza. He quickly consumed the soda, then discreetly poured beer into the glass that he had smuggled in under his jacket. The waiter did not realize that the man had switched beverages. Because of the man's stealth, the waiter had not permitted the consumption and had not committed the crime of unlawful consumption.

Maintaining a Disorderly House:

It is the responsibility of ABC licensees to ensure that their place of business are maintained in an orderly manner.

Maintaining a disorderly house is covered under *Business and Professions Code Section 25601*.

To arrest a person for maintaining a disorderly house, the necessary crime elements include:

- every licensee, or agent or employee of a licensee, who
- keeps, permits to be used, or suffers to be used,
- any disorderly house, or
- place in which people abide or to which people resort,
- to the disturbance of the neighborhood, or
- for purposes which are injurious to the public morals, health, convenience, or safety.

The crime of maintaining a disorderly house is classified as a misdemeanor. Definition A disorderly house, under this section, is an ABC licensed establishment which is found to be a disturbance to the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience of or safety.

If violations occur, peace officers should:

- evaluate the accumulation of incident and arrest reports, and record of citizen complaints over a period of time.
- determine the disturbance to the neighborhood through officers' observations and reports from citizens.
- establish that activities occurred in conjunction with licensed premises, including parking lots.
- note whether licensee or employee is in a position to observe violations.
- obtain evidence that licensee or agent operates house of prostitution or permits solicitation on premises.
- note how much time officers are expending at the premises and interrupting their normal patrol duties. An additional administrative charge of causing a law enforcement problem may be included in the accusation.

NOTE: For further information regarding this code, peace officers should contact the local ABC office.

The following is an example of maintaining a disorderly house.

Example: A local nightclub has topless dancers. It is well known on the street that the dancers are prostitutes. The bartender makes arrangements for the johns to "have a private party" with a dancer in the dancer's dressing room. The owner (licensee) of the nightclub knows that this is taking place but does nothing to stop it. Both the bartender and the owner have committed the crime of maintaining a disorderly house, because they keep and permit the establishment to be used for criminal purposes.

Non-example: A customer in a bar solicited other customers to purchase drugs. The licensee did not know of this activity until the customer attempted to solicit from an off-duty highway patrol officer, and the officer informed the licensee of what was happening. The licensee immediately

offered to cooperate with law enforcement and, also, asked the other customers to cooperate. The licensee has not committed the crime of maintaining a disorderly house.

Sale to, Consumption by, or Purchase by a Minor, or Attempted Purchase by a Minor:

Minors are not allowed to purchase, consume, or attempt to purchase alcoholic beverages. Any minor who purchases, consumes, or attempts to purchase an alcoholic beverage from a licensed premises, as well as any person who provides the minor with an alcoholic beverage, has violated ABC law. A minor becomes 21 years of age on the day of his/her 21st birthday (District Court of Appeal ruling).

Sale to a minor is covered under *Business and Professions Code Section 25658(a)*.

Consumption/purchase by a minor is covered under *Business and Professions Code Section 25658(b)*.

Attempt to purchase by a minor is covered under *Business and Professions Code Section 25658.5*.

Sale to a minor and consumption/purchase by a minor are classified as misdemeanors. Attempt to purchase by a minor is classified as an infraction.

In all cases of sales to a minor, the investigating officer should present the alleged seller with the underage person.

The following is an example of attempt to purchase by a minor.

Example: A 19-year-old female entered a convenience store, took a six-pack of beer from the refrigerator, and attempted to purchase the beer. When the clerk asked for her ID, she became very nervous, claimed that she left her wallet at home, and tried to convince him that she was not a minor. The clerk did not believe her and refused to sell her the beer. An officer standing outside the store observed the attempted purchase. When the officer entered the store to purchase a soda, the clerk told him what had happened and pointed out the woman to the officer. Because she attempted to purchase an alcoholic beverage and was underage, she had committed the crime of attempt to purchase by a minor.

Non-example: A 20-year-old male college student attended a party where alcoholic beverages were being served and attempted to get a drink. The bartender, a fellow student, knew the man was still a minor and refused to serve him an alcoholic beverage. Since there was no attempt to purchase from a licensed premises, the minor has not committed a crime.

Minor in Possession of an Alcoholic Beverage:



Minors cannot have alcoholic beverages in their possession in a public place or place open to the public.

Minor in possession of an alcoholic beverage is covered under *Business and Professions Code Section 25662(a)*.

To arrest a person for minor in possession of an alcoholic beverage, the necessary crime elements include:

- any person under the age of 21 years, who
- has any alcoholic beverage in his or her possession,
- on any street or highway,
- on any public place, or
- in any place open to the public

The crime of minor in possession of an alcoholic beverage is classified as a misdemeanor.

This section does not apply to possession by a minor making a delivery of an alcoholic beverage in pursuance of his or her employment, on the order of his/her parent, responsible adult relative, or any other adult designated by the parent or legal guardian.

The following are examples of a minor in possession of an alcoholic beverage.

Example 1: A 17-year-old girl and boy were at a park having a picnic. The girl brought out a bottle of wine that she had taken from her parents' house. The teenagers opened the bottle and began to drink the wine. A patrol officer walked by and saw that they were drinking wine. The officer cited the teenagers for possession of an alcoholic beverage and seized the wine.

Example 2: A peace officer enters a private home where residents are hosting a public party. The officer sees a 15-year-old drinking from a beer bottle. Can the officer arrest the minor? When enforcing this section, department policy should be followed.

Non-example: A peace officer visited a house to obtain information related to an auto accident. As the officer spoke with a minor who answered the door, he observed that she was holding a can of beer. Because this took place in a private residence, the crime of minor in possession of an alcoholic beverage has not been committed. The peace officer is limited in what actions may be taken (i.e. seizing the alcoholic beverage).

Minors Consuming/in Possession of Alcoholic Beverages at a Social Gathering:

Minors cannot have an alcoholic beverage in their possession at a social gathering. Alcoholic beverages may be seized if certain conditions apply.

Social gatherings with minors consuming alcoholic beverages are covered under *Business and Professions Code Section 25662(b)*.

In this context, a social gathering is a gathering open to the public, hosted by one or more individuals.

It is the responsibility of those hosting a social gathering to ensure that minors are not consuming alcoholic beverages. Those minors at social gatherings who are in possession of alcoholic beverages can be charged under *Business and Professions Code Section 25662(a)*.

A peace officer may seize any alcoholic beverage in plain view that is in the possession of, or provided to, a minor at social gatherings when *all* of the following conditions exist:

- a peace officer has lawfully entered the premises,
- those gatherings are open to the public,
- 10 or more persons under the age of 21 are participating,
- persons under the age of 21 years are consuming alcoholic beverages, and
- there is no supervision by a parent or guardian of one or more of the participants.

Where a peace officer has seized alcoholic beverages under this statute, the officer may destroy any alcoholic beverage:

- in an opened container, and
- in the possession of, or provided to,
- a person under the age of 21 years.

For alcoholic beverages in unopened containers, the officer shall impound those beverages:

- for a period not to exceed seven working days,
- pending a request for the release of those beverages by a person 21 years of age or older, and
- who is the lawful owner or resident of the property upon which the alcoholic beverages were seized.

If no one requests release of the seized alcoholic beverages within that period, those beverages may be destroyed.

NOTE: This statute carries no criminal penalties. It is a section for local law enforcement to seize alcoholic beverages at social gatherings involving the consumption of alcoholic beverages by minors.

Minor's Possession or Presentation of a False ID:

A minor in possession of a false ID is a crime. Possession or presentation of a false ID is covered under *Business and Professions Code Section 25661*.

To arrest a person for possession or presentation of a false ID, the necessary crime elements include:

- any person under the age of 21 years, who

- presents or offers to any licensee, his or her agent or employee,
- any written, printed, or photo static evidence of age and identity,
- which is false, fraudulent, or not actually his or her own,
- for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or
- who has in his or her possession any false or fraudulent ID

The crime of possession or presentation of a false ID is classified as a misdemeanor.

The following is an example of presentation of a false ID.

Example: A 19-year-old woman borrowed the driver's license of a friend who had similar features but was 21. The 19-year-old presented the license to the bouncer at the door to gain admittance to a bar. The bouncer realized that the woman did not match the picture on the license and could not answer questions based on information on the ID. Because the woman presented ID that wasn't her own, she committed the crime of presentation of a false ID.

Non-example: A mother called her 18-year-old daughter from work and stated that she had inadvertently left her driver's license at home. She asked her daughter to bring the license to her office because she needed it. Because there was no intent on the daughter's part to order, purchase, or procure alcoholic beverages, no crime was committed.

Minor Inside Public Premises:

Minors are not allowed to enter and remain in a licensed public premises.

Minors inside public premises is covered under *Business and Professions Code Section 25665*.

To arrest a minor inside a public premise, the necessary crime elements include:

- any *licensee* under an on-sale license issued for public premises, who
- permits a person under the age of 21 years,
- to enter and remain in the licensed premises without lawful business. *OR*
- any person under the age of 21 years who
- enters and remains in the licensed premises without lawful business.

NOTE: This section applies to license types 42, 48 and 61 only. The Department of ABC may take administrative disciplinary action against the licensee if the licensee's employees violate this section. A licensee's *employee* who permits a minor to enter and remain may not be cited for violation of this section.

The crime of minor inside public premises is classified as a misdemeanor. Both the on-sale licensee and the minor are guilty of a misdemeanor under this section.

*Business and Professions Code Section 25663.5* permits persons 18 to 21 years of age to be employed as musicians during business hours, as long as nude or topless entertainment does not occur on such premises. The area of employment is confined to a portion of the premises restricted for the exclusive use of musicians and entertainers with no alcoholic beverages sold, served, or consumed.

The following is an example of a minor inside public premises.

Example: A 19-year-old woman entered a bar saying she needed to use the phone. After using the phone, she continued to stay in the bar talking to patrons. The owner (licensee) asked her to leave as she was a minor and could not stay in the bar legally. When the woman refused to leave, the owner called peace officers who cited the woman and escorted her out of the bar. Because she remained without lawful business, the woman committed the crime of minor inside public premises.

Non-example: In the example above, the owner did not commit a crime in allowing the woman to enter the bar, because she had lawful business to enter the premises. Also, he did not allow her to remain because she no longer had any lawful business once she completed the phone call.

Possession of Alcoholic Beverages on Public School Grounds:

Alcoholic beverages are not allowed on public school grounds. Definition Public schools include day or evening elementary schools and such day and evening secondary schools, technical schools, and kindergarten schools as may be established by the legislature or by municipal or district authority. Public schools include two-year colleges but not state colleges and universities.

Possession of alcoholic beverages on public school grounds is covered under *Business and Professions Code Section 25608*.

To arrest a person for the crime of possession of alcoholic beverages on public school grounds, the necessary elements include:

- any person, who
- possesses, consumes, sells gives, or delivers to any other person,
- any alcoholic beverage,
- in or on any public school house or any of the grounds.
- This is enforceable seven days a week, 24 hours a day.

NOTE: Prior to enforcement, peace officers should check the *ABC Enforcement Manual* for exceptions to the law.

The crime of possession of alcoholic beverages on public school grounds is classified as a misdemeanor.

Exceptions: There are several exceptions to this code. The most common exception occurs when an alcoholic beverage is used in the course of instruction or for religious purposes (i.e., wine). Even though these excepted activities may occur on school grounds, no crime is committed.

Any person convicted of a violation shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property.

NOTE: Officers should report the arrest and conviction of any violators to the governing board of the school district.

The following is an example of possession of alcoholic beverages on public school grounds.

Example: A high school basketball team won the district championship. While their son was getting changed, a couple drove to a local grocery store, purchased two bottles of champagne, and returned to the public high school. When their son came out of the locker room, the parents sprayed him with one of the bottles of champagne and proceeded to drink the other bottle. The officer on duty at the school saw them drinking and asked them to leave. They refused, claiming they were celebrating the victory with their son. The officer then cited them for possession of an alcoholic beverage on public school grounds and seized the champagne.

Non-example: A state university was hosting a football game. Many parents and other spectators were holding "tailgate" parties in the parking lot of the stadium. Alcoholic beverages were consumed at many of these parties. Because this was a university, it was not considered a public school for purposes of this statute, and no crime was committed.

Furnishing False Identification to a Minor:

Furnishing false ID to a minor is a crime. Selling, giving or furnishing false or fraudulent identification to a minor is covered under *Business and Professions Code 25660.5*.

To arrest a person for selling, giving or furnishing false or fraudulent ID to a minor, the necessary crime elements include:

- any person ,who
- sells, gives or furnishes,
- to any person under the age of 21 years,
- any false or fraudulent written, printed, or photostatic evidence,
- of the majority and identity of such minor.

The crime of furnishing false ID to a minor is classified as a misdemeanor.

The following is an example of furnishing false ID to a minor:

Example: An 18-year-old male (minor) entered a small retail business that specialized in passport photos and portraits. He engaged the owner in conversation about the shop's services. The 18-year-old was told that he could purchase a purported valid drivers' license or identification card for any state. The printed document would show his age to be of majority. The 18-year-old paid the service fee and subsequently received a fraudulent California Identification Card that showed him to be 22 years of age. Because the owner sold and furnished the minor with a fraudulent photo static evidence of majority, she committed the crime of furnishing false identification to a minor.

#### Officer Safety:

Peace officers listed under *Penal Code Section 830.1* may enter a licensed premise to enforce ABC laws. This situation has inherent problems that threaten officer safety, and the officer should be aware of these factors.

It is important for officers to understand the effects of alcohol and drugs to anticipate how people will behave under varying degrees of alcoholic intoxication or drug influence. They may have:

- lowered inhibitions which can lead to episodes of violent behavior,
- impaired judgment, and
- reduced perception of pain

Many ABC establishments are dimly lit and have poor lighting. Officer's eyes may have difficulty adjusting quickly to low light. This may cause an inability to see threats, exits, etc.

#### Overcrowding/ confined space:

Peace officers should be aware of the following factors in a licensed premise:

- Individuals often display more courage when surrounded by friends and supporters and may be more inclined to challenge authority, whereas they might not be so inclined in a different environment or set of circumstances.
- Patrons often come to the support of the owners and employees.
- Fights may become unruly. View the situation as a potential threat to personal safety. If you upset one person, five may come at you.
- Confined space limits alternatives. Additional considerations must be taken with the use of a firearm. The situation is prone to weapon take-aways, easy attacks.

Weapons Along with conventional weapons (e.g., firearms, knives, etc.), officers may encounter makeshift weapons such as, but not limited to:

- bottles, broken bottles, glassware, mugs
- pool cues,
- broken pool cues, pool balls,

- darts,
- bar stools, and/or other furniture

While on routine inspections, officers should ask licensees if they have weapons and where they keep them so they will know such locations ahead of time. Possible locations include, but are not limited to:

- behind the bar,
- in the kitchen, etc.
- on the person,
- in purses,
- under tables
- in the office

The officer can take preventative measures when approaching the scene. The officer should:

- scan the parking lot and activities in vehicles,
- observe the crowd inside and outside,
- know the exterior escapes (driveways, etc.),
- note location and number of doormen or security guards along with whether or not the guards are armed.



Once inside the premises, the officer should be aware of the following:

- it may be necessary to separate patrons from employees,
- in high profile raids, pat down everyone for weapons and search everywhere,
- secure all weapons,
- question suspects outside when possible, and
- make efficient use of your time, then leave.

Upon completion of the investigation the officer should:

- leave the scene,
- avoid standing around and talking with anyone,
- avoid sitting in patrol vehicle to take notes or write report,
- document everything; every conversation, every challenge, the number of times requests were made before compliance, and any physical contact or obstruction that was encountered.

*In all cases, peace officers should use tactically sound procedures to perform law enforcement activities in a safe and effective manner.*

#### Identifying Alcoholic Beverages and Collecting Evidence:

In most ABC cases it is necessary to establish that a drink or item is an alcoholic beverage.

The following suggests methods for establishing an item as an alcoholic beverage.

**Analysis:** Requires the exact chain of custody and the testimony of the chemist.

**Appearance and Smell:** Determined by the investigating officer at the scene. Requires the testimony of the officer that he or she is familiar with the appearance and smell of the particular beverage. Should be corroborated by chemical analysis.

**Presumption:** Courts have held that there is a presumption that the particular drink ordered was the drink served. Thus, if an officer hears a drink such as bourbon and soda ordered, it is presumed that the drink served contained bourbon (whiskey) and soda.

**Sealed Bottles and Containers:** Courts recognize that sealed containers contain the item listed or identified on the label.

**Opened Bottles:** A bottle labeled as distilled spirits, coupled with the appearance of its contents (amber liquid in a bourbon bottle), will tend to establish that the item is an alcoholic beverage.

**Admission:** Admissions by licensee/employee/agent that alcoholic beverages were served is an exception to the hearsay rule and most often occurs in after-hours cases. (Patron admissions are not admissible.)

**Beer Tap Spigot Markers:** The presumption is that the type of beer labeled on the beer tap spigot is the beverage received when ordered. The investigating officer should smell and describe the beverage and submit a small portion for chemical analysis.

**NOTE:** Peace officers are cautioned that chemical analysis of the suspected item is the best proof. Use of alternative methods can result in a loss of both criminal and administrative cases.

Peace officers should use the following guidelines for collecting alcoholic beverages as evidence:

- Retain alcoholic beverage for evidence. When necessary, put in a clean evidence bottle and seal. Local policy may allow photographic evidence.
- Mark bottles or containers of seized beverage for identification.
- Seal container in presence of person from whom seized, if possible.



- Give a receipt for seized evidence, if container is unopened. *This requirement for unopened alcoholic beverages may vary with agencies.*
- Smell and identify alcoholic beverage, if in an open container.
- If a mixed drink, remove ice immediately. Place mixed drink in a clean sample bottle.
- Obtain chemical analysis to substantiate alcoholic content, if deemed necessary.

#### Establishing Age and Identity:

Peace officers must establish age and identity when investigating certain violations. Use the following guidelines for establishing age and/or identity of the licensee or employee, minor, or witnesses.

A legally acceptable, or bona fide evidence of identification is one document that contains all of the following:

- issued by a governmental agency (federal, state, county, or municipal),
- name of the person,
- date of birth,
- physical description,
- photograph, and
- currently valid (i.e., not expired).

Examples of legally acceptable ID's include, but are not limited to, a:

- driver's license,
- state-issued ID card,
- U.S. passport, or
- Federal Military ID card (except ones which don't have a physical description).

NOTE: Licensees may establish a policy that is stricter than the law allows (i.e. accepting only California driver's licenses). A licensee may have any policy that does not conflict with existing laws (e.g., discrimination)

The ABC Act defines all persons under the age of 21 years, as minors, regardless of marital status. A licensee is authorized to demand documentary evidence of age and identity of any person in his or her premises.

Proof that a licensee, or his/her employee or agent, obtained documentary evidence of age and identity shall be a defense to any criminal prosecution or ABC administrative proceedings for certain violations of the ABC Act involving minors. The licensee must demand, be shown, and act in reliance upon bona fide (legally acceptable) documentary evidence of majority and identity. (*Business and Professions Code Section 25660*).

No defense will exist if an ID card is obviously altered or the identity on the card does not match the person presenting it. When trying to establish the age of a minor who has violated the law under this division, a peace officer should determine what documents were shown, if

any. The officer should examine the document(s) and check carefully for alterations and if the photograph matches the person presenting it. If false, they should seize the document(s) as evidence. In addition, the officer should:

- question minor about age and establish if minor was questioned about age prior to service.
- attempt to verify age by a records check, parent, guardian, or relative.
- bear in mind that a birth certificate is proof of age only, and that proof of identity is necessary.
- scrutinize all information documents thoroughly and compare with bearer.
- note and include in the report the apparent age, appearance, and dress of the minor.
- thoroughly search minor for false identification when probable cause exists or consent has been obtained. Search minor for false identification even when no claim of false ID exists. If a search is made, document the results in the report for use at a trial or administrative hearing, or to preclude licensee's use of false ID issue as a defense.
- take a photograph of the minor.

When establishing a witness's identity, officers should obtain that individual's:

- full name, date of birth,
- address,
- telephone numbers (home and work),
- place of employment (including address).

Investigating Minors in Possession of Alcoholic Beverages:

When minors are found in possession of alcoholic beverages in a public place or vehicle, the peace officer should make every effort to identify the source of the alcoholic beverages by:

- preserving the evidence (price markings on packages, cash register tapes, private labels, surveillance tapes, etc.), and
- interrogating the minor(s).

Minors should be searched to determine if false identification was used to obtain alcoholic beverages. Results of the search and probable cause or consent should also be reported.

Officers should be aware that criminal prosecution of the seller may be hampered if the sale was not actually witnessed by the officer. Administrative action; however, against the licensee may still be possible if a complete investigation is done. Part of that investigation is the proper interview or interrogation of the minor(s) involved.

Whenever possible, secure written statements from all principals.

When interrogating minors, peace officers should use the following guidelines and ensure all of this information is included in the report.

Guidelines:

Where: Identify and give a detailed description of where the purchase was made. If possible, obtain a particular reason why these premises were selected.

When: Note the date and time of day of the purchase.

Who: Note all details regarding the identification possessed by the minor.

- Was identification requested?
- Was identification shown on this visit?
- Was identification shown on a previous visit?
- Examine identification (if possible obtain copy).
- Is identification false?

Give a description of the seller and/or payee. If possible, photograph the minor at the time of the violation.

What: Determine the location where the alcoholic beverage came into possession of the minor (e.g., shelf, refrigerator, cash register, etc.). Describe the storage and/or display from where the alcoholic beverages were obtained. Describe the container including size, brand, and type of the alcoholic beverage.

How: Note the location of the minor(s)'s vehicle (if applicable). Determine which minor(s) went in and who stayed outside (if applicable). Describe the method used to gain possession of the alcoholic beverage (e.g., self-service, delivered or furnished by licensee or employee). Identify where money changed hands. Note how much was asked for, given, and what change was given (if any). Note the details of any conversation between seller and minor. Determine if there have been any prior visits. Describe the route used to leave premises. Note the details regarding the consumption of the alcoholic beverages by the involved minors.






Reporting:

Officers must ensure a copy of their reports is forwarded to the Department of ABC in order to track violations.

During an investigation report officers should take written notes of the following information about the buyer and include this information in the written report. Condition of premises such as:

- lighting,
- length of bar,
- size of crowd,
- demeanor of customers,
- general description, or
- location of check-out counter
- presence of video or surveillance camera.
- number of employees present.
- pertinent information from posted license such as:
  - licensee,
  - address, and
  - type of license.
- check time accuracy:
  - with dispatcher,
  - on licensee's or employee's watch or clock.
- Facts about buyer



Facts about sale Officers should note the following information about the sale during an investigation and include this information in the written report.

- The order for alcoholic beverages.
- Type of beverage (i.e., wine, beer, mixed drink).

- How served or sold (e.g., placed in bag or box, served in glass, etc.).
- Time order took place.
- Location where beverage came from (e.g., refrigerator, back bar, speed rack, shelf, etc.).
- Cost of merchandise, including the:
  - cash register slip,
  - amount requested by seller,
  - type/amount of money given to seller by buyer, and
  - amount of change, if any, received by buyer.

#### Crimes Commonly Associated with ABC Violations:

There are several crimes that may be commonly associated with ABC law violations.

Licensees may be disciplined for violations other than those listed in the ABC Act. Some of the common crimes committed on licensed premises are:

- Prostitution (*Penal Code Section 647b*)
- Gaming (*Penal Code Section 337a*)
- Lewd conduct (*Penal Code Section 647a*)
- Crimes involving moral turpitude
- Receiving stolen property (*Penal Code Section 496*)
- Violations of health, safety, and overcrowding codes
- Illegal drug sales/narcotics activities (*Health and Safety Code*)
- Municipal codes, and
- Drug paraphernalia (*Health and Safety Code Section 11364.7*)
- Video recordings of harmful matter (*Penal Code Section 313.1*) Civil prosecution and administrative actions

Civil prosecution or administrative actions only require a preponderance of evidence to make a case. Because of this, the licensee might only have administrative actions taken against them rather than being charged with a crime, which must meet a higher standard of proof.

If a licensee permits their premises to be used for vice activities, it is not sufficient to merely arrest and successfully prosecute the prostitute, gambler, or pusher who operates out of the premises. It is necessary to either prove direct licensee and/or employee involvement in the activity, or that a series of such incidents occurred, and that they were so open, notorious, and of a continuing nature, that the licensee should have known that such activities occurred on the premises.

**11.**

**ABC LAW / ENFORCEMENT**

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11.8 The trainee shall know and understand the procedures regarding T.R.A.C.E. Protocol.

[REDACTED]

[REDACTED]

[REDACTED]

Provide as many of the below factors as possible when making a TRACE notification:

- What kind of emergency, i.e., minors involved in a car crash, alcohol poisoning, severe injuries resulting from drunken behavior.
- Is the officer aware of involvement of licenses premises, i.e. witness statements, receipts, bags, or alcohol beverage containers from stores.
- When did the emergency occur? Officers still on scene? Estimated time to remain on scene. Medical facility name and phone number if victims are transported.
- Who is the investigating officer? Contact numbers of officer and dispatch. Case number if available.
- Location of emergency. City, address, directions or reference point.

[REDACTED]

**11.**  
**TERRORIST SCREENING CENTER HANDLING CODES**

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I. RECENT SUSPICIOUS ACTIVITY (LOCAL LEADS):

On September 29, 2004, a Transit Services Bureau deputy saw a male sleeping on the train platform at McArthur Park Redline Subway Station. The deputy detained the male for a possible train fare violation as the platform cannot be entered without a valid, paid fare. When the deputy checked the male for “wants” via NCIC, a return message from the Terrorist Screening Center (TSC) showed that the male “MAY have possible ties with terrorism.” In part, the “return” advised of the following: “attempt to obtain sufficient identification information to positively identify the individual in a manner consistent with the techniques authorized in your jurisdiction.”

The deputy obtained current personal identification information from the male and subsequently cited the male for the train fare violation. *When law enforcement personnel receive information from TSC via NCIC, which advises of possible links to terrorism, personnel must carefully read and review the narrative of the message. TSC handling codes fall into four categories: Handling Code 1, Handling Code 2, Handling Code 3, and Handling Code 4. Please see the below information for additional details.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## **12.**

### **DOMESTIC VIOLENCE**

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12.1 The trainee shall recognize and be able to effectively deal with domestic violence incidents. The trainee shall also know the department policy and understand the legal issues of officer's duties in response to a domestic violence situation.

DOMESTIC VIOLENCE POLICY: The trainee will review and know the department's Domestic Violence Policy. Refer to the Vernon Police Department's Policy 310 in the Lexipol policy system.

VICTIM ASSISTANCE: The trainee will review and know the department's Victim Assistance Policy. Refer to the Vernon Police Department's Policy 310 Subsection 310.5 in the Lexipol policy system.

**12.**

**TELEPHONIC TEMPORARY RESTRAINING ORDERS**

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12.2 The trainee shall know the department policy regarding the procedures for obtaining a temporary restraining order (TRO).

TELEPHONIC EMERGENCY PROTECTIVE ORDERS: The trainee will review and know the department's Telephonic Emergency Protective Orders Policy. Refer to the Vernon Police Department's Policy 310 Subsection 310.4.3 in the Lexipol policy system.

## 12.

### CIVIL DISPUTES

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12.3 The trainee shall know the basic principles with demonstrations/civil disturbances and shall be able to participate effectively as a team member in such situations.

DEMONSTRATIONS/CIVIL DISTURBANCES: Tactics employed by dissidents engaged in disruptive activities frequently include efforts to draw the police and other public officials into responses likely to produce violence and injury to participants and thus garner support for their cause. It is therefore incumbent upon officers to resolve disruptive situations in a manner which will minimize the potential for violent confrontations by performing assigned tasks within the framework of the following principles.

RESPONSE TO DEMONSTRATIONS: Demonstrations are often highly emotional incidents. The demonstrators and others in the area are committed to their various causes and their rights, which may be in conflict. In such situations, members will strive to remain objective in order to maintain effectiveness. Once an officer's objectivity is lost or even appears to be lost, the officer's mere presence at a demonstration may increase tensions and make the police task even more difficult. Officers assigned to the scene of a demonstration will strive to maintain an outward appearance of calmness, whether the task involved is simply standing by protecting demonstrators from hostile onlookers, or making necessary arrests of violent demonstrators. Officers should treat demonstrators, onlookers, or counter demonstrators with equal treatment.

RESPONSE TO VIOLENT CONDUCT: Where a demonstrator uses physical violence upon another person or property, officers if possible should promptly make an arrest unless the supervisor at the scene concludes that making the arrest would divert limited manpower or be unnecessarily risky in reducing the ability of officers to perform their duties most effectively.

RESPONSE TO OTHER ILLEGAL CONDUCT: Arrests will occasionally have to be made because of a demonstrator's nonviolent but nevertheless illegal conduct; for example, illegal obstruction of the streets or of a building entrance. In such situations the assigned officer and the supervisor on duty will decide if such arrests are to be made. Moreover, before any such arrest is made, demonstrators will be warned that they must move or risk arrest.

TREATMENT OF NEWS MEDIA: Department members assigned to the scene of a demonstration will cooperate with the media, whether writer, photographer, radio or television personnel. News media representatives have a constitutional right to cover demonstrations, though, as everyone else, they must not violate the law.

Those with a right to cover or photograph demonstrations are obviously not limited to representatives of the major newspapers, radio or television stations. Persons who represent some of small newspapers or magazines free lancers and other citizens are also entitled to take notes or photographs.

Although the press has no special right as a matter of law to be present if an unlawful assembly is declared, members will attempt to discriminate between non-obstructing members of the press and voluntary participants in the unlawful assembly.

Section 409.5 of the Penal Code authorizes officers to close disaster scenes such as earthquakes or fires to the public. Subsection (d), however, allows duly authorized representatives of any news service, newspaper, or radio or television station or network to enter closed areas. Areas determined to be part of a crime scene shall be closed to both the public as well as the press.

ONLOOKERS AT THE SCENE OF A DEMONSTRATION, CIVIL DISTURBANCE OR OTHER INCIDENT:

Onlookers should be permitted to observe and overhear conversations in detention or arrest situations in public areas when it is reasonable to do so. Onlookers may remain in the vicinity as long as the presence of these persons does not interfere with the officers' duties or create a safety concern for the officer, person detained, or onlookers.

Onlookers have the right to record the incident, and the recording device (camera, video camera, tape recorder, and any film or tape from a recording device) cannot be seized by an officer at the scene except under the authority of a search warrant. If the immediate circumstances lead the officer to believe that the recording contains crucial evidence, the officer may ask the citizen to voluntarily surrender the recording material.

If the citizen refuses to give consent for the seizing of the recording material and there is a possibility of criminal prosecution or civil liability for the City or its employees arising out of the incident, the officer should ask for the name, address and telephone number of the onlooker who records the incident. If the onlooker refuses to provide identification, the officer should obtain any available information at the time that will allow investigators to identify the onlooker and obtain a search warrant for the recording materials.

Occasionally, onlookers may record incidents involving juveniles or victims of a sexual assault. In these circumstances, Department members are not obligated to advise the onlookers of the rights of privacy of these victims. A juvenile or victim of a sexual assault may take legal action against an onlooker who publishes or distributes recorded material that would not have otherwise been released by an agency of the criminal justice system.

Onlookers must maintain a reasonable distance when monitoring police activities depending on the circumstances. Onlookers are allowed to approach within hearing distance provided that the control of the situation can be maintained by the officer. Onlookers who are clearly at a reasonable distance will not be subject to a "move-on" order or threatened with arrest.

The sensitive nature of these situations requires that officers make every attempt to diplomatically resolve conflicts involving onlookers. Depending on the stability of the situation, officers will advise onlookers of their legal rights and limitations under this order. If an onlooker continues to create a disturbance, a supervisor will be called to resolve the conflict. All highly sensitive incidents will be reported immediately to a supervisor and recorded on an incident report to ensure documentation.

Nothing in this section is meant to restrict an officer from arresting any person who willfully resists, delays, or obstructs any peace officer in discharging his or her duties according to the provisions of Penal Code Section 148. Nor does this section restrict an officer from arresting any person who willfully commits a trespass as defined in Penal Code Section 602.

RESPONSE TO CIVIL DISORDERS: Due to the variety of situations existing during a civil disorder, it is not possible to establish procedures which would cover all contingencies. The following procedures should assist members assigned to the scene of a civil disturbance.

FIRST OFFICER AT SCENE: The first officer at the scene of a disturbance should observe the situation from a distance and evaluate it before taking action. If the situation demands, such officer will notify the on duty supervisor.

COORDINATION OF EFFORT: Actions by officers will be coordinated by a supervisor. Only requested units will respond to the scene. Officers will report to the supervisor after parking their vehicles in one group away from the crowd. One officer should be assigned to guard the vehicles against damage. Individual officers should avoid driving their cars into the center of the crowd and operating individually.

ORDER TO DISPERSE: A dispersal order must be given before a person can be guilty of remaining at a place of a riot, rout or unlawful assembly. If the supervisor in charge at the disturbance scene decides to declare an unlawful assembly, such supervisor should go as near to the crowd as is safe and make an audible statement having the following form:

"This is (rank and name), a peace officer of the State of California and a police officer of the City of Vernon. I do hereby declare this an unlawful assembly and in the name of the People of the State of California I command you to immediately disperse." A reasonable time must be allowed for compliance. Orders for arrest may then be given.

SUPPLEMENTARY INFORMATION: Riot experience throughout the United States has shown that in many cases minor incidents involving the police were responsible for initiating the trouble. With this in mind, the following procedures should be observed unless specific orders to the contrary are issued by competent authority.

1. Arrests must be thoroughly justified and only necessary force must be used in making them.
2. Incidents must be handled as quickly as possible without creating a disturbance or attracting other persons.
3. Areas of an incident or small riot should be closed off and ingress not allowed. Persons wishing to leave should be allowed to do so.

REQUESTS FOR ASSISTANCE: While the control of riots is primarily the responsibility of the Police Department, we can expect assistance from other agencies if the riot grows very large. In the event such assistance is necessary the Watch Commander or supervisor on duty will notify the Sheriff's Department who will in turn make appropriate requests.

## 12.

### **DISTURBANCE OF THE PEACE**

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12.4 The trainee shall identify an officer's basic responsibilities at the scene of a disturbance of the peace and shall be able to handle such situations in a safe and efficient manner.

DISTURBANCE OF THE PEACE - GENERAL PROVISIONS: Officers assigned to incidents involving a disturbance of the peace must remain calm and objective in order to successfully resolve and manage the confused, emotional, and often dangerous situation. Crucial to a successful response is the assigned officer's ability to demonstrate neutrality, tact, patience, and investigative thoroughness.

OFFICER SAFETY: Officers assigned to disturbance calls will remain aware that police intervention is often viewed by participants as unwarranted and may result in violence directed at arriving officers. The following elements will be considered by officers assigned to respond to the scene of a disturbance.

1. THE NATURE OF THE DISTURBANCE: The degree of threat to an officer's safety is directly related to the number of people involved and the nature of the disturbance. Assigned officers and especially supervisors will assess such circumstances and intervene in the disturbance with sufficient resources to maintain control.
2. THE LOCATION: The type of structure or area in which the disturbance is occurring will indicate the safe approach. Officers will assess this factor and approach in a manner which affords them maximum safety and control of the area and/or circumstances.

Assigned officers will remain aware that the incidents involving a disturbance of the peace are normally accompanied by participants who are emotional, angry, and unconcerned about the consequences of their actions.

OFFICER CONDUCT: Officers will convey a calm, positive, determined, and professional image by adhering to the following process when appropriate:

1. SUPPLY INFORMATION TO PARTICIPANTS: Officers will introduce themselves and explain their presence to participants. When necessary, assigned officers will also explain the law.
2. DISPLAY EFFECTIVE ATTITUDE: Officers will not down play the incident by belittling the problem or by ridiculing participants. A matter-of-fact, business like attitude is advisable so that participants are made aware that the officer intends to mitigate the problem, make arrests for violations of existing law and restore the public peace.
3. MAINTAIN EFFORT: When entry into a dwelling or area is refused and the disturbance is continuing, officers may enter to make an arrest if reasonable cause and the elements

of a crime are present. When a forced entry is made, approval from an on duty supervisor will be obtained and sufficient resources allocated to effectively accomplish entrance and arrest, if necessary.

4. OBTAIN FACTS: Upon arrival at the scene, assigned officers will be attentive to the conduct and actions of participants. When violence is occurring, officers will, if possible and practical, intervene and take into custody those persons initiating the violence. Once calm is restored, officers will carefully interview those participants directly involved in the disturbance. Officers will avoid taking action until pertinent facts have been obtained from both parties. This is crucial to maintaining objectivity and impartiality.
5. INFORM PARTIES OF LIMITS: When the facts and/or circumstances fail to establish reasonable cause for an arrest or otherwise limits the options available, officers will explain true limits on police authority to participants or other persons demanding action.

When an atmosphere of calm is established and facts obtained, the assigned officer will then perform those tasks required to resolve the conflict or disturbance.

TAKING POSITIVE ACTION: Assigned officers will consider mediation, referral and arrest as possible alternatives in resolving disturbances and restoring the public peace. One or more of the alternatives may be used depending on the circumstances of each case.

1. MEDIATION: Officers may attempt to have participants agree to a solution to the dispute. Officers will remain aware of the important role the participants have in deciding on any solution. Unless the parties themselves agree to a given solution, any agreement between them will quickly disappear after the officer is out of their sight.

Essentially what is to be sought is a recognition by participants of their respective contribution to the problem and a commitment to solve the problem in other ways than by displaying hostility or violence.

2. REFERRALS: Where outside counseling seems advisable, but before suggesting a referral, officers will carefully consider what the most appropriate referral would be. It is essential that the disputants be referred only to an agency that is equipped to help with the particular problem. A full list of social service agencies is available in the Department's Record Division.
3. ARREST: There are some situations when there is no reasonable alternative but to arrest persons who are involved in an act of physical violence or there is other criminal conduct directed toward the complainant and committed in the presence of the officer or where sufficient probable cause exists in felony cases.



4. DOMESTIC VIOLENCE: Definition - Any harmful physical contact or threat thereof between persons who are spouses or cohabitant or who have previously been spouses or cohabitant.

Arrest will be considered an appropriate alternative to resolve domestic violence cases when probable cause exists.

Where there is insufficient probable cause for a lawful arrest by the officer in domestic violence cases, officer shall inform the victim of his/her right to make a citizen's arrest. Officers shall not dissuade persons from making private persons arrests but will inform victims when the elements for a lawful citizen's arrest do not exist. If the victim wants to make a citizen's arrest, and the elements for the arrest exist, the officer shall assist the victim in accomplishing the arrest and receive the arrested person into custody.

In non-arrest disturbance situations, officers will report facts surrounding the incident, the statements of the participants or reporting party, and the action taken by the officer, when the situation warrants such documentation for future reference.

## **12.** **SEXUAL ASSAULTS**

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12.5 The trainee shall understand the procedures regarding investigations involving sexual assaults.

SEXUAL ASSAULTS - DEFINITION: For purposes of this manual, sexual assaults are comprised of the following criminal acts:

1. Rape
2. Child molest
3. Sodomy
4. Lewd and lascivious act with children
5. Forced oral copulation
6. Incest

INITIAL STATEMENTS: The officer initially assigned to respond to a sexual assault victim's location will, when necessary, ensure that medical care is provided. Officers will then conduct a brief interview of the victim and witnesses in order to obtain the following information:

1. The circumstances which establish the elements of the criminal act.
2. Complete description of the suspect, the suspect's vehicle, and if known, the suspect's location.
3. Time, place, and location of the incident.

When appropriate, the officer initially assigned will ensure that the information obtained is immediately broadcast to other field units and subsequently recorded on a "Crime Report."

SUBSEQUENT STATEMENTS: The officer initially assigned will determine if the victim's emotional or physical condition dictates that the interview take place at a later time. When a further interview is possible, officers will obtain the following additional information and report it on a "Supplementary Report."

1. The perpetrator's methods of operation in accomplishing the assault. Such methods may include, but are not limited to, the following facts:
2. Methods of entry, clothing worn, methods of restraint.
3. Any words, phrases or directions given by the perpetrator.
4. Any unusual marks, scars, deformities, unusual body odor, or other unusual physical features.
5. The description and name, if known, of any other witnesses, participants or accomplices.

When the victim cannot be interviewed further, the officer conducting the interview will indicate in the "Crime Report" what circumstances prevented any further interview.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Items collected will be booked into evidence as indicated in this guide under the section entitled "Evidence Collection/Preservation."

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- A. Victim: Medical personnel will collect both plucked and combed pubic hairs from a victim. The investigating officer will request the taking of between 6 to 10 hairs with the roots intact, and the combing of the pubic area for foreign matter.
- B. Suspect: The investigating officer will collect both plucked and combed pubic hairs from a suspect. The actual collection can/should be done by a physician with the officer present. Following the collection process, the officer will take possession of the samples immediately.

Specimens will then be booked at an appropriate location so as to ensure that such specimens are refrigerated.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

REQUEST BY VICTIM: The use of a private physician to perform the medical examinations should be discouraged. Sexual assault examinations for the purposes of criminal investigations require that the physician have substantial medical-legal expertise.

NOTIFICATION TO VICTIMS: Officers should provide the victim of the crime with information regarding the victim of the nearest Rape Counseling Center, its 24-hour telephone number, a statement on procedures for the victim to follow, and a statement that sexual assault by a person known to the victim (including a spouse) is a crime. This information is located in the Records Division. The current telephone number to the counseling facility is [REDACTED]

CONSENT TO PERFORM MEDICAL EXAMINATION: The investigating officer will explain to a victim the purpose for a medical examination (to corroborate the assault and aid in identifying the perpetrator). When a victim refuses to consent, regardless of age, no medical examination will be performed. When the victim gives consent to a medical examination, the investigating officer will proceed as follows:

EXAMINATION OF ADULTS: No further procedures, other than collection of evidence need be employed except to indicate in the "Crime Report" that the victim consented.

EXAMINATION OF JUVENILES: In all sexual assault cases involving a victim under the age of 18 years the investigating officer will follow the following procedure:

1. Consent from Parent or Guardian. In most cases, an attempt must be made to obtain consent for the examination from a parent or guardian (when a parent or guardian is unavailable, consent will be implied). The results of such an attempt will be recorded on the "Crime Report" and on the hospital emergency room records.

EXCEPTION: When the parent or guardian is a suspect in the incident prompting the examination, no consent is necessary.

When the parent or guardian is present, consent will be evidenced by having such parent or guardian sign the appropriate medical facility forms. When the parent or guardian is not present, the officer will indicate in the "Crime Report" the time consent was given and how obtained.

Parent or Guardian Refuses Consent: When a parent or guardian is available but refuses consent, the examination will not be performed unless the parent or guardian is a suspect or the officer takes custody of the juvenile victim pursuant to Section 300, Welfare and Institutions Code (no parental control, unfit home, etc.), in which case consent will be implied. The fact that a parent or guardian is a suspect will be noted on the "Incident Report."

VICTIM OF SEX OR DOMESTIC VIOLENCE CRIMES: California Penal Code Section 293(a) states that "any employee of a law enforcement agency who personally receives a report from any

person, alleging that the person making the report has been a victim of a sex crime, shall inform that person that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record, pursuant to section 6254 of the Government Code.

PATROL OFFICER PROCEDURES: When a patrol officer conducts an investigation of an alleged sex or domestic violence crime as defined in Government Code 6254 which includes Penal Code Sections 220; 261; 261.5; 262; 264.1; 273a; 273d; 273.5; 286; 288; 289; 422.6; 422.7; 422.75; or 646.9, the officer shall advise the person of their right to confidentiality. The officer taking the report shall complete the acknowledgement form entitled "Victim of Sex or Domestic Violence Crimes" to document the response. The officer shall include the form with the original report. If the person making the report request confidentiality, the officer shall make a photocopy of the form and forward it to the Records Manager.

[REDACTED]

Department personnel shall not disclose the name of any person who alleges to be the victim of a sex or domestic violence crime, if that person has requested confidentiality.

Exception: Confidential information concerning a person who alleges to be the victim of a sex crime may be released to a prosecutor or other persons or public agencies where authorized or required by law.

[REDACTED]

[REDACTED]

[REDACTED]



## 12.

### HATE CRIME POLICY

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12.6 The trainee shall know and understand the department policy regarding hate crimes.

HATE CRIMES POLICY: The trainee will review and know the department's Hate Crimes Policy. Refer to the Vernon Police Department's Policy 318 in the Lexipol policy system.

#### Purpose:

The *Vernon Police Department* has long recognized the very serious nature of crimes and incidents motivated by hatred or prejudice. As a result, a standardized protocol has evolved for the investigation of these acts including the gathering, maintenance, and dissemination of related information as well as the training of department employees who handle hate crime occurrences. This order establishes department policy for investigating and reporting crimes and incidents motivated by hatred, or prejudice and incorporates a procedure for these investigations into the department manual.

#### Policy:

It is the policy of the Vernon Police Department to protect the constitutional rights of all citizens regardless of their race, color, ethnicity, disability, gender, or religion. The Department will treat seriously any alleged hate crime and will offer any reasonable and appropriate assistance to the victims of such crimes. The department will not tolerate malicious or criminal incidents that are so motivated.

#### Definitions:

##### Hate Crime

The Los Angeles County District Attorney's office classifies as hate crimes those crimes for which bias, hatred, or prejudice based on the victims' actual or perceived race, religion, ancestry, national origin, disability, gender, or sexual orientation are substantial motivating factor in the commission of the offense. Evidence of such bias, hatred, or prejudice can be direct or circumstantial. It can occur before, during, or after the commission of the offense.

When the evidence of bias is based on speech alone, the speech must have threatened violence against a specific person or group of persons. It must also be clear that the defendant had the apparent ability to carry out that threat.

Frequently, derogatory words or epithets are directed against a member of a protected class, but no violence is threatened and there is no apparent ability to harm the target. Such hate incidents are important indicators of inter-group tensions. They are not; however, criminal offenses. Such language is protected by free speech laws.



Graffiti is a hate crime when it is racial, ethnic, religious, homophobic, or sexist in nature. This is most often indicated by use of hate group symbols, slogans or epithets. To be a hate crime, graffiti must be directed at a specific target. Racial graffiti on a freeway overpass is not a hate crime. Vandalism to a house of worship, or ethnic, religious, or gay and lesbian organization is generally considered a hate crime in the absence of evidence of other motives.

#### Hate Incident

A hate incident is any non-criminal act including words directed against a person(s) based on that person's actual or perceived race, nationality, religion, sexual orientation, disability, or gender. Hate incidents include, but are not limited to, epithets, distribution of hate material in public places, posting of hate material that does not result in property damage, and the display of offensive material on one's own property.

#### RESPONSIBILITIES

##### Patrol Officer

When an officer on the scene makes a determination that a suspected or alleged crime was motivated in whole or in part by race, religion, ethnicity, disability, gender or sexual orientation, the following procedures shall be followed:

- Notify the on duty supervisor.
- Respond in a reasonable way to the feelings and needs of the victim(s).
- If the incident constitutes a definable crime, preserve the crime scene and evidence.
- Immediately take all appropriate investigative and enforcement action.
- Prepare a detailed written report documenting such incidents or acts.
- Immediately distribute a working copy of the report to the detective bureau.

##### Field Supervisor

- In addition to normal duties, the on duty supervisor upon notification that a crime or incident motivated by hatred or prejudice has occurred shall:
- Ensure that the crime scene is protected, properly processed and evidence is gathered.
- Ensure that the detective bureau personnel are notified, if their presence at the scene serves the best interest of the investigation.

- Personally assure the victim(s) that a reasonable and thorough investigation will be conducted with the objective of apprehending the suspect(s).
- Review all reports for completeness and full data on the materials used (cross, literature, paint, etc.) including size, construction, wrappings and messages.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### Detective

A detective assigned to investigate a crime or incident motivated by hatred or prejudice shall:

- Contact the victim of the crime or incident and reassure the victim of the department's conducting a reasonable and thorough investigation.
- Document any additional information regarding the case.
- Present all felony hate crime investigations in which the suspect(s) is identified to the District Attorney hate crime suppression unit and, as appropriate, to the office of the United States Attorney, Civil Rights Liaison for filing consideration;
- Consider contacting appropriate state and/or local law enforcement agencies for assistance with serious cases.

#### Industrial Relations

- Maintain liaison with the media, the Federal Bureau of Investigation civil rights program coordinator, U.S. Attorney, Department of Justice, outside agencies, and community groups regarding crimes or incidents motivated by hate or prejudice for public information needs.
- When possible, coordinate and conduct annual training regarding hate crimes for police personnel.
- Keep abreast of all internal and external issues pertaining to hate crimes or incidents and, as appropriate, suggest changes to department procedures in order to improve the department's response.

## 12.

### **PENAL CODE**

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12.7 The trainee shall identify the code name with the section number, interpret the section, and give the elements of the codes listed.

#### PENAL CODE:

302 DISTURBING RELIGIOUS MEETINGS: (M) Every person who willfully disturbs or disquiets any assemblage of people met for religious worship, by profane discourse, rude or indecent behavior, or by any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting, is guilty of a misdemeanor.

403 DISTURBANCE OF PUBLIC ASSEMBLY OR MEETING: (M) Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting, not unlawful in its character, other than such as is mentioned in Section 302 of the Penal Code and Section 29440 of the Elections Code, is guilty of a misdemeanor.

404 RIOT: (M) Any use of force or violence, disturbing the public peace, or any threat to use such force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.

405A LYNCHING: (M) The taking by means of riot of any person from the lawful custody of any peace officer is a lynching.

406 ROUT: (M) Whenever two or more persons, assembled and acting together, make any attempt or advance toward the commission of an act which would be a riot if actually committed, such assembly is a rout.

407 UNLAWFUL ASSEMBLY: (M) Whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.

#### 409.5 PEACE OFFICER AUTHORITY/CLOSURE OF DISASTER AREA:

- a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the California Highway Patrol, California State Police, police departments, marshal's office or sheriffs office, any officer or employee of the Department of Forestry designated a peace officer by subdivision (f) of Section 830.3, and any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (l) of Section 830.3, may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area. If such a calamity creates an immediate menace to the

public health, the local health officer may close the area where the menace exists pursuant to the conditions which are set forth above in this section.

- b) Officers of the California Highway Patrol, California State Police, police departments, marshal's office or sheriff's office or officers of the Department of Forestry designated as peace officers by subdivision (f) of Section 830.3 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions which are set forth in this section whether or not such field command post or other command post is located near to the actual calamity or riot or other civil disturbance.
- c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivisions (a) or (b) and who willfully remains within such area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.
- (d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas pursuant to this section.

416 REFUSAL TO DISPERSE: (M) If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded to do so by a public officer, the persons so offending are severally guilty of a misdemeanor.

726 ORDER TO DISPERSE: Where any number of persons, whether armed or not, are unlawfully or riotously assembled, the sheriff of the county and his deputies, the officials governing the town or city, or the judges of the justice courts and constables thereof, or any of them, must go among the persons assembled, or as near to them as possible, and command them, in the name of the people of the State, immediately to disperse.

727 ARREST FOR FAILURE TO DISPERSE: If the persons assembled do not immediately disperse, such magistrates and officers must arrest them, and to that end may command the aid of all persons present or within the county.

591 INJURE TELEGRAPH, TELEPHONE, CABLE TELEVISION, OR OTHER ELECTRIC LINE: (F) A person who unlawfully and maliciously takes down, removes, injures or obstructs any line of telegraph, telephone, cable television, or other electric line.

594 MALICIOUS MISCHIEF: (W)

- (1) Defaces with paint or any other liquid.
- (2) Damages or
- (3) Destroys any real or personal property not his or her own.

594.2 DRILL BITS, CUTTERS OR CERTAIN OTHER TOOLS; POSSESSION WITH INTENT TO COMMIT VANDALISM; MISDEMEANOR; COMMUNITY SERVICE

- A) Every person who possesses a masonry or glass drill bit, a carbide drill bit, a glass cutter, a grinding stone, an awl, a chisel, a carbide scribe, an aerosol paint container, a felt tip marker, or any other marking substance with the intent to commit vandalism or graffiti, is guilty of a misdemeanor.
- B) As a condition of probation for any violation of this section, the court may order the defendant to perform community service not to exceed 90 hours during a time other than his or her hours of school attendance or employment.
- C) For the purposes of this section:
  - (1) "Felt tip marker" means any broad-tipped marker pen with a tip exceeding three eighths of one inch in width, or any similar implement containing an ink that is not water soluble.
  - (2) "Marking substance" means any substance or implement, other than aerosol paint containers and felt tip markers, that could be used to draw, spray, paint, etch, or mark.

602 TRESPASSING: (M) Refusing or failing to leave lands immediately upon being requested by the owner of the land, the owner's agent, or by the person in lawful possession of the land.

602.5 UNAUTHORIZED ENTERING OR REMAINING IN NONCOMMERCIAL DWELLING HOUSE: (M) Every person who enters or remains in any noncommercial dwelling house without consent of the owner.

## 13.

### **ANIMAL CONTROL**

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13.1 The trainee shall understand the department procedure on animal control procedures and be able to effectively deal with situations involving animals.

HANDLING ANIMAL CASES: An officer is usually the first public official called whenever a person has been injured by an animal bite. This condition can be extremely serious, because the animal may be rabid. The officers must determine what action can be taken.

The officers' primary responsibility is the safety of the public. Once officers have determined that a specific animal has bitten a person, the animal should be confined if possible in a manner that will keep the animal from further injuring people. If an animal is held for observation, officers should try to identify and notify the animal's owner of the disposition and observation period. Many animals are valuable to their owners (even if the value is strictly sentimental), and officers should seek to protect the property when possible.

A decision to destroy an animal, if necessary, is governed by departmental policy. Before taking the drastic measure of destroying such an animal, officers must understand and abide by the department policy. The following are common procedures for handling animal cases:

1. If the animal poses no immediate threat to persons, property, or its own well-being, contact Department of Animal Control, or Health Department.
2. If the animal does present an immediate threat, try to isolate the animal until a representative from the proper department arrives.
3. If all possible alternatives have been exhausted, and a decision to destroy an animal is reached in accordance with departmental policy, seek the most humane method of handling the situation that will not anger public sentiment.

ANIMAL CONTROL SERVICE REQUESTS: The Health Department administers a contract with Southeast Area Animal Control Authority (SEAACA) to respond to Vernon to pick up live or injured animals.

The following are the established guidelines for requesting animal control services during different time periods. Please note that complaining parties should be advised that:

1. Animals must be confined, and
2. SEAACA response time may be from 1-3 hours unless it is an emergency/or priority situation (See below for examples).

REQUESTING PROCEDURES:

1. Requests made Monday - Thursday, 7:00 a.m. to 5:30 p.m. (Normal City Hall business hours).

SEAACA will only respond based on a phone call from Health Department personnel. Calls must be routed to the Health Department (Extensions 233, 267, 272, 230 or 229). SEAACA will dispatch animal control officers during their daily work schedule of 8:00 a.m. - 8:00 p.m.

Information which must be collected before the Health Department contacts SEAACA [REDACTED]

[REDACTED] includes:

- a) Company name and address.
  - b) Company telephone number.
  - c) Nearest cross street.
  - d) Contact person.
  - e) Closing time of business.
2. Requests made at night, Friday through Sunday and holidays (During City Hall after business hours).

Calls for pickup of confined animals are coordinated by Vernon Police Department on business line [REDACTED] SEAACA can be contacted 8:00 a.m. - 8:00 p.m. by calling 562-803-3301. After 8:00 p.m. until 8:00 a.m. in the morning SEAACA is only available to respond to an emergency (see below).

3. EMERGENCY/PRIORITY CALLS: In cases where an animal is injured, or is loose and endangering the safety of humans (biting or nipping), or there are loose livestock, SEAACA will dispatch animal control officers as soon as possible following notification by the Health or Police Departments according to the time of notification listed above.

For emergency requests when SEAACA is closed contact can be made through the after hours number: (562) 940-8888. BE SURE TO OBTAIN THE SEAACA REPRESENTATIVE'S NAME.

4. DEAD ANIMALS: During regular business hours Community Services, Ext. 390, will arrange for City crew for pick up and disposal of dead animals. Nights, Friday - Sunday, holidays - Light & Power dispatch, Ext. 396, will contact City stand by person for pick up and disposal.

NOTE: Dead animals will be picked up from the public right-of-ways, and if an owner or operator grants permission for City access, from private property.

5. STRAYS: Except as outlined under Emergency or Priority cases, SEAACA is not available to respond to stray (unconfined) animal reports. Options available to complainants include:



- 1) Confine animal and advise city.
- 2) Obtain a rental trap from City or SEAACA. Contact Health Department for details.

DISPOSAL OF ANIMALS (POLICY ON USE OF FIREARMS): Killing animals which are seriously injured or pose a real threat to the safety of humans by use of firearms is approved when no other disposition is practical and safety of people has been given prime consideration.

REPORTING GUIDELINES: Any incident involving an animal bite or destroying an animal will be documented on an incident report.

### 13.

#### **HAZARDOUS MATERIAL ON PUBLIC RIGHT-OF-WAY**

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13.2 The trainee shall understand the department policy on hazardous substances or chemical spills on public right-of-way.

#### **POLICY ON EMERGENCY RESPONSE TO DISCARDED HAZARDOUS MATERIAL ON THE PUBLIC RIGHT-OF-WAY:**

All reports of discarded hazardous material or suspected hazardous material on the public right-of-way should be directed to the City of Vernon Fire Department which has primary responsibility for emergency response to hazardous materials incidents in the City of Vernon. Fire Department personnel will be responsible for notifying other City of Vernon departments and requesting assistance as required.

Discarded hazardous materials found in the public right-of-way can be categorized as follows:

Category I: Closed barrels, cans, containers (boxes) full or partially full of material

Action: Identify, manifest, remove and dispose of.

Category II: Open or-leaking barrels, cans, containers (boxes)

Action: Safely contain material (if possible); identify, manifest, remove and dispose of.

Category III: Spilled hazardous material

Action: Safely contain material (if possible); identify, manifest, clean up material and remove.

Staff, other than Fire Department personnel shall never remove the plug from a barrel or the cover or other opening of a closed container of hazardous material or suspected hazardous material in an attempt to discover the content of the container. Unless the material in question is obviously non-hazardous, the Fire Department Battalion Chief or Captain in charge of the incident shall request an authorized Hazardous Materials Response and Clean-Up Company to identify, manifest, remove and dispose of the hazardous material.

In an unusual situation, the Fire Department responders may find that the identity of the hazardous material is obvious, that is, intact in its original containers, properly labeled, and not explosive or shock sensitive. Based on the judgement of the Fire Department Battalion Chief or Captain in charge, Community Services personnel may be requested to safely remove the containers from the right-of-way and transport it/them to the City yard for further disposition.

When requesting the Hazardous Materials Response and Clean-Up Company to respond, give them the following critical information:

1. An exact address where hazardous materials located with main cross streets. Give approximate location on property.

2. Types and number of containers involved.
3. State of material involved - solid, liquid, gas.
4. Characteristics of material - color, odor, approximate amount, "best guess" identity.
5. Approximate number of clean up vehicles/personnel needed.

AFTER WORK HOURS CONTACT LIST AND HEALTH DEPARTMENT SUPPORT FOR HAZARDOUS MATERIALS (HAZMAT) EMERGENCY RESPONSE INCIDENTS AND OTHER PUBLIC HEALTH EMERGENCIES:

The Health Department is concerned about all Haz-Mat and public emergency incidents which occur in Vernon. Our experienced and well trained staff is prepared to respond and assist other City departments in managing such incidents. We currently have six (6) Certified Hazardous Material Specialists.

During work days Health staff can be reached through our office via hand held radios that they carry in the field. They are also available after normal working hours to offer assistance by phone or to respond back to the City.

In the event of an emergency outside of normal business hours, Health personnel should be notified **immediately**. (Please note that County and State authorities are also authorized to contact your department with requests to relay critical public health messages to our staff):

The following are examples when Health Department notification is needed:

1. Where a serious public health problem exists or when there is a threat to public health. (For example, a public health problem is defined as an incident wherein the health of five or more persons are threatened and their protection cannot be immediately assured.)
2. In all hazardous materials incidents where immediate follow up investigation or inspection is required.
3. Any emergency response incident involving a hazardous waste treatment facility.
4. Spills that enter storm drain system with the likelihood of reaching Los Angeles River.
5. Large volume spills (500 gallons or more).
6. Spills or releases which result in multiple or serious personal injuries.

## 13.

### PATROL PROCEDURES

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13.3 The trainee shall discuss procedures to be used when confronted with unusual occurrences.

An unusual occurrence is an unscheduled event involving potential or actual personal injury or property damage arising from fire, flood, storm, earthquake, wreck, enemy action, civil disturbance, or other natural or human-caused incident. In addition to many other possibilities, these occurrences may involve

1. Electrical wires down and/or surface transformers damaged
2. Malfunctioning traffic signals
3. Hazardous road conditions
4. Damage to fire hydrants
5. Gas leaks

Officers responding to an unusual occurrence should inform communications of the need for helping officers and traffic control. By observing and evaluating the situation quickly and efficiently, officers can help to prevent or reduce injuries and deaths due to the unusual occurrence. Officers can follow certain general guidelines in handling the unusual occurrences just noted.

For example, in handling electrical wires that are down or in handling surface transformer damage, officers should isolate the area and remove all unauthorized persons. Officers may barricade the area from pedestrian and vehicular traffic. Treat any fluids leaking from a transformer as hazardous material. Notify communications of the exact situation and request assistance from the fire department, gas and/or electric company, additional officer (if necessary), and the phone or television cable companies if appropriate. Remain in the area, establishing crowd and traffic control until the situation is handled.

A malfunctioning traffic signal can cause a serious accident. Notify (or have communications notify) Traffic Signal Repair of the specific location and problem; for example, lights inoperable, lights burned out, or delay in phase. Direct traffic until repairs are complete. If additional officers are needed because of the size of the intersection or due to the amount of traffic, request this assistance as soon as possible. You may place the traffic lights on "flash" if the duration of an inoperable condition may be lengthy. If traffic congestion is anticipated for a lengthy period of time, have communications center notify California Highway Patrol, so a sig alerts of the traffic area could be issued. Leave the scene only when:

1. The lights are repaired
2. The lights have been placed on flash (leave a note describing the nature of the malfunction inside the control box if a repairperson is not on the scene)

3. Temporary stop signs or other controls have been set in place Hazardous road conditions can result from inclement weather, such as rain or fog, major highway construction road disrepair (chuck holes, inadequate lighting, street sign down, etc.), or other unusual occurrences. Advise communications and other appropriate agencies (construction company, city utilities unit, etc.) and take appropriate action to prevent injuries. Direct traffic, barricade the roadway, request a signal repair (where appropriate), or verify compliance with construction permit restrictions.

The city maintenance department and fire department should be notified of damage to fire hydrants. Officers on the scene should establish vehicular and pedestrian traffic control. In some instances, officers may need to reroute traffic. Be alert for flooding conditions, which could result in erosion of streets, flooding of an intersection, or flooding of private property. Alert communications to any special condition that could cause damage to property and/or injury to persons, and seek assistance to repair the problem.

The gas company should be immediately notified when a gas leak is found. Officers should evacuate the area and establish a security perimeter at a safe distance. Avoid activating sources of ignition including, but not limited to, smoking, flares, and starting cars. On scene, observe and report any changes in conditions.

### 13.

#### **POLICE/FIRE COORDINATION**

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13.4 The trainee shall identify and discuss the initial steps to be taken when confronted with a fire investigation.

POLICE/FIRE COORDINATION - RESPONSIBILITY: At the scene of fires, the ranking fireman is in overall charge and will determine when the emergency situation is terminated. The police officer or supervisor will establish liaison with the ranking fireman and will assume responsibility for the supervision of all police personnel. Police involvement will consist primarily of crowd and traffic control and security of property and equipment.

In the event of a fire of major proportions, the on duty supervisor will assume responsibility for directing police personnel.

ASSISTANCE TO FIRE DEPARTMENT: Two of the primary responsibilities of an officer assisting the Vernon Fire Department are traffic control and maintaining security of the Fire Department equipment. On those occasions when the call involves an injured person, the officer has the additional burden of determining if a crime is involved with that injury. Once it has been determined that the injury is non criminal, then the officer should return to the street, direct traffic as necessary, and maintain security of the fire department equipment.

INVESTIGATION: Investigation of the origin of fires is the responsibility of the Fire Department. An officer who discovers arson or attempted arson while investigating any other crime will notify the Fire Department.

RESUSCITATION CALLS: The ranking Fire Department officer will be in charge at resuscitation calls if both the Police and Fire Department respond. The officer assigned to the location will take charge if a crime is involved, but the Fire Department will still administer first aid.

DUTIES WHEN FIRE DISCOVERED: When an officer discovers a fire, or is made aware of the existence of a fire, such member will perform the following tasks:

1. NOTIFICATION: The initially assigned officer will ensure that the Fire Department and on duty supervisor are notified.
2. EVACUATION/RESCUE: The first arriving officer should attempt to evacuate and/or rescue persons who are in danger as a result of the fire. In any event, officers will, when necessary, evacuate persons from nearby endangered structures.

SEALING OF AREA: The officer in charge of the scene will ensure that the area of the fire scene is sealed off and that persons in the area are kept a safe distance from the scene.

### 13.

#### **ARSON INVESTIGATION**

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13.5 The trainee shall understand the department arson investigation procedures.

#### SUSPICIOUS FIRE/ARSON REPORTS

##### Purpose

The purpose of this protocol is to ensure a coordinated effort between the Vernon Police and Fire departments during arson investigations. The primary goal is the successful prosecution of the violator.

##### Roles/Duties/Responsibilities

###### *Cause and Origin Investigation:*

Pursuant to the Uniform Fire Code Section 103.2, it shall be the responsibility of the Vernon Fire Department to investigate the cause, origin and circumstances of fires in the City of Vernon. As part of the cause and origin investigation, the fire department will collect and process samples from the fire scene. Fire personnel may also conduct interviews to further the cause and origin investigation. If fire investigators note any suspicious statements from a witness, no attempt should be made to confront the individual but rather forward the statement to the police detective.

###### *Arson Investigation:*

At the point when arson is determined or suspected, the fire scene will be considered a crime scene and the appropriate police personnel will be contacted before any more investigation is conducted. All safety and fire suppression activity should continue. The on scene Battalion Chief will ensure that the Detective Lieutenant is notified through the Communication Center in the following circumstances:

- Suspected or obvious arson
- Fires involving serious injury
- Fires involving fatality
- Fires involving large monetary loss
- Second Alarm structure fire

The Detective Sergeant or Police Captain are the alternate police contacts in case the Lieutenant cannot be reached. The Detective Lieutenant will contact the on scene Battalion Chief to coordinate the response of the assigned police arson investigator. The Detective Lieutenant does not need to be contacted in the event of a vehicle arson fire when there is no suspect information. Vernon patrol officers will complete the crime report and store the vehicle for future investigation. A detective will be assigned the vehicle arson case on the next duty day.

###### *Crime Scene Procedure:*

Once arson is suspected, the crime scene must be closed to personnel not involved in fire suppression activity. Patrol officers will activate crime scene procedures. All witnesses will be separated, identified by police personnel and asked to wait for the assigned police investigator for further questioning. The collection of arson evidence will be done with the assigned police investigator upon receipt of signed consent or search warrant. The collection of evidence will be done in conjunction with a fire investigator. It will be the responsibility of the police investigator to photograph, book and process all evidence. The notification of any assisting investigative agency will be done through the assigned police investigator.

The Vernon Fire Department will forward copies of all photographs, diagrams, reports or other documents to the assigned police investigator as soon as possible. No document should be destroyed. All documents generated in reference to the arson investigation are subject to the discovery process. The police investigator will ensure that the fire department documents are properly booked and/or entered in the Records Management System.

*Follow Up Investigations:*

Every effort will be made by the police investigator to include a fire investigator during the follow up investigation process. Fire personnel will assist in the role of observer during suspect interviews. Follow up investigations should be scheduled when the lead fire investigator is on duty. In all cases, the police investigator will keep the lead fire investigator updated as to the progress of the case. Every effort will be made to include the fire investigator in the arrest of any suspects.



**13.**

**INDUSTRIAL ACCIDENT INVESTIGATION**

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13.6 The trainee shall understand the procedures for handling industrial type accidents.

PRELIMINARY INVESTIGATION: Officers assigned to handle industrial accidents should treat the investigation in the same manner as major crime scene investigations. The following are steps to following during the investigation.

INVESTIGATION OF INDUSTRIAL ACCIDENT CHECK LIST:

Call District Attorney OSHA Section at [REDACTED] or contact DA Command Post at 974-3607, so they may respond to the scene.

INVESTIGATIVE QUESTIONS:

- A. What happened?
1. What was employees' assignment?
  2. How long assigned?
  3. How long employed?
  4. What training?
  5. Who else was present?
  6. What did they see?
  7. Have there been any & similar accidents or prior complaints about equipment?  
If so, who knew about them?
  8. Obtain written procedures for the job, including job safety analysis or other documents describing hazards.
  9. Did decedent speak/read English?
  10. Were safety and training materials in language spoken?
  11. Frequency of safety inspections/maintenance.
  12. Number of other similar pieces of equipment of processes, and accidents or complaints regarding them.

13. Examination of equipment or process.
  14. Take photographs, and measurements.
  15. Seize physical evidence as appropriate, including broken or damaged equipment, or chemical or substance involved in incident.
  16. Talk to Cal OSHA Safety Engineer or Industrial Hygienist to see if they found violations, and if the company has a history.
  17. When was the equipment purchased?
  18. Who services the equipment?
  19. What insurance companies serve the company?
  20. How many facilities?
  21. How many shifts? Times of shifts.
- B. Identifying responsible supervisors, managers or officials.
1. What is in the chain of command, from supervisor on up?
  2. Who are the corporate officers and managers or supervisors and how long have they held positions?
- C. Safety Program
1. Who is in charge of safety programs?
  2. What is the safety program?
    - a. Safety committee composition with names & numbers.
    - b. Safety training - frequency, type, and examples.
    - c. If workers are represented by a union, name and phone numbers of chief steward or business agent.
- D. Prepare a factual diagram of the scene.

### 13.

#### **PATROL PROCEDURES**

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13.7 The trainee shall understand the procedures dealing with diplomatic/consular immunity.

DIPLOMATIC/CONSULAR IMMUNITY - DEFINITION: Diplomatic/consular immunity is broadly defined as freedom from local jurisdiction accorded to duly accredited Diplomatic Officers, their families, and servants.

LEGISLATIVE IMMUNITY - DEFINITIONS: Legislative immunity is broadly defined as the immunity from arrest afforded members of the Legislature who are en route to an official session of the Legislature.

DEFINITION OF PERSONS HAVING IMMUNITY: The following personnel have various degrees of immunity:

1. DIPLOMATIC OFFICERS: Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attache.' These officials are based either in Washington, D.C. or in New York City and are entitled to immunities as described below.
2. CONSULAR OFFICERS: Consular Officers are Consuls-General, Deputy Consuls-General, Consuls and Vice Consuls. They are also official representatives of foreign governments. Consular Officers may be located in various large cities throughout the nation and are entitled to limited immunities as described below.
3. HONORARY CONSULS: Often nationals or permanent residents of the receiving state are appointed and received as Honorary Consular Officers to perform the functions generally performed by Career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to Career Consular Officers, though they may exhibit reduced-size copies of the exequatur of diplomatic note evidencing recognition by the United States Government.
4. FAMILY/STAFF OF FOREIGN DIPLOMATS OR CONSULAR OFFICERS: The family members, staff, or servants of a diplomat or Consular Officer are broadly defined as those individuals who are immediate family members (wife, children, parents) or working directly for the Diplomatic/Consular Officers. Such persons must not be nationals or permanent residents of the United States to claim the authorized immunity or privileges.

MEMBERS OF THE LEGISLATURE: A legislative member is any person duly elected to the California Legislative Federal Congress.

The above named officials have all been issued various official identification papers or cards. Officers contacting such officials can ascertain their respective status and title by requesting their official identification which will indicate status and title. The above officials and persons will be treated with appropriate respect by members of the Department. All appropriate steps will be taken to prevent any attack on their person, freedom, or dignity within the following authorized limits.

LIMITS ON ENFORCEMENT ACTION: The privileges, rights, and immunities afforded diplomatic, consular, or legislative officials are established by international law, federal statutes, and state law. Such laws and statutes determine what law enforcement actions are authorized. However, the privileges, rights, and immunities vary from Diplomatic Officers, Consular Officers, and Legislative members, and their respective families. When an incident involves such persons, officers will adhere to the following restrictions or enforcement actions.

DIPLOMATIC OFFICERS AND ASSOCIATED PERSONS, PREMISES, AND PROPERTY: Foreign Diplomatic Officers, their families, official staff and servants who are not nationals of or permanent residents in the receiving state are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense. Diplomatic Officers should not be arrested or detained for any offense.

EXCEPTION: When a Diplomatic Officer, or a member of the Diplomat's family or staff, is a danger to themselves or others, or is exhibiting violence toward an officer, then officers may temporarily detain such person at the Police Department until a responsible person from the diplomatic official's office, family, or staff arrives and assumes responsibility for the Diplomat's safety and welfare.

Associated with this personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of a Diplomatic Officer and the property, papers, and correspondence of such a person.

CONSULAR OFFICERS AND ASSOCIATED PERSONS, PREMISES, AND PROPERTY: Foreign Career Consular Officers are not liable to arrest or detention pending trial except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by a competent judicial authority.

Family members, staff, and servants of a Consular Officer cannot claim immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, when possible through the seeking of a complaint. The individual should be released once positive identification is made and relationship with the consular official is verified. If the relative is a juvenile, he or she should be released to a parent.

Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post, a designee, or by the head of the

diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.

The consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular post, and its functions, is likewise inviolable.

HONORARY CONSULAR OFFICERS AND ASSOCIATED PERSONS PREMISES, AND PROPERTY: These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord with such officers the protection required by virtue of their official position.

Family members, staff, and servants of Honorary Consular Officers cannot claim immunity. However, consideration should be given to the special nature of this type of case and the complaint/criminal citation process utilized when practical.

The consular archives and documents of a consular post headed by an Honorary Consul are inviolable at all times and places provided they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of an Honorary Consul and persons working with such an official.

MEMBERS OF THE LEGISLATURE: Persons who are elected members of the California Legislature or United States Congress should not be unduly detained or arrested when such officials are en route to a legislative session or meeting. However, when an offense is so serious as to warrant follow-up, an officer may gather sufficient data to complete a preliminary investigation and then submit a report for later review by appropriate superiors.

In addition, when the conduct of such an official endangers the lives or safety of any person, the officer may take custody of the official and transport to a preprocessing facility to confer with such officer's immediate superior.

METHODS OF HANDLING SELECTED INCIDENTS, VIOLATIONS OR MINOR OFFENSES BY CONSULAR OFFICERS: Officers will follow the following procedures when appropriate and practical:

MOVING TRAFFIC VIOLATIONS: When an officer stops a Consular Officer for a moving traffic violation, the officer will ascertain that the detained person is a Consular Officer and that such person possesses the proper credentials; the officer should then exercise discretion based on the nature of the violation and either release the person with a warning of the danger of the person's actions or proceed with issuance of appropriate citation. Mere issuance of a traffic citation does not constitute arrest or detention in the senses referred to above.

DRIVING WHILE UNDER THE INFLUENCE: The primary consideration in this type of incident should be to see that the Diplomatic/Consular Officer is not a danger to his or her self or the public. Based upon a determination of the circumstances, the following options are available:

1. Take the official to the station or a location where the official can recover sufficiently to drive safely.
2. Take the official to a telephone so that a relative or a friend can be contacted in order to respond to the scene and take responsibility for the official's welfare and safety.
3. Call a taxi.
4. If possible take the official home.

In such incidents, the diplomatic official should not be handcuffed, subjected to any sobriety test, or manhandled in any way unless such an official is violent and such behavior endangers the safety of any person. At best this is a sensitive situation. The diplomatic official will be treated with respect and courtesy. It should be impressed upon such an official that the primary responsibility of the detaining officer is to care for the Diplomat's safety and the safety of others.

REPORTING OF INCIDENTS: When a diplomat, consular, or legislative official is contacted, officers will notify the on duty supervisor and will document the incident on a "Miscellaneous Report." Such reports will be completed prior to securing from the tour of duty during which the enforcement action occurred.

NOTIFYING FEDERAL AGENCIES: When a Diplomatic/Consular Officer's family or staff is involved in a serious incident (murder, negligent homicide, etc.) the Los Angeles, Office of security, U.S. State Department, should be notified.

When the incident involves a crime against the United States, the Federal Bureau of Investigation should be notified.

COMMUNICATION AND CONTACT BETWEEN CONSULAR OFFICERS AND CITIZENS OF THAT COUNTRY: Consular Officers have the right to contact and communicate freely with nationals of their country. If a national is arrested or detained in any manner and so requests, the Police Department will, without delay, inform the Consular Office that the national has been arrested or detained. In some cases, the Department is required to notify foreign authorities immediately when a foreign national is detained or arrested, whether or not they request it.

### 13.

#### ARREST AND DETENTION OF FOREIGN NATIONALS

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13.8 The trainee shall understand the policy regarding the arrest and detention of foreign nationals.

#### ARREST AND DETENTION OF FOREIGN NATIONALS POLICY

Whenever a foreign national is arrested or detained in the United States, there are legal requirements to ensure that the foreign national's government can offer him/her appropriate consular assistance. In all cases, the foreign national must be told of the right of consular notification and access. In most cases, the foreign national then has the option to decide whether to have consular representatives notified of the arrest or detention. In other cases, however, the foreign national's consular officials must be notified of an arrest and/or detention regardless of the foreign national's wishes. **Whenever a foreign national is taken into custody, the arresting officer should determine whether consular notification is at the option of the foreign national or whether it is mandatory.** A list of all mandatory notification countries and jurisdictions are listed below.

#### NOTIFICATION AT THE FOREIGN NATIONAL'S OPTION

*In all cases, the foreign national must be told of the right of consular notification and access.*

The foreign national then has the option to decide whether he/ she wants consular representatives notified of the arrest or detention, unless the foreign national is from a "mandatory notification" country. If the arrested and/or detained foreign national is a national of a country not on the mandatory notification list, the requirement is that the foreign national be informed without delay of the option to have his/her government's consular representatives notified of the detention. If the detainee requests notification, the arresting officer must ensure that notification is given to the nearest consulate or embassy of the detainee's country without delay.

#### MANDATORY NOTIFICATION

In some cases, "mandatory notification" must be made to the nearest consulate or embassy "without delay," regardless of whether the foreign national requests such notification. Mandatory notification requirements arise from different bilateral agreements whose terms are not identical. Foreign nationals subject to mandatory notification requirements should otherwise be treated like foreign nationals not subject to the mandatory notification requirement. Thus, for example, the foreign national should be informed that notification has been made and advised that he/she may also specifically request consular assistance from his or her consular officials. Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. The notification requirement should still be honored, but it is possible to take precautions regarding the disclosure of information. For example, it may not be

necessary to provide information about why a foreign national is in detention. Moreover, under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government. The Department of State can provide more specific guidance in particular cases.

#### CONSULAR ACCESS TO DETAINED FOREIGN NATIONALS

Detained foreign nationals are entitled to communicate with their consular officers. Any communication by a foreign national to his/her consular representative must be forwarded by the appropriate local officials to the consular post without delay. Foreign consular officers must be given access to their nationals and permitted to communicate with them. Such officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation. They must refrain from acting on behalf of a foreign national, however, if the national opposes their involvement. In addition, consular officers may not act as attorneys for their nationals.

#### DEATHS OF FOREIGN NATIONALS

If federal, state, or local government officials become aware of the death of a foreign national in the United States, they must ensure that the nearest consulate of that national's country is notified of the death. This will permit the foreign government to make an official record of the death for its own legal purposes. For example, such notice will help ensure that passports and other legal documentation issued by that country are canceled and not reissued to fraudulent claimants. In addition, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in the foreign national's country.

#### APPOINTMENTS OF GUARDIANS OR TRUSTEES FOR FOREIGN NATIONALS

Whenever a probate court or other legally competent authority considers appointing a guardian or trustee with respect to a foreign national who is a minor or an adult lacking full capacity, the nearest consular authorities for that national's country must be informed without delay. The legal procedures for appointment of a guardian or trustee can proceed, but--if possible without prejudice to the appointment process--the consular authorities should be permitted to express any interest their government might have in the issue.

#### PROCEDURES TO FOLLOW WHEN A FOREIGN NATIONAL IS ARRESTED OR DETAINED

1. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel document the foreign national travels.
2. If the foreign national's country is **not** on the mandatory notification list the arresting officer shall:



- Offer, without delay, to notify the foreign national's consular officials of the arrest/detention. **The arresting officer shall complete the “Arrested or Detained Foreign National” form.** This form is in the booking cell. Translations of this statement are also in the booking cell.
  - If the foreign national asks that consular notification be given, the arresting officer shall notify the nearest consular officials of the foreign national's country without delay. The fax sheet and list of telephone and fax numbers for foreign embassies and consulates in the United States are in the booking cell. If notification is made after business hours, notification should be made via fax. The officer shall attach the fax report/receipt from the fax machine to the notification form for future verification.
3. If the foreign national's country is on the list of mandatory notification countries, the arresting officer shall:
- Complete the “Arrested or Detained Foreign National” form , advise the inmate of the mandatory consular notification, and notify that country's nearest consular officials, without delay, of the arrest/detention. Translations of this statement are also in the booking cell. The fax sheet and list of telephone and fax numbers for foreign embassies and consulates in the United States are in the booking cell. If notification is made after business hours, notification should be made via fax. The officer shall attach the fax report/receipt from the fax machine to the notification form for future verification.
4. The arresting officer shall include the mentioned form and/or fax notification with the inmate’s booking forms.

**MANDATORY NOTIFICATION COUNTRIES AND JURISDICTIONS:**

Antigua and Barbuda	Guyana	Saint Lucia
Armenia	Hong Kong	Saint Vincent and the Grenadines
Azerbaijan	Hungary	Seychelles
Bahamas	Jamaica	Sierra Leone
Belarus	Kazakhstan	Singapore
Belize	Kuwait	Tajikistan
Brunei	Kyrgyzstan	Tanzania
Bulgaria	Malaysia	Tonga
China	Malta	Trinidad and Tobago
Costa Rica	Mauritius	Turkmenistan
Cyprus	Moldova	Tuvalu
Czech Republic	Mongolia	Ukraine
Dominica	Nigeria	United Kingdom
Fiji	Philippines	Uzbekistan
Gambia	Poland	Zambia
Georgia	Romania	Zimbabwe

Ghana  
Grenada

Russia  
Saint Kitts and Nevis

### 13.

#### **TACTICAL COMMUNICATIONS**

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13.9 The trainee shall understand that tactical communications involves both professional demeanor and words.

COMMUNICATION SKILLS HANDLING AN ANGRY PERSON: Screaming, yelling and temper tantrums are safer for two year olds than for working individuals. But when the pressure is on, it is not unusual to have deal with an angry citizen, co-worker or boss. What is the best thing to do? For starters, do not argue. The following are some tips:

- Never urge the person not to be angry. This approach will not defuse the anger.
- Do not lecture or talk down to the person. Lecturing should be avoided in most interpersonal situations. People have been lectured to by parents, teachers and others for most of their lives. By the time they are adults, the message begins to get lost in the medium.
- Ask the angry person to tell you about the problem. Do not interrupt, judge or take a position while the person is speaking. Just listen carefully.
- Empathize with the person by repeating how the person is feeling and why he or she is feeling that way.
- Get the person's ideas on ways to cope with the situation and then offer ideas of your own.
- Find a way to compliment the person about something if possible. People often get angry when their self-esteem is low.
- If you are the one who is angry, consider taking a break.

HANDLING ANGRY AND DIFFICULT PEOPLE ON THE TELEPHONE: The following are some techniques that have been developed to help deal with talking to angry and emotional people, and to defuse hostile situations. While the following suggestions are designed for telephone situations, many apply equally in face to face contacts.

1. Do not let yourself get angry. When you lose control, you lose - period. Do not come out "slugging." It is a sign of an amateur. Stay in control. Do not allow yourself to become irritated by what the person says. Remember, it is not meant personally. People that are upset want to tell someone about the situation.
2. Let the person vent. Concentrate on the message and not how it is being delivered. Take notes. Focus on what the person is saying and listen carefully.

3. Do not interrupt. A pause does not necessarily mean the person has finished talking. Wait until the person is completely finished.
4. First, thank the person for calling. Then, give reassurance. Let the person know you will take care of the problem and that he or she reached someone who cares and will help. For example:

“I can certainly understand your concern over this, and I will be happy to check into it for you.”

“I am glad you called on this. Let me check into this problem.”

5. Your voice is the controlling factor. If the person is talking louder or yelling, lower your voice. Consciously slow down. People tend to “pace” and “mirror” each other.
6. Focus on facts. Use your notes. Ask questions to get additional information you need.
7. Acknowledge regret, not responsibility. This is the time to show empathy, not look for someone to blame.

“I can understand your anger, and I am sorry this has happened.”

“I am certainly sorry this problem has occurred.”

8. Agree on a solution. Get the person’s agreement on a course of action.

“What I can do, Mr. Jones, is have the first available officer respond to your business. I can call you if there will be any delays.”

Speak with authority, confidence and concern. Let the person know you are a specialist with professional experience. Sometimes it works best just to ask the person how they would like you to solve the problem.

“Mr. Jones, what would you like me to do to make this right?”

“Let’s start with what you would like to see us do to correct this. What seems like the best solution to you?”

9. Take action and follow through on the person’s request. No one likes broken promises.

Regardless of the person’s attitude or tone of voice, you must respond in a helpful and courteous manner. It requires considerable tact to turn an angry person into a satisfied individual, especially when he or she refuses to accept explanations or suggestions. Difficult people are a challenge to your ability, and with patience and planning, you will rise to the occasion.

**13.**

**BUSINESS AND PROFESSIONS CODE**

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13.10 The trainee shall identify the code name with the section number, interpret the section, and give the elements of the codes listed.

BUSINESS AND PROFESSIONS CODE:

23300 WHEN LICENSE REQUIRED: (W) No person shall exercise the privilege or perform any act which a licensee may exercise or perform under the authority of a license unless the person is authorized to do so by a license issued pursuant to this division.

25602 HABITUAL DRUNKARD/OBVIOUSLY INTOXICATED PERSON: (M) Every person who sells, furnishes, gives or causes to be sold, furnished or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person.

25631 RETAIL HOURS OF SALE: (M) Any on-or off-sale licensee, agent or employee of such licensee who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2: 00 a.m. and 6: 00 a.m. of the same day.

25665 MINOR IN PUBLIC PREMISES: (M) Any licensee under an on-sale license issued for public premises who permits a person under the age of 21 years to enter and remain in the licensed premises without lawful business therein.

25658 SALES TO MINORS: (M)

- (a) Every person who sells, furnishes, given or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years.
- (b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises.

25661 USE OF FALSE ID BY A MINOR: (M) Any person under the age of 21 years who presents or offers to any licensee, his or her agent or employee, any evidence of age and identity which is false or not actually his own for the purpose of procuring any alcoholic beverage or who has in his possession any false evidence of age or identity.

25662 SOCIAL GATHERINGS WITH MINORS CONSUMING Unless otherwise provided by law, where a peace officer has lawfully entered the premises, the peace officer may seize any alcoholic beverages in plain view at social gatherings, when those gatherings are open to the public, 10 or more persons under the age of 21 years are participating, persons under the age of 21 years are consuming alcoholic beverages, and there is no supervision by a parent or guardian. There are no criminal penalties for this code.

25755 PEACE OFFICERS POWERS All ABC agents, peace officers of municipal, state and parks and recreation and drug enforcement may enforce the penal provisions in B & P in enforcing these provisions, they may visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his license.

## 14.

### SEARCHES/CONTROL OF PERSONS/PRISONERS/MENTALLY ILL

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14.1 The trainee shall be able to legally, safely and effectively conduct a search of suspect(s) and control (verbally and physically), one or more suspects, applying all officer safety tactics. The trainee shall also be able to safely and effectively handcuff single or multiple suspects and shall understand various handcuffing principles which should be met in order to reasonably guarantee the temporary restraint of a suspect.

SEARCHING INTRODUCTION: Searching suspects can be dangerous. Some of the reasons for this are:

- A. Some suspects are highly agitated, upset, scared, apprehensive of search results.
- B. Some suspects are under the influence of:
  - 1. Alcohol, drugs
  - 2. Embarrassment or other emotional upsets
  - 3. Emotional instability
- C. The suspects may have committed a crime and do not want to be caught.

Searching techniques have been designed to provide the officer a margin of safety by giving him/her an advantage over the suspect. If you have the right to search a suspect, then you should establish control by securing the hands. Many arrests begin with a search. Our objective is to maintain control throughout the search.

#### DEGREES OF SEARCHES:

The Visual Search:

- A. A prelude to the Cursory Search and handcuffing.
- B. Visually search suspect's high risk areas upon initial contact.
  - 1. Hands
  - 2. Waistband area
  - 3. Obvious bulges

The Cursory Search, Rear Finger Lock Control Technique:

- A. A legal search of those areas of the body where weapons/contraband can be concealed and/or can be readily accessible to the suspect.
- B. Maintains a minimal degree of control.
- C. A "low key" search.
- D. Know the legalities behind your search (ask yourself - what is my authority?)

1. Are you searching for weapons only?
2. Are you also searching for contraband?

You can search a suspect:

- A. 833 P. C. - When you have reason to believe that the suspect may be armed,
- B. Incident to an arrest,
- C. With consent.

An officer may search interior clothing if a hard object resembling a weapon is felt.

Three principle types of rear finger lock control techniques:

- A. Fingers interlocked, hands cupped
  1. Primary control hold
- B. Palms together with fingers extended
- C. Fingers interlocked and extended

COMMON PRINCIPLES AND CONCEPTS TO ALL SEARCHES: Even though the circumstances and techniques of each search are different, there are several principles which are common to all searches:

1. Constant mental and physical alertness on the part of the officer.
2. Maintaining control of the suspect, as well as always securing a position of advantage.
3. Thoroughness of the search.
4. Always search from the rear, never the front.
5. Search with one hand, the other hand should be in contact with the suspect for control.
6. No physical searching is to be done with a weapon in the officer's hand.
7. Break the body up into quadrants, always search systematically.
8. Search by grasping with finger tips, not by running the palm of the hand over the body
9. When searching the lower quadrants, bend at the knees not at the waist.
10. Immediately notify your partner if a weapon is found.
11. Weapon or contraband found? (see below)
  - A. If you have your hands on the weapon or contraband, immediately remove it, secure it on your person or preferably with your partner and speed-cuff the suspect.
  - B. If you feel what appears to be a weapon or contraband but you do not have your hands on it securely, communicate with your partner and the suspect and quickly but safely speed-cuff before retrieving it.



- C. The slightest indication of resistance by the suspect should cause you to take the suspect down, for better control, and prone handcuffing.
12. Remember to complete your search.
  13. With multiple officers and suspects, always work on the principle that not all officers search at the same time -- that you have a minimum of one cover officer at all times.

COMMON PLACES OF CONCEALMENT FOR WEAPONS AND CONTRABAND:

A suspect can conceal weapons or contraband anywhere on his body, therefore, the search must be systematic and thorough. Experience has demonstrated that there are several common locations in which weapons and contraband may be concealed.

- A. waistband, pockets, groin area, small of back, ankles, underarm area
- B. pocketbooks, purses, belts and wallets
- C. jewelry designed to be used as weapon, e.g., necklaces, belt, buckles and bracelets, etc.

Special attention should be paid to:

- A. prosthetic devices
- B. casts and bandages

The backup officer's primary responsibility is to provide protection for his/her partner who is performing the search. The backup officer's responsibilities are:

- A. protecting the searching officer from outside interference
- B. providing additional command presence
- C. physical assistance to the searching officer if it becomes necessary
- D. continuous observation of suspect(s) from a position of cover, if possible

GENERAL CONSIDERATIONS:

Search Methods:

- A. Always conduct a visual search of all persons you come in contact with.
- B. Depending on circumstances, select the appropriate search method, such as the Cursory Search, for situations justifying reasonable suspicion searches, but not arrest.
- C. In making this discretionary judgment, the officer might consider, but not be limited to, the following factors:
  1. number of suspects
  2. size of suspect(s)
  3. location of contact/arrest
  4. time of arrest (day or night)
  5. suspect's past criminal record (if known)

6. type of offense involved
7. individual officer's degree of apprehension
8. availability of back up
9. circumstances of the contact
10. Officer's current physical conditioning

The arresting officer should not be lulled into a false sense of security by a cooperative suspect.

- A. The suspect's attitude is no guarantee that he/she will not attempt to escape, resist, or attack when an opportunity presents itself.
- B. To afford the arresting officer the optimum safety during the application of the search technique, the officer should approach a suspect from the rear.
- C. Principles for contacting the suspect (things to consider):
  1. Tunnel vision - be aware of surroundings
  2. Expedient or environmental weapons - weapons available both to the officer and suspect
  3. Avenues of escape - for both the officer and the suspect
  4. Cover and concealment - for both the officer and the suspect
  5. Hands - where are the suspect's hands
  6. Bulges - in the danger area, waistband
  7. Under the influence of emotions - both the officer and the suspect
  8. Distance - stay outside the "reactionary gap" until you are ready for physical contact

#### VISUAL SEARCH TECHNIQUE:

- A. Look at the suspect's hands, waist, and clothing. Look for obvious bulges that may indicate a weapon.
- B. Control the suspect's movements by giving him simple yet firm instructions.

#### OPTION #1

- A. If the suspect's hands are inside the pockets of his/her clothes, quickly get behind the suspect and pin his hands into the pockets by grabbing his hands through the clothing.
- B. Control the suspect's hand movement by taking the hands out of the pocket, one at a time and placing them into a rear finger lock cursory search position.
- C. If you feel what you believe to be a weapon, immediately control the suspect by taking him/her down, for better control and prone handcuffing.

OPTION #2 - If the suspect's hands are inside the pockets of his/her clothes, have him/her turn away from you before directing them to take their hands out of their pockets.

- A. The reason we do not ask to see the suspect's hands while they are facing us, is that they may pull a weapon out while they are complying with your request. Lag time can kill you.

NOTE: The officer should consider directing the suspect to turn to his/her left when telling him/her to turn around, due to the fact that most people are right-handed. Permitting them to turn to their right would still allow the suspect to shoot through the clothing without making any furtive movements.

Ask the suspect to extend their arms to their side and to slowly turn away from you. Again look for obvious bulges.



THE REAR FINGER LOCK CURSORY SEARCH:

- A. Direct the suspect's movements by using simple terms.
  1. Visual search first.
  2. If the suspect's hands are in his pocket use one of the above options for hand removal.



5. If the suspect's hands were in his/her pockets, at this point have them take their hands out of their pockets, one at a time.





3. Grasp the clothing as you go along, do not slide your hands over the body
  4. Overlap your search areas
- H. When you have completed a search of one side of the body, without switching feet, shift your body behind the suspect's and switch the hold from your weak hand to your strong hand while still keeping the suspect off balance.
- I. Maintain your position of advantage and once again begin a systematic search of the suspect's weak side.
- J. If the suspect is free of weapons/contraband, release the hold, step back, ask the suspect to turn around again and continue your contact.

#### MALE OFFICER/ FEMALE SUSPECT CONTACTS:

##### Cursory (Pat-Down) Searches in the Field and In-Custody Situations

- A. Because reasons of safety dictate immediate action, a cursory (pat-down) search of a subject maybe conducted by an officer of the opposite sex. If an officer of the same sex as the subject is present, reasons of propriety dictates that this officer should conduct the pat-down search.
1. If the pat down search is non-emergent, such as incidental to an arrest, if available, attempt to have a female officer respond to conduct a search.

#### TECHNIQUE (MALE OFFICER/FEMALE SUSPECT):

##### VISUAL SEARCH:

- A. If appropriate authority exists or consent is obtained, ask the suspect to pull up her blouse/sweater, using the tips of the fingers of both hands, approximately six inches above the waistband of the slacks. Visually search the front of the exposed waistband for weapons. Order the suspect to turn left away from you, (turn her back to you) and visually search the rear of the exposed waistband for weapons.
- B. If the suspect is wearing loose fitting pants or a skirt, you may ask her to pull her clothing tight against her lower body in order for you to be able to detect unusual/unnatural bulges which could indicate a potential weapon.
- C. If a weapon is observed, immediately direct the suspect to freeze, draw your weapon and seek cover/concealment if available. Order suspect into a kneeling or prone search position, request back up, handcuff and remove weapon.

## CURSORY SEARCH (MALE v. FEMALE)

- A. Direct the suspect's movements by using simple terms.
- B. No difference in making physical contact with suspect.
- C. Conduct a systematic "defined method" search.
  - 1. Waistband - Search with a steady, even motion in constant contact with the waistband, do not "pat" up and down.
  - 2. Upper Body - Breast Area:
    - a. Use the blade edge of the hand. While searching the upper portion of the bra area, keep the palm of the hand "up" during the search. Only the blade of the hand is making contact with the suspect. With the blade of the hand, follow the top seam of the bra, from armpit to armpit. Feel for any hard weapon shaped objects
    - b. Next, use the blade of the searching hand to search the middle of the bra area for weapons. Place the blade of the hand at the top of the bra seam just below the suspect's neck and slide the blade of hand to the bottom of the bra seam. Avoid contact with the breast as much as possible. The blade of the hand is making the majority of the contact
    - c. While searching the lower portion of the bra area, search with the palm of the hand facing "down," and the back of the hand facing up. Follow the seam of the bra line from side to side, feeling for any obvious weapon shaped objects
    - d. If a weapon is felt in the breast area and it is an immediate danger to your safety or others, you are permitted to immediately retrieve the weapon, if it is safe to do so. Otherwise, takedown and handcuff, or perform a standing speedcuff
  - 3. Leg and Ankle Area
    - a. Avoid skin to skin contact in "sensitive" areas. (This refers to women in skirts or shorts.)
    - b. When searching from the knee area downward toward the ankle area, use one continuous motion, not a pat down motion.

NOTE: Use common sense; care should be taken when searching women in tight clothing.

- 4. Crotch Area
  - a. Can still be visually searched. Avoid skin to skin contact.

- b. If the suspect is wearing loose clothing, have her pull her clothes tight against her body therefore exposing any bulges which you may perceive to be weapons. If a weapon is observed in the crotch area and it is an immediate danger, immediately retrieve the weapon if it is safe to do so. Otherwise, takedown and handcuff or perform a standing speed-cuff.

#### SPEED CUFFING - PISTOL GRIP (FOR HANDCUFFS):

##### Introduction:

- A. Handcuffing technique which minimizes time to handcuff.
- B. Minimizes potential for suspect to struggle.
- C. With handcuffs in hand, an officer is still in position to immediately control suspect should he/she decide to resist.

NOTE: To assist you in retrieving your handcuffs from their case in a pistol grip the following is suggested. Setting up the handcuff in the handcuff case in the following manner will assure that the key holes are always up. Place the handcuff in the handcuff case so that the single strands are always pointing away from the center of your body. The key holes should be visible (to the outside) no matter how you turn the handcuff.

THE PISTOL GRIP: The handcuffs should be carried in the following manner in order to facilitate quickly obtaining a pistol grip:

- A. Hold the handcuffs by placing the chain across the palm of your hand. Make a fist and make sure that both single strands are facing away from the center of your body.

NOTE: Handcuffing an individual is a tense moment, do not be concerned about the direction of the key holes. Concentrate on maintaining control of the suspect.

#### OBTAINING PISTOL GRIP:

- A. Grasp the outer cuff with the thumb and forefinger of your hand and pull it out of its case.
- B. As the other half of the cuff clears the case, wrap your remaining fingers around the chain.
- C. Release the thumb and forefinger from the cuff and also wrap those two fingers around the chain.
- D. Your hand should end up holding the chain between the handcuffs with the single strand of both, cuffs facing the suspect.

#### APPLICATION OF HANDCUFFS:

- A. While continuing to maintain the Rear Finger Lock Control hold, pull the controlled

- hands away from the suspect's body.
- B. Apply the "little finger side" of the handcuff first and then apply the thumb side.
  - C. Remember, application of the handcuff should be between the wrist and the ulnar bone.
  - D. You only need for the ratchet to catch one tooth. You can always come back and tighten the handcuffs later. Lock the handcuffs.

### CURSORY SEARCH TAKEDOWN:

#### Introduction:

- A. When placing your hands on a suspect, you must always be prepared for a suspect's resistance, this includes searches.
- B. The takedown described will assume that you are behind the suspect.
- C. This takedown can be employed at anytime during the contact when the suspect resists or tries to break free of your control.
- D. Remember principles of physical control, controlling the appendages.
- E. At any point of the technique if you cannot maintain control disengage.

#### Handcuffing Prisoners:

All persons arrested by an officer will be handcuffed except when, in the judgment of such personnel, handcuffing is unnecessary.

It is considered advisable to use handcuffs when:

- A. An arrest is made
- B. Transporting a prisoner in public or from one facility to another
- C. A prisoner is violent or gives an indication of belligerence
- D. A prisoner may cause injury to himself or others
- E. A suspect's history is not known

Officers will determine the practicality or necessity of using handcuffs in such situations as transporting juveniles, females, senile or mentally ill persons, and arresting seriously injured or ill persons.

When handcuffs are used:

- A. Prisoners will be handcuffed with hands behind their backs when feasible
- B. A female prisoner will not be cuffed to a male prisoner except in an emergency
- C. A juvenile will not be cuffed to an adult except in an emergency

Search of Suspects During Station Booking Procedure:



Department policy to conduct strip, visual body cavity, and physical body cavity searches of suspects, when necessary during Station booking procedures, will be observed for the welfare and protection of the individual suspect. These searches are defined as follows:

- A. A strip search is a search that requires a person to remove or arrange some or all of his clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia.
- B. A visual body cavity search is the visual inspection of a body cavity.
- C. A physical body cavity search is the physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity.

NOTE: Body cavity means stomach, rectal, and vaginal cavities.

All strip, visual body cavity, and physical body cavity searches shall have prior approval of the Watch Commander, who shall closely evaluate the need for same and shall approve or disapprove.

When a request for any of the described searches concerns a suspect or subject arrested for a misdemeanor/infraction, the Watch Commander shall determine the search is appropriate pursuant to Section 4030 PC.

Section 4030 PC restricts the searching of:

- A. Pre-arraigned detainees when the detention is for a misdemeanor or infraction offense not involving weapons, controlled substances or violence.
- B. Minors detained prior to a detention hearing when the offense does not involve weapons, controlled substances, or violence.

Exception: When there is reasonable suspicion based on specific and articulate facts to believe such person is concealing a weapon or contraband, and a strip or visual body cavity search will result in the discovery of the weapon or contraband.

NOTE: A person who knowingly and willfully authorizes or conducts a strip, visual or physical body cavity search in violation of 4030 PC is guilty of a misdemeanor.

When authorizing the strip and/or visual body cavity search of a person arrested for a misdemeanor/infraction, the Watch Commander shall complete and sign a Strip Search Authorization Form. All strip and visual body cavity searches shall be conducted in an area of privacy by officers of the same sex as the suspect.

Should the visual examination and/or information lead searching personnel to believe a suspect may have contraband secreted within a body cavity, personnel shall keep the suspect under constant observation and advise the Watch Commander, who shall determine if circumstances

warrant a physical body cavity search. The Watch Commander shall ensure that a proper search warrant is obtained authorizing the physical intrusion into a body cavity for the purpose of discovering a concealed object, prior to having the physical body cavity search conducted.

The search into anybody cavities must be conducted by a physician or other medical person (nurse) at the direction of a physician and only pursuant to a search warrant. The search should be conducted at the appropriate jail hospital under sterile clinical conditions.

#### REVIEW:

- A. Take your time searching. Fast searches usually result in poor searches.
- B. Remember to always finish searching especially after you have found contraband or a weapon and you have placed handcuffs on the suspect.
- C. Maintain your balance, keep them off balance.
- D. When you meet resistance, you may exercise a takedown technique to reestablish control.

#### HANDCUFFING TECHNIQUES:

##### TYPES OF HANDCUFFING TECHNIQUES

Standing Modified Handcuffing Technique  
Kneeling Modified Handcuffing Technique  
Prone Handcuffing Technique

#### GENERAL CONSIDERATIONS PRIOR TO HANDCUFFING:

Number of Suspects  
Size of suspects  
Location of contact/arrest  
Time of arrest (day or night)  
Suspects' past criminal record (if known)  
Type of offense involved  
Individual officer's degree of apprehension  
Availability of back up  
Circumstances of the contact  
Officer's current physical conditioning

PRINCIPLES OF HANDCUFFING: If your firearm is pointed at the suspect keep it close to your body and use your free hand to direct the suspect's movements. Always verbalize and give the suspect clear commands. Prior to contacting the suspect, holster your weapon. Prepare for

physical resistance during the initial contact. Your initial contact will go into a joint control lock. Search the small of the back area, handcuff, then complete the search. Conduct a good and thorough search. Handcuffs are only temporary restraints and only restrict the hands, beware of the legs. Any resistance will result in a takedown. Remember to double lock the handcuffs.

#### THE REAR FINGER LOCK CURSORY SEARCH:

#### TYPES OF FINGERLOCK HOLDS:

- A. Fingers Interlaced
- B. Fingers Interlaced, Hands Cupped
- C. Fingers Extended, Palms Together

#### GENERAL CONSIDERATIONS PRIOR TO SEARCH:

Number of Suspects  
Size of Suspects  
Location of Contact/Arrest  
Time of Arrest (day or night)  
Suspect's Past Criminal Record (if known)  
Type of Offense Involved  
Individual Officer's Degree of Apprehension  
Availability of Back-Up  
Circumstances of the Contact  
Officer's Current Physical Conditioning

PRINCIPLES OF SEARCHING: Always begin with a visual search. When physically contacting the suspect, be prepared for resistance. Two hands on the initial contact then one hand controls, one hand searches. Break the suspect's balance. Maintain your balanced position of advantage while searching. Search systematically by breaking the body up into quadrants. Use the finger tips to search so that you can grasp the clothing. If you find a weapon or contraband, notify your partner and speed-cuff. Continue the search until you have rendered the suspect safe. If you encounter any physical resistance, do a takedown. Always verbalize what you want suspect to do.

## 14.

### PATROL PROCEDURES

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14.2 The trainee shall demonstrate the ability to make safe and effective pedestrian stops.

APPROACHING A PEDESTRIAN (Robbins, Nichols, and Dineen 1992): Officers frequently initiate pedestrian contacts on the patrol beat. An individual may act suspiciously or may be a known criminal. Be mindful of hazards associated with such stops before confronting the pedestrian(s). Determine the safest method to conduct the contact, which includes

- A. When to stop the person
- B. Where to stop the person
- C. The best method to use in stopping the person

Without knowledge and understanding of the proper principles behind these determinations, officers will be unable to conduct lawful pedestrian contacts. To the contrary, improper contacts will result in improper arrests (or detentions), which will lead to unsuccessful court prosecutions. Evaluate the following tactical considerations before making the pedestrian approach:

- A. The person's appearance: Does the person's appearance generally fit the description of a wanted person for a known offense? Does the individual appear to be suffering from a recent injury or to be under the influence of alcohol, drugs, or other intoxicants?
- B. The person's action: Does the person act suspiciously (such as running away from an actual or possible crime scene), or is the person otherwise behaving in a manner indicating possible criminal conduct? If so, in what way? An investigating officer should be able to articulate specific behavior that drew the officer's attention to the suspect. These observations will become part of the officer's probable cause if an arrest is warranted.
- C. Prior knowledge of the person: Does the individual have an arrest record or conviction record, or is the suspect otherwise known to have committed a serious offense? If so, is the prior offense similar to the one that has just occurred, or which is suspected to occur imminently?
- D. Area of the stop: Is the person near the area of a known offense soon after it occurred? Is the area known for criminal activity (a high-crime area)? If so, is it the kind of activity the person is thought to have committed, be committing, or be about to commit?
- E. Time of day: Is it the time of day during which criminal activity of the kind suspected usually occurs? Is it usual for people to be in the area at such an hour (perhaps at a very late hour in a warehouse district)?

Carefully evaluate all these factors before deciding to approach the suspect. In many cases, a backup unit should be alerted and properly positioned before an investigating officer approaches the suspect.

WHERE TO STOP PEDESTRIAN: Take care in selecting the proper location to stop a suspect. The interview should take place in a location that has the least number of

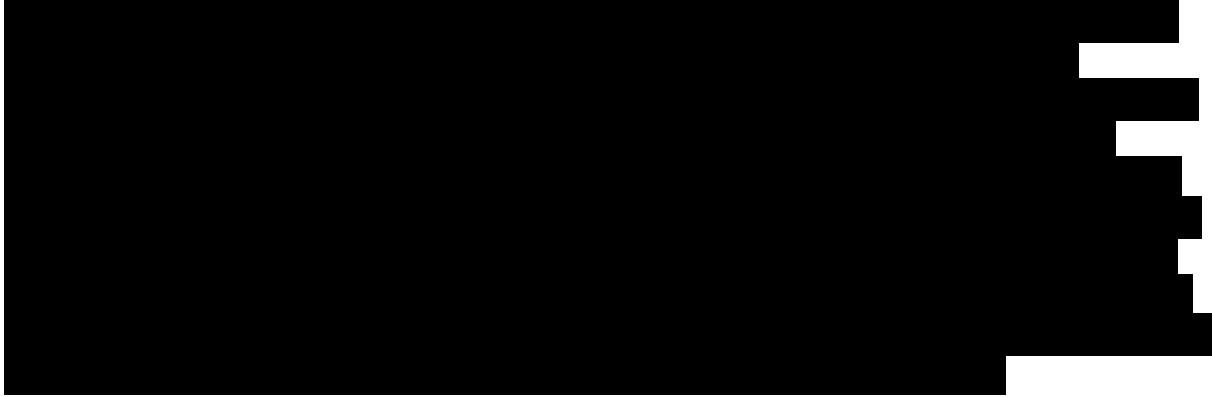
- A. Escape routes (avoid intersections, use well-lighted areas, etc.)
- B. Number of people that could be injured
- C. Number of people that could be used as hostages
- D. Locations that produce additional risks to the officer, such as known trouble spots (bars, night clubs, etc.)

THE FOOT APPROACH: General procedural dictates that officers never initiate a suspect pedestrian contact while seated in a patrol car. Officer safety demands that officers leave the patrol vehicle and make the pedestrian contact on foot. Doing otherwise places officers at a serious tactical disadvantage.

The initial officer position depends on various tactical situations. You may elect to conduct a stop from the suspect's side or rear. You should always be mindful of the suspect's hands, furtive movements, bulges in clothing, and his or her behavior. You may also use the patrol vehicle to maximize safety for yourself and the public; proper positioning of the patrol car can maximize your tactical advantage while keeping the pedestrian in view at all times.

While no one conversational approach is always appropriate, avoid the "Hey, you, come here!" approach. Your communication must reflect command and courtesy. Many veteran officers know that words incite more confrontations than do actions; the carefully chosen word, however, can also solicit cooperation.





**14.**

**PRIVATE SECURITY GUARDS**

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14.3 The trainee shall understand the procedures regarding licensed private security guards

LICENSED PRIVATE SECURITY GUARDS:

The following information is a review of the licensing of security guard:

- A. LICENSING: All security guards must have a guard permit to work in California. When security guard applies for a permit, they are given a temporary guard card that is valid for only 30 days. If the guard wishes to carry a firearm or any other approved law Enforcement weapon, the guard must have a permit for each of those items. A guard cannot possess a firearm permit with only a temporary Guard card. The guard must have a valid guard permit (not a temporary) from the state of California to go along with the firearms Permit. The guard must be in possession of both permits while on duty and carrying a gun.

The Consumer Affairs Department does not issue concealed weapon permits. Any security guard who carries a concealed weapon without a concealed weapon permit issued by a Police Chief or Sheriff is in violation of state law.

- B. BACKGROUND CHECKS: Consumer Affairs Department only conducts background checks on security guards after they have received the application in Sacramento. Background checks are also conducted whenever a guard applies for a firearms permit. The checks are not thorough and only routine checks for prior arrest and warrants are conducted. There is no effort made to do a nationwide check for a criminal record on anyone applying as a security guard.
- C. UNIFORMS: There is no regulation on what type of security uniforms guards are permitted to wear. Guards that are working unarmed (no firearm, pepper spray, or baton) do not have to wear patches on their uniform. Armed guards must wear patches on their uniforms. There is no state uniform regulation on guards, however, local police departments have the authority to require security companies working within their jurisdiction to change the style of the guard's uniforms if it is similar to the police officer's uniforms.
- D. TRAINING: Currently, firearm training for security guards is conducted in two days.
- E. VEHICLES: No new regulations on security vehicles. Security guards are not allowed to drive black & white vehicles that have red & blue light bars or sirens. The only exception to the red lights and siren rules are for currency armored transport vehicles.

- F. SECURITY GUARD CANINE: Canine are not regulated by the state. The responsibility of regulation is with each individual city. Currently, there is no regulation in this city for the use of security guard canine.
- G. PATCHES AND BADGES: Guards are not allowed to have any "police" insignia on their patch or badge. They are also not allowed to have the state or city seal on them. The only exception to the rule is API Security, which is regulated by the city of Los Angeles and allows company to wear a badge with the city seal on it.

The Consumer Affairs Department would like local law enforcement to notify them whenever a security guard officer violates the law. Any questions regarding security guard regulations, can be referred to the consumer affairs licensing division, 916/445-7724.

The following is a list of applicable sections dealing with security guard violations:

UNIFORM AND BADGE:

- B&P 7583.38 City/county can regulate uniform & vehicle.
- B&P 7582.26(f) Cannot wear badge unless in uniform.
- B&P 7582.26(l) No baton/firearm unless in legal uniform.
- B&P 7582.27 Uniform must have patches on each shoulder stating "private security" including company name.
- B&P 7582.28 Badge or cap insignia must include company name and employee identification number.
- CPC 538d Wearing uniform or badge to look like peace officer enough to deceive reasonable person.

GUARD REGISTRATION PERMITS:

- B&P 7583.3 Must have valid security guard registration card.
- B&P 7583.6 Security officer registration required.
- B&P 7583.9 Security guard application for registration.
- B&P 7583.11(b) Temporary registration (pink slip) good for 120 days.
- CPC 12033 Exemptions only after possession of state permits.

BATON:

- B&P 7583.33 Must have baton permit to carry.
- B&P 7583.34 Cannot allow baton without permit
- CPC 12002 b In uniform, must have state baton permit to carry.
- CPC 12020 Felony to wear or have baton without state permit.



FIREARMS:

B&P 7583.3(b) Firearm permit must be in possession when armed.  
B&P 7583.3c Firearm permit must be in possession when armed and used.  
B&P 7583.12 Must have valid guard and firearm cards on person.  
B&P 7583.22(a) Cannot carry without firearm card (permit).  
B&P 7583.37(b)(6) Must carry caliber on firearm card.  
CPC 12025 Cannot carry concealed weapon.  
CPC 12031 Carrying loaded firearm without permit.  
CPC 12031(d)4,5,6 Exemption for licensed security officer while on duty.

TEAR GAS:

B&P 7583.35 Must have permit  
B&P 7583.36 Company cannot authorize without permit  
B&P 7583.37(d) Cannot carry or use without permit  
CPC 12403.5 Permit required any device while on duty.  
CPC 12403.7(5)(a) Possession of more than 2.5 oz. not on duty.

STUN GUN:

CPC 12650 Stun gun definition.  
CPC 244.5 Misuse of stun gun.

## 14.

### COURTROOM TESTIMONY, DEMEANOR AND SUBPOENAS

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14.4 The trainee shall explain the value of impressive and professional courtroom demeanor and appearance. The trainee shall also understand the department practices concerning the application of the subpoena process.

COURT PROCEDURES - ATTENDANCE AND DRESS REGULATIONS: Members of the Department will be punctual in attending court and will appear either in full uniform or in civilian clothes of businesslike appearance. The wearing of part uniform and part civilian clothes will not be permitted. Officer's clothes will be neat and clean and will consist of one of the following:

- A. Business suit and tie
- B. Sport coat, slacks and tie
- C. Vernon Police Department regulation uniform

PREPARATION OF EXHIBITS: Officers will have the cases in which they are concerned properly prepared, and all property which is to be used as evidence suitably arranged for presentation in court.

CASE FOLDERS: It may be necessary to pick up the case folders from the Records Division prior to attending court appearances. This may be for the purposes of reviewing all submitted reports, Crime Lab results, or at the request of the assigned investigator or District Attorney. Officers will be required to follow the division procedures when checking out case folders.

Photos may be located in the case folders. If developed photo prints are needed or anticipated, for trial it would be wise to check to see if prints have already been made. If not, a request for printing must be made to the Records Division.

EVIDENCE: Evidence may or may not be needed in preliminary, motion to suppress, or other court hearings. It would be wise to check with the District Attorney or bring it to court. Court trials will usually require the need for evidence. If evidence is needed for court, the officer shall complete an "Evidence Request Form," and submit it to the Evidence Officer within a reasonable time. The evidence will be retrieved by the Evidence Officer. It is the responsibility of the officer to retrieve evidence from the Evidence Officer.

Once the evidence is no longer needed in court, the evidence will be returned to the Evidence Officer or booked in the evidence room.

NOTIFICATION OF ARRIVAL: Officers, when appearing in court, will notify the prosecuting attorney or assigned bailiff of such officer's presence.

NOTIFICATION OF NONATTENDANCE: In all court cases it will be the responsibility of each officer to notify the Court Liaison Officer (Day Watch Commander) when such officer is unable

to make a scheduled court appearance. Non-emergency notifications will be addressed by returning the written court notice to the Court Liaison Officer after it is reviewed and signed by the immediate supervisor. When non-attendance is due to an emergency, the officer will supply a full explanation of the reasons why the appearance cannot be made and will note the name of the person contacted in the event there is any later question about the notification. It is the responsibility of the Court Liaison Officer to explain the absence of the officer to the court so a proper disposition of the case can be decided.

CONFLICTING COURT APPEARANCE DATES: When officers receive two or more court notices requiring an appearance on the same day and time, such officers are responsible for notifying the Court Liaison Officer regarding the conflict prior to the appearance. Officers will use the following guidelines when deciding which court case to respond to:

- A. Felony trials in which testimony will be given will have priority over either misdemeanor or traffic court cases.
- B. Misdemeanor jury trials will be given priority over traffic court cases if testimony will conflict with the traffic court case.

TESTIFYING: Officers will testify with the strictest accuracy, and when cross-examined by the defense, will answer with the same readiness and civility as when testifying in support of the charge. Officers should have with them the Miranda Warning Card (City Form) used to advise the defendant of his/her rights. The court requires that the officer's testimony specify the exact words used in the advisement.

OFF DUTY: Officers who are required to appear in court during off-duty hours will complete and submit an "Off-Duty Court Appearance / Court Disposition" form to the on duty Watch Commander. Officers may use city vehicles to attend court off-duty.

ON DUTY: Officers who are required to appear in court while on duty will complete and submit a "Court Disposition" form to the on duty Watch Commander.

OFF-DUTY ON-CALL STATUS: Officers who are on-call for court during off-duty time will complete and submit an "On-Call Off-Duty Court Appearance / Court Disposition" form to the on duty Watch Commander.

PRIVATE ATTORNEY/PUBLIC DEFENDER/DISTRICT ATTORNEY SUBPOENA: Officers must appear in court at the time and date indicated on subpoenas unless prior arrangements have been made with the Court Liaison Officer.

PROMISES OR ARRANGEMENTS: Members will not become involved in any promise or arrangement between a defendant and a victim with the intention of affecting the result of the defendant's trial.

ARRANGING DISMISSAL OR LENIENCY: Members will not seek to obtain the dismissal of a case or leniency for the defendant in any court unless done with the knowledge and consent of the District Attorney's Office.

COURT PAY (MEMORANDUM OF UNDERSTANDING): The following is the current court pay schedule:

Off-duty half-day appearance: Hourly wage at time & a half with at least a 4-hour minimum  
Off-duty all day appearance: Hourly wage at time & a half  
Off-duty on-call status (half-day) session: \$144.00  
Off-duty on-call status all day: \$208.50

SUBPOENAS: Officers will receive notification of a subpoena through their email. The officer will then check DocuPeak to retrieve the issued subpoena. Court appearance conflicts should be addressed to the Day Watch Commander (Court liaison Officer) as soon as possible so that arrangements can be made through the court witness coordinator.

SUBPOENAS FOR TRAFFIC CASES: Officers who receive subpoenas for traffic trials and do not have recollection of the citation issued, the officer will notify the on-duty Day Watch Commander. The Day Watch Commander, who is the court liaison will fax [REDACTED] the subpoena back to the court indicating lack of recollection by the officer.

FOLLOW-UP VISITS:

- A. Employees are required to attend all scheduled follow-up visits.
- B. If an appointment cannot be kept, it is the employee's responsibility to cancel and/or reschedule a minimum of 24 hours in advance.
- C. Failure to comply with the above may result in a monetary expense to the employee if it is charged to the City by the treating physician.

PHYSICIANS:

- A. Employees should be treated at U.S. HealthWorks unless an Industrial Injury Physician Designation Form is on file in the employee's personnel file.
- B. In the event of serious injury the employee should go to the nearest medical facility.

TREATMENT FACILITIES:

U.S. HealthWorks  
3851 Soto St.  
Vernon, CA 90058

EXTREME EMERGENCIES

White Memorial Hospital  
414 N. Boyle Avenue  
Los Angeles, CA

**15.**

**PATROL PROCEDURES**

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- 15.1 The trainee shall assume all solo responsibilities of the police unit under the supervision of the Field Training Officer. The trainee shall perform all officer duties in a safe, effective manner consistent with all performance objectives set forth in this training guide.

**16.**

**DETECTIVE BUREAU FUNCTIONS**

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16.1 The trainee shall understand and explain in his/her own words the function and operation of the detective bureau. The explanation shall include but is not limited to the information listed.

The trainee shall review and understand the following detective bureau functions and operations:

- A. Felony Filing Process
- B. Misdemeanor Filing Process
- C. Juvenile Petition Process
- D. Arrest Package Review
- E. Case Disposition Process
- F. Case Review and Follow-up Process
- G. Review of Warrant Arrest Procedures
- H. Review of Case filing process at District Attorney's Office and various Felony and Misdemeanor Courts
- I. Discovery Motions

# RECRUIT OFFICER SKILLS CHECKLIST ORIENTATION TRAINING WEEK

The following subjects will be covered during the orientation training week of the recruit officer's field training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT.
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## 1.1 Department Policy and Regulations

Chain of command, unity of command, rank, general behavior, conformance to department policy and procedures, obedience to laws, regulations, and orders, duties of police officers, absence/policy, time off request, firearms identification, card, disorderly conduct, use of alcohol/narcotics, sleeping on duty, acceptance of gratuities, use of force, conduct toward others, press relations, outside employment, watches and hours defined employees to remain on duty until relieved, dress and groom policy, exhibit to dress and grooming policy

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## 1.2 Firearms Policy/Regulations

Firearms qualifications, policy on use of firearms, policy and procedure for handling shotguns and rifles, range safety rules, monthly firearm qualification course

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## 1.3 Firearms Policy

Policy on the use of the department M4 Rifle and department handgun, quarterly and bi-weekly qualification course

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## 1.4 Less Lethal Firearms Policy and Regulations

Deployment of bean bag shotgun and quarterly bean bag shotgun qualification, use of the department Taser X26

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## 1.5 Policy and Regulations

Sexual harassment policy and violence free workplace policy

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## 1.6 Patrol Vehicle Operations

Operations of police vehicles under emergency conditions, use of code three, pursuit policy, and code three policy

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MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT.
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1.7 Radio Operations/ Procedures

Start of duty, indecent or obscene radio transmissions, operating the mobile and portable radio, emergency trigger activation, call signs, dispatching on calls, radio procedures and discipline, assigned radio frequencies, department unit designator, ten codes, nine codes, code codes, phonetic alphabet, broadcast procedures, description of vehicles, broadcast during pursuits

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1.8 Policy and Regulations

Digital recorder policy, Use of Mobile Video System, hand held Thermal Imaging System, unit FLIR device

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1.9 Hobble Leg Restraint

Hobble leg restraint procedures

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1.10 Respiratory protection program

<input type="text"/>	<input type="text"/>	<input type="text"/>
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1.11 Nerve Agent Exposure and Antidote Kit

<input type="text"/>	<input type="text"/>	<input type="text"/>
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1.12 Evidence Collection / Preservation

DNA collection procedure and policy, Latent Finger Prints

<input type="text"/>	<input type="text"/>	<input type="text"/>
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1.13 ARREST & CONTROL TECHNIQUES

Weaponless defense, awareness, control, body parts as weapons, Person searches, searching and cover officers, officer survival, Controlling force, control holds, takedowns, restraint devices, Use of handcuffs, officer awareness, weapon retention, baton, Officer safety prisoner transportation,

<input type="text"/>	<input type="text"/>	<input type="text"/>
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The training material for agency orientation training week was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #) Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review Date

# RECRUIT OFFICER SKILLS CHECKLIST

## FIELD TRAINING WEEK 1

The following subjects will be covered during the 1st week of the recruit officer's field training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT.
<b>1.1 Community Orientation/Geographic Locations</b>				
A. Fire departments, restaurants, bars, and hot spots, banks, and check cashing locations, school, post office, and railway facilities		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.2 Support Service</b>				
A. Municipal, Superior, and Juvenile Courts, District Attorney's Office, hospitals/psychiatric hospitals, county jail, juvenile hall pre-booking medical facility, local police departments, local homeless shelters, car wash location, city services		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.3 Report Writing/ Report Forms</b>				
A. Reporting requirements, report review/procedure, field notebooks, review of department forms, report writing review		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.4 Operation of Police Vehicles</b>				
Operation of police vehicles, inspection of police vehicles, vehicle assignment, Damage vehicle or inoperative equipment, service in the field, pushing other vehicles, removal of keys, wearing of seatbelts, interior cleanliness, repair and service of vehicles, unauthorized persons riding in city vehicles, use of city vehicles outside city limits, use of public telephones, use of Lo-jack		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.5 Traffic Collision Investigation</b>				
A. CHP 555, CHP 555-03 (Property damage only), private property accidents, investigative procedures, photographing major injury traffic collisions, citations, impound of vehicles involved in accidents, aircraft crashes, traffic control		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.6 Traffic Enforcement</b>				
A. Enforcement action, violator contact, selective enforcement, warnings, traffic control-adjustment period		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.7 Traffic Enforcement</b>				
A. Completing and issuing citations, recording notes, how to handle refusal to sign, amending citations, change of venue, dismissing or voiding citations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT.
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1.8 Community Orientation

A. Patrol activities and boundaries, leaving the city, assisting patrol responsibility, patrol beats

<input type="text"/>	<input type="text"/>	<input type="text"/>
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1.9 Community Orientation/Patrol Beat #1

A. City streets, private streets, hundred block system/boundaries for patrol area #1

<input type="text"/>	<input type="text"/>	<input type="text"/>
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1.10 Completing Vehicle Logs

<input type="text"/>	<input type="text"/>	<input type="text"/>
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1.11 Use of Force Legal and Ethical Issues

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The training material for field week #1 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #)      Date

\_\_\_\_\_  
Field Training Officer      Date

\_\_\_\_\_  
Sergeant Review      Date

**RECRUIT OFFICER SKILLS CHECKLIST  
WEEK 2**

The following subjects will be covered during the 2nd week of the recruit officer's training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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**2.1 COMMUNITY ORIENTATION**

A. City streets for patrol area 2, private streets, hundred block system and boundaries

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**2.2 LAWS OF ARREST**

A. Authority to arrest, detention and physical arrest with a warrant, without a warrant, reasonable force to effect arrest overcoming resistance or preventing arrest, forced entry to make an arrest, probable cause declaration procedures, mandatory appearance, optional appearance, felony and misdemeanor arrest procedures

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**2.3 PRIVATE PERSONS ARREST PROCEDURES**

A. Authority to arrest and authority to receive arrests

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**2.4 WARRANT ARREST**

A. Confirmation, determining disposition, arrest on warrant bail, serving misdemeanor warrants, procedure for citing out warrant arrestee, defendant notification-out of county warrant

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**2.5 FIELD INTERVIEWS/DETAINMENTS**

A. Field interviews-definition, authority and requirements, reasonable suspicion, use of force to detain, duration of stop, field photographs

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
2.6 VICTIM OF CRIME NOTIFICATION		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.7 FIELD STOPS				
A. Reporting vehicle and pedestrian stops		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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The training material for field week 2 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
 Recruit (Name and ID #) Date

\_\_\_\_\_  
 Field Training Officer Date

\_\_\_\_\_  
 Sergeant Review Date

**RECRUIT OFFICER SKILLS CHECKLIST WEEK 3  
WEEK 3**

The following subjects will be covered during the 3rd week of the recruit officer's training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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**3.1 COMMUNITY ORIENTATION**

A. City streets, private streets, hundred block system, and boundaries for patrol area #3

**3.2 CONTROL OF PERSONS/PRISONERS**

A. Prisoner processing and where to book, processing juvenile detainees, dependant children, mental ill persons/sick or injured prisoners, processing at county jail

**3.3 JAIL MANUAL AND PROCEDURES**

A. Review of listed jail manual sections, type of jail facility, use of force and restraints, fire emergency procedures, medical screening, observations of prisoners, prisoner medications, and suicide prevention

**3.4 PRISONER RELEASE PROCEDURES**

A. Criminal citations, procedure prior to issuing citation, completing the citation, citations for municipal code violations

**3.5 PRISONER RELEASE PROCEDURES**

A. Bail receipt instructions, release on own recognizance citations, bonds

**3.6 JUVENILE DETAINMENTS**

A. Juvenile contacts/reporting, use of juvenile facility dependant juveniles, status offenders, juvenile detainment procedures, juvenile detainment process/forms, non-secure detention conditions, confinement log, juvenile warrant detainment procedures, placement of juvenile in detention facility, obtaining medical treatment, protective custody cases, procedures for the citation of non-detained minors

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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**3.7 PENAL CODES**

- 1. 211
- 2. 240
- 3. 242
- 4. 415
- 5. 459
- 6. 466
- 7. 484
- 8. 496
- 9. 647
- 10. 647.6
- 11. 664

VEHICLE CODES

- 1. 10751
- 2. 18051
- 3. 10852
- 4. 24002
- 5. 24004
- 6. 24250
- 7. 24252

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The training material for field week 3 was reviewed with me and I understand and acknowledge receipt of the training.

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Recruit (Name and ID #) Date

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Field Training Officer Date

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Sergeant Review Date

# RECRUIT OFFICER SKILLS CHECKLIST

## WEEK 4

The following subjects will be covered during the 4th week of the recruit officer's training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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### 4.1 IMPOUNDING/STORING VEHICLES

A. Responsibility, reporting of tows, vehicle holds, storage facilities, inventory of stored/impounded vehicles, stored/impound vehicle policy, thirty day impound under 14602.6 VC

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 4.2 PRIVATE PROPERTY IMPOUND

A. Private property impound policy, guidelines for removal of abandoned vehicles from private property

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 4.3 VEHICLE RELEASE PROGRAM

A. Procedures for vehicle release program  
B. Post-storage Hearing Procedures

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 4.4 LAW REVIEW

A. Administration of Miranda rights (adults/juveniles), legal sufficiency of Miranda warning, exceptions to Miranda rule

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 4.5 IN-FIELD SHOWUP PROCEDURES

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 4.6 PENAL CODES

- |        |            |
|--------|------------|
| 1. 187 | 9. 207     |
| 2. 189 | 10. 236    |
| 3. 192 | 11. 381    |
| 4. 194 | 12. 626.9  |
| 5. 196 | 13. 626.10 |
| 6. 197 | 14. 626.95 |
| 7. 198 | 15. 12316  |
| 8. 203 |            |

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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VEHICLE CODES

1.	16025	7.	21806			
2.	21800	8.	21460			
3.	21801	9.	21461			
4.	21802	10.	22651			
5.	21803	11.	22669			
6.	21804	12.	26710	<input type="text"/>	<input type="text"/>	<input type="text"/>

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The training material for field week 4 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #) Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review Date

# RECRUIT OFFICER SKILLS CHECKLIST

## WEEK 6

The following subjects will be covered during the 6th week of the recruit officer's training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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### 6.1 MUNICIPAL CODES

A. Review of municipal codes and municipal code citations

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 6.2 EDUCATION/ENFORCEMENT PROGRAM FOR SMOKE-FREE WORKPLACE

A. Requirements of law, requirements of local businesses, exceptions to the smoke-free workplace law, requirements of local government, public role of the Vernon Police Department, enforcement role of Vernon Environmental Health Department, enforcement role of Vernon Police Department, enforcement against employers

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 6.3 PATROL PROCEDURES

A. Department vehicle pull over procedures, traffic violations pullovers, investigative stops, arrest stops, removal of suspects from vehicles-felony stops, placing and searching suspects-felony arrests, removing, searching, and placing suspects-felony stops

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 6.4 PATROL PROCEDURES

A. Contact and cover procedures

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 6.5 BUILDING SEARCHES

A. Initial response, planning entry, entry, searching, additional considerations

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 6.6 FOOT PURSUITS

A. Preplanning, physical fitness, communications, tactics, firearms, apprehension

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 6.7 PATROL TECHNIQUES

Basic patrol concepts, preventative patrol, direct patrol enforcement  
Contact cover officers, officer safety on patrol, patrol methods and considerations,

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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MATERIAL COVERED	INITIALLED BY:	RECRUIT	FTO	SGT
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6.8 Code - 7 LOCATIONS		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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6.9 CANINE POLICY		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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6.10 TRAFFIC CONTROL PROCEDURES		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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6.11 CODE ALPHA PROCEDURES		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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6.12 VEHICLE CODES

- |                |             |                          |                          |                          |
|----------------|-------------|--------------------------|--------------------------|--------------------------|
| 1. 2800.1      | 15. 22450   |                          |                          |                          |
| 2. 2800.2      | 16. 40302   |                          |                          |                          |
| 3. 2800.3      | 17. 40305   |                          |                          |                          |
| 4. 4000(a)     | 18. 14602.6 |                          |                          |                          |
| 5. 4152(a)     | 19. 21650   |                          |                          |                          |
| 6. 5200        | 20. 21651   |                          |                          |                          |
| 7. 5204        | 21. 216657  |                          |                          |                          |
| 8. 12500(a)    | 22. 21658   |                          |                          |                          |
| 9. 12951(a)    | 23. 21703   |                          |                          |                          |
| 10. 14601      | 24. 21706   |                          |                          |                          |
| 11. 14601.1(a) | 25. 21707   |                          |                          |                          |
| 12. 14601.2(a) | 26. 21708   |                          |                          |                          |
| 13. 22349      | 27. 21712   |                          |                          |                          |
| 14. 22350      |             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PENAL CODES

- |          |           |                          |                          |                          |
|----------|-----------|--------------------------|--------------------------|--------------------------|
| 1. 135   | 11. 241B  |                          |                          |                          |
| 2. 142   | 12. 243B  |                          |                          |                          |
| 3. 148   | 13. 245   |                          |                          |                          |
| 4. 148.3 | 14. 246   |                          |                          |                          |
| 5. 148.5 | 15. 417.1 |                          |                          |                          |
| 6. 148.9 | 16. 417.3 |                          |                          |                          |
| 7. 149   | 17. 417.4 |                          |                          |                          |
| 8. 834   | 18. 417.8 |                          |                          |                          |
| 9. 842   | 19. 417   |                          |                          |                          |
| 10. 1531 | 20. 422   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The training material for field week 6 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #)Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review      Date

**RECRUIT OFFICER SKILLS CHECKLIST  
WEEK 7**

The following subjects will be covered during the 7th week of the recruit officers's training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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**7.1 RESPONSE TO BURGLARY CALLS**

A. Response and arrival, duties at scene of residential/ commercial burglary		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Response to hostage situations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Response to barricaded suspects incidents		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Response to sniper situations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Response to shots fired calls		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Response to security alarms		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7.2 BOMB THREAT INVESTIGATIONS**

A. Directed at police facility, initial action, search procedures, communications during search, reporting the incident		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Directed at private facility, initial action, search procedures communications during search, reporting the incident		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7.3 SEARCHES AND SEIZURE**

A. Announcement required, emergency searches, warrantless searches, consent searches, plain view searches, cursory searches, searches incident to arrest, search of vehicles/passengers		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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MATERIAL COVERED	INITIALLED BY:	RECRUIT	FTO	SGT
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7.4 PENAL CODES

- |    |        |     |       |
|----|--------|-----|-------|
| 1. | 537(A) | 7.  | 12031 |
| 2. | 537(E) | 8.  | 12034 |
| 3. | 12020  | 9.  | 12280 |
| 4. | 12021  | 10. | 12316 |
| 5. | 12024  | 11. | 12420 |
| 7. | 12025  | 12. | 12651 |

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7.5 GANG AWARENESS

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The training material for field week 7 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
 Recruit (Name and ID #)      Date

\_\_\_\_\_  
 Field Training Officer      Date

\_\_\_\_\_  
 Sergeant Review      Date

**RECRUIT OFFICER SKILLS CHECKLIST  
WEEK 8**

The following subjects will be covered during the 8th week of the recruit officer's training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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**8.1 INTOXICATION/DRIVING UNDER  
THE INFLUENCE CASES**

A. Recording facts, recognizing DUI offenders, nontraffic cases, DUI Checkpoints, traffic cases-tests at scene, administration of PAS, admonishments (implied consent), arrest without a warrant processing arrestee, disposition of arrestee's vehicle, obtaining sample

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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B. Public intoxication-criteria for booking, report writing for DUI cases

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**8.2 CONTROLLED SUBSTANCES**

A. Under the influence evaluations, drug influence symptoms, report writing

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**8.3 MARIJUANA INVESTIGATIONS**

A. Adult procedures (over and under an ounce of marijuana), juvenile procedures(over and under an ounce of marijuana), reporting procedures, refusal to sign citations Proposition 215: Medical use of Marijuana/Procedures

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**8.4 NARCOTIC INVESTIGATIONS**

A. PCP-Officer guide to recognition, arrest, and prosecution

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**8.5 PENAL CODE**

1. 381

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**BUSINESS AND PROFESSIONS CODE**

1. 4149  
2. 4390

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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MATERIAL COVERED	INITIALLED BY:	RECRUIT	FTO	SGT
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HEALTH AND SAFETY CODES

- |    |         |     |         |
|----|---------|-----|---------|
| 1. | 11350   | 8.  | 11364   |
| 2. | 11351   | 9.  | 11365   |
| 3. | 11352   | 10. | 11366   |
| 4. | 11353   | 11. | 11377   |
| 5. | 11357   | 12. | 11380   |
| 6. | 11359   | 13. | 11550   |
| 8. | 11361.C | 14. | 11351.5 |

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VEHICLE CODES

- |    |         |
|----|---------|
| 1. | 11353   |
| 2. | 21200.5 |
| 3. | 23140   |
| 4. | 23152   |
| 5. | 23153   |
| 6. | 23175   |
| 8. | 23222   |

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The training material for field week 8 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #) Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review Date

# RECRUIT OFFICER SKILLS CHECKLIST

## WEEK 9

The following subjects will be covered during the 9th week of the recruit officers's training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
<b>9.1 CHILD ABUSE INVESTIGATIONS</b>				
A. Neglect/indicators, investigations, emotional abuse and deprivation, physical abuse, medical examinations, child abuse reporting procedures		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9.2 MENTAL ILLNESS CASES</b>				
A. Detecting, reporting and transportation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9.3 MISSING PERSON REPORTING REQUIREMENTS</b>				
A. Adults and juveniles		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reporting requirements		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Child Abduction Emergency Alert Procedures		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9.4 CRIME SCENE INVESTIGATIONS</b>				
A. Principles of investigation, crime scene protection, crime scene investigation, evidence collection/protection implementing crime scene procedures, control of uniformed		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Death cases-initial response, suspicious cases, natural deaths, in-custody deaths, medical aid/transporting when life is possible, reporting requirements		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.5 Victim of Crimes Who Have Disability		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9.6 VEHICLE CODES</b>				
1. 21200	9. 23116			
2. 23103	10. 27150			
3. 23104	11. 27151			
4. 23109	12. 27153			
5. 23110	13. 27155			
6. 23111	14. 27315			
7. 23112	15. 27360			
9. 23114		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



MATERIAL COVERED                      INITIALED BY:                      RECRUIT                      FTO                      SGT

PENAL CODES

- 1. 166.4                      6. 273A
- 2. 243.4                      7. 273D
- 3. 261.5                      9. 273G
- 4. 271                        9. 273.5
- 5. 272                        10. 273.6

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9.7 MEGAN'S LAW POLICY

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The training material for field week 9 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #) Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review      Date

# RECRUIT OFFICER SKILLS CHECKLIST

## WEEK 11

The following subjects will be covered during the 11th week of the recruit officer's training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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### 11.1 VEHICLE THEFT INVESTIGATIONS

A. Patrol functions and observation techniques, reporting requirement, investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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B. Stolen boat reporting requirements and procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 11.2 REPOSSESSIONS

A. Cause of repossessions, peace officer response/authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 11.3 LABOR DISPUTES

A. Guidelines for handling labor disputes/strike scenes, arrest procedures, written reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 11.4 LANDLORD TENANT DISPUTES

A. Officer duties at landlord tenant disputes, unlawful conduct by landlord	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### 11.5 VEHICLE CODES

1. 21453(D)	11. 22100			
2. 21456(A)	11. 22102			
3. 21951	11. 22103			
4. 21955	12. 22104			
5. 21957	13. 22105			
6. 22500	14. 22106			
7. 27600	15. 22400			
8. 28071		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
11.6 TRAIN BLOCKING TRAFFIC POLICY		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.7 ABC LAWS / ENFORCEMENT		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.8 TRACE PROTOCOL		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.9 TERRORIST SCREENING CENTER HANDLING CODE		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The training material for field week 11 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #) Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review Date

**RECRUIT OFFICER SKILLS CHECKLIST  
WEEK 12**

The following subjects will be covered during the 12th week of the recruit officer’s training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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**12.1 DOMESTIC VIOLENCE POLICY**

A. Purpose, policy, procedure, enforcement laws relating to domestic violence, private person’s arrest, court protective orders

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**12.2 TELEPHONIC TEMPORARY RESTRAINING ORDERS**

A. Procedures and arrests for violations

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**12.3 DEMONSTRATIONS/CIVIL DISTURBANCES**

A. Procedures at scene, response to violent/illegal conduct coordination efforts, and treatment of media

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**12.4 DISTURBANCE OF THE PEACE**

A. Officer safety/conduct, and taking action/referral

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**12.5 SEXUAL ASSAULTS**

A. Initial statements, and collection of evidence

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**12.6 HATE CRIME POLICY**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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12.7 PENAL CODES

- |    |       |     |       |     |       |
|----|-------|-----|-------|-----|-------|
| 1. | 302   | 7.  | 416   | 13. | 602   |
| 2. | 403   | 8.  | 726   | 14. | 602.5 |
| 3. | 404   | 9.  | 727   |     |       |
| 4. | 406   | 12. | 591   |     |       |
| 5. | 407   | 11. | 594   |     |       |
| 6. | 409.5 | 12. | 594.2 |     |       |

<input type="text"/>	<input type="text"/>	<input type="text"/>
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The training material for field week 12 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #) Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review Date

**RECRUIT OFFICER SKILLS CHECKLIST  
WEEK 13**

The following subjects will be covered during the 13th week of the recruit officer's training.

From:\_\_\_\_\_ To:\_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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13.1 ANIMAL CONTROL

A. Handling animal cases, animal control request and disposal of animal/reporting requirements		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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13.2 HAZARDOUS MATERIALS

A. Policy on emergency response to discard hazardous material on the public right-of-way		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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13.3 UNUSUAL OCCURRENCES

A. Procedures for handling unusual occurrences		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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13.4 FIRE/POLICE COORDINATION

A. Coordination and responsibility, assistance to fire department, investigations, and duties when fire discovered		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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13.5 ARSON INVESTIGATION

		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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13.6 INDUSTRIAL ACCIDENTS

A. Industrial accidents investigation/checklist		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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13.7 DIPLOMATIC/ LEGISLATIVE IMMUNITY

A. Persons having immunity-definition, methods of handling selected incidents, and proper notification

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13.8 ARREST AND DETENTION OF FOREIGN NATIONALS POLICY

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13.9 TACTICAL COMMUNICATIONS

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13.10 BUSINESS AND PROFESSIONS CODES

- 1. 23300
- 2. 25602
- 3. 25631
- 4. 25665
- 5. 25658
- 6. 256661
- 7. 25662
- 8. 25755

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The training material for field week 13 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #) Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review Date

**RECRUIT OFFICER SKILLS CHECKLIST  
WEEK 14**

The following subjects will be covered during the 14th week of the recruit officers' training.

From: \_\_\_\_\_ To: \_\_\_\_\_

MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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**14.1 SEARCHES/CONTROL OF PERSON  
PRISONERS/MENTALLY ILL**

A. Degrees of searches, type of searches, common concealment for weapons and contraband, general considerations, visual search techniques, cursory search techniques, handcuffing techniques, searches of subject during booking procedures

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**14.2 PEDESTRIAN STOPS**

A. Approaching pedestrians, where to stop pedestrians, foot approach

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**14.3 NON-SUFFICIENT FUNDS / BAD CHECK PROGRAM**

A. Bad check program procedure and requirements, and procedures for non-sufficient funds check reports

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**14.4 PRIVATE SECURITY GUARDS**

A. Licensing process of private security guards, and applicable sections dealing with guard violations

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**14.5 COURTROOM TESTIMONY/DEMEANOR/SUBPOENAS**

A. Attendance and dress regulations, testifying, case folder-evidence requests, off-duty/On call status, court pay schedule, and subpoena service process

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MATERIAL COVERED	INITIALED BY:	RECRUIT	FTO	SGT
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14.6 WORK RELATED INJURY/ILLNESS

A. Procedures-time off injury, modified work schedule, lost time, and follow-up time/ physicians




The training material for week 14 was reviewed with me and I understand and acknowledge receipt of the training.

\_\_\_\_\_  
Recruit (Name and ID #) Date

\_\_\_\_\_  
Field Training Officer Date

\_\_\_\_\_  
Sergeant Review Date

**REPORT COMPLETION CHECKLIST:**

The following is a list of reports and other types of paperwork that an officer may have to complete. Each type of report listed has two sections. One section is to be completed when the report is filed with the FTO's assistance. The second section is to be completed when the report is completed with no assistance from the FTO. Upon completion of a report with assistance from the FTO, the trainee will initial the checklist in the appropriate column and write the case number in the "case number" column. The FTO will then initial in the appropriate column, confirming that the report was filed and that the report number is correct. The same procedure will be followed when the trainee completes a report without assistance from the FTO. If you file some type of report or other paperwork not listed, document the information in the blank spaces provided.

This report completion checklist will be collected when you complete the Field Training Program. It will be placed in your training file as a permanent record showing the reports you have completed while on training.

<b>Report</b>	<b>Case Number</b>	<b>With Assistance FTO &amp; Trainee Initials</b>	<b>Case Number</b>	<b>Without Assistance FTO &amp; Trainee Initials</b>
Arson				
Assault				
A.D.W.				
Battery				
Burglary				
Weapons				
Disturbing the Peace				
Domestic Violence				
Extortion				
Gambling				
Hazardous Materials				
Homicide				
Kidnapping				
Drug Influence				
N.S.F. Check				
Rape				
Stolen Property				
Warrant Arrest				
Trespass				
Vandalism				
13353 CVC				
DUI Refusal				
DUI Arrest				
Death				
Discharge Firearm				
Glady's R Form				
GTA Report				
Vehicle Impound				





## **FIELD TRAINING OFFICER CRITIQUE FORM**

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In an effort to ensure that the Field Training Officer maintains a high level of skill, performance and interest, this critique form is to be completed by the recruit officer. FTOs truly interested in doing the best job possible welcome subjective feedback. It benefits the program and the FTO to know how well they are doing in the eyes of the recruit. Therefore, the trainee is requested to appraise honestly and evaluate each FTO to whom they were assigned. Although you are asked to sign your name at the end of this critique, every effort is made to ensure your anonymity. Your response will be edited by the FTO Coordinator, when necessary, and combined with the comments of other trainees about each FTO for whom a critique is received.

Important to this critique are your comments in each category. Please take the time to provide details about why you rated the FTO as you did. The more information you provide, the better picture that we will have of each FTO's level of skill and their continued suitability for the position.

**SECTION 1 - INSTRUCTIONS:** Place your FTO's name in the blank space below. If you had more than one FTO during the period being rated, please complete a critique form on each FTO. Second select the period for which you are evaluating the FTO.

Your Field Training Officer:

Training Phase \_\_\_\_\_

**SECTION 2 - INSTRUCTIONS:** Circle one of the responses that is beneath each of the seven statements below and explain the reasons for the rating.

Field Training Officer Rating:

What kind of example did this FTO set for you?

Poor              Fair              Average              Good              Excellent

Explanation:

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Describe the FTO's interest in imparting training material and information to you?

Poor            Fair            Average            Good            Excellent

Explanation:

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The FTO's knowledge of the training material covered?

Poor            Fair            Average            Good            Excellent

Explanation:

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The FTO's skill as an instructor/teacher/trainer?

Poor            Fair            Average            Good            Excellent

Explanation:

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The FTO's ability to communicate with you?

Poor            Fair            Average            Good            Excellent

Explanation:

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The FTO's application of honesty, fairness and objectivity in rating you?

Poor            Fair            Average            Good            Excellent

Explanation:

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Describe the FTO's overall attitude toward his/her role as an FTO?

Poor            Fair            Average            Good            Excellent

Explanation:

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List the area(s) in which you think your FTO showed the greatest skill, ability, or interest, and comment. In which aspects of the job was this FTO's instruction most effective?

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List the area(s) in which you believe the FTO needs improvement and comment. In which aspects of the job was the FTO's instruction least effective?

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Were there any conflicts with the FTO's training and your academy training? If there were conflicts, please explain.

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Provide an overall evaluation of the Field Training Program, including deficiencies.

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Does the program allot you sufficient time? If not, how much time is needed?

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**FIELD TRAINING PROGRAM  
COMPLETION RECORD**

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\_\_\_\_\_  
Trainee Name and ID#

\_\_\_\_\_  
Date of Completion

Name of Field Training Officer

Field Assignment

Field Training Dates (inclusive)  
From                      To

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have been instructed in all items recorded in this Field Training Record.

\_\_\_\_\_  
Signature of Trainee and ID#

\_\_\_\_\_  
Date

I certify that Officer \_\_\_\_\_ has received the basic instruction as outlined in the Field Training Guide and that the Officer understands and has satisfactorily performed in all of the functional areas or categories. I also certify that all tests have been completed in a satisfactory manner. I further certify that the officer is now prepared to work as a solo patrol officer.

\_\_\_\_\_  
Primary Field Training Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Field Training Supervisor Signature

\_\_\_\_\_  
Date

I attest that the above named trainee has satisfactorily completed the prescribed Field Training Program.

\_\_\_\_\_  
Agency Head

\_\_\_\_\_  
Date

**FIELD TRAINING PROGRAM  
COMPLETION RECORD**

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\_\_\_\_\_  
Trainee Name and ID#

\_\_\_\_\_  
Date of Completion

Field Training Officer

Field Assignment

Field Training Dates

From

To

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have been instructed in all items recorded in this Field Training Record.

\_\_\_\_\_  
Signature of Trainee and ID#

\_\_\_\_\_  
Date

I certify that Officer \_\_\_\_\_ has received the basic instruction as outlined in the Field Training Guide and that the Officer understands and has satisfactory performed in all of the functional areas or categories. I also certify that all tests have been completed in a satisfactory manner. I further certify that the officer is now prepared to work as a solo patrol officer.

\_\_\_\_\_  
Primary Field Training Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Field Training Supervisor Signature

\_\_\_\_\_  
Date

I attest that the above named trainee has satisfactorily completed the prescribed Field Training Program.

\_\_\_\_\_  
Agency Head

\_\_\_\_\_  
Date