

INTRODUCTION

Congratulations on being accepted into the field training program. In order to be accepted into this training program, you will have passed a POST academy. As you know, the training in the academy was arduous and demanding. High standards were set and you were expected to meet them on a daily basis. Those standards were intentionally high because this is a demanding profession. Society places a tremendous amount of authority and trust in its sheriff's deputies. It is for this reason that law enforcement training is demanding and strenuous.

The basic academy is tasked with ensuring that only those persons with the prerequisite skills, intelligence and temperament graduate from the academy and move on to a field training assignment. Your academy experience equipped you with the basic knowledge and skills required to enter a field training program.

The academy is the first major component of initial training that a deputy sheriff receives. The second component is the field training program. The high standards that you met or exceeded in the academy are still in effect; in fact, those standards are now even higher.

During the early stages of the program, your FTO will spend a majority of the time training you in the patrol function. As the training progresses, you will be assigned more and more tasks, and the FTO will spend less time training and more time evaluating your performance. During the first few days of the program, you will be doing little more than watching and listening to your FTO. However during the final days of the program, your FTO will simply stand back and evaluate your performance while you handle each call and situation you encounter during your patrol shifts.

You are entering perhaps the most important and demanding training of your career. Successful completion of this program will require your full attention and dedication. The program is a three to five month experience where you will be paired with several experienced field deputies tasked with your training. Your training officers will train you in nearly every aspect of patrol duties. Those duties are incredibly complex and diversified, and you are afforded only a limited amount of time to become proficient at all of them.

The field training program is a demanding program, but one that many other dedicated and motivated new deputy sheriffs have completed before you. Concentrate on the training ahead. Take pride in yourself, your work, your profession, and the Kern County Sheriff's Office.

Good Luck.

POLICY AND PROCEDURES

It is the policy of the Kern County Sheriff's Office that all deputy sheriffs will be assigned to the field training program before assignment to the Law Enforcement Bureau. All Level I reserves will meet the same field training requirements as regular deputy sheriffs before performing solo deputy sheriff duties in the Law Enforcement Bureau.

PROGRAM DESCRIPTION-REGULAR DEPUTY SHERIFFS

The field training program consists of a fifteen-week program divided into a 40-hour orientation week and four training phases. The program utilizes at least three different Field Training Officers (FTO) for each trainee. The trainee is to return to the original (Phase I) FTO for Phase IV. (Refer to the "phase description" for further details) This allows the deputy to be exposed to a variety of experiences at different locations. It also affords the trainee the opportunity to witness and learn from the actions and work styles of several different training officers. Phase IV is the final phase of the program. This is an evaluation only phase. During phase IV, the trainee will conduct all law enforcement duties independently to the standard of a solo beat deputy.

PROGRAM DESCRIPTION-RESERVE DEPUTY SHERIFFS

The Kern County Sheriff's Office understands that our Level I reserve deputies may not be able to commit 40 hours a week for 15 weeks to the field training program as required of our regular deputy sheriffs. For this reason, the Reserve Level I field training program will be delivered in an extended format. The reserve level I field training program will meet the same POST regulations as the regular deputy sheriff field training program. This includes all time requirements, program content, evaluations, and performance objectives.

The reserve program coordinator will approve all Reserve Level I assignments to field training. Approved Level I reserves will meet with the field training program supervisor and reserve coordinator prior to assignment into the program to discuss field training program requirements and schedules. Once the extended format schedule has been determined, the Level I reserve deputy will be assigned to a regular FTO. Missing any assigned shifts during a week is unacceptable and cause for removal from the program, except in extenuating circumstances. Level I reserves must commit to completing the program within 18 months.

No reserves will be assigned to the Field Training Program where there is a conflict with Fair Labor and Standards Act (FLSA).

A reserve deputy will not have to complete the Field Training Program, if the officer was a Level I reserve with the Kern County sheriff's Office and is appointed to a full-time peace officer position within the same department, has previously completed the department's entire POST-approved Field Training Program within the last 12 months of

the new appointment, and has complied with the policies set forth in M-500 of the Department Policy and Procedure Manual.

POST PROGRAM TRAINING REQUIREMENTS

The Kern County Sheriff's Office Field Training Program complies with all program regulations required by the POST Commission for field training programs as specified in the POST Commission Regulations.

- The field training program supervisor will attend and successfully complete a POST certified Field Training Supervisor/Administrator/ Coordinator training Course within 12 months of being assigned to the position.
- All newly appointed FTO's will attend and successfully complete a POST certified Field Training Officer Course prior to training new deputies.
- Every three years all FTO's will attend and successfully complete a 24-hour POST certified Field Training Officer Update Course or department specific training in field training topics contained in the Field Training Officer Update Course (As set forth in PAM, section D-13).

FIELD TRAINING OFFICER SELECTION PROCESS

Field Training Officers contribute to the success of the Kern County Sheriff's Office by training and preparing deputies for field assignments. FTO's must have the desire and ability to teach and evaluate trainees in a structured learning environment.

- **Qualifications:** Applicants must have a Basic POST Certificate and at least two years of patrol experience, of which one year must be with the Kern County Sheriff's Office. Applicants may apply with 18 months experience and one year with KCSO, where they may be selected and trained, but not utilized until they have two years patrol experience. Applicants must also have the recommendation and approval of their commander through their chain of command.

The Training Division Commander will select an interview panel consisting of the Field Training Program Supervisor or designee and two additional panel members. The selection process will consist of:

- A review of the candidate's special application form, supervisor's recommendation, and personnel file.
- A practical exercise and an oral interview.

The results of the testing process will be forwarded via chain of command to the Chief Deputy of the Administrative Services Bureau for final approval.

FIELD TRAINING PROGRAM ADVISORS

The field training program recognizes the importance of continued involvement and input from experienced FTO's who have promoted to the rank of senior deputy. These senior deputies provide training and advice to current field training officers in diagnosing trainee performance deficiencies and corrective training techniques. Advisors to the field training program are selected by the program supervisor. Field training program advisor goals and objectives are to assist FTO's in resolving trainee deficiencies and to maximize the FTO's effectiveness in providing field training.

Advisors attend all field training program staff meetings, assist in the development of training, make training recommendation's and provide training to current FTO's on a variety of topics.

FIELD TRAINING STAFF MEETINGS/TRAINING

The field training program staff understands the importance of consistency in both training delivery and evaluation. In an effort to accomplish this goal, field training program staff will have monthly meetings whenever possible. The meetings will address the progress of the trainees and training strategies. The meetings will provide the FTO's the opportunity to pass on information to the trainee's new FTO about any special training needs or relative progress information.

FIELD TRAINING OFFICER PERFORMANCE REPORT

The field training program supervisor will evaluate the FTO's performance annually. When a FTO's annual Employee Performance Report (EPR) is due, the field training program supervisor will provide a detailed evaluation of the training officer's performance to his immediate supervisor for inclusion in his annual evaluation (EPR).

STANDARDIZED EVALUATION GUIDELINES (SEG)

The task of rating and evaluating a trainee's performance is based on the Standardized Evaluation Guidelines. The guidelines define, in a uniform manner, unacceptable, acceptable, and superior performance behaviors in thirty-three (33) distinct areas and serve as a means of program standardization and continuity.

FIELD TRAINING GUIDE

The field training guide will be used by the FTO in order to improve training and to ensure that every trainee receives on-the-job training in every phase of patrol work. This guidebook details items of knowledge and experience which each trainee must demonstrate an ability to perform. The field training guide must be completed by the trainee and the FTO during the four phases of the program.

EVALUATIONS

During the four phases of the program the FTO will evaluate the trainee on a daily basis. Additionally, the FTO will complete a “Phase Evaluation” on each trainee at the conclusion of each training phase. These daily evaluations will be in the form of a “Daily Observation Report” or “DOR”. The DOR will detail the trainee’s progress and performance during each day of training. The Phase Evaluation is a narrative detailing the trainee’s performance and progress during the phase in question. The Phase Evaluation also details the trainee’s strengths and weaknesses and includes the training officer’s recommendation as to whether or not the trainee is ready to progress to the next training phase.

Trainees are evaluated to the standard of a competent solo beat deputy. These standards are reflected in the SEG’s. The purpose of evaluating trainees to this standard is twofold. The first, and most important, is making the trainee aware of the areas they need to improve in order to perform at the level of a competent solo beat deputy. The second reason is to monitor the progress of the trainee and to provide remedial training as needed.

As a result of this evaluation method, evaluations of a trainee in the early training phases will most likely reflect numerous areas as “unacceptable”. This, in and of itself, is no cause for concern. In fact, it is to be expected in the early stages of training. However, if less than acceptable ratings are received in an area where remedial training has taken place, or these low scores continue without improvement, it may be considered justification for further evaluation and/or administrative action. If less than acceptable ratings are received in Phase IV, these are justification for evaluation/administrative action in and of themselves. This is because the trainee is expected to perform at the level of a competent solo beat deputy during Phase IV of the program.

DAILY OBSERVATION REPORT – DOR

During each phase of training, the trainee is assigned to a FTO who will complete an evaluation on the trainee’s performance on a daily basis. This daily evaluation will be documented on the program’s “Daily Observation Report”. The contents of the DOR will be an accurate reflection of the trainee’s performance and progress during the patrol shift. The contents of the DOR will be discussed with the trainee by the FTO at the conclusion of each shift. Both the trainee and the FTO will sign the form in the space provided or type in a password to electronically sign the form. The DOR will then be forwarded to the field training supervisor for review.

As timeliness is essential to the training and evaluation process, the DOR will be completed at the end of each shift. The FTO may request that his or her sergeant allow adequate time at the end of the shift to complete the DOR to avoid incurring overtime. The sergeant should grant the request, if calls for service and officer safety are not compromised.

When completing the DOR, the FTO will rate the trainee's performance in thirty-three (36) different categories. This will be done by a numerical rating scale in compliance with the SEG's. The DOR employs a seven-point rating scale. A score of one is the least acceptable rating and a score of seven is the most acceptable. A score of four is considered "acceptable by FTO rating standards" and is considered equivalent to the expected performance of a competent solo beat deputy.

Additionally, the trainee's most and least acceptable behavior during the shift will be documented on each DOR.

PHASE EVALUATION

At the end of each of the four training phases, the FTO will complete a narrative evaluation of the progress of the trainee during the training phase. This phase evaluation will be forwarded to the field training sergeant for review.

The narrative evaluation will contain all pertinent information relative to the training, performance, and progress of the trainee. The narrative will follow a general format including:

- A general summation of the trainee's performance in the field and completion of the field training guide.
- An opinion of the trainee's strengths and weaknesses and suggestions for improvement.
- Recommendations as to whether or not the trainee is ready to progress to the next phase of training.

The training officer will complete the evaluation a few days before the trainee moves to the next phase of training. Any problems or unusual circumstances will be brought to the attention of the Field Training Coordinator as soon as possible, and in all cases, prior to the completion of the training phase.

FTO's will evaluate trainees according to the SEG's. FTO's will keep in mind the proper ratio between training and evaluation according to the phase of training being conducted. All evaluations will be given in an honest, straightforward, and professional manner, which stresses positive as well as negative performance.

CHAIN OF COMMAND

It is crucial in a training environment that the FTO has knowledge and control over the training and material the trainee is exposed to. It is also important that the trainee is made aware that his or her FTO is the primary source of direction and instruction during their field training. It is also crucial that the FTO is made aware of all of his or her trainee's progress, problems or mistakes. The FTO will then handle reprimands for impropriety and instruct the trainee as to the proper course of action.

It is for these reasons that while the trainee is assigned to an FTO, all non-emergency communications and directions from supervisors will be channeled through the FTO.

FTO – TRAINEE, ONE MAN UNIT

During the time that the trainee is assigned to an FTO, the FTO and his or her trainee will be considered a one-man unit for dispatching and tactical purposes. This includes handling calls for service and cover or back up unit responsibilities.

The FTO may, at his or her discretion, volunteer to handle particular calls for service that may arise from time to time for training purposes so that the trainee obtains the needed exposure. This should be done strictly at the FTO's discretion. This is due to the fact that the FTO is innately aware of his or her trainee's abilities and progress and best suited to make such a decision during a training phase.

At the start of each training phase and before the commencement of the first shift, the FTO shall ensure both he and the trainee knows his or her own call sign and enough radio procedure to request assistance. The FTO will also ensure that the trainee is physically and mentally prepared for his or her first call. They will discuss emergency situation techniques, which will allow each officer to react in a compatible manner to ensure officer safety.

OVERTIME

The field training program is very demanding. It takes a considerable amount of dedication and concentration in order to pass the program. It is highly recommended that once a trainee enters the program, he or she limit outside activities and distractions as much as possible so that all of the trainee's attention may be focused on the successful completion of the program.

It is for the above reasons trainees in the FTO program are prohibited from working ANY voluntary overtime during Phase I of field training.

After Phase I of training, a trainee may request permission from the program supervisor to work voluntary overtime in the Court Services Division (CSD). The program supervisor will review the trainee's progress to determine if he or she is progressing appropriately. If their progress is as expected, the program supervisor may approve the trainee's request. The trainee will only be allowed to work overtime in CSD on their regularly scheduled days off.

If the trainee is not progressing as expected and is having difficulty, the program supervisor may deny the trainee's request. Once a trainee's request has been denied, the trainee can only resubmit a new request for voluntary overtime at the end of his or her current phase of training.

Any subsequent requests will be handled in the same manner as the previous request.

TRAINEE EVALUATION OF THE FTO

The field training program is dedicated to providing the best training possible to prepare new deputies for patrol duty. The program is constantly striving to improve its performance. It is for these reasons that at the conclusion of each training phase the trainee will complete an evaluation of their FTO. The trainee is to be honest and objective in this evaluation, keeping in mind that the purpose of the evaluation is to improve the performance of our FTO's. This evaluation will then be forwarded to the field training coordinator in a sealed envelope to ensure confidentiality. The evaluation will not be shown to the FTO and will be kept confidential until the trainee has been released from the program.

TRAINEE EVALUATION OF THE FTO PROGRAM

The field training program is an integral part of the Kern County Sheriff's Office. It is for this reason that the Kern County Sheriff's Office has set high standards for its field training program, supervisors, FTO's, and trainees. To meet these high standards requires the continual evaluation of the program's effectiveness in providing field training. To assist the field training program in this process, trainees will complete a field training program evaluation at the conclusion of their training. This evaluation will then be forwarded to the field training coordinator in a sealed envelope to ensure confidentiality.

ORIENTATION

All deputies entering into the field training program shall attend the Field Training Orientation Course. The course will be a minimum of 40 hours. The course curriculum includes training in department orientation, administrative procedures, report writing, arrest and control, department policy and procedure, and support services.

Deputies who are currently assigned to a custody position will train and qualify in accordance with G-200 of the Department Policy and Procedures Manual, governing firearms qualifications and training.

All qualification requirements of the orientation period will be documented in Agency360.

LIMBO PERIOD

The field training program recognizes the fact that a trainee is often nervous during the first few days of training. The trainee will most likely be wondering what is expected of him or her, and what his or her FTO will be like. Excessive nervousness and apprehension can be counterproductive to learning. Therefore, the program has included "limbo days" in order to familiarize new trainees to the program and alleviate some of that initial nervousness.

The entire first week of Phase I and the first day of each of the other phases will be a limbo period. During a limbo day, the trainee is not evaluated. The DOR will be marked “limbo” in the space provided. This time will provide an opportunity for the trainee to become familiar with the departments personnel and equipment. The FTO will utilize this limbo time to demonstrate how the job is done and to explain the program to the trainee. The FTO shall also utilize this time to explain what is expected of the trainee from the department, the field training program, and from the FTO. This time may also be utilized to train and qualify the trainee in firearms, arrest control techniques, and baton tactics when needed. During the first week of Phase I, the trainee shall not drive. He/ she may be gradually eased into some tasks at the FTO’s discretion but should primarily observe.

SOLO ASSIGNMENT DURING FTO

No trainee or trainees will be allowed to work alone in a patrol car while in the program unless special permission has been obtained from the field training supervisor.

USE OF NON-FTO’S FOR FIELD TRAINING

Trainees shall not be placed with a non-FTO unless there is no practical alternative. Placing the trainee in a non-law enforcement assignment, such as report taker in the communications center, is the first option. If the trainee is placed with a non-FTO because no other option is available, the trainee shall be an observer only.

The non-FTO shall not conduct training with the trainee but should treat the trainee as a ride-along only. It is important that the non-FTO refrain from doing any training with the trainee because the non-FTO will not be aware of the trainee’s progress or the FTO’s training schedule or plan. Such training, although probably well intentioned, often has the effect of interfering with and reversing the formal training the FTO has been conducting with the trainee.

SPECIAL ASSIGNMENTS

As a rule, trainees will work under the direct supervision of a qualified FTO. The field training program supervisor may approve special assignments that would enhance the training experience of the trainee. These special assignments would allow the trainee to work with another senior officer (non-FTO) for a brief period of time. Special assignments that may be approved include but not limited to: a ride-along with the air unit, training with the K-9 handlers, or a few hours at the communication center.

REMEDIAL EXTENSION

The field training program consists of a fifteen week program divided into an orientation week and four training phases. However, it is understood that situations might occur which make it difficult to always adhere to a set time limit. These situations may be due to an administrative need or due to the trainee’s performance. The decision to extend a trainee’s training is based on many factors. This is not a guarantee that every trainee has

the right to an extension. The decision to extend a trainee's training is at the discretion of the field training program coordinator. Field training extensions are designed to focus attention toward the training needs of the trainee and to correct performance problems. Field training extensions should occur infrequently and usually occur before Phase IV.

TERMINATION/REMOVAL FROM THE PROGRAM

The field training program is designed to develop competent solo patrol deputies. This level of competence, unfortunately, is not always reached. If, after careful consideration, the field training program coordinator determines that the trainee should be recommended for termination or removal from the program, the field training program coordinator will forward his/her recommendation and all supporting documents via the chain of command to the Chief Deputy of Administration Services Bureau. The field training program coordinator will notify the trainee of the Chief Deputy's decision and make the arrangements in accordance with department policy.

PHASE IV- FTO ACTIVITIES

During Phase IV, the trainee is to conduct all law enforcement duties independently. The FTO is to evaluate only. The FTO is to make every effort to guide the public toward the trainee and to have the trainee conduct all interviews, make all decisions, and perform all functions without assistance from the FTO.

Exceptions to the above are those situations that arise suddenly where safety requires two deputies. The FTO should also intercede when the trainee is obviously unable to complete the call, is making an unsafe decision, is violating a law or policy, or is endangering any person.

COMPETENCY COMPLETION REPORT

The field training program supervisor will document the trainee's successful completion of the field training program on the programs Completion Report. The Completion Report is the final evaluation of the trainee's performance and a statement releasing the trainee from the field training program.

CODE 7 AND REPORT WRITING

Training officers shall constantly be aware of the public perception their actions create. Because of the negative perception that could conceivably arise, FTO's will not sit in a restaurant for a lengthy period of time to write reports. They may write reports or work on the field training guide in this setting only while waiting for their meal.

REPORTS

While the trainee is assigned to the field training program, both the trainee and the FTO names and CAD I.D. will be added to the end of the details within the narrative section on all reports. Additionally, the FTO will be required to forward at least one of the trainee's reports to the field training coordinator on a weekly basis. The FTO shall evaluate the report on the Kern County Sheriff's Office's "Report Review and Evaluation" form. That form shall accompany the trainee's report to the field training coordinator.

COURT ATTENDANCE

The FTO is required to attend court with the trainee whenever subpoenaed on a job related enforcement matter. The FTO will utilize these court appearances to demonstrate, train, and evaluate the trainee on court testimony and courtroom demeanor. This information is to be included on the next DOR.

USE OF SCENARIOS

The FTO program recognizes the value of training scenarios in a learning environment. However, there are some dangers associated with conducting training scenarios during field training. These strict guidelines are meant to minimize those dangers:

- Trainees will ALWAYS be told when a situation is a training scenario. A trainee will NEVER be led to believe a training scenario is a legitimate situation.
- Loaded weapons will NEVER be used in a training scenario.
- FTO's will NEVER attempt to manipulate any aspect of a legitimate incident in order to see how a trainee performs under the manipulated conditions.
- All training scenarios will be done in a safe manner, out of the view of the public.
- Handcuffed prisoners will NEVER be released in order to see how the trainee would handle a physical confrontation or for any other reason, except a legitimate one.
- Defensive tactics scenarios will only be conducted by members of the department's defensive tactics team.

FTO ROLE / EXPECTATIONS

FTO's have significant responsibilities over and above their law enforcement duties. FTO's must not only perform in an exemplary manner, but also, exhibit leadership and high ethical standards. As a role model for their trainees, FTO's must emphasize the principals, values, and ethics required of law enforcement professionals. FTO's must conduct themselves in a professional manner at all times. They must teach and reinforce department policy and procedures. FTO's must demonstrate the ability to mentor, coach, counsel, and evaluate trainees.

FTO DESELECTION / DECERTIFICATION

FTO's who transfer to an assignment where they can no longer function as a FTO (I.E. detentions bureau, non-FTO substation) or no longer wish to participate in the field training program will be decertified.

FTO's who demonstrate unacceptable performance will be recommended for decertification. The field training coordinator will document the unacceptable training performance and forward his/her recommendation to the training division commander in accordance with the guidelines set forth in department policy and procedures.

FTO/TRAINEE RELATIONSHIP

The relationship between the FTO and his or her trainee will be that of teacher/student and supervisor/subordinate. The hallmark of this relationship will be that of mutual respect. Trainees will be treated with respect and courtesy at all times. The trainee will be expected to treat his or her FTO with respect and to follow the FTO's directions and orders at all times.

Trainees shall **not** be:

- Harassed
- Intimidated
- Intentionally embarrassed
- Ridiculed
- Treated in a demeaning manner
- Chastised in front of the public

Name calling or the use of derogatory terms or profanity by the FTO is not acceptable. FTO's will make every effort to not show anger or frustration while they are working with the trainee. The general rule to follow is: "Praise in public, correct in private."

FTO's will not associate, socialize, date or attempt to date trainees assigned to the field training program. Any relationship with them shall be strictly professional. If an FTO is related to a trainee or they have any sort of special relationship with a trainee that might interfere with the desired learning environment, the FTO coordinator shall be informed as soon as possible. Strict compliance to Department Policy and Procedure C-300 governing the rules of conduct-discrimination is required at all times.

FTO REVIEW OF TIME SHEET

Trainees will submit their timesheets to their FTO for verification prior to submitting it to a supervisor.

RULES OF CONDUCT/EXPECTATIONS OF THE TRAINEE

The role of the field training program trainee is to demonstrate the ability to perform at a solo patrol deputy level at the end of the program. This is the standard by which the trainee will be measured throughout the training program. Trainees should ask questions when they arise. It is understood that trainees may make mistakes. They should not be overly concerned with errors when they are made. Instead, they should channel their efforts into recognizing and correcting the error(s).

Trainees are to be respectful to the FTO's. The FTO's directions are to be accepted and followed at all times. If a trainee believes that a specific instruction is improper, or an evaluation is unfair, he or she may first discuss these concerns with the FTO. If the trainee is not satisfied after this discussion, the trainee has the option of going to the field training coordinator with the situation. If the concern is still not alleviated after this discussion, the trainee may ask the field training coordinator for an appointment to speak with the field training commander.

Trainees will complete all assignments in a prompt, timely manner. They shall follow all policy and procedures as outlined in the field training guide, and the department's policy and procedures manual.

Trainees are to be prepared for all field training guide assignments and are responsible for all material.

Off duty trainees will not respond to calls for service. Trainees will not conduct any law enforcement investigations while off duty.

Trainees will be receptive to criticism given by FTO's. They shall accept such criticism as a learning tool. Trainees may verbalize an explanation for their actions; however, repeated rationalization, excessive defensiveness, and hostility are all counterproductive to learning and will not be tolerated.

Trainees are discouraged from participating in department social functions and other functions where FTO's may be present until they have completed the field training program.

Trainees are discouraged from taking vacation or CTO time off during their participation in the field training program. Should a trainee choose to take such time off, it must be submitted to and approved by the field training coordinator in advance.

VIOLATIONS OF FIELD TRAINING POLICY

Violation of field training policy could result in disciplinary action, to include removal from the program. The field training coordinator will document violations on a memorandum and forward it to the field training commander. If appropriate, this documentation may include a statement of the disciplinary action taken or recommended by the field training coordinator.

FIELD TRAINING PROGRAM REVISIONS

The field training program coordinator is responsible for reviewing field training program structure, goals, policies, and written documents on an annual basis. Any recommended changes will be submitted to the Training Division commander for review in accordance with department policy covering department policy revisions. Any approved changes of field training policy, procedure, documents, or written material will be submitted to POST for certification.

PHASE DESCRIPTIONS

The field training program has an orientation week and four training phases. Phases I through III are scheduled to be four weeks in duration, but each may be adjusted to fit the training needs of individual trainees and reserve deputies. Phase IV is scheduled to be two weeks long. Each of the phases is structured to meet the training/performance goals of a trainee from his or her first week in Phase I to their last week in Phase IV. The phases are designed to gradually increase the trainee's responsibilities until the trainee is functioning as a competent solo beat deputy at the end of the program. The four sections of the field training guide are an integral part of the program. It lists specific knowledge and performance goals the trainee is required to meet in each phase.

ORIENTATION WEEK

The orientation week will be conducted in a classroom setting. The 40-hour Orientation Course includes training in department orientation, administrative procedures, report writing, arrest and control, department policy and procedure, and support services.

Deputies who are currently assigned to a custody position will train and qualify in accordance with G-200 of the Department Policy and Procedures Manual, governing firearms qualifications and training.

All qualification requirements of the orientation period will be documented in Agency360.

PHASE I

The first week of Phase I is a limbo period. During this first week, the trainee is an observer while the FTO orients him or her to patrol. In the remaining weeks, the trainee is to gradually take on a more active role, performing the performance objectives in the field training guide. The FTO is to spend most of his or her time and effort in teaching the trainee rather than evaluating him or her.

The Phase I section of the field training guide is to be completed during this phase.

PHASE II

In Phase II, the responsibilities and expectations of the trainee increase as he or she progresses through the program. The trainee continues to take on a more active role in the patrol duties. The FTO will accordingly spend more time observing and evaluating the trainee.

The Phase II section of the field training guide is to be completed during this phase.

PHASE III

During Phase III, the trainee continues to perform more of the patrol duties as he or she progresses through the program. By the end of this phase, the trainee should be competently performing most, if not all of the patrol duties. The FTO continues to increase the expectations of the trainee and spends more time evaluating and observing and giving feedback to the trainee.

The Phase III section of the field training guide is to be completed during this phase.

PHASE IV

In Phase IV, the trainee is expected to perform as a competent solo beat deputy. The FTO is strictly an observer and evaluator during this phase. The FTO should not intervene in any situations that are encountered, unless such intervention is necessary as outlined in the policy and procedures of this manual.

The Phase IV section of the field training guide is to be completed during this phase.

FIELD TRAINING PROGRAM TERMINOLOGY

Behavior/Performance Anchored Ratings An appraisal of performance which measures the trainee's ability to perform as a solo patrol officer based upon Standardized Evaluation Guidelines (SEG's).

Competency Demonstration of the knowledge, skills, abilities, and attitudes to safely and effectively perform the duties of a solo patrol officer within a department.

Daily Observation Report (DOR) The form completed by the Field Training Officer (FTO) that records the trainee's performance for each work day.

Department The local law enforcement agency providing the Field Training Program to the officer/deputy trainee.

End of Phase Report (EPR) A form completed by the FTO at the end of each training phase which addresses the trainee's strengths and weaknesses and provides an indication as to the trainee's level of performance and progress to date.

Feedback Verbal or written response to trainee performance provided to the trainee from the field training staff.

Field Training Officer (FTO) Any officer assigned the responsibility of training and evaluating trainees during the Field Training Program who meets the minimum standards as set forth in POST regulations and who has completed a POST-certified FTO Course.

Learning Activity An activity designed to achieve or facilitate one or more training goals. Trainees participating in a learning activity should be coached and provided feedback. These learning activities should be used to bolster a trainee's confidence and abilities and to prepare the trainee for competent performance in the field.

Learning Domain An instructional unit that covers related subject matter from the Regular Basic Course (Academy).

Minimum Training Standards Those standards met when the trainee consistently demonstrates the knowledge and ability to perform tasks required to perform solo patrol duties. Demonstration of said ability must occur in actual or field-like scenario situations and must be performed in a safe and competent manner.

Performance Objective Description of skills, knowledge, ability, attitude, or action the trainee must have or do to demonstrate mastery of a training goal.

Remedial Training A correction or review of previously taught information or procedures (excluding academy training). Necessary when the trainee's job performance is evaluated as less than acceptable after having been provided with sufficient training or intervention which should have corrected and/or improved the job performance.

Standardized Evaluation Guidelines (SEGs) Categorized behavioral descriptions of the levels of performance that are applied to all trainees and reported on the Daily Observation Report.

Supervisor's Weekly Report (SWR) A form completed by a Field Training Supervisor/Administrator/Coordinator (SAC) that addresses the trainee's progress and performance for each week.

Test An evaluation of the trainee's skills, knowledge, and/or ability to perform a specific task or training goal. The trainee's competency must be demonstrated or tested through, minimally, one of the following types of tests:

(A) **Agency-Constructed Knowledge Tests.** An agency-constructed written or verbal test that measures the knowledge required to achieve one or more training goals.

(B) **Scenario Tests.** A job-simulation test that measures the skills, knowledge, and/or abilities required to achieve one or more training goals.

(C) **Field Performance Tests.** Any tests other than an agency-constructed knowledge test or scenario test that measures the skills, knowledge, abilities, and attitudes required to achieve one or more training goals. These will generally be in the form of calls for service, traffic enforcement, and self-initiated activity.

Topic A word or phrase that succinctly describes subject matter associated with a training goal.

Trainee Officer/Deputy assigned to an approved field training program under the direct and immediate supervision of a qualified (POST-certified) FTO.

Training Goal A general statement of the results that training is supposed to produce, such as identification of a behavior, job skill, or knowledge in which the trainee must develop competence.

Standardized Evaluation Guidelines (SEG)

The following "1", "4", and "7" scale value definitions are to be used when rating a trainee's behavior in each of the performance categories. It is through the use of these guidelines that program standardization and rating consistency is achieved.

ATTITUDE

1. ACCEPTANCE OF FEEDBACK - FTO/PROGRAM - Evaluates the way the trainee accepts criticism and how that feedback is used to further learning and improve performance.

(1) Unacceptable - Rationalizes mistakes. Denies that errors were made. Is argumentative. Refuses to, or does not attempt to, make corrections. Considers criticism a personal attack.

(4) Acceptable - Accepts criticism in a positive manner and applies it to improve performance and further learning.

(7) Superior - Actively solicits criticism/feedback in order to further learning and improve performance. Does not argue or blame other persons/things for errors.

2. ATTITUDE TOWARD POLICE WORK - Evaluates the trainee in terms of personal motivation, goals and his/her acceptance of the job's responsibilities.

(1) Unacceptable - Sees position as a job vs. a career. Uses job to boost ego. Abuses authority. Demonstrates little dedication to the principles of the profession. Is disinterested. Lacks motivation and does not attempt to improve performance.

(4) Acceptable - Demonstrates an active interest in new career and in their responsibilities.

(7) Superior - Utilizes off-duty time to further professional knowledge, actively soliciting assistance from others to increase knowledge and improve skills. Demonstrates concern for the fair and equitable enforcement of the law, maintaining high ideals in terms of professional responsibilities.

3. INTEGRITY/ETHICS - Evaluates the manner in which the trainee understands, accepts, and employs his/her own integrity and ethics.

(1) Unacceptable – Accepts and employs a standard of mediocrity. Has no sense of accountability and/or responsibility to department or community.

(4) Acceptable – Demonstrates ability to build/maintain public trust through honesty, community awareness, and professionalism. Able to resolve ethical situations through prior planning and decision-making.

(7) Superior – Consistently demonstrates high degree of internal strength, courage, and character. Models responsibility of service and enhances public trust.

4. LEADERSHIP - Evaluates the trainee's ability to exercise influence among people using ethical values and goals for an intended change.

(1) Unacceptable – Does not demonstrate strength of character by appropriate use of command presence. Does not prevent/reduce conflict. Fails to show empathy.

(4) Acceptable – Understands difference between influence and authority. Provides expected level of competency to the community through effective collaboration, communication/mediation, and compassion.

(7) Superior – Will not rationalize to compromise integrity. Has the courage to be flexible and employ discretion. Consistently demonstrates trust, respect, and genuineness.

APPEARANCE

5. GENERAL APPEARANCE - Evaluates physical appearance, dress, demeanor, and equipment.

(1) Unacceptable - Fails to present a professional image. Uniform fits poorly or is improperly worn or wrinkled. Hair not groomed and /or in violation of Department regulation. Dirty shoes, weapon, and/or equipment. Equipment is missing or inoperative. Offensive body odor and/or breath.

(4) Acceptable - Uniform neat, clean. Uniform fits and is properly worn. Weapon, leather, equipment is clean and operative. Hair within regulations. Shoes and brass are shined.

(7) Superior - Uniform is neat, clean, and tailored. Leather gear is shined. Shoes are polished. Displays command bearing.

RELATIONSHIPS

6. RELATIONSHIP WITH CITIZENS/COMMUNITY - Evaluates the trainee's ability to interact with citizens (including suspects) and diverse members of the community in an appropriate and efficient manner.

(1) Unacceptable - Abrupt, belligerent, overbearing, arrogant, uncommunicative. Overlooks or avoids "service" aspects of the job. Is inaccessible to the public. Introverted, overly sympathetic, ineffective, prejudicial, biased. Fails to explain actions to citizens. Does not follow up on citizen requests. Poor "non-verbal" skills.

(4) Acceptable - Courteous, friendly and empathetic to citizen's perceptions of problems. Communicates in a professional, unbiased manner. Fully explains police actions to public contacts and follows up on public inquiries and requests. Is service oriented and contacts the public in non-enforcement situations. Good "non-verbal" skills.

(7) Superior - Is very much at ease with citizen and suspect contacts. Effectively manages time to allow increased citizen contact. Quickly establishes rapport and leaves people with the feeling that the officer is interested in serving them. Is objective in all contacts. Excellent "non-verbal" skills.

7. RELATIONSHIP WITH OTHER DEPARTMENT MEMBERS (SPECIFY) -

Evaluates the trainee's ability to effectively interact with other Department members of various ranks and in various capacities.

(1) Unacceptable - Patronizes FTO/superiors/peers or is antagonistic toward them. Gossips. Is insubordinate, argumentative, and/or sarcastic. Resists instruction. Considers himself/herself superior. Belittles others. Is not a "team player." Relies on others to carry his/her share of the work.

(4) Acceptable - Adheres to the Chain of Command and accepts his/her role in the organization. Good FTO, superior, and peer relationships. Accepted as a member of the group.

(7) Superior - Is at ease in contact with all members of the organization while displaying proper consideration for their position. Understands superiors' responsibilities and respects their position. Peer group leader. Actively assists others.

8. COMMUNITY ORGANIZING - Evaluates the manner in which the trainee assists members of the community in handling neighborhood issues.

(1) Unacceptable – Makes little attempt to establish or attend crime-watch meetings. Does not know the resources available to the community for problem-solving. Acts as “sole authority” and does not include the public in problem-solving process.

(4) Acceptable – Assists members of the community in establishing crime-watch programs. Attends established group meetings as time allows. Provides or informs the community lists of available resources. Includes the public in problem-solving.

(7) Superior – Actively seeks out public involvement in crime-watch programs. Makes time to attend crime-watch programs and other neighborhood activities. Researches possible resources for neighborhoods to use. Encourages citizens to participate in decisions affecting their community.

PERFORMANCE

9. DRIVING SKILL: NORMAL CONDITIONS - Evaluates the trainee's skill in the operation of department vehicles under normal and routine driving conditions.

(1) Unacceptable - Frequently violates traffic laws. Involved in chargeable accidents. Fails to maintain control of vehicle or displays poor manipulative skills in vehicle operation. Drives too fast or too slow for conditions.

(4) Acceptable - Obeys traffic laws when appropriate. Maintains control of the vehicle while being alert to activity outside of the vehicle. Drives defensively.

(7) Superior - Sets an example for lawful, courteous driving. Maintains complete control of the vehicle while operating radio, checking hot sheet, etc.

10. DRIVING SKILL: MODERATE/HIGH STRESS CONDITIONS - Evaluates the trainee's skill in vehicle operation under Code 3 situations, in situations calling for other than usual driving, and under conditions calling for other than normal driving skill.

(1) Unacceptable - Involved in chargeable accidents. Uses red lights and siren unnecessarily or improperly. Drives too fast or too slow for conditions/situation. Loses control of the vehicle.

(4) Acceptable - Maintains control of the vehicle and evaluates driving conditions/situation properly. Adheres to department policies and procedures regarding Code 3 pursuit enforcement driving. Practices defensive driving techniques.

(7) Superior - Displays high degree of reflex ability and driving competence. Anticipates driving situations in advance and acts accordingly. Responds well relative to the degree of stress present.

11. USE OF MAP BOOK: ORIENTATION/RESPONSE TIME - Evaluates the trainee's awareness of surroundings, ability to find locations, and ability to arrive at destination within an acceptable amount of time.

(1) Unacceptable - Unaware of location on patrol. Does not properly use map book. Unable to relate location to destination. Gets lost. Spends too much time getting to destination.

(4) Acceptable - Is aware of location while on patrol. Properly uses map book. Can relate location to destination. Arrives within reasonable amount of time using the most practical route to reach destination.

(7) Superior - Remembers locations from previous visits and seldom needs map book. Is aware of shortcuts and utilizes them to save time. High level of orientation to the beat and the community.

12. ROUTINE FORMS: ACCURACY/COMPLETENESS - Evaluates the trainee's ability to properly utilize departmental forms.

(1) Unacceptable - Is unaware that a form must be completed and/or is unable to complete the proper form for the given situation. Forms are incomplete, inaccurate, or improperly used.

(4) Acceptable - Knows of the commonly used forms, consistently makes accurate form selection, and understands their use. Completes them with accuracy and thoroughness.

(7) Superior - Rapidly completes detailed forms without assistance. Displays high degree of accuracy in form completion.

13. REPORT WRITING: ORGANIZATION/DETAILS - Evaluates the trainee's ability to organize reports, supply the necessary details for a good report and obtain all necessary information from reporting person and/or witnesses.

(1) Unacceptable – Fails to elicit necessary information. Unable to organize information in a logical manner and reduce it to writing. Omits pertinent details in the report. Report is inaccurate and/or incorrect.

(4) Acceptable – Elicits most information and records it. Completes reports, organizing information in a logical manner. Reports contain the required information and details.

(7) Superior - Reports are a complete and detailed account of events, written and organized so that any reader understands what occurred.

14. REPORT WRITING: GRAMMAR/SPELLING/NEATNESS - Evaluates the trainee's ability to use proper grammar, to spell correctly, and to prepare reports that are neat and legible.

(1) Unacceptable - Reports are illegible. Reports contain an excessive number of misspelled words. Sentence structure and/or word usage is incorrect or incomplete. Excessive erasures or use of correction fluid.

(4) Acceptable - Reports are legible and grammar is at an acceptable level. Spelling is acceptable and errors are few. Errors, if present, do not distract from understanding the report. Report is neat and clean in appearance.

(7) Superior - Reports are very neat and legible. Contain no spelling or grammatical errors.

15. REPORT WRITING: APPROPRIATE TIME USED - Evaluates the trainee's ability to complete a report in an appropriate amount of time.

(1) Unacceptable - Requires an excessive amount of time to complete a report. Takes three or more times the amount of time an experienced officer would take to complete the report.

(4) Acceptable - Completes reports within a reasonable amount of time.

(7) Superior - Completes complex reports very quickly and efficiently without assistance from FTO.

16. FIELD PERFORMANCE: NON-STRESS CONDITIONS - Evaluates the trainee's ability to perform routine, non-stress police activities.

(1) Unacceptable - Becomes emotional, panic stricken, unable to function. Holds back, loses temper, or displays cowardice. Over/under reacts, or acts in unsafe or ineffective manner.

(4) Acceptable - Maintains calm and self-control in most situations. Determines proper course of action and takes it. Controls a situation and does not allow it to further deteriorate. Keeps safety in mind.

(7) Superior - Maintains calm and self-control in even the most extreme situations. Quickly restores control of the situation and takes command. Determines and employs best course of action. Handles situations safely, efficiently, and effectively.

17. FIELD PERFORMANCE: STRESS CONDITIONS - Evaluates the trainee's ability to perform in moderate to high stress conditions.

(1) Unacceptable - Becomes emotional, panic stricken, unable to function. Holds back, loses temper, or displays cowardice. Over/under reacts.

(4) Acceptable - Maintains calm and self-control in most situations. Determines proper course of action and takes it. Does not allow a situation to further deteriorate.

(7) Superior - Maintains calm and self-control in even the most extreme situations. Quickly restores control of the situation and takes command. Determines best course of action and takes it.

18. INVESTIGATIVE SKILLS - Evaluates the trainee's ability to conduct a proper investigation with an emphasis on crime scene investigative procedures.

(1) Unacceptable - Does not conduct a basic investigation or conducts investigation improperly. Unable to accurately identify offense committed. Fails to discern readily available evidence. Makes frequent mistakes when identifying, collecting, or submitting evidence. Does not connect evidence with suspect when apparent. Lacks skill in collection and preservation of fingerprints. Does not protect crime scene. Fails to identify and follow-up obvious investigative leads.

(4) Acceptable - Follows proper investigative procedure in routine cases. Is generally accurate in identifying the nature of offense committed. Collects, tags, logs, and submits evidence properly. Connects evidence with suspect when apparent. Collects "readable" fingerprints from most surfaces when available.

(7) Superior - Always follows proper investigative procedure and always accurate in identifying the nature of offense committed. Connects evidence with suspect even when not apparent. Has "Evidence Technician" level skill in the collection and identification of evidence. Collects "readable" fingerprints from any possible surface when available.

19. INTERVIEW/INTERROGATION SKILLS - Evaluates the trainee's ability to use proper questioning techniques, to vary techniques to fit persons being interviewed/interrogated, able to follow proper and lawful procedure.

(1) Unacceptable - Fails to use proper questioning techniques. Does not elicit and/or record available information. Does not establish appropriate rapport with subject and/or does not control interrogation of suspect. Fails to give Miranda warning. Fails to elicit enough information to determine what is occurring. Fails to identify citizens contacted during the course of the investigation.

(4) Acceptable - Uses proper questioning techniques. Elicits available information and records it. Establishes proper rapport with victims/witnesses. Controls the interrogation of suspects and properly conducts a Miranda admonishment.

(7) Superior - Always uses proper investigative questioning techniques. Establishes rapport with all victims/witnesses. Controls the interrogation of even the most difficult suspects. Conducts successful interrogations of suspects.

20. SELF-INITIATED FIELD ACTIVITY - Evaluates the trainee's desire and ability to observe and initiate police-related activity.

(1) Unacceptable – Fails to observe or avoids suspicious activity. Does not investigate those situations. Rationalizes suspicious circumstances.

(4) Acceptable - Recognizes and identifies police-related activities. Develops cases from observed activity. Displays inquisitiveness.

(7) Superior - Seldom misses observable police-related activity. Maintains "Watch

Bulletins" and information provided at roll call. Uses the information as "probable cause" to initiate activity. Makes quality contacts and/or arrests from observed activity. "Sees" beyond the obvious.

21. OFFICER SAFETY: GENERAL - Evaluates the trainee's ability to perform police tasks without injuring self or others and without exposing self or others to unreasonable danger or risk.

(1) Unacceptable - Fails to follow acceptable safety procedures. Fails to exercise officer safety including but not limited to:

- A. Exposes weapons to suspect (handgun, baton, mace, etc.).
- B. Fails to keep weapon hand free in enforcement situations.
- C. Stands in front of/next to violator's vehicle door.
- D. Fails to control suspect's movements.
- E. Fails to use illumination when necessary or uses it improperly.
- F. Does not keep violator/suspect in sight.
- G. Fails to advise Communications when leaving vehicle.
- H. Fails to maintain good physical condition.
- I. Fails to properly maintain personal safety equipment.
- J. Does not anticipate potentially dangerous situations.
- K. Stands too close to passing vehicular traffic.
- L. Is careless with gun and/or other weapons.
- M. Fails to position vehicle properly on car stops.
- N. Stands in front of door when making contact with occupants.
- O. Makes poor choice of which weapon to use and when to use it.
- P. Fails to cover other officers or maintain awareness of their activities.
- Q. Stands between police and violator's vehicle on a car stop.
- R. Fails to search police vehicle prior to duty and after transporting other than police personnel.

(4) Acceptable - Follows acceptable safety procedures. Understands and applies them.

(7) Superior - Always works safely. Foresees dangerous situations and prepares for them. Keeps partner informed and determines best position for self and partner. Is not overconfident. Serves as an "officer safety" model for others.

22. OFFICER SAFETY: SUSPICIOUS PERSONS, SUSPECTS, AND PRISONERS - Evaluates the trainee's ability to perform police-related tasks safely while dealing with suspicious persons, suspects, and prisoners.

(1) Unacceptable - Violates officer safety practices as outlined in SEG 21 (above). Additionally, fails to "pat search," allows people to approach while seated in patrol vehicle, fails to handcuff when appropriate. Conducts poor searches and fails to maintain a position of advantage that could prevent attack or escape.

(4) Acceptable - Follows acceptable safety procedures with suspicious persons, suspects, and prisoners.

(7) Superior - Foresees potential danger and eliminates or controls it. Maintains position of advantage in even the most demanding situations. Is alert to changing situations and prevents opportunities for danger to develop. Serves as a model for safety.

23. CONTROL OF CONFLICT: VOICE COMMAND - Evaluates the trainee's ability to gain and maintain control of situations through verbal command and instruction.

(1) Unacceptable - Speaks too softly or timidly, speaks too loudly, confuses or angers listener by what is said and/or how it is said. Speaks when inappropriate. Unable to use a confident/commanding tone of voice.

(4) Acceptable - Speaks with authority in a calm, clear voice. Proper selection of words and knowledge of how and when to use them. Commands usually result in compliance.

(7) Superior - Completely controls situations with voice tone, word selection, inflection, and command bearing. Restores order in even the most trying situation through voice and language usage.

24. CONTROL OF CONFLICT: PHYSICAL SKILL - Evaluates the trainee's ability to use the proper level of force for the given situation.

(1) Unacceptable - Uses too little or too much force for the given situation. Is physically unable to perform the task. Does not use proper restraints or is unable to properly use restraints.

(4) Acceptable - Obtains and maintains control through use of the proper amount of force. Uses restraints effectively.

(7) Superior - Excellent knowledge and skill level in use of restraints (physical/mechanical). Extremely adept in the proper use of force for the given situation.

25. PROBLEM-SOLVING/DECISION-MAKING - Evaluates the trainee's performance in terms of ability to perceive problems accurately, form valid conclusions, arrive at sound judgments, and make proper decisions.

(1) Unacceptable - Acts without thought or good reason. Is indecisive, naive. Is unable to reason through a problem and come to a conclusion. Cannot recall previous solutions and apply them in similar situations.

(4) Acceptable - Able to reason through a problem and come to an acceptable conclusion in routine situations. Makes reasonable decisions based on information available. Perceives situations as they really are. Makes decisions without assistance.

(7) Superior - Able to reason through even the most complex situations and reach appropriate conclusions. Has excellent perception. Anticipates problems and prepares resolutions in advance. Relates past solutions to present situations.

26. PROBLEM-SOLVING TECHNIQUES - Evaluates the trainee's ability to recognize problems and generate possible solutions.

(1) Unacceptable – Avoids problems. Demonstrates a failure to understand problem-solving techniques by not using them or not applying them effectively. Fails to ask the

right questions. Is unable to choose alternative solutions. Does not assess a proper or effective response to the problem.

(4) Acceptable – Is capable of explaining what a problem-solving model is. Generates proper questions designed to identify problem. Generally able to choose a solution. Analyzes response for further action.

(7) Superior – When confronted with a problem, uses a problem solving model, such as SARA (Scan – Analyze – Respond - Assess) problem-solving model. Identifies root causes of problems, not just symptoms. Selects workable solution. Properly assesses response and plans for follow- up.

27. COMMUNICATIONS: APPROPRIATE USE OF CODES/PROCEDURE -

Evaluates the trainee's use of communications equipment in accordance with department policy and procedure.

(1) Unacceptable - Violates policy concerning use of communications equipment. Does not follow procedures or follows wrong procedures. Does not understand or use proper codes/language.

(4) Acceptable - Follows policy and accepted procedures. Has good working knowledge of most-often-used code sections/language.

(7) Superior - Always follows proper procedure. Adheres to policy in every instance. Has superior working knowledge of all codes/language and applies that knowledge when using communication equipment.

28. RADIO: LISTENS AND COMPREHENDS - Evaluates the trainee's ability to pay attention to radio traffic and to understand the information transmitted.

(1) Unacceptable - Repeatedly misses own call sign and is unaware of traffic in adjoining beats. Requires dispatcher to repeat radio transmissions or does not accurately comprehend transmission.

(4) Acceptable - Copies own radio transmissions and is normally aware of radio traffic directed to adjoining beats.

(7) Superior - Is aware of own traffic and what is occurring throughout the service area. Recalls previous transmissions and uses that information to advantage.

29. RADIO: ARTICULATION OF TRANSMISSIONS - Evaluates the trainee's ability to communicate with others via the telecommunications network.

(1) Unacceptable - Does not pre-plan transmissions. Over/under modulates. Improperly uses microphone. Speaks too rapidly or too slowly.

(4) Acceptable - Uses proper procedure with clear, concise, and complete transmissions. Few complaints from communication center re: articulation skill.

(7) Superior - Transmits clearly, calmly, concisely, and completely in even the most stressful situations. Transmissions are well thought out and do not have to be repeated.

30. MDT: USE/COMPREHENSION/ARTICULATION - Evaluates the trainee's ability to operate the terminal and receive and send clear communications via MDT.

(1) Unacceptable – Does not understand dispatch and/or message formats. Does not recognize messages addressed to his/her unit. Fails to properly update the status of the unit. Is unfamiliar with formats necessary for routine operation and inquiries. Is unable to compose understandable text. Does not recognize officer safety issues involved in dispatch calls. Violates FCC regulations and/or department policy.

(4) Acceptable – Understands the operation and formats required for all function and status keys. Can communicate by administrative message. Understands message, dispatch, and database formats used daily by officers. Properly updates status. Readily recognizes officer safety issues involved in the disposition of calls. Clear and brief in transmissions. Adheres to FCC regulations and department policy.

(7) Superior – Consistently recalls dispatch information without running summaries. Can make rarely used free format inquiries from memory. Understands CAD, DMV, and CLETS error messages. Proficient in use of all function keys and in multiple administrative messages and BOLO file retrieval.

KNOWLEDGE

31. KNOWLEDGE OF DEPARTMENT POLICIES AND PROCEDURES – Evaluates the trainee's knowledge of department policies/procedures and ability to apply this knowledge under field conditions.

Reflected by Verbal/Written/Simulated Testing

(1) Unacceptable - When tested, answers with less than 70% accuracy.

(4) Acceptable - When tested, answers with at least 70% accuracy.

(7) Superior - When tested, answers with 100% accuracy.

Reflected in Field Performance

(1) Unacceptable - Fails to display knowledge of department policies, regulations, and/or procedures, or violates it.

(4) Acceptable - Familiar with most commonly applied department policies, regulations, procedures and complies with it.

(7) Superior - Has an excellent working knowledge of department policies, regulations, procedures, including those less known and seldom used.

32. KNOWLEDGE OF CRIMINAL STATUTES - Evaluates the trainee's knowledge of the criminal statutes (i.e., Penal, Vehicle, W & I, B & P, H & S, and all City/County Codes) and his/her ability to apply that knowledge to field situations.

Reflected by Verbal/Written/Simulated Testing

(1) Unacceptable - When tested, answers with less than 70% accuracy.

(4) Acceptable - When tested, answers with at least 70% accuracy.

(7) Superior - When tested, answers with 100% accuracy.

Reflected in Field Performance

(1) Unacceptable - Does not know the elements of basic code sections. Does not recognize criminal offenses when encountered or makes mistakes relative to whether or not crimes have been committed and, if so, which crimes. Incorrectly identifies violation(s). Provides incorrect court assignments or dates.

(4) Acceptable - Recognizes commonly encountered criminal offenses and applies appropriate code section. Recognizes differences between criminal and non-criminal activity. Correctly identifies violation(s). Provides correct court assignments and dates.

(7) Superior - Has outstanding knowledge of all codes and applies that knowledge to normal and unusual activity quickly and effectively. Consistently able to locate lesser-known code sections in reference material.

33. KNOWLEDGE OF CRIMINAL PROCEDURE - Evaluates the trainee's knowledge of criminal procedures including laws of arrest, search and seizure, warrants, juvenile law, etc. Evaluates ability to apply those procedures to field situations.

Reflected by Verbal/Written/Simulated Testing

(1) Unacceptable - When tested, answers with less than 70% accuracy.

(4) Acceptable - When tested, answers with at least 70% accuracy.

(7) Superior - When tested, answers with 100% accuracy.

Reflected in Field Performance

(1) Unacceptable - Violates procedural requirements. Attempts to conduct illegal searches, fails to search when appropriate, attempts to seize evidence illegally, and arrest unlawfully.

(4) Acceptable - Follows required procedure in commonly encountered situations. Conducts proper searches and seizes evidence legally. Makes arrests within guidelines.

(7) Superior - Follows required procedure in all cases, accurately applying law relative to searching, seizing evidence, release of information and effecting arrests.

DAILY OBSERVATION REPORT

A “Daily Observation Report” (DOR) is to be completed by the FTO at the end of each and every shift. The DOR provides the essential information to provide administrative control over the progress of each trainee. In addition to recording each trainee’s progress, evaluations serve to inform the trainee of his or her performance at that particular point in the training. The DOR is also an excellent device for identifying training needs and documenting training efforts.

The DOR form includes thirty-three separate measurable behaviors that are subdivided into five categories:

1. Attitude
2. Appearance
3. Relationships
4. Performance
5. Knowledge

It is important that the trainee note that the Standardized Evaluation Guidelines (SEGs) are all performance observations and are designed as such to measure the trainee’s ability to perform in the field doing standard law enforcement tasks.

Observations by the FTO are entered on the form along a 7-point continuum that starts with 1 (not acceptable by FTO standards) to 7 (superior by FTO standards). Midway on the scale is a rating of 4 (minimum acceptable). Narrative comments are required on all ratings of one, and on all ratings of seven. All ratings are to the standard of a “competent solo beat deputy”.

Rating Scale Definitions

1 = Failure to Perform/Demonstrate
Basic Proficiency

2 = Unacceptable

3 = Approaching Standard/Acceptable

4 = Acceptable/Solo Beat Deputy
Standard

5 = Above Acceptable

6 = Outstanding/Notable Performance

7 = Superior

In addition to the rating scale performance levels mentioned above, four additional categories are provided. These are:

1. **N.O.** for not observed. This is designated by an EYEBALL symbol in the Field Training Software when the FTO does not observe enough activity in that category to effectively give a rating. An example of this is during the first week of Phase I; the trainee does not drive the patrol car. Therefore, **N.O.** would be checked under category 9 (Driving skill: Normal conditions).
2. **N.R.T** for “not responding to training”. This is triggered through the Field Training Software when a trainee has been instructed in a particular subject matter, and still fails to demonstrate knowledge of the subject or is unable to perform the task that would exhibit this knowledge. An **N.R.T** rating must be fully documented on the DOR with detailed narrative comments and explained to the trainee. The documentation must fully describe the training that took place and the trainee’s specific behaviors.
3. **NAR** for narrative: This area is completed when the FTO has included narrative comments about the trainee’s performance in that category.
4. **REM** for remedial training: This area is provided for the FTO to indicate how many minutes were spent doing remedial training in that performance category.

Within the DOR software there are sections provided for the FTO to note the most (rating of 5 or better) and the least acceptable (rating of 3 or worse) performance of the trainee during the shift in question. It is mandatory that both of these categories be completed on each DOR. There is also space for the FTO to indicate which sections of the field training guide were successfully instructed and/or demonstrated during the shift, through the implementation of “Skills”. Due to the extended delivery format for Level 1 reserves, additional comments, suggestions, and training recommendations for the next shift are to be included in the comments section.

FIELD TRAINING GUIDE

The field training guide is divided into four chapters. These chapters coincide with the four phases of the field training program. The trainee will be responsible for all the material in chapter one during Phase I of the program. The trainee will study and be responsible for chapter two during Phase II and so on. Trainees may make this task easier by reviewing each section in advance to acquaint them with the knowledge and performance based objectives, then review reference material or asking their FTO about the specific objective they are concerned with.

The knowledge and performance based objectives are listed in numerical order. Each knowledge and performance based objective has been attached to a skill in Agency360, to be completed by the FTO and trainee verifying that the objective have been met. In the drop down menus, the FTO will select how the skill or training was delivered.

The field training guidebook contains structured learning content topics or areas of instruction. These topics are separated into the four phases of training as reflected in the phase training model overview.

Phase training model overview

<u>Orientation</u>	<u>PHASE I</u>	<u>PHASE II</u>	<u>PHASE III</u>	<u>PHASE IV</u>
Orientation/ Department Policy	Demonstrated Procedures	Control Of Persons/Prisoners/ Mentally Ill	Investigations/ Evidence	Self- Initiated Activity
Officer Safety	Search and Seizure	Patrol Procedures Part 2	Tactical Communications/ Conflict Resolution	
Ethics	Report Writing			
Use Of Force	Patrol Procedures Part 1			
Patrol Vehicle Operations				
Community Relations/ Professional Demeanor				
Radio Communications				
Leadership				
California Codes and Law				
Traffic				

FTO

Agency Orientation/ Department Policies

AGENCY ORIENTATION / DEPARTMENT POLICIES

AGENCY-SPECIFIC TRAINING

During the orientation period, the trainee shall be given an opportunity to become familiar with the specific training requirements of his/her agency. The trainee shall have been scheduled for and successfully completed the following training prior to starting the uniformed patrol field training program:

0.1.01 Firearms/Weapons qualification

0.1.02 Arrest and control techniques

0.1.03 Impact weapon qualification

AGENCY ORIENTATION / DEPARTMENT POLICIES

0.1.04 The trainee will discuss his/her duties and obligations and demonstrate a working knowledge of the agency's organization, functions, work schedule, chain of command, and rules and regulations.

Your trainee will most likely be very nervous during the first few days of the program, and he or she will be wondering what is expected from him or her. Talk about the goals of the field training program, and about how it works. Explain the four phases. Talk about the manual, and about the DOR. Tell the trainee what is expected from him or her by you, and by the department. Emphasize how this is a field training AND evaluation program, and how we do both of those functions. The intent here is to familiarize the trainee to the program, and to get him or her to relax a little.

The three bureaus are: Law Enforcement, Support Services, and Detentions. Tell your trainee the name of each assistant sheriff. Also, discuss the trainee's chain of command during FTO, and after graduation from the program.

Trainee Chain of command during FTO is: You (The FTO), FTO Sergeant, Training Division Lieutenant, Training Division Commander, Undersheriff, Sheriff.

0.1.05 The trainee shall review and briefly explain agency directives, rules, and regulations pertaining to:

A. Standard of conduct on and off duty (values, ethics, principles)

This is covered under B-100 and B-200, and C-100 to C-600. There are numerous rules and regulations that address numerous areas. Give your trainee a copy of these sections, and tell him or her to read it. Several days later, go over the sections with him or her and ask questions to ensure there is an understanding. Make sure you cover the harassment and rules of conduct sections thoroughly.

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B. Rules governing outside employment

This is covered under B-500. It states that members of this department may engage in outside employment provided that they receive prior approval from the Sheriff and the employment does not bring discredit, disrespect, or embarrassment to the department, nor conflict with or adversely affect their duties as a deputy sheriff.

C. Hours of all shifts and absence reporting requirements

Hours of your shift will depend on your current assignment. Per B-100, all personnel of this department will not absent himself or herself from duty without consent of their supervisor or superior officer.

Vacation is frowned upon during FTO and should be discouraged. If an unforeseen problem occurs, and time off is absolutely necessary, prior approval is needed from the FTO Sergeant. If your trainee is unable to perform due to an injury or illness, then he or she needs to notify the FTO Sergeant prior to the shift if possible. If the FTO Sergeant is not available, the trainee shall next attempt to contact you, and the affected Patrol Sergeant.

D. Interaction with associated law enforcement agencies

Deputies are to fully cooperate in the law enforcement mission with allied agencies. Furthermore, they are not to interfere with or hinder another agency's investigations in any way.

E. News media release laws, rules and regulations

I-100 states: Freedom of the press is a fundamental constitutional guarantee. The news media reports on the activities of law enforcement agencies and the administration of justice. However, it is recognized that the constitutional rights of a free press can conflict with the constitutional right of an accused to a free trial. Therefore, it is essential to establish guidelines for the disclosure and reporting of information relating to arrested persons and criminal trials. Members of this department shall provide factual, accurate, and timely information to all news media on a fair and equal basis. Such disclosure shall occur unless:

- 1. It jeopardize the rights and safety of crime victims or the rights of a person accused of a crime.*
- 2. It compromise the security of an investigation.*
- 3. It breaches a confidential relationship.*

Directive A, information that will NOT be released:

Criminal suspects or arrested persons, information regarding:

- *Statements or opinions of a suspect's character, criminal record or reputation, except to aid in apprehension of the suspect.*
- *The existence or content of any admission or confession.*
- *Any refusal by a suspect to make a statement.*
- *The performance or result of any examination or test.*
- *The identity, testimony or credibility of any prospective witness*
- *Any statement on the possibility of a guilty plea or of charges being filed.*

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- *Any statement or opinion of the guilt or innocence of a suspect*
- *The names or identities of any juveniles arrested or listed as suspects in a crime report.*

Directive B, information which may be released:

Most department information that is not confidential or which would not hamper any investigation or jeopardize the rights and safety of anyone can and should be released to the news media. Information that may be released within the law and this policy can be described as:

- *Information that is a matter of public record, or any of the following information pertaining to a suspect arrested by OUR agency and while charges are actually pending or being considered. After that time, refer the requestor to arrest records.*
- *Name*
- *All charges including holds*
- *Date and time of arrest*
- *factual circumstances*
- *Amount of bail*
- *Age and date of birth*
- *Occupation*
- *Physical description*
- *Location of arrest*
- *Jail location*
- *Time and manner of pre-trial release*
- *Any information necessary to obtain public assistance in the apprehension of a criminal suspect.*
- *Any information warning the public of danger or the nature and frequency of crime in the community.*
- *Any information which might result in the public assistance of any investigation*
- *Any description of the general scope of an investigation.*
- *Circumstances surrounding an incident of arrest such as:*
 - *Place of occurrence*
 - *Time and date*
 - *Description of resistance encountered or pursuit involved*
 - *Any possession or use of item seized*
 - *General description of any item seized*
 - *names of department members involved except undercover officers*
 - *The duration of any investigation and identification of any other law enforcement agencies involved.*

F. Security of agency facilities

Discuss with your trainee the importance of maintaining facility security (protecting employees, equipment, etc.) Discuss gate codes and door entry codes.

G. I.D. cards

Discuss with your trainee the policy of wearing their I.D. cards while at any Sheriff's Department facility.

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0.1.06 The trainee shall review and explain department General Orders related to:

A. Use of Force

Have your trainee state what our force policy entails. It is not necessary for them to be able to recite it verbatim. They do need to know that our force policy is covered under Policy F-100, and it states, in effect, that deputies are authorized to use reasonable force to protect the public and carry out their duties in compliance with PC 835 (a). Furthermore, only that amount of force which reasonably appears necessary to effect an arrest, prevent escape, or overcome resistance is to be employed.

The deputy is to take the following into consideration when considering whether or not to use force, and what amount and type of force to use:

- *The conduct of the individual being confronted*
- *Officer / suspect factors (age, size, strength, skill, injuries, exhaustion, number and location of other officers / suspects)*
- *Influence of drugs or alcohol*
- *Proximity of weapons*
- *Whether the suspect poses an immediate threat to the safety of officers or others and the seriousness of the threat.*
- *Seriousness of the offense and reason for the contact*
- *Whether the suspect is resisting by force*
- *Whether the suspect is evading by flight*
- *Officer's training and experience*
- *Potential for injuries to any person*
- *Other circumstances*

Decisions need to be made in a professional, impartial, and safe manner. Also, let the trainee know that the use of force is not inherently good or bad. It is just a necessary part of their duties. Emphasize that if a use of force occurs, the trainee can rest assured that the department will support them as long as they use good judgment and are within policy.

B. Use and Discharge of Firearms

The department's deadly force policy is covered in F-700.

F-700 :*"It is the policy that deputies are authorized to use a firearm or other deadly force when it is reasonable under the circumstances known or reasonably believed by the deputy that there is a significant threat of serious bodily harm or death to any person and generally:*

- *As a means of self-defense from death or serious bodily injury.*
- *To defend another officer or citizen from death or serious bodily injury.*
- *To prevent a crime in which human life is in serious jeopardy as a result of a suspect's actions.*

Deadly force may NOT be used to prevent the escape of a suspected felon, unless necessary to prevent the escape and the officer has probable cause to believe the suspect poses a significant threat of death or serious bodily injury to the officer or others."

Exceptions:

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- *Shots may be fired when intended to stop a threatened attack upon an officer or innocent victim or prisoners by person engaged in riot.*
- *Shots may be fired for the purpose of summoning aid when more conventional communication is not effective and the safety of other persons is considered.*

Firing at or from moving vehicles is prohibited in all but the gravest of circumstances, and only then after giving due consideration to public safety.

Killing animals that are injured or that pose a threat to the safety of humans is approved when no other disposition is practical and safety of humans has been given prime consideration.

As a general rule, officers shall not remove a firearm from the holster or display a weapon unless there is sufficient justification. It is permitted for the purpose of obtaining and maintaining control of felony arrestees, and misdemeanants in possession of a weapon.

*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.*

C. Domestic Violence

Domestic violence is covered under H-500.

Our department policy in the area of domestic violence states, "It is the policy of this department that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victims and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated."

Felony arrest - Officers SHALL make an arrest when there is reasonable cause to believe a felony has occurred.

Misdemeanor arrest - Officers SHALL make an arrest when there is reasonable cause to believe that a misdemeanor has occurred in the officer's presence (including violations of court orders) or when there is reasonable cause to believe a violation of PC 273.6 has occurred outside the officer's presence, in cases where the person to be arrested had knowledge of the court order prior to the violation.

Officers considering releasing the suspect on a citation shall evaluate the likelihood of the suspect continuing an offense which is one of the statutory conditions under which a field release is not appropriate (PC 853.6(a)). Any one of the following may support the likelihood of a continuing offense:

- *Whether the suspect has a history of arrests or citations involving domestic violence.*
- *Whether the suspect is violating a criminal, court issued stay away order.*
- *Whether the suspect has previously violated, or is currently violating valid temporary restraining orders*
- *Whether the suspect has a prior history of other assaultive behavior.*
- *Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.*

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- *Statement or demeanor of the suspect.*

Also, make sure your trainee knows that H-500 requires that the deputy inform the victim of the right to make a private person's arrest when a crime has been committed outside the officer's presence for which the officer cannot make an arrest and does not meet the requirements for a felony arrest. Whenever possible, such discussion shall be held out of the presence of the suspect.

*Officers will accept a private person's arrest and **shall not** dissuade victims from making a lawful private person's arrest.*

D. Emergency Vehicle Operations

Have your trainee state what our driving policy states in summary. It is not necessary for them to be able to recite it verbatim, but they need to know that our driving policy is covered under Policy E-100, and it states, in effect, that deputies are to obey all rules of the road while operating their patrol car, with the following exceptions:

- *During code-3 operations*
- *While practicing generally approved patrol techniques (Talk about these with your trainee)*

He or she also needs to know that code-3 driving is reserved for the following conditions:

- *A serious public hazard*
- *A crime of violence in progress*
- *A prevention of a crime of violence*
- *An officer needing immediate assistance*

A pursuit (This will be covered later in the manual)

According to E-100, those situations that merit a Code-3 response include:

- *A serious public hazard*
- *A crime of violence in progress*
- *The prevention of a crime of violence*
- *An officer needing immediate assistance*
- *A pursuit as described in section E-200*

Those persons authorized to make the decision of whether or not to respond "code three" include:

- *The individual officer*
- *Supervisor*
- *Watch Commander*
- *Communications OIC*

Those persons authorized to terminate a "code three" response include:

- *Supervisor*
- *Watch Commander*
- *Communications OIC*

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E. Sexual Harassment

C-300 states: It is the policy of the Kern County Sheriff's Dept. to provide a work place free from discrimination and/or harassment based on race, color, religion, sex, age, handicap, or national origin. Employee conduct, whether intentional or not, that results in discrimination or harassment of other employees, is illegal and will not be tolerated. All supervisory and command staff shall insure that no employee is subjected to discrimination or harassment.

It shall be the policy of this department that all citizens contacted will be treated equally regardless of race, color, religion, sex, age, handicap, or national origin.

References to any individual or group in a derogatory manner based on the above will not be tolerated. Supervisors and command personnel are to insure strict compliance with this policy.

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

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

Examples:

- *Direct or indirect pressure for dates and/or sexual activity,*
- *Pinching or patting,*
- *Leering/gawking,*
- *Sexual jokes or cartoons etc.,*
- *Verbal comments,*
- *Posting of sexually graphic material,*
- *Telling of sexually oriented jokes perceived by the listener as offensive.*

Other Harassment: *Actions or words that are derogatory, demeaning or disrespectful regarding a person's or group's sex, race, color, religion, age, handicap, or national origin.*

Examples:

- *Racial jokes or cartoons,*
- *Offensive reference to handicaps,*
- *Derogatory remarks regarding a particular religion.*

Employees who perceive that they have been the victim of harassment or discrimination are encouraged to:

- *Tell the harasser that such behavior is unwelcome.*
- *A failure to tell the harasser does not preclude the offended employee from reporting the incident, nor does it exonerate the harasser.*
- *Report the incident or behavior to their immediate supervisor, (or to the next superior officer in their chain of command if the harasser is the immediate supervisor, or any other ranking officer within the department.)*

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Employees who witness sexual harassment or discrimination are encouraged to:

- *Report the behavior to their immediate supervisor, (or to the next superior officer in their chain of command if the harasser is the immediate supervisor, or any other ranking officer within the department.)*

F. Arrest Control / Force Options

Use of force policy is covered in sections:

F-100 Use of Force-General

F-200 Use of Force-Reporting

F-300 Use of Force-Control Holds/Defensive Tactics Team

F-400 Use of Force-Oleoresin Capsicum

F-500 Use of Force-Carotid Control Hold

F-600 Use of Force-Baton

F-700 Use of Force-Deadly Force

F-800 Use of Force-Taser

G. Protective Orders

Protective orders are covered in sections:

H-500 Domestic Violence Response and Enforcement

H-510 Emergency Protective Orders

H. Bias Based Profiling

Bias based profiling is covered in J-2300.

I. Child Abduction Alert (Amber Alert)

H-1500 states: Generally, the following criteria should be met before an Alert is initiated:

- *Law Enforcement confirms a child has been abducted, 17 years of age or younger, or a proven mental or physical handicapped person regardless of age.*
- *Law Enforcement believes the circumstances surrounding the abduction indicate that the victim is in imminent danger of serious bodily injury or death. Absent unusual conditions, parental or family abductions will not fit the criteria without further indication of imminent danger.*
- *There must be enough descriptive information about the victim, abductor, and suspect's vehicle to believe an immediate broadcast alert to the public will assist in the safe recovery of the victim.*

0.1.07 The trainee shall be oriented to the work area, including:

A. Introductions to key personnel

B. Equipment and supply locations

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This is also individual to your assignment. Show your trainee around the office/substation. Introduce them to the personnel in the office. Show them where they are to write reports, where they can get coffee, obtain equipment and supplies etc.

0.1.08 The trainee shall know the operation of and agency policy regarding authorized personal equipment, safety equipment, and agency equipment used by officers in the field.

A. Handgun / Shotgun / Tactical rifle

The policy concerning the handgun is covered in F-700 and G-700. The shotgun is addressed in G-701. G-702 addresses back up guns. G-900 addresses the tactical rifle.

F-700 States: is the policy of the Kern County Sheriff's Department to permit and authorize the use of a firearm or other deadly force under law, by deputies, when it is reasonable under the circumstances known or reasonably believed by the deputy that there is a significant threat of serious bodily harm or death to any person, and generally:

- *As a means of self-defense from death or serious bodily injury*
- *To defend another officer or civilian from death or serious bodily injury*
- *To prevent a crime in which human life is in serious jeopardy as a result of a suspect's actions*
- *Deadly force may not be used to prevent the escape of a fleeing felon unless necessary to prevent the escape and the officer has probable cause to believe the suspect poses a significant threat death or serious physical injury to the officer or others (Tennessee v Garner)*
- *Shots fired into the air or ground in an attempt to cause a fleeing suspect to stop or surrender are prohibited.*

Exceptions:

- *Shots may be fired when intended to stop a threatened attack upon an officer or innocent victim or prisoners or by persons engaged in a riot.*
- *Shots may be fired for the purpose of summoning aid when more conventional communication is not effective and the safety of other persons is considered.*

Firing at or from moving vehicles is generally ineffective and is extremely hazardous and is prohibited in all but the gravest of circumstances, and only then after giving due consideration to public safety.

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 the safety of people has been given prime consideration.

As a general rule, officers shall not remove a firearm from the holster or display a weapon unless there is sufficient justification. In effecting the arrest of felony offenders, suspected felony offenders, or misdemeanants in possession of a weapon, a deputy may display a weapon for the purpose of obtaining and maintaining control of an arrestee.

Officers shall not surrender their firearm except 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.

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G-700 states that the standard duty pistol is the Glock model 22 or 23 semi-automatic pistol with a five-pound connector and a standard New York trigger module.

It goes on to say that all deputies will carry the standard duty pistol on their person except:

- *When working in a jail*
- *When attending to duties within a Sheriff's Department facility or working an administrative assignment, in which case the pistol will be easily accessible.*
- *When ordered otherwise by competent authority*

Personnel working a plain-clothes assignment are authorized to carry the Glock model 27.

G-701 states that the Remington 870, 12 gauge shotgun is the issued shotgun for this department. Deputies may also carry their own shotgun, provided the shotgun complies with the department specifications and it is inspected and approved by the department's range master prior to use.

The only shotgun authorized by the Sheriff's Office is:

- *Remington 870 or its variants, black, blue or other subdued finish with 14, 18 or 20 inch barrel. Shotguns with 18 or 20 inch barrels may be equipped with a magazine extension tube. Deputies may carry an alternate shotgun due to tactical considerations when so authorized by the deputy's section lieutenant and with Rangemaster approval.*
- *Shotgun stocks may be black composite material or a collapsible stock of good quality. The stock shall not interfere with the ability to secure the shotgun and shall be approved by the Rangemaster prior to being carried in the field.*
- *Sights may be bead, ghost ring or rifle type. A Red-Dot or Holographic sight may be used to co-witness the fixed sights. Privately-owned sights must be of good quality, shall not interfere with the ability to secure the shotgun and shall be approved by the Rangemaster prior to being carried in the field.*
- *Accessories such as side-saddle shell holders and weapon-mounted tactical lights must be inspected and approved by the Rangemaster.*
- *Shotguns must be equipped with a sling. The purpose of the sling is to carry the weapon when both hands are needed for other purposes, which is critical for officer safety.*
 - *Any personally owned sling must be approved by the Range Master. Tactical slings may only be attached to shotguns assigned to an individual Deputy, and only after that Deputy has attended Sheriff's Office Training in the use of tactical slings.*
- *Personnel with personally-owned shotguns equipped with 14 inch barrels must comply with all State and Federal regulations relative to the possession and use of these weapons.*
- *Ammunition issued by the Sheriff's Office will be the only authorized ammunition for duty use. Personnel who wish to carry additional rounds, in excess of Sheriff's Office issue, must purchase the **exact** ammunition issued by the Sheriff's Office.*
 - *The standard issue shotgun ammunition will be 00 buckshot.*
 - *The Sheriff's Office Rangemaster may issue shotgun slugs to individual deputies when so authorized by the deputy's division commander, and after the deputy has successfully completed Sheriff's Office training in the use of shotgun slugs.*
 - *Shotgun slugs may be used when necessary to destroy large animals in compliance with Section G-100 of this manual, or when necessary to resolve an immediate, life threatening situation.*

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- Shotguns must be equipped with adjustable sights to be approved for use with slugs.

G-702 states: A backup weapon is a secondary handgun carried concealed on the officer's person, to be used during an emergency when the officer's standard duty pistol is lost, out of ammunition, broken, or otherwise unavailable. The Sheriff's Office authorizes qualified officers to carry a backup weapon under the following conditions:

- All backup weapons must be inspected and approved by the Rangemaster or Assistant Rangemaster;
 - Acceptable calibers include .22, .25, .32, .380, .38, .357, 9mm, 10mm, .40, .44 and .45.
- Ammunition carried in backup weapons must be approved by the Rangemaster or Assistant Rangemaster:
 - Only factory ammunition will be approved. (No reloads).
 - .41 Magnum and .44 Magnum loads **will not** be approved for backup weapons.
- Backup weapons must be carried concealed;
- Officers must qualify with their backup weapon a minimum of one time per year, on a course of fire approved by the Rangemaster or Assistant Rangemaster;
- Officers carrying a firearm in calibers other than those issued by the Sheriff's Office are responsible for providing their own ammunition for both qualification and duty use; and
- Officers are responsible for repairs made to, maintenance, damage to, or loss of personally owned backup weapons.

G-900 states: The department authorizes specified deputies to carry and utilize a tactical rifle. These deputies must first successfully complete a departmentally approved training course, receive approval from their commanding officer, and then demonstrate proficiency with the rifle. Only rifles and ammunition authorized by this section may be carried by deputies while on duty.

The only rifles authorized by the Sheriff's Office are:

- Rifles must be a Colt AR-15 or other semi-automatic, civilian versions of the AR-15/M-16 rifle made by Colt, or by other manufacturers as approved by the Rangemaster.
- All rifles must be in .223 (5.56mm) caliber.
- Rifles will have iron sights, a barrel length of at least 16 inches, and use a standard 10, 20 or 30 round magazine.
- Rifle stocks may be black composite material or a telescoping, collapsible stock of good quality. The stock shall not interfere with the ability to secure the rifle and shall be approved by the Rangemaster prior to being carried in the field.
- Accessories such as weapon-mounted tactical lights, fore-end grips or bipods must be inspected and approved by the Rangemaster.
- A Red Dot or Holographic sight may be used to co-witness the fixed sights. Privately-owned sights must be of good quality, shall not interfere with the ability to secure the rifle and shall be approved by the Rangemaster prior to being carried in the field.
- Rifles must be equipped with a carry sling approved by the Rangemaster.
- Privately-owned rifles must be inspected and approved by the Rangemaster.

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- *Only approved ammunition will be carried in any rifle while on duty, and only approved ammunition will be used at any time in rifles owned by the Sheriff's Office.*
- *Laser pointers and similar devices are not authorized for use with rifles under this policy.*

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B. OC spray

F-400 states: Deputies are permitted to use OC spray when acting within the guidelines of PC 835a, when it reasonably appears necessary to effect an arrest, prevent escape or overcome resistance, or to prevent physical injury to the officer or others, and the use conforms to the policies and procedures of this manual.

Deputies may only carry OC spray issued by the department, and only after attending departmentally approved training on the use of Oleoresin Capsicum sprays. Any deputy who uses OC spray will document the use on a crime or incident report pursuant to F-200.

C. Protective vest

K-401 states: It is the policy of the Kern County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

The Sheriff's Office encourages all on-duty Deputy Sheriffs and armed Detentions Deputy Sheriffs to wear soft body armor at all times. Their use in some instances is required. Body armor must be either agency-issued or agency-approved.

Issuance of body armor

The Support Services Division Commander or designee shall ensure that body armor is issued to all Deputy Sheriffs when service begins with the Kern County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Use of body armor

Generally, the use of body armor is required subject to the following:

- *Deputies shall only wear agency-approved body armor.*
- *Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.*
- *Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.*
- *Body armor shall be worn when a deputy is working in uniform or taking part in Sheriff's Office range training.*
- *A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.*
- *Deputies may be excused from wearing body armor when they are engaging in specific assignments where the wearing of body armor could pose a health risk due to heat exposure or environmental conditions. These assignments can include but not limited to:*
 - o *Air Support*
 - o *Off-Road Highway Team*

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- o Search and Rescue*
- o Any other assignment determined by a supervisor.*

Note: Deputy Sheriff's, shall be excused from wearing body armor when they are working inside of a jail, unless otherwise directed by a supervisor during an emergency or other exigent circumstance.

D. Riot helmet

Dept. policy states that the riot helmet must be available at all times while on duty, so make sure your trainee has one with him or her.

E. Handcuffs

Make sure your trainee has handcuffs with him or her and stress the value of having two pairs on the duty belt. Dept. policy (K-300) states that the handcuffs must be American made, Peerless, or Smith and Wesson or equivalent.

Discuss each of these items with your trainee. Make sure your trainee knows where these items should be placed on the duty belt.

0.1.09 The trainee shall review and explain what constitutes unauthorized equipment.

Uniform specifications regarding utility belt and accessories is spelled out in K-303.

0.1.10 The trainee shall review and explain agency policy on uniforms and equipment damage.

Go over the uniform wear with your trainee. Stress the importance of maintaining a professional appearance. This is usually not a problem with the trainees who have just graduated from the academy. However, sometimes the veteran deputies from a non-law enforcement assignment or some of the lateral hires need reminding. Uniform wear and regulations are covered in the K section of the department procedure manual.

Discuss the procedure for replacing a damaged uniform or piece of equipment with your trainee. The department will replace damaged uniforms from on duty incidents, but the trainee is expected to replace old and worn uniforms at his or her own expense.

Old or damaged issued equipment, such as the vest or duty belt will be replaced by the department.

0.1.11 The trainee will explain those circumstances that necessitate the notification of a supervisor. These shall include:

- A. Any potential personnel complaint**
- B. Any allegation of deputy misconduct**
- C. Any officer involved vehicle accident**
- D. Use of force likely to cause injury**
- E. Any injured personnel**
- F. Any incident where the media is present.**

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- G. Any situation that will take the deputy out of service for an extended period of time (hospital guard etc.)**

This is all spelled out above. Discuss each aspect with your trainee.

COMMUNITY ORIENTATION / GEOGRAPHIC LOCATIONS

- 0.1.12 The trainee shall know the following locations within the agency's jurisdiction:**

- A. Hospital(s)**
- B. Firehouse(s)**
- C. Bars and "hot" spots**
- D. Schools**
- E. Community service organizations**
- F. Park and recreation areas**
- G. Hazardous material/priority locations (refineries, WMD potential targets, etc.)**

Try to physically take your trainee to each of the listed locations above, depending on assignment and time allowances. At a minimum, discuss the location of each.

- 0.1.13 The trainee shall know the names and locations of important types of roadways in the community or assigned area. These shall include:**

- A. Major arteries**
- B. "Through streets"**
- C. Dead-end streets**
- D. Freeways**
- E. Fire trails or other special access routes**

This is individual to the station at which you are assigned. Make sure the trainee is familiar with these roadways.

- 0.1.14 The trainee shall know the jurisdictional boundaries, beats, districts, or sector assignments utilized by the agency.**

This is individual to the station at which you are assigned. Go over how the beats work in your area, and discuss the importance of taking responsibility for your beat or area.

SUPPORT SERVICES

- 0.1.15 The trainee shall identify the location and general function of each of the following:**

- A. City Hall or County Administration Building**
- B. Municipal, Superior, and Juvenile Courts**
- C. District Attorney's Office**
- D. Probation Department**
- E. Health Department and/or Coroner's Office**
- F. Emergency Hospital (including emergency entrance, psychiatric facilities and entrance, police parking area, and any other agency-utilized rooms or departments)**

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- G. County/City Jail(s)**
- H. Welfare Department**
- I. Juvenile Hall**

These are all different agencies that your trainee is likely to encounter during his or her patrol experience. If it is feasible, take your trainee to each of the listed locations. If it is not, then describe the location of each of the above. Make sure you describe the function of each of the above agencies, and how it relates to the patrol deputy's duties during patrol.

If you are assigned to Bakersfield, it is suggested that you take the time to drive to each of these locations and show them to your trainee if time and calls for service permit. Explain the entry and exit procedures for each of these facilities. If you are assigned to a substation, it will be necessary for you to discuss these places with your trainee.

- J. State and Federal law enforcement agencies, including:**
 - 1. California Highway Patrol – CHP**

The CHP handles traffic enforcement throughout the state, and is the state police agency.

- 2. Department of Motor Vehicles – DMV**

The DMV regulates and collects fees regarding vehicles.

- 3. Federal Bureau of Investigations – FBI**

The FBI is a branch of the US Dept of Justice and conducts federal criminal law violation investigations. The FBI also often works in conjunction with local law enforcement agencies.

- 4. Postal Inspectors**

Postal inspectors investigate mail-related offenses.

- 5. Bureau of Narcotic Enforcement – BNE**

This is the California state drug enforcement agency. BNE coordinates and supports regional and local law enforcement agencies in combating drugs, illegal weapons, and violent crime in the state.

- 6. Secret Service**

The US Secret service is charged with presidential and some dignitary protection, as well as currency related federal crime investigations.

- 7. Immigration and Naturalization Service – INS**

The immigration and Naturalization Service is charged with managing and enforcing our nation's immigration laws. This agency also routinely works with local law enforcement.

AGENCY ORIENTATION / DEPARTMENT POLICIES

8. Bureau of Alcohol, Tobacco, and Firearms – ATF

The Federal Bureau of Alcohol, Tobacco, and Firearms is charged with regulating the sales and exchange of alcohol, tobacco and firearms. The agency has some tax related duties concerning those commodities. The ATF often enforces federal gun laws, and they often work with local law enforcement in carrying out that duty.

9. Military Police

The military police provides law enforcement prisoner confinement for their community, base, or fort. They provide security for the base, patrol for the base, and respond to criminal activity in their response area. They investigate and apprehend AWOL soldiers.

10. US Marshall Service

The US Marshall's Service is charged with managing the federal government's correctional system.

11. Railroad Police

The railroad police are responsible for providing security and law enforcement for the railroads, their employees and passengers, investigating freight thefts, suspicious damage to railroad property, and other crimes on railroad property. They guard railroad yards, cars, shipments, and coordinate with local law enforcement to remove/arrest trespassers or thieves.

K. Additional support services (Child Protective Services/Jamison Center, Animal Control, etc.)

These are other services that your trainee is likely to encounter during his or her patrol experience. If it is feasible, take your trainee to each of the listed locations. If it is not, then describe the location of each of the above. Make sure you describe the function of each of the above agencies, and how it relates to the patrol deputy's duties during patrol.

0.1.16 The trainee shall explain the proper utilization of agency special teams/units, including:

A. SWAT

SWAT-A group of about twenty specially trained and equipped deputies who respond to especially high-risk situations.

B. Reserves

An all-volunteer outfit designed to supplement the regulars. They are dispersed throughout the county.

C. Search and Rescue

AGENCY ORIENTATION / DEPARTMENT POLICIES

Conduct search and rescue operations throughout the county. This unit has several different units. Among them are the aero squadron, and the Search and Rescue Divers. There are several different groups assigned to different areas throughout the county.

D. Major Violators/Cal-MMet/HIDTA

This is a special enforcement unit stationed in Bakersfield tasked with investigating major narcotics dealers and traffickers.

E. Vice

A section of the special enforcement division tasked with investigating vice related crimes throughout the county. The vice office is in Bakersfield.

F. Detectives

Follow up investigations for the Bakersfield area. This division also handles homicide investigations throughout the county. Their office is in building B at the Norris Rd facility.

G. Training

Responsible for the department's training needs, and conducting training for other agencies. The training office is at the Norris Rd facility.

H. Technical Investigations

A group of specially trained and equipped evidence technicians who respond to crime scenes when requested to gather, preserve and analyze evidence.

I. Crime Prevention

A group of civilian employees who are tasked with disseminating crime prevention information and conducting crime prevention programs throughout the county. Their office is at the Norris Rd facility.

K. Gang Suppression Unit

A unit within the special enforcement division tasked with the tracking and suppression of gang members throughout the county. The unit's office is at the Norris Rd. facility.

J. Safe Schools Unit

A group of deputies tasked with patrolling and monitoring the county's schools. Their office is at the Norris Rd. facility in Bakersfield.

0.1.17 The trainee shall discuss the department's K-9 program. Such discussion shall minimally include:

A. General training handlers and dogs receive.

AGENCY ORIENTATION / DEPARTMENT POLICIES

Each of the K-9 teams go to an initial six-week course where the dog and his handler are trained to work together as a team. Additionally, the K-9 teams all participate in extensive in service training and often compete in police dog competition throughout the state. Our K-9 teams consistently perform well in these competitions and often emerge victorious in several categories in these competitions.

B. General capabilities of the teams.

The Kern County Sheriff's K-9 teams are all trained in protection, tracking, narcotics discovery, and evidence discovery, along with other functions.

C. Tactical considerations when working with K-9 teams.

Talk to your trainee about how to work with the K-9 teams. Discuss both on-lead and off lead building searches, as well as what to do during a physical fight with a suspect while a dog is present. Stress the importance of abiding by the handler's directions.

0.1.18 The trainee shall discuss the department's Air Support Unit. Such discussion will minimally include:

A. Overview of the unit

Talk to your trainee about the unit. There are both civilian and sworn pilots. The observers are all sworn deputies. Talk about how many helicopters and fixed wing aircraft the department has. Also, mention the FLIR system and how it is used in the field.

B. Capabilities and uses of fixed wing aircraft, and helicopters.

The fixed wing is good for distance travel and aerial surveillance. The helicopters assist in the patrol function. They are good for pursuits, certain types of calls, locating and directing ground units to suspects etc.

FTO

Officer Safety

OFFICER SAFETY

CONTACT AND COVER (PRIMARY/BACKUP)

0.2.01 The trainee shall explain and demonstrate contact officer tactics and responsibilities to include:

- A. Primary responsibility dealing with situation/suspect(s)/victim(s)/witness(s)/RP's**
- B. Records incident information (FI's)**
- C. Performs pat down and custody search of suspect(s)**
- D. Issues all citations**
- E. Recovers evidence and contraband**
- F. Handles routine radio communications**
- G. Relays pertinent information to cover officer and medical personnel**
- H. Watches hand movement**

Discuss each one of the listed duties. Ensure that your trainee understands.

0.2.02 The trainee shall explain and demonstrate cover officer tactics and responsibilities to include:

- A. Handles unexpected radio communications**
- B. Relays pertinent information to contact officer**
- C. Watches all hand and body movement subjects in and around the area of contact officer**
- D. Watches other vehicle and pedestrian traffic**
- E. Assist the contact officer if the suspect resist arrest**

Discuss each one of the listed duties. Ensure that your trainee understands.

0.2.03 The trainee shall discuss the roles of the contact and cover officers during and after a pursuit, felony car stop, or foot chase. These shall include:

- A. Radio responsibilities**
- B. Firearms/Weapons systems**
- C. Position to assume after the vehicle or person is stopped**
- D. Officer-to-officer communication**

Discuss each one of the listed duties. Ensure that your trainee understands.

BODY ARMOR

0.2.04 The trainee shall discuss benefits, limitations, and characteristics of protective body armor, including.

- A. Benefits for wearing**

Wearing your body armor provides protection by covering vital areas of your body. An FBI study showed that wearing body armor increases your survival chances by 14 times.

- B. Types of body armor**

OFFICER SAFETY

There are numerous types and protection levels. Our agency uses body armor that's rated threat level 2.

C. Level of protection against firearms

It protects most factory ammunition from handguns (9mm and .357mag) and other small caliber firearms.

D. Level of protection against knives and other penetrating weapons

Body armor is vulnerable to a knife, or other penetrating sharp weapons, attack. However, it does provide some protection. Additionally, it has been proven to protect officers during car accidents by lessening the trauma to the covered areas.

OFFICER SURVIVAL

0.2.05 The trainee shall identify and explain the importance of physical, mental, and emotional conditioning in officer survival. These shall minimally include:

A. Concept of tactical retreat

- 1. Pre-planning (mental scenarios)**
- 2. Reduction of unnecessary risks (stress management, "keeping your cool")**

B. Mental conditioning

- 1. Will to live**
- 2. Continue to fight, regardless of odds**
- 3. Mental alertness**
- 4. Self-confidence**

C. Physical conditioning

- 1. Agency policy on physical fitness and officer standards**
- 2. Role of good health and nutrition**

D. Weapon retention

Discuss each of these with your trainee and stressing how important these concepts are to officer survival.

E. Employee Assistance Programs

- 1. Counseling through Human Resources and/or contracted professionals**
- 2. Critical incident stress debriefings**
- 3. Law Enforcement Chaplains**
- 4. Peer counseling**

The Employee Assistance Program (EAP) provides confidential, professional evaluation and, if appropriate, short-term counseling for behavioral problems which affect work performance or personal life. Up to three evaluation sessions are free to health benefits-eligible employees and their dependents.

This program can be used by employees and/or their family members (spouse and dependents) who are experiencing significant personal problems such as:

OFFICER SAFETY

- *Alcohol or drug abuse*
- *Family or marital stress*
- *Legal or financial difficulty*
- *Emotional disorders such as persistent anxiety and depression*

Telephone: 1(800) 730-3859

0.2.06 The trainee shall discuss importance of the county's Employee Assistance Program (EAP) and how provides confidential, professional evaluation and counseling for no charge to the employee for the following problems:

- **Alcohol or drug abuse**
- **Family or marital stress**
- **Legal or financial difficulty**

Emotional disorders such as persistent anxiety and depression

See section "E" on 0.2.05

0.2.07 The trainee shall discuss the purpose for the agency's Critical Incident Stress Management Team and how the employees benefit from the session.

J-400

The purpose of this program is to provide all employees, volunteers and their families with the opportunity for peer support through times of personal or professional crisis or stress, and to provide a resource in handling crisis situations in the field that require intervention.

The Critical Incident Stress Management (CISM) Team processes may be defined as individual or group meetings (defusing), or discussions about a traumatic event, or series of traumatic events (debriefing).

The debriefing and defusing processes are designed to mitigate the psychological impact of a traumatic event on first responders, prevent the subsequent development of a post-traumatic syndrome, and serve as an early identification mechanism for individuals who will require professional mental health follow-up subsequent to a traumatic event.

CONFIDENTIALITY

To be effective, the CISM program must maintain confidentiality. For this reason one of the most important responsibilities of a CISM team member is to maintain the anonymity of CISM participants and the confidentiality of any conversations within a peer support setting. Therefore, communications between a CISM team member and the peer requesting help is considered privileged communications and cannot be divulged under any circumstance with the following exceptions:

- *Suspected child abuse*
- *Danger to self*
- *Danger to others*

OFFICER SAFETY

- *Narcotics offenses (sales or transportation)*
- *Domestic violence*
- *Elderly abuse*
- *Cases where law requires divulgence*
- *Divulgence is requested by the peer*

DIRECTIVE A

In the event of any of the above exceptions to the confidentiality rule, the CISM team member shall immediately notify the CISM program coordinator. If the coordinator, upon review of the circumstances concurs, the situation will be brought to the attention of the concerned Chief Deputy. The CISM team member's role in these cases will be to continue emotional support of the peer without interfering with the necessary Sheriff's Office action.

DIRECTIVE B

With the exception of the situations outlined above, all other communications between the CISM team member and the peer requesting help and privileged and may not be divulged by the CISM team member or peer without the expressed permission of the other.

No CISM team member may be compelled to give any statement in any Internal Affairs investigation, nor be compelled to testify in any Civil Service hearing.

A CISM team member may not be subjected to discipline by the Sheriff's Office for refusing to divulge communications deemed privileged by these sections of the Sheriff's Office procedure manual.

FTO



Ethics

ETHICS

ETHICS

- 0.3.01 The trainee shall identify law enforcement ethical standards (Law Enforcement Code of Ethics, Oath of Honor, and the Code of Conduct) and explain or demonstrate how they apply to ethical decision-making.**

Stress how important the code is, and that each deputy should attempt to live by its ideals.

It reads:

As a law enforcement officer, my fundamental duty is to serve mankind, to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder. And to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in 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 duties.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and 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 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.

- 0.3.02 The trainee shall illustrate, through explanation or example, the following aspects of ethical conduct:**

- 1. An officer shall not engage in any conduct or activities on or off duty that reflect discredit on the officer, bring the department into disrepute, or impair its efficient and effective operation.**
- 2. Officers shall conduct themselves in a manner that will foster cooperation among members of the department, showing respect, courtesy, and professionalism in their dealings with one another.**
- 3. Officers shall not use language or engage in acts that demean, harass, or intimidate another. (Refer to agency policy)**
- 4. Officers shall conduct themselves toward the public in a civil and professional manner that implies a service orientation and that will foster public respect and cooperation.**

ETHICS

5. **Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of duty.**
6. **While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to the department's use-of-force policy and shall observe the civil rights and protect the well being of those in their charge.**

Reference: International Association of Chiefs of Police Model Policy for Standards of Conduct

Discuss each one. Make sure your trainee follows the guidelines listed.

- 0.3.03 The trainee shall recognize his/her responsibility to intervene to stop offenses (unlawful/unethical acts) by other officers in order to maintain or restore professional control over a given situation or to improve the professional quality of future interactions.**

*Minding your own business is never a valid excuse for remaining silent. If peace officers disregard unlawful/unethical acts by another law enforcement officer, they can be as responsible as the offender and as unworthy of wearing the badge. Such officers are equally responsible for embarrassing the agency and the law enforcement profession. **It is a peace officer's responsibility to intervene and stop offenses by the other officers.***

- 0.3.04 The trainee shall identify and evaluate methods for handling unethical or criminal conduct on the part of a fellow officer.**

There are a variety of strategies that can be used to intervene with a coworker:

Intervention Type

Advance

Level/Technique

- *Communicate law enforcement values clearly in everyday work because an officer is less likely to behave inappropriately when the officer knows coworkers won't tolerate unethical behavior.*

Immediate

- *Verbal intervention*
- *Physical intervention:*
 - *Touching*
 - *Stepping in*
 - *Restraining*

Delayed

- *Discussion*
- *Admonishment*
- *Training*

ETHICS

0.3.05 The trainee shall identify and discuss problems associated with some common ethical decisions, including:

A. Non-enforcement of specific laws by personal choice

Failing to enforce laws may cause a drop in respect for law enforcement and our department, and an increase in violations.

B. Acceptance of gratuities

It promotes a negative public image of the entire law enforcement profession. It also creates a real or perceived obligation for the officer to do something for the gift giver. Rationalizing this unacceptable conduct can lead to accepting larger gifts, committing serious misconduct, or even committing a crime.

C. Misuse of sick time

It promotes a negative work ethic. It, also, causes a strain on staffing requirements. Abuse of sick leave could result in disciplinary action.

0.3.06 The trainee shall review and explain the General Orders and/or policy and procedures associated with conduct both on and off duty.

This is covered under B-100 and B-200, and C-100 to C-600. There are numerous rules and regulations that address numerous areas. Give your trainee a copy of these sections, and tell him or her to read it. Several days later, go over the sections with him or her and ask questions to ensure there is an understanding. Make sure you cover the harassment and rules of conduct sections thoroughly.

DECISION MAKING

0.3.07 The trainee shall explain the most common limitations of their discretionary authority, to include:

- A. Law**
- B. Departmental policy and procedure**
- C. Departmental goals and objectives**
- D. Community expectations**
- E. Officer safety**

Discuss each of these with your trainee.

ETHICS

0.3.08 The trainee shall identify the potential consequences of inappropriate discretionary decision making, including:

- A. Death or injury**
- B. Additional crime**
- C. Civil and vicarious liability**
- D. Discipline**
- E. Embarrassment to department**
- F. Relationship with the community**

This is self-explanatory. Stress the importance of making appropriate decisions based on law, policy, and community expectations.

0.3.09 Given various scenarios, simulated incidents, or calls for service the trainee shall identify and conclude which of the following are acceptable decisions:

- A. Arrest**
- B. Cite and Release**
- C. Referral**
- D. Verbal warning**
- E. No action**

In addition to handling calls for service, make up some hypothetical situations for your trainee. Make sure your trainee has an understanding of what the appropriate and acceptable decision(s) would be for each situation.

FTO

Use of Force

USE OF FORCE/PATROL VEHICLE OPERATIONS

LEGAL AND ETHICAL ISSUES

0.4.01 The trainee shall review and discuss the legal and ethical considerations pertaining to the use of force, including “reasonable force.”

Reference: 835 PC; 835a PC; 843 PC; 198 PC

The department’s use of force policy is covered under F-100. It states, in effect, that deputies are authorized to use reasonable force to protect the public and carry out their duties in compliance with PC 835 (a). Furthermore, only that amount of force which reasonably appears necessary to effect an arrest, prevent escape, or overcome resistance is to be employed.

“Reasonableness” of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident (Graham v. Connor (1989) 490 U.S. 386). While it is extremely difficult to give an exact definition of the term “reasonable force”, you should ask enough questions of your trainee to ensure he or she understands the concept.

0.4.02 The trainee shall explain agency policy, legal ramifications, and civil liabilities attached to both the officer and the agency through the use of physical force or deadly force.

This is a repeat of Sections 0.1.06 and 0.4.01. Decisions need to be made in a professional, impartial, and safe manner. Also, let the trainee know that the use of force is not inherently good or bad. It is just a necessary part of their duties. Emphasize that if a use of force occurs, the trainee can rest assured that the department will support them as long as they use good judgment and are within policy. The use of force techniques taught by our department are proven to be safe and effective. Also, the department has endorsed these techniques and is obligated, and will stand behind the deputy who uses the techniques the department endorses and teaches.

Reporting requirements are covered in F-200. It states that a report is required when force is applied. For the purposes of the manual, force is defined as “physical contact with a person by hand or instrumentality to gain control of that person when verbal command is unavailing, inappropriate, or futile under the circumstances. Force shall not mean such routine or incidental contact with a person as is necessary to take that person into actual, physical custody or the application of a wrist lock or control hold to handcuff an inmate, prior to movement for security reasons, when there is no physical resistance by the inmate”.

Medical aid is necessary for:

- *Injuries,*
- *Anytime the carotid restraint is employed,*
- *When the baton is used and medical aid is necessary, and*
- *After the application of O.C. spray when there are complications involved.*

USE OF FORCE/PATROL VEHICLE OPERATIONS

0.4.03 The trainee shall identify and evaluate situations that justify the use of deadly force and those situations that do not justify such use. That explanation shall minimally include:

Reference: 196 PC; 198 PC; 835a PC; 843 PC

A. Circumstances that justify the use of deadly force

The department's deadly force policy is covered in F-700.

B. Use of deadly force to prevent escapes

F-700 : "It is the policy that deputies are authorized to use a firearm or other deadly force when it is reasonable under the circumstances known or reasonably believed by the deputy that there is a significant threat of serious bodily harm or death to any person and generally:

- *As a means of self-defense from death or serious bodily injury.*
- *To defend another officer or citizen from death or serious bodily injury.*
- *To prevent a crime in which human life is in serious jeopardy as a result of a suspect's actions.*
- *Deadly force may NOT be used to prevent the escape of a suspected felon, unless necessary to prevent the escape and the officer has probable cause to believe the suspect poses a significant threat of death or serious bodily injury to the officer or others."*

C. Firing at and from moving vehicles

Firing at or from moving vehicles is prohibited in all but the gravest of circumstances, and only then after giving due consideration to public safety.

D. Displaying a firearm

As a general rule, officers shall not remove a firearm from the holster or display a weapon unless there is sufficient justification. It is permitted for the purpose of obtaining and maintaining control of felony arrestees, and misdemeanants in possession of a weapon.

E. Injured animals

Killing animals that are injured or that pose a threat to the safety of humans is approved when:

- *No other disposition is practical*
- *Safety of humans has been given prime consideration.*

F. Surrendering firearms

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.

USE OF FORCE/PATROL VEHICLE OPERATIONS

FORCE OPTIONS

0.4.04 The trainee shall explain what is meant by ‘force options’ and provide examples of each that would fall within legal and moral limits, to minimally include:

- A. Non-verbal/police presence**
- B. Verbal (Tactical communication)**
- C. Physical (Weaponless)**
- D. Less lethal weapons, including:**

Chemical Agents – Oleoresin Capsicum Spray (OC Spray)

1. The trainee shall explain the regulations governing the use of chemical agents.

This is covered under policy F-400. It is a less than lethal force option. Peace officer members are permitted to use Oleoresin Capsicum spray (OC) when acting within the guidelines of P.C. 835(a); when it reasonably appears necessary to effect an arrest, prevent escape, overcome resistance, or to prevent physical injury to the officer or others; and, the use conforms with the department’s policies and procedures.

2. The trainee shall explain the follow-up procedures for persons who have had it applied to them.

Probable effects of OC spray:

- *Pain*
- *Breathing difficulty*
- *Watery, painful eyes*
- *Temporary loss of vision*
- *OC spray will NOT necessarily incapacitate a suspect.*

Situations that require medical clearance:

- *Gagging, or breathing difficulties persist beyond an initial period of two to four minutes.*
- *The person loses consciousness*
- *The person sweats profusely, appears very sick*
- *The person still significantly suffers from the effects more than forty-five minutes after exposure.*
- *The person suffers from bronchitis, asthma, emphysema, or other respiratory disease*

3. The trainee shall explain the reporting procedures in cases where it is used.

Reporting requirements are covered in F-200.

USE OF FORCE/PATROL VEHICLE OPERATIONS

IMPACT WEAPONS

- 1. The trainee shall know when and how to effectively use the police baton/impact weapon in an authorized manner.**

Make up some scenarios where a baton is justified, such as when facing an exceptionally large or violent suspect, or when facing multiple suspects. Also talk about some scenarios where a baton strike is not justified, such as when facing a verbally abusive suspect who is not physically violent.

- 2. The trainee shall identify the vital body points and bone edges recognized as baton/impact weapon “target” areas.**

- *Arms*
- *Legs (lowered preferred)*
- *Sides/ribcage*
- *Midsection*

- 3. The trainee shall identify those body points that are potentially lethal when struck by a baton/impact weapon.**

- *Head*
- *Neck*
- *Throat*
- *Spine*
- *Kidney*
- *Groin*

Electronic Control Device

- 1. The trainee shall know when and how to effectively use the Electronic Control device in an authorized manor.**

Make up some scenarios where a taser is justified, such as when facing an exceptionally large or violent suspect, or when facing multiple suspects. Also talk about some scenarios where a taser deployment is not justified, such as when facing a verbally abusive suspect who is not physically violent or a suspect running from you.

- 2. The trainee shall identify those body parts that should be targeted when the Taser is deployed.**

When Deputies fire probes at an individual, the areas with large amount of muscle tissue should be targeted. Consistent with the manufacturer's recommendations, the chest area should not be targeted. Leg strikes may provide a higher likelihood of incapacitation if the subject is wearing unusually thick clothing or the physical surroundings do not allow an upper torso strike. Thick layers of clothing do not usually cover the legs. Air Cartridge probes and lasers can cause serious damage to a person's eyes and should not be aimed or directed toward the face or head area.

USE OF FORCE/PATROL VEHICLE OPERATIONS

3. The trainee shall Identify the areas that shall avoid a drive stun in the following areas unless exigent circumstances exist

- *Head*
- *Neck*
- *Throat*
- *Groin*

E. Deadly force

The trainee shall explain considerations to be made when determining whether or not to resort to the use of deadly force. These considerations shall minimally include:

- 1. Type of crime and suspect(s) involved**
- 2. Threat to the lives of innocent persons**
- 3. Law and agency policy**
- 4. Officer's present capabilities**
- 5. Capabilities of officer's weapon**

This is self-explanatory. Talk about each one.

The trainee shall give examples of his or her actions under the following circumstances:

- A) Auto battery thief fled and refuses to stop when ordered.
- B) Suspect about to be arrested on a misdemeanor traffic warrant draws a handgun and points it at you.
- C) Extremely intoxicated 5' 9" tall, 175 lbs. male throws a punch at you during a sobriety test.
- D) A spousal abuse suspect picks up a steak knife from a kitchen counter and charges at the victim.
- E) Parolee for armed robbery flees on foot after you interrupt him doing a grand theft.

Give these hypothetical situations to your trainee and try to ensure that he or she has the proper idea of what reasonable force is and what it is not.

0.4.05 The trainee shall explain the concept that law enforcement's primary goal is to generate VOLUNTARY compliance with the law.

Stress how important it is to generate voluntary compliance.

0.4.06 Given a set of circumstances where the use of force becomes necessary, the trainee shall employ that degree and type of force that is within department policy, state and federal law.

This is self-explanatory.

FTO

Patrol Vehicle Operations

USE OF FORCE/PATROL VEHICLE OPERATIONS

PATROL VEHICLE INSPECTION

0.5.01 The trainee shall explain the purposes of a pre-shift vehicle inspection prior to the start of his shift. These shall minimally include:

- A. Checking the vehicle for contraband, evidence, or property**
- B. Checking the lighting equipment, including the emergency lighting**
- B. Promotion of operational efficiency (i.e. Tire pressure, gas level)**
- C. Reduction of maintenance and repair costs**
- D. Prevention of accidents**

This is self-explanatory.

0.5.02 The trainee shall point out the location and describe the use of the following:

- A. Rear door locks**
- B. Trunk and hood release**
- C. Firearms/Weapon release systems**
- D. Emergency lights and siren switches**
- E. Flares**
- F. First aid equipment**
- G. Radio**
- H. Spare tire release**
- I. Jack and handle**
- J. Spare tire**
- K. Engine fluid compartments and dip sticks**
- J. Jump start (Caprice models)**

Talk to your trainee about the location and use of each of the listed items. Make sure you answer the questions he or she might have.

0.5.03 The trainee shall explain agency policy regarding requests for vehicle service in the field.

This is a topic that will be individual to each assignment. Explain the process involved at your assignment to your trainee.

0.5.04 The trainee shall explain agency policy regarding proper maintenance of the police vehicle. This explanation shall minimally include:

- A. The procedure for regular maintenance and service of patrol vehicles**
- B. The procedure for turning in a damaged or mechanically deficient vehicle for repair**
- C. The proper documentation to be completed**

This is a topic that will be individual to each assignment. Explain the process involved at your assignment to your trainee.

USE OF FORCE/PATROL VEHICLE OPERATIONS

PATROL VEHICLE OPERATION SAFETY

0.5.05 The trainee shall review and explain agency policy on approved driving techniques, including:

- A. Backing**
- B. Parking**
- C. Right-of-way violations**
- D. Passing**
- E. Excessive speed**

This is all spelled out above. Discuss each of the above activities with your trainee.

0.5.06 The trainee shall discuss the factors which influence the overall stopping distance of a vehicle, including:

- A. Driver condition**
- B. Vehicle condition**
- C. Environmental conditions, including road surfaces**
- D. Vehicle speed**
- E. Reaction time and distance**
- F. Braking distance**
- G. Knowledge of anti-lock braking systems**

Discuss each factor with your trainee. Your trainee should exhibit some sort of understanding that the faster a car is traveling, the harder it is to control.

0.5.07 The trainee shall identify the components of “defensive driving.” These shall include:

- A. Driver attitude**
- B. Driver skill**
- C. Constant Awareness**
- D. Vehicle capability**
- E. Seat belt usage**

Discuss each one with your trainee.

0.5.08 The trainee shall identify driver attitudes that can contribute to the occurrence of traffic accidents, including:

- A. Over-confidence**
- B. Impatience (including “road rage”)**
- C. Self-righteousness**

Discuss each one with your trainee.

USE OF FORCE/PATROL VEHICLE OPERATIONS

0.5.09 The trainee shall discuss the effects of driver fatigue, including:

- A. Lower visual efficiency**
- B. Slower reaction time**

Discuss each one with your trainee.

0.5.10 The trainee will understand and demonstrate the application of “Situation-Appropriate, Focused, and Educated (SAFE) driving” during routine and emergency situations.

- A. “Situation-Appropriate” refers to the need for law enforcement officers to modify their driving for the varied circumstances encountered in a patrol-driving environment (e.g., routine patrol vs. code three driving, school zone vs. rural highway driving, transitioning from surface streets/highways into residential neighborhood streets, driving in inclement weather and/or at night vs. ideal dry/clear weather and/or daylight conditions). The trainee will understand that the “appropriateness” of his or her driving style for the conditions present is also dictated by agency policy. FTOs, supervisors, managers, and department heads will reinforce what driving attitudes are “appropriate” for specific situations.**
- B. “Focused” addresses the many concerns related to roadway position/conditions, distraction, fatigue, multi-tasking, equipment, and driver capabilities.**
- C. “Educated” refers to training (academy, FTO, in-service/ongoing) and policy, and the need for the trainee to continually apply knowledge gleaned in these areas to his or her daily driving habits.**

Discuss each one with your trainee.

0.5.11 The trainee will understand the importance of the following critical areas of driving instruction and be able to explain how ongoing exposure and training in each area can benefit the trainee in the application of SAFE driving:

- A. Use of Law Enforcement Driving Simulators in addition to Emergency Vehicle Operations Courses in ongoing and in-service training**
- B. Speeds officers are expected to encounter in routine and emergency driving**
- C. Night driving**
- D. Use of interference vehicle(s) to simulate actual roadway conditions**

Discuss each one with your trainee.

USE OF FORCE/PATROL VEHICLE OPERATIONS

- 0.5.12** The trainee will be made aware of the fact that routine and emergency patrol driving is one of the most critically serious and potentially dangerous functions of a law enforcement officer. There is a real and ever-present risk of injury or death to the law enforcement officer and members of the public when law enforcement officers drive in a manner unsafe for conditions, beyond their capabilities, or the capabilities of their patrol vehicles. In the years 2003 to 2010, more officers were injured or killed in traffic accidents than in assaults. In addition, severe criminal and/or civil sanctions can be imposed on the law enforcement officer and/or the organization as a result of unsafe vehicle operation. The trainee will be made aware of these facts and will relate to the FTO the importance of SAFE driving. The trainee will continually demonstrate SAFE driving practices in routine and emergency vehicle operations throughout the FTO program in preparation for continued SAFE driving practices throughout his or her law enforcement career.

Discuss this with your trainee.

- 0.5.14** The trainee will be made aware of the fact that use of the seatbelt in both routine and emergency driving dramatically increases the chance of survival and decreases the potential for injury during a crash. Tactical seatbelt removal (removing the seatbelt as the patrol vehicle slows, just prior to safely coming to a stop, so the officer can quickly exit the vehicle) will be discussed by the FTO, if such practice is allowed by agency policy. If agency policy allows such practice, the trainee will demonstrate when to appropriately use a tactical removal of the seatbelt. The FTO will continually monitor seatbelt use (and tactical removal of the seatbelt, if applicable) to ensure that the trainee is habitually wearing the seatbelt while on patrol, and is only removing it during a safe and opportune time, given the situation at hand.

Discuss and practice this with your trainee.

E-500 covers the seat belt policy

It shall be the policy of the Sheriff's Office to require the use of safety belts by drivers and passengers in all vehicles so equipped, except where the use of safety belts would pose a risk of injury to the passengers or the person attempting to secure the passenger.

When an officer believes it necessary to protect their identity in an undercover operation, they will not be required to abide by this seat belt policy. They will begin abiding by the seat belt policy just as soon as they possibly can without compromising their identity.

In all vehicles controlled by the Sheriff's Office, all occupants under six (6) years of age or weighing less than 60 pounds will be properly secured in a child seat restraint system in the rear seat of the vehicle or seat belts in compliance with CVC Section 27360(c)(1).

USE OF FORCE/PATROL VEHICLE OPERATIONS

0.5.15 The trainee shall explain the department policy on cell phone use while operating a vehicle.

J-1930 covers Cellular Phone use

Employees and volunteers of the Sheriff's Office are prohibited from driving any vehicle owned, leased, or under the control of the County of Kern while using a wireless telephone, unless the device is operated hands-free.

EMERGENCY VEHICLE OPERATIONS/PURSUIT

0.5.16 The trainee shall review and explain the agency's policy concerning code-three driving. This shall minimally include:

A. What situations merit a "code three" response.

According to E-100, those situations include:

- *A serious public hazard*
- *A crime of violence in progress*
- *The prevention of a crime of violence*
- *An officer needing immediate assistance*
- *A pursuit as described in section E-200*

B. What persons are authorized to make the decision of whether or not to respond "code three".

- *The individual officer*
- *Supervisor*
- *Watch Commander*
- *Communications OIC*

C. What persons are authorized to terminate a "code three" response.

- *You, the deputy, for your own pursuit (pending safety/other concerns)*
- *Supervisor*
- *Watch Commander*
- *Communications OIC*

D. Appropriate driving speed

Exceeding the speed limit is permissible, but the deputy shall not violate the basic speed law, and shall drive with due regard for the safety of all persons.

E. Stopping / slowing at intersections

The deputy shall slow and prepare to yield at intersections and proceed only when safe to do so.

USE OF FORCE/PATROL VEHICLE OPERATIONS

F. Public safety

Public safety shall always be of paramount concern.

G. Department's public image.

Discuss how the department's image is tarnished when deputies drive in an unsafe manner, or when people are injured due to the deputy's negligence.

0.5.17 The trainee shall review and explain the agency's policy concerning pursuits. This shall minimally include:

A. When a pursuit may be initiated

A deputy may pursue an actual or suspected law violator. (E-200)

B. Information the deputy is to give the dispatcher upon initiating a pursuit.

- *Reason for the pursuit*
- *Description of the vehicle and the occupants*
- *Location, direction of travel, approximate speed*

C. Officer considerations such as:

- **Does the seriousness of the offense warrant a chase at high speeds?**
- **What is the possibility of apprehension?**
- **Where will the pursuit take place (freeway vs. residential street)?**
- **What are the traffic conditions?**
- **What are the weather conditions?**
- **Familiarity with the area involved.**

These are all spelled out above. Discuss each one.

D. Circumstances that warrant terminating a pursuit.

E-200 states that a pursuit will be terminated when:

- *The existing conditions present an unreasonable hazard to human life*
- *When the pursued vehicle's location is no longer definitely known*
- *When the subject/s of the pursuit can be identified to the point where later apprehension can be accomplished.*

E. Public safety

E-200 states, "It shall be the policy of this department that officers engaged in vehicular pursuits of actual or suspected law violators, proceed in a manner consistent with the safety and well being of all persons. When circumstances are such that the life and safety of any person is unreasonably endangered because of a pursuit, such pursuit shall be terminated in all but the gravest of circumstances."

USE OF FORCE/PATROL VEHICLE OPERATIONS

F. Allied agency pursuits

E-200, Directive C, states, "Notification by another agency of a pursuit in progress is not to be considered a request to join the pursuit. If a request for assistance is made, it will be reviewed and approved by the departmental watch commander. Any officers assigned to assist will follow the policies and procedures of this section."

G. Pursuits that leave Kern County

E-200, Directive B states, "When a pursuit extends into the area of an allied jurisdiction, the supervisor in the pursuit will determine if the allied agency should assume the pursuit and make the appropriate request. In all cases where the pursuit enters another jurisdiction, the departmental watch commander will be advised immediately."

0.5.18 The trainee shall discuss the roles of the primary, and of the secondary units during vehicle pursuits.

This is covered in E-200 and it states that the primary officer shall:

- *Advise dispatch of the pursuit giving:*
 - *Reason for the pursuit*
 - *Description of the vehicle and the occupants*
 - *Location, direction of travel, approximate speed*
- *Activate red lights at the time it becomes necessary to violate the rules of the road*
- *Operate the siren only when reasonable or necessary considering existing conditions*
- *Drive near the center of the street so that cars can see the red lights*
- *Not attempt to pass on the right*
- *Give motorists and pedestrians the opportunity to yield the right of way.*
- *Assume control of the pursuit*
- *Apprehend suspect(s) at the conclusion of the pursuit.*

The secondary unit will:

- *Activate red lights and siren (siren when necessary)*
- *Follow directions given by primary unit.*
- *Assume responsibility of radio communications*
- *Assist in apprehension of suspect(s)*

0.5.19 The trainee shall identify the tactics that should be utilized by the driver of an emergency vehicle while in a pursuit or any other emergency response. These tactics shall minimally include:

- A. Slowing for intersections**
- B. Careful observation at cross streets**
- C. Caution when passing other vehicles**
- D. Constant alertness for any unforeseen hazard**
- E. Using a well-planned route of travel in emergency response situations**

USE OF FORCE/PATROL VEHICLE OPERATIONS

Discuss each one with your trainee.

0.5.20 The trainee shall discuss those factors to consider in determining whether to continue or abandon a pursuit. These factors shall minimally include:

- A. Amount of other traffic, both vehicular and pedestrian**
- B. Road hazards and road conditions**
- C. Environmental conditions**
- D. Capability and condition of patrol vehicle and driver**
- E. Seriousness of the crime(s) in relation to potential likelihood of causing injury to innocent persons or damage to property**
- F. Whether vehicle or driver can be identified**

Discuss each one with your trainee.

E-200 states that a pursuit will be terminated when:

- *The existing conditions present an unreasonable hazard to human life*
- *When the pursued vehicle's location is no longer definitely known*
- *When the subject/s of the pursuit can be identified to the point where later apprehension can be accomplished.*

VEHICLE OPERATION LIABILITY

0.5.21 The trainee shall discuss how an officer operating a law enforcement vehicle under non-emergency conditions is subject to the same "rules of the road" as any other driver.

Reference: 21052 VC

Driving during non-emergency situations shall be done in compliance with the rules of the road, with the exception of certain patrol tactics that violate the rules of the road. Examples include approaching a prowler call with lights out, deactivating the brake lights during an approach, etc.

None of this may be done however, if it is unsafe or unreasonably endangers the public. The appropriate driving speed is the speed limit, or compliance with the basic speed law. Stress to your trainee the importance of public safety and how it should be of primary concern at all times while driving. The department's image is tarnished when patrol cars are seen speeding and running red lights while enroute to code-7 or similar.

0.5.22 The trainee shall explain the situations in which the driver of an authorized emergency vehicle is exempt from the Vehicle Code provisions listed in Section 21055, including:

- A. Responding to an emergency call**
- B. Engaged in a rescue operation**
- C. In pursuit of a violator**
- D. Responding to a fire alarm**

This is self-explanatory. The above is spelled out in CVC 21055(a).

USE OF FORCE/PATROL VEHICLE OPERATIONS

- 0.5.23 The trainee shall explain the exemption requirements of the Vehicle Code regarding the use of red lights and siren, under Sections 21055(b) and 21807.**

CVC 21055(b) authorizes an operator of an emergency vehicle to violate the rules of the road when in pursuit of an actual or suspected violator of the law, if the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

A siren shall not be sounded by an authorized emergency vehicle except when required under this section.

- 0.5.24 The trainee shall explain the conditions under which he/she or their agency may be held liable for deaths, injury, or property damage which occur while an emergency vehicle is being operated with red lights and siren (Code 3), including:**

- A. Failure to drive with due regard for the safety of all persons described in VC Section 21056**
- B. When the agency has not adopted a written policy on police pursuits in compliance with VC Section 17004.7**
- C. A negligent or wrongful act or omission by an employee of the entity described in VC Section 17001**
- D. When not in immediate pursuit of an actual or suspected violator or responding to a bona fide emergency as described in VC Section 17004**

Discuss each of these with your trainee. Reinforce the principle that per CVC 21056, Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section.

Emergency calls do not absolve an officer from personal liability if the emergency vehicle is misused.

PERSONAL PATROL VEHICLE PROGRAM

- 0.5.25 The trainee will review and explain the department's policy regarding the home retention patrol vehicle program.**

E-800 states (in summary):

Participation in the Personal Patrol Vehicle program is voluntary. Deputies who meet the criteria for home retention of a personal patrol vehicle will be allowed to retain their vehicle at their place of residence. Deputies who choose not to participate in the home retention of a vehicle, or who do not meet the criteria for home retention, will park their assigned patrol vehicle at their work assignment in an area designated by the section lieutenant.

USE OF FORCE/PATROL VEHICLE OPERATIONS

Participants in the PPV program are authorized to drive their assigned vehicle between their residence and place of assignment. Participants will retain the vehicle at their residence and:

- a. *Personnel shall not use assigned vehicles for transportation to and from voluntary overtime assignments unless the assignment mandates the use of the personal patrol vehicle. Use of personal patrol vehicles will be limited to and from the following locations:
 1. *Regular duty work assignments.*
 2. *Mandatory court appearances.*
 3. *Mandatory training classes.*
 4. *Emergencies authorized by the Sheriff's Office.*
 5. *Any other activity approved by the Sheriff-Coroner.**
- b. *No one other than the assigned deputy shall operate the personal patrol vehicle unless authorized by a supervisor. Exception is made for other deputies when riding as a partner or maintenance personnel and other members of the Sheriff's Office when transporting the vehicle for maintenance. A supervisor may authorize other personnel to drive a county vehicle during an emergency.*
- c. *Assigned deputies shall be in complete uniform when operating the personal patrol vehicle to and from their regular work assignment. At all other times deputies shall be dressed appropriately and possess a Sheriff's Office authorized handgun, badge, and Sheriff's identification.*
- d. *Travel time to and from work in a county vehicle will not be compensable.
 1. *Police action taken while en route to or from the participant's residence is compensable with the approval of the on-duty supervisor or Watch Commander.**
- e. *Personal patrol vehicle radios shall be on and the deputy shall monitor radio traffic and be able to contact the Communications Center at all times when operating the vehicle on or off duty. If the Personal Patrol Vehicle is equipped with a Mobile Data Computer (MDC), the deputy shall use the MDC in conjunction with the communications radio. Deputies will take appropriate enforcement action consistent with Sheriff's Office Policy when a violation is observed and the deputy is operating the personal patrol vehicle. When off duty and enforcement action is to be taken, the deputy will identify himself to the Communications Center by use of his/her CAD Identification Number unless the deputy is assigned a permanent call sign.*
- f. *The use of any tobacco products is prohibited in all County owned or leased vehicles.*
- g. *When a deputy assigned to a personal patrol vehicle is on vacation, sick leave, or other extended absences for more than five (5) working days, the personal patrol vehicle will be parked at the deputy's work assignment. Deputies shall drive their assigned PPV or other assigned vehicle to and from work unless they are off work for more than five (5) working days. Deputies may leave their vehicles at their duty assignment on an as needed basis with the permission of a supervisor.*
- h. *Personal patrol vehicles shall be locked at all times when unattended. Weapons stored in vehicles will be locked. Portable radios will not be stored in patrol vehicles unless they are stored in the trunk.*
- i. *Assigned deputies shall complete all forms and accurately maintain all vehicle records deemed necessary by the Sheriff's Office.*
- j. *Deputies involved in a traffic accident with a personal patrol vehicle will notify their section lieutenant or the on duty Watch Commander immediately. The existing policy for vehicle accidents will then be followed.*

USE OF FORCE/PATROL VEHICLE OPERATIONS

Misuse or abuse of personal patrol vehicles may result in the loss of program privileges and/or disciplinary action.

Care and Maintenance

- a. *Routine preventive maintenance shall be performed prior to each shift by the deputy assigned to the personal patrol vehicle. This maintenance shall minimally include:*
 1. *Check engine oil and add engine oil to the crankcase if necessary.*
 2. *Check the radiator coolant level and add water if necessary.*
 3. *Check battery cables and water level if applicable.*
 4. *Check power steering fluid level.*
 5. *Visually inspect brake fluid level.*
 6. *Check and maintain proper tire inflation.*
- b. *The assigned deputy of a personal patrol vehicle is responsible for arranging routine maintenance and repair through the Fleet Manager, the Kern County Fire Department Garage or approved private vendors in the deputy's assigned area. Receipts shall be delivered to the Fleet Manager.*
- c. *Preventive maintenance will be performed on the personal patrol vehicle every 3,000 miles.*
- d. *Overtime is not authorized for arranging preventive maintenance. Fleet personnel can handle arrangements for vehicles in the metropolitan patrol area. Substation sergeants should make arrangements to facilitate the service of cars assigned to their areas.*
- e. ***Assigned deputies shall not add or delete any equipment installed on the personal patrol vehicle other than equipment which is authorized by the Chief Deputy of the Field Operations Bureau.***
- f. *Assigned deputies shall maintain a clean vehicle, exterior and interior, at all times.*
- g. *Any theft of equipment or vehicle damage shall be reported to the Sheriff's Office immediately.*
- h. *Personal patrol vehicles are to be parked in a legal manner at the residence of the assigned deputy. The personal patrol vehicle is intended to be a highly visible symbol of the presence of the Kern County Sheriff's Office in our communities and will therefore be parked in public view.*
- i. *Personal patrol vehicles left parked at a deputy's assignment will be parked in an area designated by the section lieutenant.*

Deputies requiring extensive maintenance on their personal patrol vehicle shall make arrangements with the Sheriff's Office Fleet Manager to have the vehicle repaired. Service and repairs should be scheduled during the deputy's non-duty hours or days off whenever possible.

0.5.26 The trainee will discuss the policy regarding the parking of Sheriff's vehicles in the field and at a Sheriff's facility.

Discuss the parking situation at your assignment. Also, talk to your trainee about the importance of parking legally while in the field (unless there is a reason tactically to park otherwise). Talk about the negative public perception that is created when a sheriff's car is seen blocking traffic, double parked, or parked in a handicapped space.

FTO

Community Relations/ Professional Demeanor

COMMUNITY RELATIONS / PROFESSIONAL DEMEANOR

COMMUNITY RELATIONS AND SERVICE

0.6.01 The trainee shall explain the agency's responsibilities to community service. This shall minimally include:

- A. Kern County Sheriff's Department's mission statement:**
"The Kern County Sheriff's Department is committed to work in partnership with our community to enhance the safety, security and quality of life for the residents and visitors of Kern County through professional public safety services."
- B. A concern for the needs of the people residing, visiting, or doing business in the beat area.**
- C. The discovery of conditions which might adversely affect public welfare.**
- D. The security of premises.**

It is not necessary that your trainee be able to tell you the mission statement verbatim. It is necessary that he or she is able to tell you what the statement entails. Make sure your trainee knows that the department is:

- *Committed*
- *Views its role as being a partner with the community*
- *Is trying to enhance the safety, security and quality of life*

Discuss each of these and ensure that your trainee understands each one.

0.6.02 The trainee shall identify roles encompassed in the agency's responsibilities to provide community service. Those roles may include:

- A. Protect life and property**
- B. Maintain order**
- C. Crime prevention**
- D. Public education**
- E. Delivery of service**
- F. Enforcement of law(s)**
- G. Community partnerships, such as:**
 - 1. COPS**
 - 2. SAL**
 - 3. "Safe Schools" program**

This section is self-explanatory. Have your trainee describe each one.

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PROFESSIONAL DEMEANOR AND COMMUNICATIONS

0.6.03 The trainee shall identify the basic principles of a profession and discuss the professional aspects of law enforcement.

***Professionalism** is adherence to high standards of behavior and training required for employment in a particular occupation or profession.*

The last line of the Law Enforcement Code of Ethics asks each law enforcement officer to dedicate “myself before God to my chosen profession...law enforcement.” Becoming a peace officer means choosing law enforcement not only as a career, but as a moral commitment.

Law enforcement as a profession requires both specialized training and a high degree of ethical behavior on the part of individual officers. Most professions share similar standards, including:

- *a common set of principles and goals,*
- *a recognized body of knowledge that is systematically transmitted to new members,*
- *a code of ethics regulating members’ conduct,*
- *a system of licensing granting professional privileges to qualified individuals,*
- *membership in professional organizations that promote the interests of the profession, and*
- *a spirit of public service.*

0.6.04 The trainee shall explain the various methods by which citizens evaluate law enforcement agencies and their officers.

Members of a community use a variety of criteria to evaluate how well officers meet their expectations. These criteria are a mixture of impressions and objective measures such as response time.

Persons may evaluate officers based on the officer’s:

- *use of time and equipment,*
- *behavior and appearance,*
- *awareness, and*
- *problem solving and conflict resolution.*

0.6.05 The trainee shall identify verbal factors which could contribute to a negative response from the public, including:

- A. Profanity**
- B. Derogatory language**
- C. Ethnically offensive terminology**

This section needs little explanation, but it does need to be discussed in detail with your trainee. Make absolutely sure that your trainee understands that profanity, derogatory and ethnically offensive language are NEVER appropriate. Talk about stressful and emergency situations. Make sure your trainee knows that no good can come from giving orders laced with profanity. It

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generates a negative response, and it gives a poor impression of the deputy, the department, and law enforcement in general.

0.6.06 The trainee shall identify non-verbal factors which could contribute to a negative response from the public, including:

- A. Officious and disrespectful attitude**
- B. Improper use of body language**
- C. Improper cultural response**
- D. Tone of voice**
- E. Apathetic**

Talk about each of the above individually. Let your trainee know that most citizen complaints arise from the listed non-language factors above.

0.6.07 The trainee shall discuss why it may be beneficial to explain the reasons for actions taken to inquiring citizens.

Communicating with the public promotes a positive relationship, and it helps to educate the community.

0.6.08 The trainee shall conduct telephone conversations in a professional manner.

This is self-explanatory.

CULTURAL DIVERSITY

0.6.09 The trainee shall explain how the culture of the community can have an effect on the community's relationship with his/her agency.

Understanding cultural influences on individuals can help peace officers recognize and influence patterns of behavior and build more effective and responsive relationships within the community and within law enforcement itself.

0.6.10 The trainee shall identify cultural motivations and biases that may affect professional ethics and the law. These shall minimally include:

- A. History**
- B. Language and communication (verbal and nonverbal)**
- C. Social group patterns (within the group and with other groups)**
- D. Customs**
- E. Family life/practices**
- F. Religion**
- G. Values and morals**
- H. Attitudes toward law enforcement**

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Discuss each of these with your trainee.

- 0.6.11 The trainee shall assess and explain ways in which he/she can increase the trust of the community he/she serves.**

Law enforcement will need to:

- *intervene in conflicts between cultural groups*
- *develop skills for communicating with existing and new cultural groups*
- *cultivate positive relationships with the existing and new cultural groups*
- *become integrated with the community it serves*

RACIAL PROFILING

- 0.6.12 The trainee shall demonstrate the ability to perform effective police work focusing on behavior rather than race, and will recognize, and be able to explain, why effective police work profiles a person's behavior and not the race of the individual. The trainee will be made aware of PC 13519.4, which states, "A law enforcement officer shall not engage in racial profiling."**

Discuss with your trainee that profiling, in itself, is a useful tool to assist deputies in carrying out their duties. Biased based profiling (racial profiling) undermines legitimate law enforcement efforts and may lead to claims of civil rights violations.

- 0.6.13 The trainee shall recognize that 13519.4 PC states, "a law enforcement officer shall not engage in racial profiling," and that it applies to all protected classes including gender and religion.**

This is self-explanatory. Racial profiling is also a violation of our policy per J-2300.

- 0.6.14 The trainee shall explain the 4th and 14th amendments of the US Constitution and how they define law enforcement activities that pertain to racial profiling.**

All investigative detentions, temporary detentions, vehicle stops, arrests, searches, and seizures of persons or property by deputies will be based on a standard of reasonable suspicion or probable cause as required by the U.S. Constitution, statutory authority, and prevailing case law. (PPM J-2300)

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Fourth: *The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the person or things to be seized.*

Fourteenth: *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.*

0.6.15 The trainee shall discuss how the history of the community can have an effect on the community's relationship with his/her agency.

This includes past and present law enforcement relations and situations where previous experiences with law enforcement were negative or positive. The community's feelings of how they have been treated in the past, fair, unfair, response to their needs, and impartial enforcement of laws.

0.6.16 The trainee shall be able to summarize and apply the agency's policy regarding bias based profiling.

J-2300 states: The Kern County Sheriff's Department recognizes that profiling, in itself, can be a useful tool to assist deputies in carrying out their duties. Bias based profiling, however, is not condoned in any law enforcement programs as it may lead to actual or alleged violations of the constitutional rights of the citizens we serve. Bias based profiling undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. Bias based profiling alienates citizens, fosters community distrust of law enforcement, and incites media scrutiny, legislative action and judicial intervention. The Kern County Sheriff's Department neither condones nor tolerates the use of biased based policing.

Biased based profiling is the selection of individual based solely on common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age or culture. Bias based profiling involves the interdiction, detention, arrest, or other nonconsensual treatment of individuals.

Consensual encounter is the contact with a member of the public when no detention has occurred and they are free to leave.

CRIME PREVENTION

0.6.17 The trainee shall demonstrate the knowledge and skills necessary to gain citizen support and participation in the prevention of crime. These shall minimally include:

- A. Anticipating criminal activity**
- B. Recognizing crime risks**
- C. Identifying crime problems**

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D. Taking specific actions to remove or reduce the opportunity for criminal activity

This is self-explanatory.

0.6.18 The trainee shall give examples of general forms of crime prevention, including:

- A. Advice concerning mechanical devices (alarms, locks, and target hardening)**
- B. Control of conditions (lighting, access, and architecture)**
- C. Public awareness**
- D. Property identification**
- E. Neighborhood watch programs**

Discuss each with your trainee.

COMMUNITY/PROBLEM-ORIENTED POLICING

0.6.19 The trainee shall review and explain the agency's concept of community/problem-oriented policing as it relates to community priorities and needs, focusing on specific violations, crimes, or circumstances.

Discuss the concept with your trainee. Make sure your trainee knows that the Kern County Sheriff's Dept. has endorsed this method of policing.

0.6.20 The trainee shall explain crime prevention. This shall minimally include:

- A. Anticipating criminal activity**
- B. Recognizing crime risks**
- C. Identifying crime problems**
- D. Taking specific actions to remove or reduce the opportunity for criminal activity**

Discuss these with your trainee.

0.6.21 The trainee shall describe the advantages of working with the community to find solutions to problems related to community safety and quality of life issues.

This is the fundamental principle of the department's mission statement.

Community-oriented policing programs generally incorporate the following principles:

- *Shifting the focus of law enforcement from an "incident-driven" system to addressing problems identified jointly by the community and law enforcement.*
- *Reassessing who is responsible for public safety.*
- *Developing shared ownership, decision-making, and accountability.*
- *Setting new public expectations and standards for police effectiveness.*
- *Increasing mutual understanding and trust.*

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- *Empowering and strengthening community-based efforts.*
- *Maintaining constant flexibility.*
- *Committing to long-term and proactive programs or strategies to address the underlying conditions that cause crime.*
- *Acquiring knowledge of available community resources.*
- *Committing agency and personnel resources.*
- *Decentralizing law enforcement services, operations, and management.*
- *Committing to developing new skills through effective training.*

0.6.22 The trainee shall demonstrate leadership by becoming a facilitator who assists and motivates the community to develop solutions to their problems.

This is self-explanatory.

0.6.23 The trainee shall explain the agency's problem-solving model (e.g. SARA) and be able to:

- A. Learn the service needs and demands in their patrol area.**
- B. Devise ways to manage information gleaned from various community sources.**
- C. Learn how to identify crime and disorder problems and distinguish them from incidents.**
- D. Develop plans with citizens to address crime and disorder problems.**
- E. Work with citizens to assess the results of their efforts.**

Discuss the SARA model and how it can work.

S – Scanning

A – Analysis

R – Response

A - Assessment

FTO

Radio Communications

RADIO COMMUNICATIONS

RADIO COMMUNICATIONS

- 0.7.01 The trainee shall review and briefly summarize agency policy on communications control and coordination and radio call numbers.**

Let your trainee know that our agency is particularly stringent about radio use. Professionalism is mandatory on the radio. Also, discuss how to use the radio with him or her. Regarding communication control, coordination, and the assignments of radio call signs. This is individual to each substation and assignment. Talk to your trainee about your particular assignment.

- 0.7.02 The trainee shall memorize the phonetic alphabet used by our department.**

*Adam
Boy
Charles
David
Edward
Frank
George
Henry
Ida
John
King
Lincoln
Mary
Nora
Ocean
Paul
Queen
Robert
Sam
Tom
Union
Victor
William
X-ray
Yellow
Zebra*

RADIO COMMUNICATIONS

0.7.03 The trainee shall memorize and define each of the following 10-codes used by our department.

A. 10-1	<u>Poor radio reception</u>
B. 10-2	<u>Good radio reception</u>
C. 10-4	<u>Acknowledged, okay</u>
D. 10-5	<u>Relay a message</u>
E. 10-6	<u>Busy away from unit, code -4</u>
F. 10-7	<u>Off duty</u>
G. 10-8	<u>Available for calls</u>
H. 10-9	<u>Repeat last transmission</u>
I. 10-10	<u>Break</u>
J. 10-11	<u>What is the traffic?</u>
K. 10-13	<u>Advise weather/road conditions</u>
L. 10-14	<u>Escort duty</u>
M. 10-15	<u>Suspect in custody</u>
N. 10-16	<u>Transporting prisoner</u>
O. 10-17	<u>Transporting paperwork</u>
P. 10-18	<u>Activate the private line</u>
Q. 10-19	<u>Return to your station</u>
R. 10-20	<u>Where are you?</u>
S. 10-21	<u>Telephone</u>
T. 10-21b	<u>Telephone home</u>
U. 10-22	<u>Disregard</u>
V. 10-23	<u>Stand by</u>
W. 10-27	<u>Driver's license check</u>
X. 10-28	<u>Registration check</u>
Y. 10-29	<u>Wants and warrants check</u>
Z. 10-30	<u>Does not conform to regulations</u>
AA. 10-32m	<u>Misdemeanor warrant</u>
BB. 10-32f	<u>Felony warrant</u>
CC. 10-34a	<u>Air borne pathogens</u>
DD. 10-34b	<u>Blood borne pathogens</u>
EE. 10-35	<u>Confidential info, are you clear?</u>
FF. 10-37	<u>Who are you?</u>
GG. 10-50	<u>Arrived at the jail</u>
HH. 10-97	<u>Arrived on scene/assignment</u>
II. 10-98	<u>Finished last assignment</u>

RADIO COMMUNICATIONS

0.7.04 The trainee will memorize and define each of the following 9-codes as used by our department:

- A. **901a** Ambulance request
- B. **901h** Dead body
- C. **901t** Injury traffic accident
- D. **902t** Non-injury traffic accident
- E. **905b** Animal bite
- F. **905n** Noisy animal
- G. **905s** Sick/injured animal
- H. **905v** Viscous animal
- I. **912** Am I clear?
- J. **913** You are clear
- K. **918** Crazy person
- L. **921** Prowler
- M. **927** Unknown trouble
- N. **930** See the man
- O. **931** See the woman
- P. **996a** Bomb threat
- Q. **998** Officer involved shooting
- R. **999** Officer needs immediate assistance

0.7.05 The trainee will memorize and define each of the following control numbers as used by our department:

- A. **Control 1** Kern County Sheriff's Department
- B. **Control 2** Bakersfield Police Department
- C. **Control 3** California Highway Patrol
- D. **Control 4** Fire Department
- E. **Control 5** Kern County Communications

0.7.06 The trainee will memorize and define each of the following special codes as used by our department:

- A. **Code 3** Emergency call...Red lights and siren
- B. **Code 4** No further assistance needed
- C. **Code 4-adam** Need one additional unit
- D. **Code 5** Conducting surveillance
- E. **Code 6** Out for investigation
- F. **Code 7** Out to eat
- G. **Code 8** Assign a case number to this unit
- H. **Code 10** Warrant service
- I. **Code 30** Resume normal traffic
- J. **Code 33** Emergency traffic only

RADIO COMMUNICATIONS

0.7.07 The trainee shall memorize and define each of the following commonly used Penal Code, Vehicle Code, and Health & Safety Code sections:

A. PC 148	<u>Resisting arrest or obstructing</u>
B. PC 148.9	<u>Falsely identify oneself</u>
C. PC 187	<u>Homicide</u>
D. PC 207	<u>Kidnapping</u>
E. PC 211	<u>Robbery</u>
F. PC 215	<u>Carjacking</u>
G. PC 220	<u>Assault w/ intent to rape...</u>
H. PC 243	<u>Battery</u>
I. PC 243e(1)	<u>Misdemeanor spousal battery</u>
J. PC 245	<u>Assault w/ deadly weapon</u>
K. PC 246	<u>Shooting into a dwelling</u>
L. PC 273	<u>Child abuse</u>
M. PC 273.5	<u>Felony spousal battery</u>
N. PC 288	<u>Child molest</u>
O. PC 314	<u>Indecent exposure</u>
P. PC 415	<u>Peace disturbance</u>
Q. PC 417	<u>Brandishing a weapon</u>
R. PC 422	<u>Criminal threats</u>
S. PC 451	<u>Arson</u>
T. PC 459/460	<u>Burglary</u>
U. PC 470	<u>Forgery</u>
V. PC 487	<u>Grand theft</u>
W. PC 488	<u>Petty theft</u>
X. PC 496	<u>Possession of stolen property</u>
Y. PC 594	<u>Vandalism</u>
Z. PC 602	<u>Trespassing</u>
AA. PC 647(f)	<u>Public intoxication</u>
BB. PC 21310	<u>Carrying dirk or dagger</u>
CC. VC 12500	<u>Unlicensed driver</u>
DD. VC 14601	<u>Suspended driver's license</u>
EE. VC 23103	<u>Reckless driver</u>
FF. VC 23152	<u>DUI</u>
GG. VC 4000a	<u>Expired registration</u>
HH. HS 11350/ 11377	<u>Possess controlled substance</u>
II. HS 11357b	<u>Possess less 1oz. Marijuana</u>
JJ. HS 11364	<u>Possess paraphernalia</u>
KK. HS 11550	<u>Under the influence drugs</u>

RADIO COMMUNICATIONS

- 0.7.08** The trainee shall explain the proper use of the police radio and transmissions to maintain control of a vehicle pursuit. Appropriate transmissions shall minimally include:
- A. Identification of the vehicle in pursuit**
 - B. What the vehicle or occupant(s) is wanted for**
 - C. Complete description of the vehicle, including license number**
 - D. Number of occupants and possibility of weapons**
 - E. Direction of travel**
 - F. Approximate speed**
 - G. Conditions (light or moderate traffic, dry or wet pavement, damage to suspect vehicle, etc.)**
 - H. Necessity for backup and number of units needed**
 - I. Location of stop**

This is all spelled out above. Ensure that your trainee understands each of the above points.

INFORMATION SYSTEMS/TELECOMMUNICATIONS

- 0.7.09** The trainee shall give examples where inquiries into a law enforcement information system would be necessary. These may include:
- A. To locate information on lost, stolen, or recovered property (including vehicles)**
 - B. To establish probable cause for a search or an arrest**
 - C. To verify the validity of a warrant**
 - D. To verify the validity of a driver's license, vehicle registration, or occupational license**
 - E. To determine if a person is wanted**
 - F. To determine the status of a person on parole or probation**
 - G. To report or locate a missing person**

Discuss with your trainee which information system might apply.

- 0.7.10** The trainee shall be able to identify the law enforcement information systems used by the agency including:
- A. Automated Property System (APS)**
 - B. Stolen Vehicle System (SVS)**
 - C. Wanted Persons System (WPS)**
 - D. Automated Firearms System (AFS)**
 - E. Domestic Violence Restraining Order System (DVROS)**
 - F. Missing Unidentified Person System (MUPS)**

Discuss the function of each system.

RADIO COMMUNICATIONS

0.7.11 The trainee shall review and explain agency policy regarding the proper use and/or misuse of Mobile Data Computer's (MDC's) and on-board laptop computers.

E-850 – Covers the Use of the MDC

Only authorized personnel trained in the proper use of the terminals shall have access to the MDC. Non-sworn personnel shall only use MDCs under the supervision or direction of authorized personnel.

All personnel are expected to fully comply with Kern County Sheriff's Office Policy and Procedure Sections E100 (Emergency Driving) and E800 (PPV) at all times while utilizing the MDC. Use of the MDC should never distract or interfere with the safe practices or operation of a moving vehicle. Users must not allow MDC operation to put themselves or others in danger.

- *MDC Users operating a moving vehicle will be restricted to 12 keystrokes per transaction.*
- *Transmission of data by Mobile Data Computers will be limited to data that can be described as official in nature. Official is defined as any act that is pertinent to a lawful police function.*
- *Kern County Sheriff's Office Policy & Procedure J1610 requires that the access of computer databases be limited to official queries pursuant to a lawful police function where there is not only a right to know, but also a need to know.*
- *Instructions regarding the functional operation of the Mobile Data Computer shall not be made via voice radio. This refers to information such as how to log on or how to run inquires as well as commands for operating the MDC. This prohibition is intended to prevent unauthorized persons from obtaining a working knowledge of our digital communications system. It does not refer to instructions regarding procedural operations such as whether or not to send a message in a particular situation.*

0.7.12 The trainee shall identify inappropriate use(s) of law enforcement information systems according to agency policy and law.

Discuss some examples with your trainee. This section is covered under J-1610.

FTO

Leadership

LEADERSHIP

LEADERSHIP

- 0.8.01 The trainee shall identify and develop effective leadership strategies that provide purpose, direction, and motivation to co-workers and community members.**

This includes influencing others to achieve results:

- *Leading by example can motivate co-workers, i.e., doing a good job, being proactive, professional appearance and demeanor.*
- *Help community members identify solutions for problems. Developing a relationship of trust and being responsive to their concerns.*

This also includes educating the public about what law enforcement can do to help and how they can help themselves to improve their safety and security.

- 0.8.02 The trainee shall illustrate through explanation or example how each of the following leadership competencies can affect his/her skills and abilities as an officer:**

- 1. Integrity**
- 2. Credibility**
- 3. Trust**
- 4. Discretion**
- 5. Duty**
- 6. Loyalty**
- 7. Honesty**

This is self-explanatory.

- 0.8.03 The trainee shall assess and explain his/her leadership role within the department with clear consideration of the organization's vision, mission, and values statement.**

"The Kern County Sheriff's Department is committed to work in partnership with our community to enhance the safety, security and quality of life for the residents and visitors of Kern County through professional public safety services."

This includes being disciplined, setting high moral and ethical standards for yourself and co-workers, taking initiative and responsibility, and developing technical skills in your job. Trust, values, and ethical decision-making will help guide them toward our mission.

Ethics

- Knowing what is right
- *Believing in it*
- *Doing it*

This also includes intervention when needed to stop inappropriate behavior by other officers.

"...through professional public safety services."

- *Be infectious positive and professional*
- *Be a positive influence on co-workers*

FTO

California Codes and Laws

CALIFORNIA CODES AND LAWS

CRIMINAL LAW

0.9.01 The trainee shall define certain terms as recognized in California criminal law. These shall minimally include:

A) Accessory: *Every person who, after a felony has been committed, harbors, conceals, or aids a principal in such felony, with the intent that said principal may avoid or escape from arrest, trial, conviction or punishment, having knowledge that said principal has committed such felony or has been charged with such felony or convicted thereof, is an accessory to such felony.*

B) Accomplice: *An accomplice is one who is liable to prosecution for the identical offense charged against the defendant on trial in the cause in which the testimony of the accomplice is given. (A principal who is testifying against another principal).*

C) Principal: *All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or, not being present, have advised and encourages its commission, and all persons counseling, advising or encouraging children under the age of fourteen years, lunatics or idiots to commit any crime, or who by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, or who by threats, menaces, commands, or coercion, compel another to commit any crime, are principle in the crime committed.*

D) Corpus delicti: *Corpus delicti means, “body of the crime” i.e. the fact of the injury, loss or harm, and the existence of a criminal agency as its cause. (Jones (1998) 17 cal. 4th 279 301. For example, in an arson prosecution, the corpus delicti would be*

- 1) *Evidence that the damage to the building was caused by fire*
- 2) *Evidence that the fire was started by a human being (as opposed to lightning etc.)*

E) Entrapment: *Entrapment is not a crime, it is merely a defense from criminal prosecution. It is an allegation of wrongdoing on the part of law enforcement. It may be alleged, as a defense, that the officer who investigated the crime enticed the defendant to commit the crime for which he or she is being prosecuted.*

The test for entrapment rests entirely on the conduct of the officers. The issue is: was your conduct likely to cause a normally law-abiding citizen to commit the crime?

F) Specific intent: *Specific intent crimes require a designated state of mind- to do some particular prohibited act with some state of mind or “specific intent” The specific intent requirement is usually written into the statute and can readily be recognized by the inclusion of such language as...”with the intent to” or “willfully and maliciously’ etc.*

Burglary is a specific intent crime.

CALIFORNIA CODES AND LAWS

G) General intent: *Most crimes are general intent crimes. For these types of crimes, the intent requirement is met if the accused merely intended to do the prohibited act. No specific state of mind is required.*

Speeding is a general intent crime.

H) Transferred intent: *Under this doctrine, intent can be transferred from one object or person to another. “A” shoots “B” with the specific intent to kill him, but misses. He does hit “C”. The intent to kill can be transferred from “B” to “C” in this instance, even though “A” intended to kill “B”, not “C”.*

I) Criminal negligence: *Criminal negligence is something way beyond the “ordinary” negligence sufficient for recovery in a civil law suit. It amounts to a “gross” or “culpable” departure from the required standard of care, so aggravated or reckless that it shows indifference to the consequences and disregard for human life.*

J) Probable cause: *Probable cause exists when the totality of the circumstances or “total atmosphere” of the case would cause a person of ordinary care and prudence to entertain an **honest and strong suspicion** that the person to be arrested is guilty of the crime. (Price (1991) 1 Cal. 4th 324, 410) Turner (1994) 8 cal. 4th 137, 185)*

K) Reasonable suspicion: *A set of facts making it reasonable to suspect something. A set of specific facts which give rise to a reasonable objective suspicion. Reasonable suspicion is more than a “hunch, rumor, intuition, instinct or curiosity.” It is somewhat less than probable cause.*

L) Misdemeanors: *A misdemeanor is a crime punishable by imprisonment in the county jail or by a fine not exceeding one thousand dollars, or both*

M) Felonies: *A felony is a crime punishable by death or imprisonment in the state prison*

N) Infractions: *An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury. Such person shall not be entitled to have the public defender or other counsel appointed at public expense to represent him or her unless he or she is arrested and not released on his or her written promise to appear, his or her own recognizance, or a deposit of bail*

0.9.02 The trainee shall identify the elements of a crime. These shall include:

- A. Any act or omission**
- B. By a person**
- C. In violation of statutory law**
- D. For which there is punishment**

PC 15 is written above; make sure your trainee understands.

CALIFORNIA CODES AND LAWS

0.9.03 The trainee shall describe those persons who are legally incapable of committing a crime in the state of California (PC 26).

- *Children under the age of 14 in the absence of clear proof that at the time of the offense, they knew its wrongfulness.*
- *Persons who are mentally incapacitated.*
- *Persons who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent.*
- *Persons who committed the act charged without being conscious thereof.*
- *Persons who committed the act or made the omission charged through misfortune or by accident, when it appears that there was no evil design, intention, or culpable negligence.*
- *Persons (unless the crime is punishable by death) who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to and did believe their lives would be endangered if they refused.*

0.9.04 Given any situation in which a possible crime has occurred, the trainee shall recognize those situations where the crime is complete and shall identify the crime by its common name, code number, and crime classification. These crimes shall minimally include California laws pertaining to:

- A. PC 148(a) (Resisting, delaying, obstructing):** *Every person who willfully resists, delays, or obstructs any peace officer, in the discharge or attempt to discharge any duty of his or her office or employment, is guilty of a misdemeanor.*
- B. PC 148(b) (Taking weapon)** *Every person who, during the commission of any offense described in subdivision (a), removes or takes any weapon, other than a firearm, from the person of, or immediate presence of, a public officer or peace officer shall be punished by imprisonment in a county jail not to exceed one year or in the state prison.*
- C. PC 148.9(a) (False identity):** *Any person who falsely represents or identifies himself or herself as another person or as a fictitious person to any peace officer, upon a 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 misdemeanor.*
- D. PC 187 (Murder):** *Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.*
- E. PC 207(a) (Kidnapping):** *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 county, is guilty of kidnapping.*
- F. PC 212.5 (Robbery):** *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 of force or fear.*

CALIFORNIA CODES AND LAWS

- G. PC 215 (Carjacking):** *"Carjacking" is the felonious taking of a motor vehicle in the possession of another, from his or her person or immediate presence, or from the person or immediate presence of a passenger of the motor vehicle, against his or her will and with the intent to either permanently or temporarily deprive the person in possession of the motor vehicle of his or her possession, accomplished by means of force or fear.*
- H. PC 220 (Assault with the intent to commit...):** *Every person who assaults another with intent to commit mayhem, rape, sodomy, oral copulation, or any violation of Section 264.1, 288 or 289 is punishable by imprisonment in the state prison for two, four, or six years.*
- I. PC 241(a) (Assault):** *An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.*
- J. PC 243(a) (Battery):** *A battery is any willful and unlawful use of force or violence upon the person of another.*
- K. PC 243(e)(1) (Spousal battery –Misd.):**
When a battery is committed against a spouse, cohabitant, parent of their child, former spouse, fiancé, fiancée, or with whom the person has or previously had a dating relationship with.
- L. PC 245 (a)(1) (Assault with a deadly weapon):** *Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm or by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.*
- M. PC 245 (a)(2) (Assault with a firearm):** *Any person who commits an assault upon the person of another with a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than six months and not exceeding one year, or by both a fine not exceeding ten thousand dollars (\$10,000) and imprisonment.*
- N. PC 246 (Discharge firearm at occupied building, vehicle etc.):** *Any person who shall maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited house car, or inhabited camper, is guilty of a felony.*
- O. PC 246.3 (Negligent discharge of a firearm) :** *Except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner which could result in injury or death to a person is guilty of a public offense and shall be punished by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison.*
- P. PC 261 (Rape):** *Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:*
(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.

CALIFORNIA CODES AND LAWS

- (2) *Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.*
- (3) *Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.*
- (4) *Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:*
 - (A) *Was unconscious or asleep.*
 - (B) *Was not aware, knowing, perceiving, or cognizant that the act occurred.*
 - (C) *Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.*
- (5) *Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.*
- (6) *Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.*
- (7) *Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.*

Q. PC 273 (a) (Child endangerment):

(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 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 that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.

(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, 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 that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

R. PC 273.5(a) (Spousal battery-Felony):

Any person who willfully inflicts upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony.

CALIFORNIA CODES AND LAWS

S. PC 288(a) (Lewd act on a child):

Any person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony.

T. PC 314 (Indecent exposure):

Every person who willfully and lewdly, either:

- a. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,*
- b. Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.*

U. PC 415 (Peace disturbance): *Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine:*

- (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.*

V. PC 417 (Brandishing a weapon):

- (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.*
- (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.*

W. PC 422 (Criminal threats): *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, made verbally, in writing, or by means of an electronic communication device, 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.*

CALIFORNIA CODES AND LAWS

- X. PC 451 (Arson):** *A person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of, any structure, forest land, or property.*
- Y. PC 460 (Burglary):** *Every person who enters any building as defined by various codes, vessel, railroad car, locked or sealed cargo container, whether or not mounted on a vehicle, trailer coach, any house car, inhabited camper, vehicle, when the doors are locked, aircraft, or mine or any underground portion thereof, with intent to commit grand or petit 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 is currently being used for dwelling purposes 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.*
- Z. PC 470 (Forgery):** *Every person who, with the intent to defraud, knowing that he or she has no authority to do so, signs the name of another person or of a fictitious person to any of the items listed in subdivision (d) is guilty of forgery.*
- AA. PC 487 (Grand theft):** *When the money, labor, or real or personal property taken is of a value exceeding nine hundred and fifty dollars (\$950), except as provided in subdivision (b). (b) Notwithstanding subdivision (a), grand theft is committed in any of the following cases:*
- (1) (A) When domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding two hundred and fifty dollars (\$250).*
 - (2) When fish, shellfish, mollusks, crustaceans, kelp, algae, or other aquacultural products are taken from a commercial or research operation which is producing that product, of a value exceeding two hundred and fifty dollars (\$250).*
 - (3) Where the money, labor, or real or personal property is taken by a servant, agent, or employee from his or her principal or employer and aggregates four hundred dollars (\$400) or more in any 12 consecutive month period.*
- (c) When the property is taken from the person of another.*
- (d) When the property taken is an automobile, firearm, horse, mare, gelding, any bovine animal, any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow, or pig.*
- BB. PC 488 (Petty theft):** *Theft of \$950.00 or less*
- CC. PC 496 (Receiving stolen property):** *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 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 stolen or obtained, shall be punished by imprisonment in a state prison, or in a county jail for not more than one year.*

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DD. PC 594 (Vandalism): *Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:*

- (1) Defaces with graffiti or other inscribed material.*
- (2) Damages.*
- (3) Destroys.*

EE. PC 602 (Trespassing): *Except as provided in Section 602.8, every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:*

- (f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard, or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, or upon any property of any person, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road, or a highway, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention to it.*
- (h) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property.*
- (j) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent or by the person in lawful possession.*
- (k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands without the written permission of the owner of the land, the owner's agent or of the person in lawful possession, and*
 - (1) Refusing or failing to leave the lands immediately upon being requested by the owner of the land, the owner's agent or by the person in lawful possession to leave the lands, or*
 - (2) Tearing down, mutilating, or destroying any sign, signboard, or notice forbidding trespass or hunting on the lands, or*
 - (3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into the lands, or*
 - (4) Discharging any firearm.*
- (l) Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.*

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- (m) Driving any vehicle, as defined in Section 670 of the Vehicle Code, upon real property belonging to, or lawfully occupied by, another and known not to be open to the general public, without the consent of the owner, the owner's agent, or the person in lawful possession. This subdivision shall not apply to any person described in Section 22350 of the Business and Professions Code who is making a lawful service of process.*
- (n) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession.*
- (p) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable person that the person has no apparent lawful business to pursue.*
- (r) Refusing or failing to leave a hotel or motel, where he or she has obtained accommodations and has refused to pay for those accommodations, upon request of the proprietor or manager,*
- (s) Entering upon private property, including contiguous land, real property, or structures thereon belonging to the same owner, whether or not generally open to the public, after having been informed by a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, that the property is not open to the particular person; or refusing or failing to leave the property upon being asked to leave the property in the manner provided in this subdivision.*

FF. PC 646.9 (Stalking): *Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.*

GG. PC 647 (f) (Public intoxication): *Any person 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 for 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 is guilty of a misdemeanor.*

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- HH. PC 21310 (Possession of a dirk/dagger):** *Any person in this state who carries concealed upon the person any dirk or dagger is punishable by imprisonment in a county jail not exceeding one year or in the state prison.*
- II. HS 11350(a) / HS 11377(a) (Possession of a controlled substance):** *Except as otherwise provided, every person who possesses any controlled substance which is listed and described in various codes unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or in the state prison.*
- JJ. HS 11357b (Possession of marijuana):** *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 infraction and shall be punished by a fine of not more than two hundred dollars (\$200).*
- KK. HS 11550 (Under the influence of a controlled substance):** *No person shall use, or be under the influence of any controlled substance that is listed and defined in various codes.*
- LL. HS 11364 (Possession of paraphernalia):** *It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (various controlled substances excluding marijuana.)*

PROBABLE CAUSE

0.9.05 **The trainee shall identify and explain the following elements of “reasonable suspicion” as those required to lawfully stop, detain, or investigate a person:**

- A. Specific and articulable facts**
- B. Crime related activity that has occurred, is occurring, or is about to occur**
- C. Involvement by the person to be detained in a crime-related activity**

In order for an investigative stop or detention to be valid, you must have a "reasonable suspicion" that: (1) criminal activity may be afoot; and (2) the person you are about to detain is connected with that possible criminal activity. (Wardlow (2000) 120 S.Ct. 673, 675; Sokolow (1989) 490 U.S. 1, 7-8; Justin B. (1999) 69 Cal.App.4th 879, 886; Bennett (1998) 17 Cal.4th 373,

386; Daugherty (1996) 50 Cal.App.4th 275, 285; Ross (1990) 217 Cal.App.3d 879, 884; Ornelas (1996) 116 S.Ct. 1657, 1661; Johnson (1991) 231 Cal.App.3d 1, 10; Limon (1993) 17 Cal.App.4th 524, 532.) "The determination of reasonable suspicion must be based on commonsense judgments and inferences about human behavior." (Wardlow (2000) 120 S.Ct. 673, 676.)

Remember, however, that even though the court will consider the "totality of the circumstances," you must have specific facts which you can articulate to a court. The court will then decide if these facts--together with your training and experience--were enough to make your suspicion objectively reasonable. (Wright (1988) 206 Cal.App.3d 1107; Lloyd (1992) 4 Cal.App.4th 724, 733.)

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You cannot make a valid detention based solely on a hunch, rumor, intuition, instinct or curiosity. (Wardlow (2000) 120 S.Ct. 673, 676; Tony C. (1978) 21 Cal.3d 888; Raybourn (1990) 218 Cal.App.3d 308.) However, for "reasonable suspicion," both the quality and quantity of the information you need is considerably less than the "probable cause" you need to arrest or search. (White (1990) 496 U.S. 325, 330; Bennett (1998) 17 Cal.4th 373, 387; Johnson (1991) 231 Cal.App.3d 1, 11.) "Reasonable suspicion" is a less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence. . . ." (Wardlow (2000) 120 S.Ct. 673, 675-676.)

0.9.06 The trainee shall identify and explain the following elements of “probable cause” as those required to lawfully arrest a person and when a lawful arrest can be made:

- A. Specific and articulable facts**
- B. A reasonable belief that a person has committed a crime**
- C. Misdemeanor arrests – (Location and hours an arrest can be made)**
- D. Misdemeanor not committed in your presence**
- E. Felony arrests – (Location and hours an arrest can be made)**

Probable cause is "a reasonable belief that a person has committed a crime". Another common definition is "a reasonable amount of suspicion, supported by circumstances sufficiently strong to justify a prudent and cautious person's belief that certain facts are probably true". Notable in this definition is a lack of requirement for public position or public authority of the individual making the recognition, allowing for use of the term by citizens and/or the general public.

0.9.07 “Probable cause to arrest” requires more than the “reasonable suspicion” necessary for a detention and is essentially the same as the probable cause required to obtain an arrest warrant or a search warrant. The trainee shall identify and explain the following elements of “probable cause” as those required to make a valid arrest:

- A. Whether “probable cause” exists to make an arrest depends upon the reasonable conclusions that can be drawn from the facts known to the arresting officer at the time of the arrest.**
- B. The officer’s training and experience are relevant to a determination of probable cause.**
- C. “Probable cause” exists when the totality of circumstances would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.**

Discuss this with your trainee

0.9.08 The trainee shall identify and explain how “probable cause” is used in an arrest for felonies and misdemeanors:

- A. For a felony, an officer may arrest with a warrant, or without a warrant if the officer has probable cause to believe the person to be arrested committed the felony, regardless of whether or not the felony was committed in the officer’s presence.**

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- B. For a misdemeanor, an officer may arrest with a warrant, or without a warrant if the officer has probable cause to believe the misdemeanor was committed in the officer's presence.**
- C. See California Penal Code and Peace Officers' Legal Sourcebook for situations where officers are allowed by statute to make warrantless arrests for certain enumerated misdemeanors, even though the misdemeanors were not committed in the officer's presence.**

Exceptions to the Warrant Requirement

1. Exigent Circumstances

An arrest warrant is not required to enter someone's premises if, in addition to probable cause, exigent circumstances exist. (Bacigalupo (1991) 1 Cal.4th 103, 122; Williams (1989) 48 Cal.3d 1112; Wilkins (1993) 14 Cal.App.4th 761, 771.)

"Exigent circumstances" means an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence or property. (Ramey (1976) 16 Cal.3d 263, 276; Olson (1990) 495 U.S. 91; Thompson (2006) 38 Cal.4th 811, 824-825--DUI suspect's metabolization of alcohol constituted destruction of evidence; Ortiz (1995) 32 Cal.App.4th 286, 291-292--destruction of evidence.)

Further examples of exigent circumstances would include (1) an indication the suspect is about to leave the area, (2) an ongoing violent crime spree, (3) "hot pursuit, i.e., physically chasing after the suspect, or (4) "fresh pursuit," i.e., conducting an immediate, uninterrupted, continuous investigation. (Jessie L. (1982) 131 Cal.App.3d 202; Spain (1984) 154 Cal.App.3d 845.)

- D. See California Penal Code and Peace Officers' Legal Sourcebook for statutes on accepting a private person's arrest.**

"Private" Arrests

For what offense: A private person may make an arrest for any misdemeanor or infraction committed in the person's presence and for any felony as long as there is probable cause that the suspect committed it; in other words, the felony need not have been committed in the presence of the person making the arrest. (Pen. Code, §§ 16, 837.) The "presence" requirement for a misdemeanor is liberally construed. (Bloom (2010) 185 Cal.App.4th 1496, 1501-- a violation of Pen. Code, § 653x for annoying or harassing calls to 9-1-1 was committed in the dispatcher's presence (her sense of hearing).)

How the arrest is made: If the private person actually makes the arrest, he or she then "must" take the arrestee, without unnecessary delay, either before a magistrate or deliver the arrestee to a peace officer. (Pen. Code, § 847.) However, the private person has other

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options, namely, to "delegate" the actual making of the arrest to a police officer summoned to the scene based on the authority to summon help provided in Penal Code section 839. (Bloom (2010) 185 Cal.App.4th 1496, 1502; Padilla (1986) 184 Cal.App.3d 1022, 1030.) More specifically, the private person can merely detain the suspect, summon the police, and then either expressly tell the officer to make the arrest or do so indirectly by pointing the suspect out. Similarly, if the private person does not want to detain or even speak to or directly confront the suspect in any way, he can summon an officer, describe what he saw (the offense), and point out the suspect. (Johanson (1995) 36 Cal.App.4th 1209, 1217; Johnson (1981) 123 Cal.App.3d 495; Green (1977) 68 Cal.App.3d 536; Sjosten (1968) 262 Cal.App.2d 539.)

0.9.09 The trainee shall recognize and explain the police officer's right to search a person when probable cause to arrest exists.

Incident to a lawful custodial arrest, you are entitled to search the arrestee's person and area around him, that is, the area and objects that are under his immediate control. Such a search is justified simply by the fact of the lawful custodial arrest. (Robinson (1973) 414 U.S. 218, 235.) The U.S. Supreme Court recognizes that searches incident to lawful arrest enable officers to safeguard evidence and ensure their safety during the process of a custodial arrest. (Moore (2008) 553 U.S. 164.)

"The lawfulness of the search turns not on whether the officer intended to release the defendant after taking him into custody, but on whether the officer was justified in arresting the defendant and taking him into custody in the first place." (Humberto O. (2000) 80 Cal.App.4th 237, 243.) Note that if a search incident to arrest is asserted at a suppression hearing, the prosecution will have to establish that the officer had grounds for a lawful arrest. (Knight (2004) 121 Cal.App.4th 1568--the People failed to establish that possession of a loaded firearm was prohibited in the location where defendant was detained.) A "lawful" arrest is one that complies with the U.S. Constitution. (Moore (2008) 553 U.S. 164, 175-176.)

0.9.10 Given various scenarios, simulated incidents, or calls for service depicting instances where probable cause for police action may or may not exist, the trainee shall recognize its presence or absence and explain the reasons behind that decision.

- 1) An officer stopped a vehicle because of the dark tinting of its windows. He also mistakenly believed that it was a violation of the law for the windshield to be tinted at all. The stop was valid since he had "probable cause" [only "reasonable suspicion" is needed] to believe the side window tinting was darker than the 70% light transmittance, which is required under California law. (Wallace (9th Cir. 2000) 213 F.3d 1216.)*
- 2) Officers saw two males loading a TV set into the trunk of their car at 7.30 p.m., when most nearby businesses were closed. There were no television shops nearby, and the neighborhood had been plagued by burglaries. When they saw the officers, the men looked "shocked," slammed down the trunk lid, and walked swiftly toward a bar. They ignored the officers' requests to talk and had to be forcibly detained. The court ruled there were enough specific facts to make the detention valid. (Garcia (1981) 121 Cal.App.3d 239.)*

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- 3) *Although an anonymous tip that a person was growing marijuana, by itself, did not amount to probable cause, the officer's investigation produced enough corroboration to obtain a search warrant. (Kerr (9th Cir. 1989) 876 F.2d 1440.)*
- 4) *During a traffic stop, the driver gave his name but denied having a driver's license or vehicle registration. Prior to issuing a citation, it was proper for the officer to enter the vehicle and conduct a limited search of the areas where such documentation "reasonably may be expected to be found." This included looking under the driver's seat and front passenger seat, where drugs, paraphernalia, and a wallet were discovered, searched and seized. (Arturo D. (2002) 27 Cal.4th 60; see Ch. 4, sec. II-E.)*
- 5) *If a suspect gives his name, insists he has no ID, but you can see a wallet in his pants pocket, you may ask him to take it out and look through it while you observe him for your own protection. (Long (1987) 189 Cal.App.3d 77.)*
- 6) *An officer placed handcuffs on a suspect known not to be armed "for your safety and mine." Despite the fact the suspect seemed to agree to the cuffs, the court found that the officer had used excessive force and turned a valid detention into an invalid arrest. (Campbell (1981) 118 Cal.App.3d 588; Ricardo D. (9th Cir. 1990) 912 F.2d 337.)*
- 7) *In a high risk situation (e.g., a lone patrolman confronting a gang-related street fight), it may be proper to order a suspect to the ground, to handcuff him, to place him in your patrol unit, or even to confront him with your gun drawn. (Orozco (1981) 114 Cal.App.3d 435; Taylor (1986) 178 Cal.App.3d 217; Bowen (1987) 195 Cal.App.3d 269.) Remember, however, that the shorter period of time such extreme measures are used, the better.*
- 8) *A citizen reported and described a suspicious-acting stranger in a residential area where many daytime burglaries had occurred. Later, the same citizen reported that the suspect was "concealing something under his coat." An officer responded and spotted the suspect with large items in his pockets; a portion of a camera was visible. The officer detained the suspect, told him about the report and started asking questions, which led to the discovery of stolen property. HELD: The detention, although based on "slight" facts, was nevertheless valid, and the 15-20 minutes it took to resolve the matter were reasonable under the circumstances. (Backey (1978) 85 Cal.App.3d 1020.)*
- 9) *An officer who arrived at a residence which was either being burglarized or had just been burglarized was justified in making a warrantless entry to check for suspects. (Duncan (1986) 42 Cal.3d 91.)*
- 10) *Officers investigating a rape went to the suspect's residence. His mother answered. They told her about the situation and asked to talk to her son. She let them inside where they "plain sighted" incriminating clothing and scratch marks. The warrantless entry and arrest were proper - there was no misrepresentation of their purpose for entering. (Villa (1981) 125 Cal.App.3d 872.)*

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- 11) *An officer has probable cause to believe occupants of a vehicle just robbed a convenience market. He enters the car to look for the gun, fruits of the crime, etc., and sees a plastic bag full of what appears to be cocaine. He may properly seize the cocaine.*
- 12) *An officer responded to a domestic violence call and found a bruised woman whose live-in boyfriend admitted having hit her. However, the woman did not want to press charges and was unwilling to make a citizen's arrest. The officer could make a valid arrest for misdemeanor battery because he had probable cause, and Penal Code Section 836(c) provides an exception to the "In your presence" requirement.*
- 13) *An officer noticed a man at night in a parking lot ducking among the cars and looking into them through the driver's window. There had been several car burglaries recently reported in the same neighborhood. The officer would have reasonable suspicion to detain, but insufficient probable cause to arrest.*

LAWS OF ARREST

0.9.11 The trainee shall explain a peace officer's authority to make an arrest.

Reference: 836 PC; 40300.5 through 40302

PC 836 states that a peace officer may arrest another

- *In obedience to a warrant*
- *When the officer has probable cause to believe the person to be arrested has committed a public offense in his presence.*
- *When the person arrested has committed a felony, although not in the officer's presence.*
- *When the officer has probable cause to believe that the person arrested has committed a felony, whether or not a felony, in fact, has been committed.*

Also, remember that PC 836 goes on to state that when an officer is called out on a domestic call, it shall be mandatory that the officer make a good faith effort to inform the victim of his or her right to make a citizen's arrest.

Generally, to arrest for a misdemeanor, the crime must be committed in the officer's presence. Some exceptions to that rule are found in PC 836 and are:

- *Violation of a domestic violence protective order*
- *Assault or battery on a spouse, former spouse, current or former fiancée, current or former cohabitant, someone with whom there is a current or former dating relationship, someone with whom he or she has parented a child, a child of the suspect, or other relative by consanguinity or affinity within the second degree.*
- *Battery on a firefighter, EMT or paramedic*
- *Assault or battery on school grounds (PC 243.5)*

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**0.9.12 The trainee shall explain the various requirements related to arrests, to minimally include:
Reference: 840 PC; 841 PC; 825 PC; 848 PC; 849 PC; 851.5 PC; 853.5 PC; 853.6 PC**

A. Time of day or night that an arrest may be made

PC 840 states that the arrest for the commission of a felony may be made on any day and at any time of the day or night. An arrest for the commission of an infraction or a misdemeanor cannot be made between the hours of 2200 of any day and 0600 of the succeeding day unless:

- *The arrest is made without a warrant pursuant to PC 836 or 837*
- *The arrest is made in a public place*
- *The arrest is made when the person is already in custody pursuant to a lawful arrest*
- *The arrest is made pursuant to a warrant endorsed for night service*

B. The information the person arrested must be provided and at what time it must be provided

PC 841 states that the person making the arrest must inform the person to be arrested of:

- *The intention to arrest him*
- *The authority to make the arrest*
- *The offense for which the person is being arrested when requested*

Exceptions to the above are:

- *When the officer has reasonable cause to believe that the person to be arrested is actually engaged in the commission of or an attempt to commit an offense*
- *The person is pursued immediately after committing the offense or,*
- *After an escape*

C. What must be done with the person arrested

If the arrest is made pursuant to a warrant (felony or misdemeanor), the arresting officer must proceed with the arrested person as commanded in the warrant (Penal Code Section 848). For misdemeanors only, this may include cite and release or transport to jail (Penal Code Section 827.1).

Persons arrested without a warrant must be given a judicial determination of probable cause within 48 hours after the arrest, including weekends and holidays.

0.9.13 The trainee shall explain the requirements placed upon a private person making the arrest of another and be able to determine if the “private persons” arrest is legal.

Reference: 837 PC; 847 PC

PC 837 states:

A private person may arrest another:

- *For a public offense committed or attempted in his presence*

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- *When the person arrested has committed a felony, although not in his presence*
- *When a felony has in fact been committed, and he has reasonable cause to believe the person arrested to have committed it.*

PC 847 states:

(a) A private person who has arrested another for the commission of a public offense must, without unnecessary delay, take the person arrested before a magistrate, or deliver him to a peace officer.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any peace officer of federal criminal investigator or law enforcement officer described in subdivision (a) or (d) of Section 830.8, acting within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest under any of the following circumstances:

- (a) The arrest was lawful, or the peace officer, at the time of the arrest, had reasonable cause to believe the arrest was lawful.*
- (b) The arrest was made pursuant to a charge made, upon reasonable cause, of the commission of a felony by the person to be arrested.*
- (c) The arrest was made pursuant to the requirements of Section 142, 837, 838, or 839.*

0.9.14 The trainee shall explain the requirements for advising a person of his/her Miranda rights.

Miranda warnings are required when both custody and interrogation exist at the same time.

0.9.15 The trainee shall explain the requirements regarding gaining admittance into a location to make an arrest.

Reference: 844 PC

Before entering a private dwelling to make an arrest, an officer must:

- *have consent, exigent circumstances, parole, or searchable probation, or*
- *have an arrest warrant and probable cause to believe the individual to be arrested is actually inside, and*
- *in all cases, comply with the knock and notice requirements.*

0.9.16 The trainee shall explain the amount of force that may be used when effecting an arrest.

Reference: 835 PC; 843 PC

Penal Code Section 835a authorizes officers to use a level of force that is reasonable and necessary to make an arrest, prevent escape, or 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 to prevent escape or to overcome resistance.

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0.9.17 The trainee shall explain the term “reasonable” as it applies to the use of force.

Reference: 835 PC

Reasonable force is not brutal or excessive force, but rather only the degree of force which is necessary to overcome the suspect's resistance. (Fulkman (1991) 235 Cal.App.3d 555, 562.)

In determining what degree of force is reasonable, courts will consider

- *the seriousness of the crime;*
- *the extent of resistance or use of force by the suspect;*
- *the degree of force used by the officers, and whether it threatened the health of the suspect; and*
- *the extent to which the officers' force was an affront to the suspect's personal privacy and bodily integrity. (Lee (1985) 470 U.S. 753, 761; Kraft (1970) 3 Cal.App.3d 890, 899; Cappellia (1989) 208 Cal.App.3d 1331, 1338.)*

“Reasonableness” of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. (Graham v. Connor (1989) 490 U.S. 386)

0.9.18 The trainee shall review and explain California law and department policy concerning the use of physical force and deadly force.

Have your trainee state what our force policy entails. It is not necessary for them to be able to recite it verbatim. They do need to know that our force policy is covered under Policy F-100, and it states, in effect, that deputies are authorized to use reasonable force to protect the public and carry out their duties in compliance with PC 835 (a). Furthermore, only that amount of force which reasonably appears necessary to affect an arrest, prevent escape, or overcome resistance is to be employed.

The department’s deadly force policy is covered in F-700:

“It is the policy that deputies are authorized to use a firearm or other deadly force when it is reasonable under the circumstances known or reasonably believed by the deputy that there is a significant threat of serious bodily harm or death to any person and generally:

- *As a means of self-defense from death or serious bodily injury.*
- *To defend another officer or citizen from death or serious bodily injury.*
- *To prevent a crime in which human life is in serious jeopardy as a result of a suspect’s actions.*

Deadly force may NOT be used to prevent the escape of a suspected felon, unless necessary to prevent the escape and the officer has probable cause to believe the suspect poses a significant threat of death or serious bodily injury to the officer or others.”

0.9.19 The trainee shall explain instances where he/she is not civilly liable for false imprisonment arising out of an arrest.

Reference: 142(c) PC; 836.5 PC; 847 PC

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When accepting a private person's arrest, that is lawful, or when making a lawful arrest.

0.9.20 The trainee shall explain situations where legal exceptions to an arrest might exist, including:

- A. Diplomatic immunity (22 U.S. Const. 252)**
- B. Stale misdemeanor rule (Hill v. Levy, 117 CA 2nd, 667) (Roynin v. Battin, 55 CA 2nd 861)**
- C. Congressional exceptions (Art. 1, Section 6, US Const.) (Art. 4, Section 2, Cal. Const.)**
- D. Statute of Limitations**

Discuss these with your trainee.

JUVENILE LAW AND PROCEDURE

0.9.21 The trainee shall explain applicable laws pertaining to the investigation of juvenile offenses and to the apprehension and detention of juvenile offenders. These shall minimally include:

A. Miranda advisement

Federal law regarding Miranda--which serves to protect a suspect's Fifth Amendment privilege against self-incrimination-- is exactly the same for juveniles and adults; juveniles have no additional rights. Indeed, because of the Supremacy Clause, states lack the power to increase or decrease what the federal law dictates. (Butler (1979) 441 U.S. 369, 376.)

- *Note: There is, however, a state statute (Welf. & Inst. Code, 625) which requires you to give certain advisements to a minor whom you have taken into temporary custody. However, this statute is separate and distinct from federal Miranda law, and non-compliance with section 625 can have no effect on the admissibility of a statement by a juvenile, since the admissibility of evidence is governed by federal law. "In general, relevant evidence that is illegally obtained under California law is nonetheless admissible, so long as federal law does not bar its admission." (Hines (1997) 15 Cal.4th 997, 1043; Charles C. (1999) 76 Cal.App.4th 420, 426.)*

B. 300 W&I; 305 W&I; 601 W&I; 602 W&I; 625 W&I; 627 W&I; 707 W&I; and any additional local ordinances/curfews

Dependent Children ("300's")

Temporary Custody/Nonarrest (Welf. & Inst. Code, § 305)

"Any peace officer may, without a warrant, take into temporary custody a minor:

"(a) When the officer has reasonable [probable] cause for believing that the minor is a person described in Section 300, and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare department to assume custody of the child.

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"(b) Who is in a hospital and release of the minor to a parent poses an immediate danger to the child's health or safety.

"(c) Who is a dependent child of the juvenile court, or concerning whom an order has been made under Section 319, when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the juvenile court.

"(d) Who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care."

Status Offenders and Law Violators ("601's" and "602's")

Arrest and/or Temporary Detention (Welf. & Inst. Code, § 625)

"A peace officer may, without a warrant, take into temporary custody a minor:

"(a) Who is under the age of 18 years when such officer has reasonable cause for believing that such minor is a person described in section 601 or 602, or

"(b) Who is a ward of the juvenile court or concerning whom an order has been made under section 636 or 702, when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court, or

"(c) Who is under the age of 18 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

"In any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in section 601 or 602, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel."

- *Note: This section authorizes a peace officer to arrest a juvenile, without a warrant, for any misdemeanor not committed in the officer's presence if the officer has reasonable cause to believe the minor committed the offense. Although there is no case on point, the "adult" requirement that a warrantless misdemeanor arrest be made at the time of the offense or within a reasonable time thereafter probably does not apply to juveniles.*

a. Welfare and Institutions Code section 636 provides for the detention of a minor in juvenile hall or on home supervision prior to his jurisdictional hearing.

b. Welfare and Institutions Code section 702 describes the process by which the court finds a minor to be "a person described by section 300, 601, or 602."

C. Laws pertaining to schools, including 626 PC sections and Ed. Code sections 48906, 48260-66, etc.

Penal Code sections 626.2, 626.4, 626.6 and 626.8 apply to disturbances and disruptions on the campuses of a community college, state college and state university, as well as to disturbances on public elementary and secondary school grounds.

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- a. Entry upon School Grounds by a Student or Employee without Permission after Written Notice of Suspension or Dismissal (Pen.Code, § 626.2):

It is a misdemeanor for a student or employee who has been suspended or dismissed after a hearing for disrupting the orderly operation of the campus to come upon the campus if as a condition of the suspension or dismissal, he has been denied access to the campus. The person must have first been served by registered or certified mail with a written notice of such suspension or dismissal and condition.

- b. Withdrawal of Consent to Remain on Campus for Causing Disruption (Pen.Code, § 626.4):

The chief administrative officer of a public school or an employee designated by him to maintain order on such campus may notify a person that consent to remain on the campus has been withdrawn when there is "reasonable" cause to believe that such person has willfully disrupted the orderly operation of the campus.

The consent may be withdrawn for up to 14 days, and it is a misdemeanor for the person to remain or reenter the campus during the period the consent has been withdrawn.

- c. Nonstudent Remaining on or Returning to the School after Being Directed to Leave (Pen.Code, § 626.7):

The chief administrative officer of the campus or his or her designee may direct a person who is not a student or officer or employee of the school to leave the campus if it reasonably appears that the person is "committing any act likely to interfere with the peaceful conduct of the activities of such campus or facility, or has entered the campus or facility for the purpose of committing any such act." It is a misdemeanor if the person fails to leave the campus or returns without following the posted requirements to contact the campus administration.

- d. Disruptive Presence at Schools (Pen.Code, § 626.8)

"(a) Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of such school or disrupt the school or its pupils or school activities, or any specified sex offender who comes into any school building or upon any school ground, or street, sidewalk or public way adjacent thereto, unless such person is a parent or guardian of a child attending that school, or is a student at the school or has prior written permission for the entry from the chief administrative officer of that school, is guilty of a misdemeanor if he or she:

"(1) Remains there after being asked to leave by the chief administrative official of that school or his or her designated representative, or by a person employed as a member of a security or police department of a school district pursuant to section 38000 of the Education Code, or a city police officer, or sheriff or deputy sheriff, or Department of the California Highway Peace Officer; or

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"(2) Reenters or comes upon such place within seven days of being asked to leave by a person specified in paragraph (1) [and being informed of this 7-day time period]; or

"(3) Has otherwise established a continued pattern of unauthorized entry.

Note: No affirmative act of disruption is necessary; merely requiring the time and attention of security personnel, administrators or teachers is sufficient "interference" to constitute a violation of the section. (Oscar R. (1984) 161 Cal.App.3d 770.)

Ed. 48264 - Truant-Arrest

A peace officer, and certain designated officials, may arrest or assume temporary custody, during school hours, of any minor truant who is found away from his home and who is absent from school without valid excuse.

Note: A peace officer may lawfully conduct an investigative stop (detention) of a young person upon a reasonable suspicion that the person is a truant, i.e., in violation of the compulsory school attendance laws. (James D. (1987) 43 Cal.3d 903, 917; Humberto O. (2000) 80 Cal.App.4th 237, 242.)

D. Secure/Non-secure detention of juveniles (206 W&I; 207 W&I; 207.1 W&I; and 207.2 W&I)

Since 1987, major restrictions have existed regarding the circumstances under which minors may be detained or kept at a jail, substation, or other facility besides juvenile hall.

*Regarding "300's," while they have always had to be detained in facilities separate from "601's" or "602's," they now may **not** be held "in any building that **contains** a jail or lockup for the confinement of adults" unless, while in the building, the minor is not permitted to come into contact with adults in custody, and is under the direct and continuous supervision of a peace officer or other child protective agency worker, as specified, or trained volunteer for a maximum of three hours. (Welf. & Inst. Code, § 206.)*

Regarding "601's" (status offenders), they also may not be detained in any "jail, lockup, juvenile hall, or other secure facility," but rather, if detained, must be referred to a sheltered care facility, crisis resolution home, or a non-secure facility, as specified. (Welf. & Inst. Code, § 207.)

Regarding "602's," even they may not be detained in any "jail or lockup." Therefore, you will most commonly take such a minor to juvenile hall or other secure juvenile facility, unless the situation falls within either of two exceptions exist.

Under the first exception, the minor, as young as 14, may be detained "in a jail or other secure facility for the confinement of adults" if: (1) he is alleged to have committed one of a list of designated offenses, has been found unfit to be dealt with as a juvenile, and his case has been transferred to adult court; OR (2) he had been charged directly in or transferred to an adult court; and (3) the appropriate court makes a finding that the minor's further detention in the juvenile hall would endanger the safety of the public or would be detrimental to the other minors there; and (4) contact between the minor and adults in the facility is restricted, as specified; and (5) the minor is adequately supervised. (Welf. & Inst. Code, §§ 207.1, 208.)

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The second exception permits temporary detention in a "lockup" facility (not a jail) only if the minor is 14 years old or more and you reasonably believe that he or she "presents a serious security risk of harm to self or others." Again, numerous restrictions and conditions apply. These include:

- that the temporary detention is for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility;
- that the detention not exceed six hours unless specified exceptional circumstances exist;
- that the minor is told the purpose, expected duration, and 6-hour maximum limit of the detention;
- that contact between adults and the minor is restricted in accordance with section 208; and
- that there is adequate supervision of the minor;
- that a log or other written record is maintained showing the offense and other items prescribed in subdivision (d)(1)(f) of section 207.1. (Welf. & Inst. Code, § 207.1.)

In addition, there is a special exception for suspected DUI offenses. In this situation, you are allowed to take the minor to a "detention facility or jail" for the purpose of "administering an evaluation, test, or chemical test" (see Veh. Code, § 23612) **if**

- (1) there is no equipment for administering the test at a juvenile facility within a reasonable distance,
- (2) the minor is not locked in a cell or room,
- (3) the minor is under the continuous, personal supervision of a peace officer or employee of the detention facility or jail and does not come into contact with in-custody adults, and
- (4) the evaluation or test is performed as quickly as possible and the minor is removed from the facility afterwards as quickly as possible so that the minor under no circumstances remains at the facility more than two hours.

ADDITIONAL LAWS

0.9.22 The trainee shall recognize violations of the Alcoholic Beverage Control Act and, given a copy of that act, will locate the applicable sections including those prohibiting:

A. After-hours sale/consumption of alcoholic beverages on licensed premises

BP 25631 (Unlawful sale during restricted hours) Any on- or off-sale 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 is guilty of a misdemeanor.

BP 25632 (Unlawful consumption during restricted hours) 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 is guilty of a misdemeanor.

B. Selling/providing alcoholic liquor to any person under the age of 21 years

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BP 25658 (Sale to / purchase by minor) Every person who sells, furnishes, gives...any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor. Any person under the age of 21 who purchases any alcoholic beverage, or any person under the age of 21 who consumes any alcoholic beverage in any on-sale premises is guilty of a misdemeanor. Any on-sale licensee who knowingly permits a person under the age of 21 to consume any alcoholic beverages in the on-sale premises, whether or not the licensee has knowledge that the person is under 21, is guilty of a misdemeanor.

C. Selling/providing alcoholic liquor to a person who is visibly intoxicated

BP 25602 (serving an obviously intoxicated person) Every person who sells, furnishes, gives, or causes to be sold...any alcoholic beverage to any habitual or common drunkard or any obviously intoxicated person is guilty of a misdemeanor.

D. Possession of alcoholic beverage by any person under the age of 21 years

BP 25662 (Possession by a minor) Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. Unless otherwise provided by law, where a peace officer has lawfully entered the premises, the peace officer may seize any alcoholic beverage in plain view that is in the possession of, or provided to, a person under the age of 21 years 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 of the social gathering by a parent or guardian of one or more of the participants.

E. BP 25667 A person under 21 immunity from prosecution

A person under 21 is immune from prosecution for possession or consumption of an alcoholic beverage where that person is the first to call 911 for an alcohol-related medical emergency concerning him or herself or another person. Caller must remain at the scene with person until medical assistance arrives and must cooperate with medical assistance and law enforcement personnel on the scene.

0.9.23 The trainee shall review and explain the laws regarding parole and probation violations, searches, and holds including:

A. 3056 PC

B. 1203.2 PC

Warrantless, suspicionless probation and parole searches are both reasonable under the Fourth Amendment, according to the California Supreme Court.

Probation Search – not all probationers have a search condition, and not all search conditions are the same. However, assuming the probationer has a search condition permitting searches for “X” by peace officers, the search for “X” may be undertaken without any reasonable suspicion of criminal activity, according to the California Supreme Court.

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Parole Search – all parolees have the same standard search condition, permitting searches by “any law enforcement officer.” According to the California Supreme Court, a parole search may also be undertaken without any reasonable suspicion of criminal activity.

0.9.24 The trainee shall recognize violations of local ordinances and, given reference text, will locate the applicable sections.

1. CO 2.76.060, Sheriff’s Uniform

It is unlawful for any person other than a Kern County Sheriff’s Department deputy to wear any uniform or insignia which is substantially similar to the uniform of the Kern County Sheriff’s Department. (misdemeanor)

2. CO 2.78.050, County vehicle

It is unlawful to use, drive, employ or operate any vehicle owned, kept or maintained by the county for any purpose other than that official duty. (misdemeanor)

3. CO 8.36.020g, Loud Music:

It is unlawful to operate or permit to be operated any public address system or sound equipment so as to be audible to a person of average hearing faculties or capacity at a distance of:

- *One hundred fifty feet from the public address system or sound equipment, if operated on a public street, sidewalk or any other public property; or*
- *If operated elsewhere, one hundred fifty feet from the property line upon which the public address system or sound equipment is located or*
- *Between the hours of 0800 and 2400, one thousand feet from the public address system or sound equipment connected with either short-term events held on public property with the consent of the responsible agency, short term public events held historically and regularly, or short-term events authorized by any kind of permit or license issued by the county. this section shall not apply to acts proscribed by section 27007 of the California vehicle code as amended from time to time.*

- *Public address system or sound equipment means any mechanical and/or electrical devise for the reproduction, amplification, or broadcasting of the human voice, music or any other sound whatsoever.*
- *This section does not apply to sounds not transmitted over a public address system. (misdemeanor)*

4. CO 5.76.020, Door to door sales

No door to door salesman or canvasser shall, without prior invitation, solicit business at residences between the times of ½ hour after sunset to 0900 the following morning. (infraction)

5. CO 5.76.030, Phone solicitation

No person shall, without prior invitation, disturb another person at his or her dwelling by a telephone call to solicit business between the hours of 2000 and 0900 the following morning. (infraction)

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6. CO 8.28.120, Illegal dumping

It is unlawful for any person or persons to place, deposit or dump, or cause to be placed, deposited or dumped upon the right-of-way of any public highway, street, or thoroughfare, or upon any camping place, or public grounds or any premises without the permission of the owner thereof, or into any stream, or dry watercourse within the County of Kern, and outside of the incorporated cities, any refuse, garbage, junk, brush, weeds, cans, bottles, rubbish, or other offensive, unsightly, putrescible or decaying matter of any kind whatsoever.
(Misdemeanor)

7. CO 9.20.010, Illegal shooting

Except as is otherwise provided in this chapter, it is unlawful for any person to discharge any firearm, compressed air or gas operated weapon, bow and arrow, crossbow or other deadly or dangerous weapon anywhere within or over those unincorporated areas of the county which are described in article II of this chapter. (misdemeanor)

- *Article II is an extremely long and detailed list of areas within the county that are restricted shooting zones. Each duty station should have a map of the shooting and non-shooting areas within their area of jurisdiction.*
- *9.20.020 Excepts situations where the firearm is being used in the protection of life or property, or in the course of an official duty by designated officers.*

8. CO 9.28.010, Curfew

9.28.010A: It shall be unlawful for any unemancipated minor to loiter or wander in or upon the public streets, sidewalks, highways, roads alleys, parks,, playgrounds or other public grounds, public places or public businesses, or to roam the public streets, alleys, roads or highways in or on a motor vehicle between the hours of 2200 and 0500 on the day immediately following.

9.28.010B: Exceptions are:

- *The minor is accompanied by his or her parent, guardian or other adult person having the care, custody, control or charge of the minor.*
- *Loiter, wander and roam do NOT include:*
- *Proceeding directly to or from work, allowing for incidental stops such as eating at an eating establishment*
- *Attending a church or school related activity, entertainment, recreational or civic, proceeding directly to or from the activity, allowing for incidental stops such as eating at an eating establishment or to drop someone off*
- *Proceeding on an emergency errand for his or her parent, guardian or other adult person having the care, custody, control or charge of the minor.*
(Infraction)

9. CO 13.04.100, Hours of operation for county parks

All public parks owned operated or maintained by the county shall be closed to public use and occupancy between the hours of 2200 and 0500

Exceptions are:

- *Greenhorn Mountain*
- *Westside Mt. Parks (Happy Gulch, Camp Condor)*
- *Tehachepi Mountain*
- *Designated camping areas only of Kern County Park Campground*

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- *Emergency or special use as authorized by the Director of the Department of Parks and Recreation*
- *Use by organized youth groups as authorized by the Director of the Department of Parks and Recreation. (misdemeanor)*

10. CO 13.04.140, Swimming in a canal

It is unlawful for any person to swim, bathe, dive or wade in, or to boat, float, water ski over or through, or to travel by other device or vehicle on or under the surface of the water in any irrigation canal for purposes of amusement or recreation. (misdemeanor)

11. CO 19.08.252, Big rig parked in residential area:

Truck parking, when accessory and incidental to an established residential use, shall be permitted so long as:

- *There is no more than one truck*
- *The truck does **not exceed two tons gross weight***
- *The truck is driven to and from the resident's place of employment on a regular basis or is used in conjunction with an approved home occupation.*

12. CO 17.20.190, Swimming Pool water drainage:

CO 17.20.190 G1: Swimming pool wastewater shall be disposed of as set forth in this section and shall be approved by the administrative authority prior to the commencement of any work.

CO 17.20.190 G2: Except as provided in G3, when a public sewer or storm drain is available for use, swimming pool waste water shall be discharged there into and permission shall be obtained in writing from the proper authority to do so.

CO 17.20.190 G3: Where space and conditions are such that no hazard, nuisance, or unsanitary condition is evidenced, swimming pool wastewater may be used for irrigation by surface or subsurface spreading.

0.9.25 The trainee shall recognize the basic rights of all persons as granted by the United States Constitution and shall at all times adhere to those rights granted by the following amendments:

A. First – Freedom of religion, speech, press, and public assembly

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and petition the government for redress of grievances.

B. Fourth – Search and seizure only by warrant or good cause

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the person or things to be seized.

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C. Fifth – Right to trial; no double jeopardy; no self incrimination; no punishment without due process; and no confiscation without compensation

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation.

D. Sixth – Right to a speedy trial

In all criminal prosecutions the accused shall enjoy the right to a speedy trial and public trial, by an impartial jury of the state and district wherein the crimes have been committed, which district shall have previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process of obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

E. Eighth – Excessive bail prohibited

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

F. Fourteenth – Civil rights (see 18 USC, 242 – Color of law/authority)

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

0.9.26 The trainee shall review, explain, and/or give examples of any new/revised state legislative mandates.

Reference: POST Legislative Update Telecourses and CD ROMS

Since updates occur on a regular basis, the trainee shall explain the new state legislative updates for the year that they are in training.

FTO

Traffic

TRAFFIC

VEHICLE CODE

0.10.01 The trainee shall discuss the California Vehicle Code laws that pertain to the operation of motor vehicles and shall be able to recognize violations.

This is self-explanatory.

0.10.02 The trainee shall define the following terms as used in the California Vehicle Code:

A) Crosswalk: *"Crosswalk" is either:*

- 1. That portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersection where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street.*
- 2. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.*

B) Darkness: *"Darkness" is any time from one-half hour after sunset to one-half hour before sunrise and any other time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 1000 feet.*

C) Driver: *A "driver" is a person who drives or is in actual physical control of a vehicle. The term "driver" does not include the tillerman or other person who, in an auxiliary capacity, assists the driver in the steering or operation of any articulated firefighting apparatus.*

D) Highway: *"Highway" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.*

E) Intersection: *An "intersection" is the area embraced within the prolongations of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways, of two highways which join one another at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.*

F) Limit line: *A "limit line" is a solid white line not less than 12 nor more than 24 inches wide, extending across a roadway or any portion thereof to indicate the point at which traffic is required to stop in compliance with legal requirements.*

G) Motor vehicle: *A "motor vehicle" is a vehicle that is self-propelled. "Motor vehicle" does not include a self-propelled wheelchair, invalid tricycle, or motorized quadricycle when operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.*

H) Roadway: *A "roadway" is that portion of a highway improved, designed, or ordinarily used for vehicular travel.*

I) Sidewalk: *"Sidewalk" is that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.*

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J) Vehicle: A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

0.10.03 The trainee shall review and explain vehicle code section 40302, as it pertains to mandatory appearance for those persons charged with misdemeanors or infractions. Such explanation will minimally include those four instances when the violator shall be taken into custody.

VC 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:

- 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.*

Reference:40300.5 through 40303; 40305

0.10.04 The trainee shall review and explain vehicle code section 40303 as it pertains to the officer's discretion on whether or not to issue a citation or take the violator into custody. Such explanation shall include the following sections:

- A. CVC 10852 or 10853 relating to injuring or tampering with a vehicle**
- B. CVC 23103 or 23104 as it pertains to reckless driving**
- C. CVC 2800 as it pertains to obedience to a peace officer**
- D. CVC 2800.1 as it pertains to evading a peace officer**
- E. CVC 20002 or 20003 relating to hit and run accidents**
- F. CVC 23109 relating to speed contests**
- G. CVC 14601, 14601.1, and 14601.2 relating to driving on a suspended license**
- H. CVC 23332, relating to persons upon vehicular crossings**
- I. CVC 2813 relating to refusing to stop for vehicle inspection**
- J. CVC 21461.5 relating to a pedestrian on a freeway**
- K. CVC 2800 relating to a pedestrian on a bridge or overpass**
- L. CVC 21200.5 relating to DUI on a bicycle**

Each situation under VC 40303 is spelled out above. Ensure that your trainee understands each one.

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0.10.05 The trainee shall identify common California Vehicle Code violations by code number and classification. These violations shall minimally include those dealing with:

A) Failure to show evidence of insurance: Infraction

VC 16028. Upon demand of a peace officer pursuant to subdivision (b) or (c), every person who drives upon a highway a motor vehicle required to be registered in this state shall provide evidence of financial responsibility for the vehicle. However, a peace officer shall not stop a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of this subdivision.

B) Expired registration. Infraction

VC§ 4000(a) No person shall drive, move, or leave standing upon a highway, or in an offstreet public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, logging dolly, or auxiliary dolly unless it is registered and the appropriate fees have been paid under this code, except that an off-highway motor vehicle which displays an identification plate or device issued by the department pursuant to Section 38010 may be driven, moved, or left standing in an offstreet public parking facility without being registered or paying registration fees.

For purposes of this subdivision, "offstreet public parking facility" means either of the following:

(A) Any publicly owned parking facility.

(B) Any privately owned parking facility for which no fee for the privilege to park is charged and which is held open for the common public use of retail customers.

C) Mandatory seat belt Infraction

VC 27315(d) No person shall operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt any more stringent or restrictive standards imposed by the Labor Code or any other state or federal regulation regarding the transportation of employees in a motor vehicle.

D) Riding in back of pick up without restraints. Infraction

VC 23116(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.

VC 23116(b): No person shall ride in or on the back of a truck or flatbed motortruck being driven on a highway.

E) No child safety seat for child under 6 or under 60 lbs. Infraction

VC 27360: Child Restraint Requirements: Under 60 lbs. or Under Age 6 yrs.

(a) No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, shall permit his or her child or ward under the age of six years, regardless of weight, or weighing less than 60 pounds, regardless of age, to be transported upon a highway in the motor vehicle without providing and properly using, for each child or

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ward, a child passenger restraint system meeting applicable federal motor vehicle safety standards.

- (b) No driver shall transport on a highway any child under six years of age, regardless of weight, or weighing less than 60 pounds, regardless of age, in a motor vehicle, as defined in Section 27315, without providing and properly securing the child in a child passenger restraint system meeting applicable federal motor vehicle safety standards. This subdivision does not apply to a driver if the parent or legal guardian of the child is also present in the vehicle and is not the driver.*

F) Vehicle theft Wobbler

VC 10851(a) Theft and Unlawful Taking or Driving or Taking of a Vehicle:

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 deprive the owner thereof of his or her title to or 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 and, upon conviction thereof, shall be punished by imprisonment in a county jail for not more than one year or in the state prison or by a fine of not more than five thousand dollars (\$5,000), or by both the fine and imprisonment.

G) Tampering with a vehicle: Misdemeanor

VC 10852: Breaking or Removing Vehicle Parts

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.

VC§ 10853: Malicious Mischief to Vehicle

No person shall with intent to commit any malicious mischief, injury, or other crime, climb into or upon a vehicle whether it is in motion or at rest, nor shall any person attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a vehicle while the same is at rest and unattended, nor shall any person set in motion any vehicle while the same is at rest and unattended.

H) Unlicensed driver Misdemeanor

VC 12500(a): No person shall drive a motor vehicle upon a highway, unless the person then holds a valid driver's license issued under this code, except those persons who are expressly exempted under this code.

I) Driving with a suspended license Misdemeanor

VC 14601(a) : No person shall drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for reckless driving in violation of Section 23103 or 23104, any reason listed in subdivision (a) or (c) of Section 12806 authorizing the department to refuse to issue a license, negligent or incompetent operation of a motor vehicle as prescribed in subdivision (e) of Section 12809, or negligent operation as prescribed in Section 12810, if the person so driving has knowledge of the suspension or revocation. Knowledge shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

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VC 14601.1(a): No person shall drive a motor vehicle when his or her driving privilege is suspended or revoked for any reason other than those listed in Section 14601, 14601.2, or 14601.5, if the person so driving has knowledge of the suspension or revocation. Knowledge shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

VC 14601.2(a): No person shall drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of a violation of Section 23152 or 23153, if the person so driving has knowledge of the suspension or revocation.

J) Non-injury hit and run Misdemeanor

VC 20002(a): The driver of any vehicle involved in an accident resulting in damage to any property, including vehicles, shall immediately stop the vehicle at the scene of the accident and do either of the following:

- (1) Locate and notify the owner or person in charge of that property of the name and address of the driver and owner of the vehicle involved and, upon locating the driver of any other vehicle involved or the owner or person in charge of any damaged property, upon being requested, present his or her drivers license, and vehicle registration, to the other driver, property owner, or person in charge of that property. The information presented shall include the current residence address of the driver and of the registered owner. If the registered owner of an involved vehicle is present at the scene, he or she shall also, upon request, present his or her driver's license information, if available, or other valid identification to the other involved parties.*
- (2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.*

K) Failure to stop for red light: Infraction

VC 21453(a): A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).

L) Failure to stop for stop sign Infraction

VC 22450(a): The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection, or railroad grade crossing shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway or railroad grade crossing.

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M) Basic speed law Infraction

VC 22350: No person shall drive a vehicle upon a highway at a speed greater than is reasonable or 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.

N) Prima Facie Speed Limits: Infraction

VC 22352(a): The prima facie limits are as follows and shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(1) Fifteen miles per hour:

- (A) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along the railway. This subdivision does not apply in the case of any railway grade crossing where a human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.*
- (B) When traversing any intersection of highways if during the last 100 feet of the driver's approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all those highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.*
- (C) On any alley.*

(2) Twenty-five miles per hour:

- (A) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.*
- (B) When passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign.*
- (C) When passing a senior center or other facility primarily used by senior citizens, contiguous to a street other than a state highway and posted with a standard "SENIOR" warning sign. A local authority is not required to erect any sign pursuant to this paragraph until donations from private sources covering those costs are received and the local agency makes a determination that the proposed signing should be implemented. A local authority may, however, utilize any other funds available to it to pay for the erection of those signs.*

(3) Thirty-five miles per hour on any highway, other than a state highway, in any moderate density residential district, as defined in subdivision (b) of Section 22352.1, when posted with a sign giving notice of that speed limit, unless a different speed is determined by local authority under procedures set forth in this code.

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O) Speed-exceeding 100 mph. Infraction

VC 22348(b): Any person who drives a vehicle upon a highway at a speed greater than 100 miles per hour is guilty of an infraction.

P) Failure to signal for turns Infraction

VC 22107: No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.

Q) Reckless Driving Misdemeanor

VC§ 23103(a): Any person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

R) Reckless driving with injury A-Misdemeanor B-Wobbler

VC 23104(a): Except as provided in subdivision (b), whenever reckless driving of a vehicle proximately causes bodily injury to any person other than the driver, the person driving the vehicle shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than two hundred twenty dollars (\$220) nor more than one thousand dollars (\$1,000), or by both the fine and imprisonment.

VC 23104(b): Any person convicted of reckless driving which proximately causes great bodily injury, as defined in Section 12022.7 of the Penal Code, to any person other than the driver, who previously has been convicted of a violation of Section 23103, 23104, 23109, 23152, or 23153, shall be punished by imprisonment in the state prison, by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than two hundred twenty dollars (\$220) nor more than one thousand dollars (\$1,000) or by both the fine and imprisonment.

S) Speed contest Misdemeanor

VC 23109(a): No person shall engage in any motor vehicle speed contest on a highway. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but where the vehicle does not exceed the speed limits, is not a speed contest.

VC 23109(b): No person shall aid or abet in any motor vehicle speed contest on any highway.

T) Exhibition of speed Misdemeanor

VC 23109(c): No person shall engage in any motor vehicle exhibition of speed on a highway, and no person shall aid or abet in any motor vehicle exhibition of speed on any highway.

U) False registration/Tabs Wobbler

VC 4463(a): Every person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for 16 months, two or three years, or by imprisonment in the county jail for not more than one year:

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(1) *Alters, forges, counterfeits, or falsifies any certificate of ownership, registration card, certificate, license, license plate, device issued pursuant to Section 4853, special plate, or permit provided for by this code or any comparable certificate of ownership, registration card, certificate, license, license plate, device comparable to that issued pursuant to*

Section 4853, special plate, or permit provided for by any foreign jurisdiction, or alters, forges, counterfeits, or falsifies any such document, device, or plate with intent to represent it as issued by the department, or alters, forges, counterfeits, or falsifies with fraudulent intent any endorsement of transfer on a certificate of ownership or other document evidencing ownership, or with fraudulent intent displays or causes or permits to be displayed or have in his or her possession any blank, incomplete, canceled, suspended, revoked, altered, forged, counterfeit, or false certificate of ownership, registration card, certificate, license, license plate, device issued pursuant to Section 4853, special plate, or permit.

(2) *Utters, publishes, passes, or attempts to pass, as true and genuine, any false, altered, forged, or counterfeited matter listed in subdivision (a) knowing it to be false, altered, forged, or counterfeited.*

VC 4463(b): Every person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for six months or by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), or by both that fine and imprisonment, which penalty shall not be suspended:

- (1) *Forges, counterfeits, or falsifies any disabled person placard or any comparable placard relating to parking privileges for disabled persons provided for by any foreign jurisdiction, or forges, counterfeits, or falsifies any disabled person placard with intent to represent it as issued by the department.*
- (2) *Passes, or attempts to pass, as true and genuine, any false, forged, or counterfeit disabled person placard knowing it to be false, forged, or counterfeited.*
- (3) *Acquires, possesses, sells, or offers for sale a genuine or counterfeit disabled person placard.*

VC 4463(c): Every person who, with fraudulent intent, displays or causes or permits to be displayed any forged, counterfeit, or false disabled person placard, is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for six months or by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), or by both that fine and imprisonment, which penalty shall not be suspended.

VC 4463(d): No person shall lend any disabled person placard issued to him or her, nor shall any person knowingly permit its use by one not entitled to it. A disabled person placard holder may permit another person to use the placard for the purpose of transporting the disabled person for whom the placard was issued. A violation of this subdivision is a misdemeanor.

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V) **Misdemeanor drunk driving** Misdemeanor

VC 23152(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.

VC 23152(b): It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.

W) **Felony drunk driving** Felony

VC 23153(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, 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.

VC 23153(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.

X) **Possession of open container while driving**

VC 23222(a): Possession of open container while driving Infraction

No person shall have in his or her possession on his or her person, while driving a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, 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.

VC 23222(b): Possession of Marijuana while driving Infraction

Except as authorized by law, every person who possesses, while driving a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, not more than one avoirdupois ounce of marijuana, other than concentrated cannabis as defined by Section 11006.5 of the Health and Safety Code, is guilty of an infraction and shall be punished by a fine of not more than one hundred dollars (\$100)

VC 23223: Possession of Open Container in Motor Vehicle Infraction

No person shall have in his or her possession on his or her person, while in a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, 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.

Y) **Fleeing/evading an officer**

VC 2800.1 (a): Evading a peace officer Misdemeanor

Any person who, while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing peace officer's motor vehicle.

VC 2800.2 (a): Evading a peace officer: Reckless Driving Felony

If a person flees or attempts to elude a pursuing peace officer in violation of VC 2800.1 and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property, the person driving the vehicle is guilty of a felony.

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(b) *For purposes of this section, a willful wanton disregard for the safety of persons or property includes, but is not limited to, driving while fleeing or attempting to elude a peace officer during which time either three or more violations that are assigned a traffic violation point count under Section 12810 occur, or damage to property occurs.*

Z) Common equipment violations Infractions

VC 24400 – During darkness, every motor vehicle other than a motorcycle, shall be equipped with at least two lighted headlamps.

VC 24600(b) – During darkness, every motor vehicle other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with not less than two taillamps.

VC 24601 – Either the taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear license plate during darkness and render it clearly legible from a distance of 50 feet to the rear.

0.10.06 The trainee shall discuss enforcement options after observation of a traffic violation, including:

- A. Verbal warning**
- B. Issuance of a citation**
- C. Physical arrest**

This is self-explanatory.

0.10.07 The trainee shall explain that the required signature of a violator on a citation is not an admission of guilt but a promise to appear.

This is self-explanatory.

IMPOUNDING/STORING VEHICLES

0.10.08 The trainee shall review and explain the agency's policy regarding towing procedures.

For all vehicles a deputy has physically towed, a **KCSO Vehicle Impound** report will be completed in addition to the KCSO Case report. This is done regardless of whether the vehicle was stored or impounded.

Towing companies used by the Sheriff's Department are dispatched according to a rotation process. All vehicles towed and stored by the officer will be entered into teletypes and will send a link or notify the responsible clerk for your assigned area to mail out the storage letters.

- *A storage is when a vehicle is towed for safekeeping or in accordance with the storage authorities listed in the vehicle code, beginning at 22651.*

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- *An impound is when the vehicle is stored for evidentiary reasons, or as the object of an asset forfeiture, or pursuant to CVC 14602.6.*

0.10.09 The trainee shall identify/explain situations where he/she may have the authority to remove, store, and/or impound vehicles, including:

- A. Vehicle is abandoned (22669(a) VC)**
- B. Vehicle is a traffic hazard (22651(b) VC)**
- C. Incidental to an arrest (22651(h) VC)**
- D. Vehicle is stored for safekeeping (22651 (g) VC)**
- E. Vehicle is stolen, recovered, and not released in field (22651(c) and 22653(a) VC)**
- F. Vehicle is held for investigation (22655.5 VC)**
- G. Vehicle is involved in hit and run (22655 or 22653(b) VC)**
- H. Vehicle with VIN removed (10751 VC)**
- I. Vehicle held for operation by unlicensed driver (22651(p) VC)**
- J. Vehicle impounded for 30 days (14602.6 VC)**
- K. Vehicle used in a speed contest – 30 day impound (23109.2 VC)**

Reference: See above

Discuss the different authority codes with your trainee.

0.10.10 The trainee shall discuss the legal authority for those instances when an officer may impound/store a vehicle from public and private property.

Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code; or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under any of the following circumstances:

A. VC 22651(a)

When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

B. VC 22651(b)

When any vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway

C. VC 22651(c)

When any vehicle is found upon a highway or any public lands and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

D. VC 22651(d)

When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move the vehicle from in front of the driveway to another point on the highway.

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E. VC 22651(e)

When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move the vehicle from in front of the fire hydrant to another point on the highway.

F. VC 22651(f)

When any vehicle, except any highway maintenance or construction equipment, is stopped, parked, or left standing for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade and the driver, if present, cannot move the vehicle under its own power.

G. VC 22651(g)

When the person or persons in charge of a vehicle upon a highway or any public lands are, by reason of physical injuries or illness, incapacitated to an extent so as to be unable to provide for its custody or removal.

H. VC 22651(h)

- (1) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by this code or other law, required or permitted to take, and does take, the person into custody.*
- (2) When an officer serves a notice of an order of suspension or revocation pursuant to Section 13388.*

I. VC 22651(i)

- (1) When any vehicle, other than a rented vehicle, is found upon a highway or any public lands, or is removed pursuant to this code, and it is known that the vehicle has been issued five or more notices of parking violations to which the owner or person in control of the vehicle has not responded within 21 calendar days of notice of citation issuance or citation issuance or 14 calendar days of the mailing of a notice of delinquent parking violation to the agency responsible for processing notices of parking violation or the registered owner of the vehicle is known to have been issued five or more notices for*

failure to pay or failure to appear in court for traffic violations for which no certificate has been issued by the magistrate or clerk of the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17, the vehicle may be impounded until that person furnishes to the impounding law enforcement agency all of the following:

- (A) Evidence of his or her identity.*
 - (B) An address within this state at which he or she can be located.*
 - (C) Satisfactory evidence that all parking penalties due for the vehicle and any other vehicle registered to the registered owner of the impounded vehicle, and all traffic violations of the registered owner, have been cleared.*
- (2) The requirements in subparagraph (C) of paragraph (1) shall be fully enforced by the impounding law enforcement agency on and after the time that the Department of Motor Vehicles is able to provide access to the necessary records.*

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- (3) *A notice of parking violation issued for an unlawfully parked vehicle shall be accompanied by a warning that repeated violations may result in the impounding of the vehicle. In lieu of furnishing satisfactory evidence that the full amount of parking penalties or bail has been deposited, that person may demand to be taken without unnecessary delay before a magistrate, for traffic offenses, or a hearing examiner, for parking offenses, within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is impounded. Evidence of current registration shall be produced after a vehicle has been impounded, or, at the discretion of the impounding law enforcement agency, a notice to appear for violation of subdivision (a) of Section 4000 shall be issued to that person.*
- (4) *A vehicle shall be released to the legal owner, as defined in Section 370, if the legal owner does all of the following:*
- (A) Pays the cost of towing and storing the vehicle.*
 - (B) Submits evidence of payment of fees as provided in Section 9561.*
 - (C) Completes an affidavit in a form acceptable to the impounding law enforcement agency stating that the vehicle was not in possession of the legal owner at the time of occurrence of the offenses relating to standing or parking. A vehicle released to a legal owner under this subdivision is a repossessed vehicle for purposes of disposition or sale. The impounding agency shall have a lien on any surplus that remains upon sale of the vehicle to which the registered owner is or may be entitled, as security for the full amount of the parking penalties for all notices of parking violations issued for the vehicle and for any local administrative charges imposed pursuant to Section 22850.5. The legal owner shall promptly remit to, and deposit with, the agency responsible for processing notices of parking violations from that surplus, on receipt thereof, full amount of the parking penalties for all notices of parking violations issued for the vehicle and for any local administrative charges imposed pursuant to Section 22850.5.*
- (5) *The impounding agency that has a lien on the surplus that remains upon the sale of a vehicle to which a registered owner is entitled pursuant to paragraph (4) has a deficiency claim against the registered owner for the full amount of the parking penalties for all notices of parking violations issued for the vehicle and for any local administrative charges imposed pursuant to Section 22850.5, less the amount received from the sale of the vehicle.*

J. VC 22651(j)

When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed, the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding law enforcement agency evidence of his or her identity and an address within this state at which he or she can be located.

K. VC 22651(k)

When any vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal.

L. VC 22651(l)

When any vehicle is illegally parked on a highway in violation of any local ordinance forbidding standing or parking and the use of a highway, or a portion thereof, is necessary for the cleaning, repair, or construction of the highway, or for the installation of underground

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utilities, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.

M. VC 22651(m)

Wherever the use of the highway, or any portion thereof, is authorized by local authorities for a purpose other than the normal flow of traffic or for the movement of equipment, articles, or structures of unusual size, and the parking of any vehicle would prohibit or interfere with that use or movement, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.

N. VC 22651(n)

Whenever any vehicle is parked or left standing where local authorities, by resolution or ordinance, have prohibited parking and have authorized the removal of vehicles. No vehicle may be removed unless signs are posted giving notice of the removal.

O. VC 22651(o)

- (1) When any vehicle is found upon a highway, any public lands, or an offstreet parking facility with a registration expiration date in excess of six months before the date it is found on the highway, public lands, or the offstreet parking facility. However, if the vehicle is occupied, only a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle. For purposes of this subdivision, the vehicle shall be released to the owner or person in control of the vehicle only after the owner or person furnishes the storing law enforcement agency with proof of current registration and a currently valid driver's license to operate the vehicle.*
- (2) As used in this subdivision, "offstreet parking facility" means any offstreet facility held open for use by the public for parking vehicles and includes any publicly owned facilities for offstreet parking, and privately owned facilities for offstreet parking where no fee is charged for the privilege to park and which are held open for the common public use of retail customers.*

P. VC 22651(p)

When the peace officer issues the driver of a vehicle a notice to appear for a violation of Section 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle has not been impounded pursuant to Section 22655.5. Any vehicle so removed from the highway or any public lands, or from private property after having been on a highway or public lands, shall not be released to the registered owner or his or her agent, except upon presentation of the registered owner's or his or her agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of a court.

Q. VC 22651(r)

When any vehicle is illegally parked and blocks the movement of a legally parked vehicle.

R. VC 22651(s)

- (1) When any vehicle, except highway maintenance or construction equipment, an authorized emergency vehicle, or a vehicle which is properly permitted or otherwise authorized by the Department of Transportation, is stopped, parked, or left standing for more than eight hours within a roadside rest area or viewpoint.*
- (2) For purposes of this subdivision, a roadside rest area or viewpoint is a publicly maintained vehicle parking area, adjacent to a highway, utilized for the convenient, safe*

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stopping of a vehicle to enable motorists to rest or to view the scenery. If two or more roadside rest areas are located on opposite sides of the highway, or upon the center divider, within seven miles of each other, then that combination of rest areas is considered to be the same rest area.

S. VC 22651(t)

When a peace officer issues a notice to appear for a violation of Section 25279.

T. VC 22651.6

A peace officer or employee specified in Section 22651 may remove a vehicle located within the territorial limits in which the officer or employee may act when the vehicle was used by a person who was engaged in a motor vehicle speed contest, as described in subdivision (a) of Section 23109, and the person was arrested and taken into custody for that offense by a peace officer.

U. VC 22652

Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee engaged in directing traffic or enforcing parking laws and regulations of a city, county, or jurisdiction of a state agency may remove any vehicle from a stall or space designated for physically handicapped persons pursuant to Section 22511.7 or 22511.8, located within the jurisdictional limits in which the officer or employee is authorized to act, if the vehicle is parked in violation of Section 22507.8 and if the police or sheriff's department or the Department of the California Highway Patrol has been notified.

In a privately or publicly owned or operated offstreet parking facility, this section applies only to those stalls and spaces if the posting requirements under subdivisions (a) and (d) of Section 22511.8 have been complied with and if the stalls or spaces are clearly signed or marked.

V. VC 22653

(a) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, other than an employee directing traffic or enforcing parking laws and regulations, may remove a vehicle from private property located within the territorial limits in which the officer is empowered to act, when a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(b) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may, after a reasonable period time, remove a vehicle from private property located within the territorial limits in which the officer is empowered to

act, if the vehicle has been involved in, and left at the scene of, a traffic accident and no owner is available to grant permission to remove the vehicle. This subdivision does not authorize the removal of a vehicle where the owner has been contacted and has refused to grant permission to remove the vehicle.

(c) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may, at the request of the property owner or person in lawful

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possession of any private property remove a vehicle from private property located within the territorial limits in which the officer is empowered to act when an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by this code or other law, required or authorized to take, and does take the person arrested before a magistrate without unnecessary delay.

W. VC 23109.2

(a) (1) Whenever a peace officer determines that a person was engaged in any of the activities set forth in paragraph (2), the peace officer may immediately arrest and take into custody that person and may cause the removal and seizure of the motor vehicle used in that offense in accordance with Chapter 10 (commencing with Section 22650). A motor vehicle so seized may be impounded for not more than 30 days.

(2) (A) A motor vehicle speed contest, as described in subdivision (a) of Section 23109.

(B) Reckless driving on a highway, as described in subdivision (a) of Section 23103.

(C) Reckless driving in an offstreet parking facility, as described in subdivision (b) of Section 23103.

(D) Exhibition of speed on a highway, as described in subdivision (c) of Section 23109.

VEHICLE COLLISIONS

0.10.11 The trainee shall discuss an officer's responsibilities in preventing accidents in the community, including:

- A. Education**
- B. Enforcement**
- C. Proactive engineering recommendations**
- D. Patrol awareness (including assisting stranded motorists)**
- E. Environmental factors that detract from traffic safety**
- F. Development of positive interagency relationships with road/street department, public works, planning, and traffic safety commission.**

Discuss the above responsibilities with your trainee.

0.10.12 The trainee shall explain the primary duties of an officer at any traffic accident scene, including:

- A. Determining injuries and need for emergency first aid treatment**
- B. Protecting the scene, including persons and property involved**
- C. Appropriate use of flares (spilled fuel)**
- D. Ascertaining the need for ambulance service**
- E. Considering the need for tow services**
- F. Determining the need for further assistance**

Discuss these with your trainee.

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0.10.13 The trainee shall review and explain the agency's policy regarding traffic collision investigation and reporting.

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

Law enforcement agencies are responsible for documenting all collisions that take place within that agency's jurisdiction. This responsibility includes all motor vehicle:

- *traffic collisions occurring on highways, and*
- *nontraffic collisions:*
 - *resulting in personal injury or death, or*
 - *in which the driver fails to immediately stop at the scene and report the collision or provide proper notification (Vehicle Code Section 20002),or*
 - *in which the driver was operating the vehicle under the influence of alcohol or drugs.*

NOTE: Agencies are also responsible for documenting all bicycle (as defined by Vehicle Code Section 231) collisions occurring on highways within their jurisdiction.

0.10.14 The trainee shall define the term vehicle collision.

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

*There is no single, all-inclusive definition of the word "collision" (i.e., accident). Generally, a **collision** is an unintended event that produces damage or injury (including fatal injury). A vehicle collision is any collision between at least one vehicle and anything else, whether man, beast, inanimate object, or another vehicle.*

*A motor vehicle **traffic collision** is any collision involving a motor vehicle in transport that occurs:*

- *on a highway, or*
- *after the vehicle has left the road but before that event has stabilized.*

*A motor vehicle **nontraffic collision** is any motor vehicle collision that occurs entirely at a place other than a highway (public or private).*

NOTE: Although the terms "accident" and "collision" are often used interchangeably, "collision" is the preferable term when referring to any event involving motor vehicles.

0.10.15 The trainee shall discuss advantages and disadvantages of immediately removing (or having removed) all vehicles involved in a traffic accident from the highway.

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

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Removing vehicles from the roadway can alleviate traffic congestion and road hazards, however you lose control of your accident scene.

0.10.16 The trainee shall discuss the instances when a traffic accident must be investigated by law and agency policy. These instances shall minimally include any:

- A. Injury accident**
- B. Hit and run accident**
- C. Accident involving suspected drunk driving**
- D. Accident involving city, county, or state property**

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

0.10.17 The trainee shall define the term “primary collision factor.”

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

*The **primary collision factor (PCF)** is the **one** element or driving action which in the officer’s opinion **best** describes the primary or **main cause** of the collision.*

0.10.18 The trainee shall define the term “area of impact” and explain and/or demonstrate how area of impact is determined at both intersection and non-intersection accidents.

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

*The **area of impact (AOI)**, also referred to as the **point of impact (POI)**, is the geographical location at which the involved parties came into contact, as a result of the vehicle collision, with:*

- *one another,*
- *another object, or*
- *a surface.*

Determination of the area of impact is generally based on a number of different factors including, but not limited to:

- *statements and information gathered during field interviews,*
- *vehicle speed(s),*
- *point of rest of vehicle(s)/pedestrian,*
- *vehicle damage (location, amount, severity, etc.),*
- *damage to fixed objects,*
- *fluids on the roadway (spatters, trails, pools, etc.)*
- *gouges and other road scars on the roadway or other objects,*

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- *debris at the collision scene (type, location, direction, pattern, etc.)*
- *tire marks on the roadway (indicating change of direction, acceleration, deceleration, etc.)*

No matter what information is used, officers must be prepared to document their rationale for designating a specific location as the area of impact.

0.10.19 The trainee shall define terms relevant to traffic collision reports, to include:

- A. Accident or collision: an unintended event that causes damage, death or injury.**
- B. Classification of injuries: fatal injury; severe injury; other visible injuries; complaint of pain.**
- C. Deliberate intent: an intentional act that directly or indirectly involves a motor vehicle in transport that purposely causes damage to property or injury to any person.**
- D. In transport: this describes the state or condition of a vehicle when it is in use primarily for moving persons or property (including the vehicle itself) from one place to another.**
- E. Other parties: a person other than the operator of the motor vehicle (includes driverless vehicle, a vehicle being towed by other than a rigid tow bar or tow truck, animal drawn conveyances, injured equestrians, injured parties in a train, airplane or cable car, or in highway construction equipment not in transport, injured parties in or upon a structure).**
- F. Witness: a person other than an involved party or a passenger who can provide information relevant to the accident.**

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

0.10.20 The trainee shall identify the basic elements necessary to complete a factual diagram and/or sketch when investigating the scene of a traffic collision. The elements are:

- A. Indications of compass direction**
- B. Measurements of the scene in proportion but not necessarily to scale**
- C. Use of appropriate illustrations**
- D. Determine the point of impact (P.O.I.) and the point of rest (P.O.R.)**

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

0.10.21 The trainee shall identify types of physical evidence which are used to determine the cause of a collision, including:

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- A. Locked wheel skid, critical speed scuff, impending skid, side skids, and acceleration scuff
- B. Debris, glass, vehicle parts, fluids, and other related property damage
- C. Photographs of the scene

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

0.10.22 The trainee shall identify information to be obtained during a collision investigation interview, including:

- A. Identity of the involved parties and vehicle information
- B. Time and location of collision events
- C. Chronology of collision events
- D. Elements unique to hit and run collisions, if applicable

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

0.10.23 Given a traffic accident, the trainee shall respond in a safe, efficient, and effective manner, and shall properly and accurately report the accident according to agency policy, including identification of the primary collision factor, along with any associated collision factors.

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

TRAFFIC CONTROL/DIRECTION

0.10.24 The trainee shall demonstrate recognized traffic hand signals for a driver to include:

- A. Stop
- B. Turn right
- C. Turn left
- D. Keep moving

This is self-explanatory.

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- 0.10.25** The trainee shall demonstrate a method for using the flashlight to direct traffic in the hours of darkness.

This is self-explanatory.

- 0.10.26** The trainee shall explain flare patterns and be able to safely light and extinguish a flare.

This is self-explanatory.

- 0.10.27** Given a handout or exercise depicting an accident scene, the trainee shall mark where to place particular types of traffic control devices that will best protect persons and property with regard to the presence of flammable materials and traffic flow.

This is assignment specific. CHP handles the traffic collisions for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

DRIVING UNDER THE INFLUENCE

- 0.10.28** The trainee shall recognize and explain the common driving conditions of a suspected DUI.

Deviations from Normal Driving:

Movement

- *Weaving*
- *Swerving*
- *Drifting*
- *Turning with wide radius*
- *Turning abruptly or illegally*
- *Striking or almost striking an object or another vehicle*
- *Driving into opposing or crossing traffic*

Speed

- *Slow speed (more than 10 mph below)*
- *Stopping (without cause) in a traffic lane*
- *Accelerating or decelerating rapidly*
- *Stopping inappropriately*
- *Braking erratically*

Position

- *Straddling center or lane marker*
- *Driving on other than designated roadway (e.g., shoulder)*
- *Tires on center or lane marker*
- *Following too closely*

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Driver Action

- *Appearing to be drunk*
- *Driving with headlights off*
- *Slowly responding to traffic signals*
- *Signaling inconsistent with driving actions*

Initial Contact

General Appearance

- *Appearance associated with the lack of sleep (e.g., droopy eyelids, red and/or watery eyes, relaxed facial muscles)*

Eyes

- *Apparent difficulty focusing eyes upon an object, or*
- *Refusal to look directly at the officer*

Speech

- *Odor of intoxicants on the breath*
- *Poor enunciation, slurred speech*

Attitude

- *Sign of nervousness*
- *Cockiness*
- *Unusual cheerfulness or friendliness*
- *Apparent hesitancy in complying with lawful orders or instructions*
- *Agitated appearance*
- *Other inappropriate behavior*

Actions

- *Impaired motor skills (poor balance and coordination)*
- *Apparent difficulty in understanding simple question or instructions*
- *Manner of getting out of the car*
- *Tremor of hands*
- *Poor hand coordination*

0.10.29 The trainee shall explain and demonstrate the sobriety tests used by the agency.

This is assignment specific. CHP handles DUI investigations for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

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- 0.10.30 The trainee shall explain the law and agency policy regarding chemical tests, including how, when, where, and by whom these tests are given as well as the acceptable level of force which may be used to obtain the samples.**

This is assignment specific. CHP handles DUI investigations for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

- 0.10.31 The trainee shall explain the law and agency policy regarding processing persons who refuse chemical testing.**

This is assignment specific. CHP handles DUI investigations for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

- 0.10.32 The trainee shall identify the report forms to be used for driving under the influence cases.**

This is assignment specific. CHP handles DUI investigations for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

- 0.10.33 Given a situation where a vehicle operator may be DUI, the trainee shall demonstrate the ability to conduct the field and chemical test(s) in a safe and effective manner and shall properly and accurately report the incident.**

This is assignment specific. CHP handles DUI investigations for the unincorporated areas of Kern County, except for the contract city of Wasco.

This is self-explanatory.

PHASE ONE

Demonstrated Procedure 0.11.01 - 0.11.15

0.11.01 - The trainee shall demonstrate the procedures for obtaining and using the following items:

- A. Vehicle
- B. Hand-held radio
- C. Firearms/Weapons
- D. Ammunition
- E. Special equipment (i.e., helmet, mace, gas mask, etc.)
- F. Report forms
- G. Flares

0.11.02 - The trainee shall explain and demonstrate cover officer tactics and responsibilities to include:

- A. Approach
- B. Cover positions with vehicle(s) and person(s)
- C. Position of advantage
- D. What to watch for:
 - 1. Hands in pockets or otherwise concealed
 - 2. Weapons or contraband
 - 3. Hostility or anger
 - 4. The approach of other persons or vehicles
 - 5. Symptoms of intoxication or illness
 - 6. Potential reactions and escape
- E. Communications with contact officer/danger signals
- F. Position of assistance, if needed, during arrest
- G. Provides assistance as directed by contact officer

0.11.03 - The trainee shall safely and effectively demonstrate the responsibilities of both the contact and cover officer positions during:

- A. Calls for service
- B. "In-progress" calls
- C. Pedestrian stops
- D. Traffic stops
- E. High-speed pursuit, felony stop, and/or foot chase

0.11.04 - The trainee shall demonstrate the ability to accept responsibility for his/her actions.

0.11.05 - The trainee shall conduct a patrol vehicle pre-shift inspection, to include:

- A. Visual check of vehicle exterior for damage and the tires for wear and proper inflation
- B. An inspection of the trunk for the spare tire and required equipment
- C. An operations check of the vehicle equipment (lights, horn, etc.) and the emergency equipment (light bar, siren, public address system, etc.)
- D. An inspection of the firearms/weapons and release systems
- E. An inspection of vehicle interior that includes checking behind the sun visors, in the glove box, and beneath the seats for contraband, evidence, property, or items left from a previous shift

0.11.06 - The trainee shall drive the vehicle in a safe and alert manner complying with all laws, regulations, and policies.

0.11.07 - The Trainee shall demonstrate the ability to safely remove his safety belt prior to arriving at a call for service or on-site activity.

0.11.08 - Given a simulated or an actual emergency response or pursuit, the trainee shall demonstrate safe and effective driving practices.

0.11.09 - The trainee shall demonstrate the ability to communicate with any segment of the public in such a way as to enhance police service and community attitudes toward the police. This can be demonstrated through:

- A. Community contacts
- B. Business contacts
- C. Community involvement
- D. Positive role modeling
- E. Mentoring

0.11.10 - The trainee shall demonstrate knowledge of agency radio procedures and proficient use of the radio including:

- A. Waiting until the air is clear before pressing the transmit button.
- B. Pressing the transmit button firmly and speaking calmly and clearly into the microphone.
- C. Avoiding over-modulation by speaking moderately into the microphone.
- D. Knowing the meaning of "emergency traffic only" and always saving routine and non-emergency transmissions until the termination of "emergency traffic only" status.
- E. Knowing the call signs, assignments, and beat locations of other units in the area.

0.11.11 - Given a situation in which there is one or more suspect description(s), the trainee shall properly utilize the radio to complete a crime broadcast. This description shall minimally include:

- A. Type of incident and number of suspects
- B. Complete known description of suspect(s), including height, weight, hair color and style, eye color, clothing description, and distinguishing characteristics
- C. Loss (if any), including approximate value and denomination of bills
- D. Weapon(s) used
- E. Vehicle(s) used
- F. Direction(s) of flight

0.11.12 - Given a situation involving an in-progress assignment, the trainee shall use the police radio to maintain control of the situation. This shall minimally include:

- A. Voice control so as not to escalate the situation
- B. Control of possible escape routes and establishment of perimeter
- C. Control of response of other police units

0.11.13 - Given an incident in which information is required to complete an investigation, the trainee shall demonstrate a knowledge of the minimum information requirements for generating a system inquiry related to the following categories:

- A. Wanted persons
- B. Property, vehicles, and firearms
- C. Criminal histories
- D. DMV information
- E. Miscellaneous information

0.11.14 - The trainee shall properly and legibly complete a citation, for an observed traffic offense, within a reasonable time frame.

- Per VC 40500(d) states that a citation may not be altered, concealed, modified, nullified or destroyed by the officer, for any reason, before it is filed with the magistrate or with a person authorized by the magistrate or judge to receive a deposit of bail. Anyone who does this is guilty of a misdemeanor.
- When issuing a violator a written warning, the citation will be properly completed as if it were a normal citation, **EXCEPT** warning will be written in large letters in the violation section box, the violator will not sign the citation, and no court date will be given.

0.11.15 - Given an incident in which a vehicle is to be impounded or stored, the trainee shall impound or store the vehicle in an authorized manner. This shall minimally include:

- A. Compliance with state law
- B. Compliance with agency policy
- C. Completion of all required reports in a satisfactory manner

Search Concepts - 1.12.01 - 1.12.07

1.12.01 - The trainee shall review and explain the following terms relative to searches:

- A. Consent Search**
- B. Scope of Searches**
- C. Contemporaneous Search**
- D. Probable Cause to Search**
- E. Instrumentalities of a Crime**
- F. Contraband**
- G. Knock and Notice**
- H. Container Search Doctrine**

1.12.02 - The trainee shall recognize and explain the circumstances under which the following types of legally authorized searches may be made. These circumstances shall minimally include:

- A. Pat searches for weapons**
 - Person must be lawfully detained for an investigative purpose.
 - The searching officers must be able to articulate specific facts, which caused them to reasonably suspect the person is dangerous or may be carrying a weapon.
- B. Consent searches**
 - The consent must be voluntary, and obtained from a person with authority to give that consent.

C. Probable cause searches

Peace officers must demonstrate that probable cause exists to search a specific place for specific property or contraband, which will be used as evidence. To establish probable cause to search, peace officers must be able to articulate how and why they have a fair probability to believe:

- a crime has occurred or is about to occur,
- evidence pertaining to the crime exists, and
- the evidence is at the location they wish to search.

D. Search warrant

Unless justified by an exception (consent, incident to arrest, search conditions, or exigency), a search of private property may lawfully be conducted only if authorized by a search warrant. This warrant requirement also applies to commercial property, except any portion open to the general public.

E. Plain sight

Even though an item is in plain view, peace officers must still meet certain requirements before the item may be seized legally and used as evidence.

Peace officers must have:

- probable cause,
- a lawful right to be in the location, and
- lawful access to the item.

F. Incident to arrest

- When probable cause for a lawful arrest exists,
- The suspect is taken into custody, and
- The search is contemporaneous with the arrest.

G. Exigent circumstances

Emergency situations requiring swift action:

- to prevent imminent danger to life,
- serious danger to property,
- imminent escape of a suspect,
- or the destruction of evidence.

H. Probation/parole search

Warrantless, suspicion-less probation and parole searches are both reasonable under the Fourth Amendment, according to the California Supreme Court.

Probation Search – not all probationers have a search condition, and not all search conditions are the same. However, assuming the probationer has a search condition permitting searches for “X” by peace officers, the search for “X” may be undertaken without any reasonable suspicion of criminal activity, according to the California Supreme Court.

Parole Search – all parolees have the same standard search condition, permitting searches by “any law enforcement officer.” According to the California Supreme Court, a parole search may also be undertaken without any reasonable suspicion of criminal activity.

1.12.03 - The trainee shall identify those items for which an officer may legally search. These items shall minimally include:

A. Dangerous weapons

Normally, no searches are permitted during a detention. However, if an officer has a factual basis to suspect that the person being detained is carrying a concealed weapon or an object that could be used as a weapon, the officer is justified in conducting a limited search for the weapon without a warrant.

- B. **Fruits of the crime**
- C. **Instruments of the crime**
- D. **Contraband**

If, during a lawful patdown for weapons, an item is discovered that is immediately recognized as contraband (based on plain sight, smell, or touch), the officer may seize it. If the person is placed under arrest, the officer may then conduct a full search incident to the custodial arrest. If the item is not immediately recognized as contraband, the officer may not manipulate the suspected area or object further in order to establish its nature, unless the officer is still concerned it may be a weapon or potential weapon.

- E. **Suspects**
- F. **Additional victims**

1.12.04 - The trainee shall discuss the limits of searches when conducted with persons, vehicles, and buildings including:

A. Protective Sweeps

A protective vehicle search is permitted if (1) the vehicle is being lawfully detained, and (2) the officer reasonably believes, based on specific facts, that there may be a weapon (lawful or unlawful) or item that could be used as a weapon, inside the vehicle.

If you are already lawfully inside or outside a house and have some factual basis for believing there may be others inside who pose a danger to you or others, you may undertake a "protective sweep," that is, a limited, quick, visual inspection of those places where a person might be hiding. (Buie (1990) 494 U.S. 325, 327; Furrow (9th Cir. 2000) 229 F.3d 805, 811.)

B. Closed Containers

If the officer comes across a container on the person during a patdown/frisk, the officer is entitled to seize it and open it only if it is reasonable to believe it can be used as a weapon or that it might contain a weapon.

C. Inventory Searches

The courts have made it clear that a standardized agency policy may be very broad regarding vehicle inventories, permitting examination of any area where valuable or dangerous items are commonly kept.

1.12.05 - The trainee shall explain the automobile exception to the search warrant requirement. Such explanation shall minimally include:

Under both federal and California case law, you may conduct a warrantless search of any part of a car (e.g., passenger compartment, trunk, hood, glove compartment) which you have lawfully stopped as long as you have probable cause to believe the object you are looking for may be located in that portion of the car. In other words, you may search the passenger compartment, the glove compartment, under the hood, in a locked trunk compartment, or in any of the vehicle's contents, as long as what you are looking for might reasonably be located there. (Houghton (1999) 526 U.S. 275; Ross (1982) 456 U.S. 798, 820-821; Acevedo (1991) 500 U.S. 565, 569-570, 580; Carpenter (1997) 15 Cal.4th 312, 365; Temple (1996) 36 Cal.App.4th 1219, 1224; Overland (1988) 203 Cal.App.3d 1114, 1118-1119.)

You don't need any additional dangerous circumstances or exigencies beyond the mobility that is inherent in any vehicle that can be driven. (Labron (1996) 518 U.S. 938, 940; Carney (1985) 471 U.S. 386, 390-391.)

A. Mobility requirement

This "automobile exception" applies not only to any vehicle which is mobile, but also to any vehicle which reasonably appears mobile, even if in fact it is not. (Hatley (9th Cir. 1993) 999 F.2d 392, 395.)

The courts have simply created an exception to the warrant requirement when it comes to vehicles because of their mobility and the lessened expectation of privacy which people have in them. (Labron (1996) 116 S.Ct. 2485, 2487; (Carney (1985) 471 U.S. 386; Ruggles (1985) 39 Cal.3d 1; Chavers (1983) 33 Cal.3d 462; Overland (1988) 203 Cal.App.3d 1114.)

B. Allowable scope of the search

Under both federal and California law, this "probable cause" or "automobile exception" also applies to closed, personal containers inside a vehicle.

In other words, if you have probable cause to believe that "X" is located somewhere inside the vehicle, then you are entitled not only to look inside any portion of the vehicle (trunk, glove compartment, hood, etc.), but also inside any closed, personal container which might reasonably contain "X." (Houghton (1999) 526 U.S. 275; Ross (1982) 456 U.S. 798; Acevedo (1991) 111 S.Ct. 1982; Nonnette (1990) 221 Cal.App.3d 659; Molina (1994) 25 Cal.App.4th 1038, 1042.)

This is true even where the container or other object belongs to an unsuspected passenger. In other words, you do not need to have independent probable cause relating to that particular container or object, nor any basis for believing that the passenger was involved in wrongdoing, that the driver and passenger were cooperating, or that the driver had an opportunity to conceal the item in the passenger's belonging. (Houghton (1999) 526 U.S. 295, 305.)

Rather, the only limitations are

- (1) That you have probable cause to search that area of the vehicle, generally,
- (2) That the container or object you plan to search is capable of concealing the object of the search. (Houghton (1999) 119 S.Ct. 1297; Ross (1982) 456 U.S. 798; Acevedo (1991) 500 U.S. 565; Nicholson (1989) 207 Cal.App.3d 707; Arias (9th Cir. 1991) 923 F.2d 1387; Rodrigues-Fernandez (1991) 235 Cal.App.3d 543, 547; Schunk (1991) 235 Cal.App.3d 1334 Remember that your expertise and experience play a significant role in determining what constitutes probable cause. (Rodrigues-Fernandez (1991) 235 Cal.App.3d 543, 547.))

C. Probable cause requirement

The key to understanding this "automobile exception" is to realize that it is based on "probable cause," and that "probable cause" here means exactly the same thing that it does in a search warrant context, namely, enough facts, knowledge, training, etc., to provide a "fair probability" that the object you are looking for will be found in the place (portion of the car) you want to search. Banks (1990) 217 Cal.App.3d 1358, 1363; Nonnette (1990) 221 Cal.App.3d 659, 665-666; Carvajal (1988) 202 Cal.App.3d 487, 498.)

In other words, if you are ever wondering whether you can search a certain portion of the vehicle without a warrant, just ask yourself whether you have enough information to get a warrant if you went before a magistrate. If you honestly believe you could get a warrant (and the court agrees with you), then it is legal for you to go ahead and search that part of the vehicle, and anything in it, without a warrant. (Dyson (1999) 119 S.Ct. 2013, 2014.)

1.12.06 - The trainee shall explain the "exclusionary rule" and its effect upon police action and procedures including:

A. Court filings

B. Prosecution of suspects

The exclusionary rule basically states that any evidence illegally obtained will not be admissible in court. When challenged, the legality of a search or seizure is normally decided prior to trial, either as part of the preliminary hearing, or at a separate pre-trial "suppression" motion, or both. (Pen. Code, §1538.5.)

The court must first determine whether the police acted legally, that is, whether the search or seizure was reasonable or unreasonable. This question will most often be decided objectively, that is, without regard to what the officer was personally or "subjectively" thinking. (Whren (1996) 517 U.S. 806; Scott (1978)

436 U.S. 128, 135-136; Hull (1995) 34 Cal.App.4th 1448, 1454; Perez (1996) 51 Cal.App.4th 1168, 1178.)

If the court finds that the search or seizure was unreasonable, it must then decide whether the evidence should be "suppressed," that is, ruled inadmissible, or "excluded" from evidence at trial. Usually--but not always--the evidence will be excluded as a "penalty" for the illegality.

Example: An officer arrests a suspect for murder. In a search of the suspect incident to the arrest, the officer finds credit cards belonging to the victim. The suspect then confesses to the murder. If the court rules that the officer did not have sufficient "probable cause" to make the arrest valid, both the credit cards and the confession will be suppressed. (See Williams (1988) 45 Cal.3d 1268 and Lozoya (1987) 189 Cal.App.3d 1332 for a discussion of "taint" and "fruit of the poisonous tree.")

However, in deciding whether or not to suppress the evidence, the court may look at the officer's state of mind ("good faith"), whether the purpose behind the exclusionary rule will be served, whether the evidence was obtained as a direct result or "exploitation" of the illegal police conduct, whether the evidence would have been legally discovered anyway, etc. (See, generally, Hull (1995) 34 Cal.App.4th 1448, 1453; Scott (1998) 524 U.S. 357, 362-363.)

Interestingly enough, the "exclusionary rule" does not appear anywhere in the Constitution, but rather was created by the Supreme Court to encourage proper police conduct. (Scott (1998) 524 U.S.357, 363.)

Prior to the passage of Proposition 8 (1982), evidence was excluded if it was obtained in violation of the federal or California Constitution, which the California Supreme Court for many years had interpreted as providing greater or broader rights to its citizens than the United States Constitution afforded.

Proposition 8 was an effort to stop that expansion by eliminating California's "independent state grounds" as a basis for excluding evidence. It succeeded.

Following Proposition 8, federal rules governed the admissibility of evidence. In other words, as long as the police did not violate the Fourth, Sixth, or Fourteenth Amendment of the United States Constitution when obtaining evidence, or the procedures set out in *Miranda v. Arizona*, the evidence was admissible in court. (Lance W. (1985) 37 Cal.3d 873, 879; May (1988) 44 Cal.3d 309; Bradford (1997) 15 Cal.4th 1229, 1291; Bennett (1998) 17 Cal.4th 373, 390.)

The problem was, however, that Proposition 8 did not change California's substantive rights themselves (the "independent state grounds"), but rather only the remedy. The effect of Proposition 8 was simply that even if you obtained evidence in violation of the California Constitution, the evidence would still be admissible in court (not be excluded), just as long as the United States Constitution had not also been violated.

In other words, California's "independent" rights continued to exist, at least theoretically. And, to the extent those rights are still there, you, as sworn peace officers, are obviously obligated to uphold them, the same as you must uphold any other part of this state's Constitution or statutory law.

As a practical matter, however, no case has discussed any "independent state grounds" for many years, and it appears that the differences which once existed between "federal law" and "California law" have for the most part faded into history.

1.12.07 - The trainee shall review and explain the concept of lawful evidence seizure, including instances where force may be justified, such as:

A. Preventing a suspect from swallowing evidence

Often suspects, especially drug dealers or users, will hide evidence in their mouths so they can, if necessary, dispose of it by swallowing.

If officers have probable cause to believe there is evidence in a suspect's mouth, they may use reasonable force to remove it, on grounds of preventing the destruction of evidence. (Cappellia (1989) 208 Cal.App.3d 1331, 1336; Johnson (1991) 231 Cal.App.3d 1, 14; Fulkman (1991) 235 Cal.App.3d 555, 562.)

The use of reasonable force may also be justified on grounds it is necessary for the suspect's safety, if the size of the object was such that there was a very real danger it would become lodged in the suspect's throat if he attempted to swallow it, or if officers reasonably believed the suspect was about to swallow drugs that were not in a container, or drugs in a container that was not secure. (Cappellia (1989) 208 Cal.App.3d 1331, 1339-1340; Fulkman (1991) 235 Cal.App.3d 555, 564.)

If only minimal force is necessary to recover the evidence, the search will likely be upheld because there is such a minor invasion of personal privacy and security. (Cappellia (1989) 208 Cal.App.3d 1331, 1338.)

However, problems arise if the suspect refuses to open his mouth and either attempts to swallow the evidence, or it reasonably appears that he is about to do so.

Police may attempt to prevent swallowing by exerting minimal pressure in the neck area, so long as such pressure does not choke or otherwise impair the suspect's breathing.

However, a "chokehold" is illegal as excessive force and too dangerous, since it may prevent the suspect from breathing and may also obstruct the flow of blood to the brain. (Jones (1989) 209 Cal.App.3d 725, 730; Johnson (1991) 231 Cal.App.3d 1, 16.)

On the other hand, if the substance is life threatening, and you are seeking to save a life rather than solely to prevent the destruction of evidence, the exigencies are greater, and courts are more likely to approve whatever reasonable force was necessary to retrieve the object. (Cappellia (1989) 208 Cal.App.3d 1331; Jones (1989) 209 Cal.App.3d 725; Fulkman (1991) 235 Cal.App.3d 555, 564.)

B. Inducing a suspect to vomit

If the suspect swallowed evidence, such as heroin-filled balloons, it may be possible to recover the evidence simply by waiting for it to pass through the person's digestive tract.

On the other hand, if the suspect has swallowed an object that could result in serious injury or death, it may be necessary to recover the object immediately by having a physician pump the suspect's stomach, or by having a physician administer a solution (emetic) to induce vomiting.

Because such procedures are so highly intrusive and unusual, as well as an affront to the person's dignity and privacy (Rochin (1952) 342 U.S. 165, 172), stomach pumping and forced vomiting are generally permitted only if the suspect voluntarily consents, either expressly, or implicitly, by cooperating with a doctor in carrying out the procedure, after having been informed of the danger of ingesting such objects. (Bracamonte (1975) 15 Cal.3d 394, 401; Jones (1971) 20 Cal.App.3d 201, 209.)

If the suspect refuses to give consent in a life-threatening situation, decisions concerning removal of the object should be left to the treating physician.

C. Extracting blood evidence from a suspect

D. Extracting fingerprint evidence from a suspect

If police have a legal right to conduct a bodily intrusion search, either with or without a search warrant or court order, reasonable force may be used to carry out the search. (Johnson (1991) 231 Cal.App.3d 1, 15; Jones (1989) 209 Cal.App.3d 725, 729; Cappellia (1989) 208 Cal.App.3d 1331, 1337-1338.) Generally speaking, the obtaining of fingerprints from an arrested suspect will fall under the guidelines of a booking search. Therefore, reasonable force is the standard to employ.

Reasonable force is not brutal or excessive force, but rather only the degree of force which is necessary to overcome the suspect's resistance. (Fulkman (1991) 235 Cal.App.3d 555, 562.)

In determining what degree of force is reasonable, courts will consider:

- The seriousness of the crime;
- The extent of resistance or use of force by the suspect;
- The degree of force used by the officers, and whether it threatened the health of the suspect; and
- The extent to which the officers' force was an affront to the suspect's personal privacy and bodily integrity. (Lee (1985) 470 U.S. 753, 761; Kraft (1970) 3 Cal.App.3d 890, 899; Cappellia (1989) 208 Cal.App.3d 1331, 1338.)

Warrants - 1.12.08 - 1.12.12

1.12.08 - The trainee shall explain the laws and procedures for obtaining search or arrest warrants, to minimally include:

A. Detailing probable cause on the affidavit

An affidavit is a separate document from the warrant. It is made under oath, states the "probable cause" for the search and the statutory grounds for issuance, and describes the place or person to be searched or searched for, and the property or things to be seized. (Pen. Code, §§ 1525, 1527.) It may be oral as well as written. (Pen. Code, § 1526, subd. (b).) Typically only one affidavit accompanies a search warrant, but more than one may be used.

Note that somewhere the affiant must swear to the truth of the facts provided to the magistrate in the affidavit or statement of probable cause. (Leonard (1996) 50 Cal.App.4th 878.) (The relevant form provided in California District Attorneys Association's search warrant manual was revised in November 1996 to correct this oversight.)

PROBABLE CAUSE

No matter what the context is, "probable cause" always boils down to the same question: Does an officer possess enough factual knowledge or other reliable information so that it is reasonable for him, in light of his training and experience, to believe "X." (See

Gorrosteita (1993) 19 Cal.App.4th 71, 84; Temple (1996) 36 Cal.App.4th 1219, 1227-1228.)

For example, in the context of arrests, "X" means enough information for you to believe that the person is guilty of a crime. (Hamilton (1990) 217 Cal.App.3d 838.) In the context of a warrantless search of a vehicle, it means enough information for you to believe that the object of the search is in a particular portion of the car. (Chavers (1983) 33 Cal.3d 462; Wimberly (1976) 16 Cal.3d 557.) In the context of the plain view doctrine, it means enough information to reasonably believe that the object is contraband, stolen property, or evidence of a crime. (Stokes (1990) 224 Cal.App.3d 715, 719.)

In the search warrant context, "probable cause" means essentially the same thing, namely, enough credible information to reasonably provide a fair probability that the object you seek will be found at the place you want to search. (Gates (1983) 462 U.S. 213, 236, 238; Bennett (1998) 17 Cal.4th 373, 391; Terry (9th Cir. 1990) 911 F.2d 272; McDaniels (1994) 21 Cal.App.4th 1560, 1564; Lamas (1991) 229 Cal.App.3d 560, 567; Cleland (1990) 225 Cal.App.3d 388, 392; see also Ornelas (1996) 116 S.Ct. 1657, 1661.) A magistrate is not allowed to issue a search warrant unless he concludes that the affidavit contains "probable cause." (Pen. Code, § 1525.)

"The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the 'veracity' and 'basis of knowledge' of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place."

(Emphasis added.) (Gates (1983) 462 U.S. 213, 238; Tuadles (1992) 7 Cal.App.4th 1777, 1783; Hepner (1994) 21 Cal.App.4th 761, 775.)

Probable cause means more than mere suspicion, but less than prima facie proof, and less than a preponderance of the evidence. (Gates (1983) 462 U.S. 213, 235; Tuadles (1992) 7 Cal.App.4th 1777, 1783; \$48,715 (1997) 58 Cal.App.4th 1507, 1517.)

As with any determination of probable cause, your expertise and experience go into the equation. (Ocampo (9th Cir. 1991) 937 F.2d 485, 490.) Thus, it is possible for activity which might otherwise appear "innocent" (e.g., a pattern of phone calls to certain people at certain times) to amount to probable cause (bookmaking). (Andrino (1989) 210 Cal.App.3d 1395; Rodrigues-Fernandez (1991) 235 Cal.App.3d 543, 547 - countersurveillance, use of beeper, etc; Tuadles (1992) 7 Cal.App.4th 1777, 1784; Glenos (1992) 7 Cal.App.4th 1201, 1206.)

Furthermore, "the evidence must be seen and weighed as understood by those versed in the field of law enforcement." (Von Villas (1992) 11 Cal.App.4th 175, 217, quoting other cases.) This means that a narcotic officer's training and experience must be considered, and can make it reasonable, for example, to conclude that contraband and other incriminating evidence might be found at a drug dealer's residence. (Ornelas (1996) 116 S.Ct. 1657, 1663; Pitts (9th Cir. 1993) 6 F.3d 1366, 1369; Sandlin (1991) 230 Cal.App.3d 1310, 1314; Ocampo (9th Cir. 1991) 937 F.2d 485, 490; Terry (9th Cir. 1990) 911 F.2d 272; Gonzalez (1990) 51 Cal.3d 1179, 1206; Cleland (1990) 225 Cal.App.3d 388, 393.) Or in his automobile. (McNabb (1991) 228 Cal.App.3d 462, 469; Tuadles (1992) 7 Cal.App.4th 1777, 1785.)

Example: To an officer trained and experienced in clandestine drug labs, knowing that Smith bought 400 pounds of freon (bringing his total to more than 2400 pounds in 15 months) under an assumed name and took it to a remote location provided probable cause for a search warrant, that is, a "fair probability" that evidence of illegal methamphetamine manufacturing would be discovered. The court noted that "innocent behavior will often provide the basis for a showing of probable cause." (Glenos (1992) 7 Cal.App.4th 1201, 1206-1207.)

Example: An anonymous informant reported that Bailey was selling cocaine and engaging in prostitution at a named address, where the caller had seen heavy foot traffic. A "citizen informant" (therefore reliable) also reported seeing many people visit the same apartment and stay only briefly. The police corroborated that Bailey lived at the named apartment. HELD: The warrant was invalid because the affidavit did not contain probable cause. No criminal or even suspicious activity was observed. "Heavy foot traffic," without more, is insufficient. (Bailey (1992) 11 Cal.App.4th 1107; compare Mikesell (1996) 46 Cal.App.4th 1711, 1717.)

Example: In the officer's experience, drug dealers normally hide drugs in their residences. Accordingly, he wrote in the affidavit, "In the case of drug dealers, evidence is likely to be found where the dealers live." HELD: This provided sufficient probable cause to justify searching the dealers' residences. (Henson (9th Cir. 1997) 123 F.3d 1226, 1238-1239.)

The element of "time," that is, the relationship between your information and obtaining the warrant, is always crucial to the concept of probable cause. Although exact dates are not essential if the time can be inferred from the information in the affidavit, the affidavit must provide "probable cause to believe the material to be seized is still on the premises when the warrant is sought." (McDaniels (1994) 21 Cal.App.4th 1560, 1564.)

You should realize, too, that probable cause can be based, at least in part, on the occurrence of some event which is expected to occur within a reasonable time in the future, such as an undercover buy by the suspect, or the delivery of contraband to a given location. Warrants based on this kind of "future" scenario are sometimes called "anticipatory" or "contingent" search warrants. They are perfectly valid, despite the fact they depend on the performance of a future discretionary act by the police, as long as:

- (1) There is a basis or showing that the future (criminal) event is likely to occur;
- (2) The warrant expressly sets out, or incorporates by reference, what that future event is; and

(3) There is a demonstrated connection between the illegal activity and the premises to be searched. (See *Sousa* (1993) 18 Cal.App.4th 549, 557-562.) In the words of the Ninth Circuit, "An affidavit in support of an anticipatory search warrant must show that the property sought is on a sure course to the destination targeted for the search." (*Ruddell* (9th Cir. 1995) 71 F.3d 331, 333.)

Note well, as the Ninth Circuit has made unmistakably clear, that the future "triggering" event or condition(s) must appear expressly either in the actual search warrant, or in the affidavit if the affidavit is actually attached. (*Hotal* (9th Cir. 1998) 143 F.3d 1223, 1225-1227.)

Example: Affidavit spelled out that search of residence for child pornography was to take place when a certain package containing two videos was delivered on January 24. This triggering event was witnessed by a postal inspector and several officers who then executed the warrant. HELD: The search was not valid because (1) the warrant did not reflect that it was an "anticipatory" warrant or spell out what the future triggering event was; and (2) although the warrant stated that the affidavit was "attached and incorporated by reference," in fact it was not attached. Either the warrant itself must state the conditions that must occur prior to execution (and these conditions must be "clear, explicit, and narrow"), or they must appear in the accompanying affidavit, which is actually attached to the warrant. (*Hotal* (9th Cir. 1998) 143 F.3d 1223, 1225-1227.)

Finally, the rules of evidence which apply at a trial do not apply in determining probable cause to arrest. For example, hearsay, privileged information, and other "inadmissible" information may be considered. (*Morgan* (1989) 207 Cal.App.3d 1384.)

B. Completing the warrant

Discuss how to complete the warrant. The statutory grounds for the issuance of the warrant must be included. Penal Code section 1524 states the statutory grounds for issuance of a search warrant. One or more of these grounds must be checked on the face of the warrant.

"(1) When the property was stolen or embezzled."

"(2) When the property or things were used as the means of committing a felony."

"(3) When the property or things are in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he or she may have delivered it for the purpose of concealing it or preventing its being discovered."

"(4) When the property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony."

"(5) When the property or things to be seized consist of evidence that tends to show that sexual exploitation of a child, in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of section 311.11, has occurred or is occurring."

"(6) When there is a warrant to arrest a person."

Note that under some of these grounds (such as (1), (3) and (5)), it is possible to obtain a search warrant for a misdemeanor.

The property to be seized must be also described with "reasonable particularity. (U.S. Const., 4th Amend.; Cal. Const., art. I, § 13; Pen. Code, § 1525; *Bay* (1992) 7 Cal.App.4th 1022, 1025.) The reason for this requirement is to prevent "exploratory" searches. (*Bradford* (1997) 15 Cal.4th 1229, 1291, 1296; *Burrows* (1974) 13 Cal.3d 238; *Hepner* (1994) 21 Cal.App.4th 761, 773-776.)

The place(s), thing(s), or person(s) to be searched or searched for must be described with "reasonable particularity" in both the warrant and the affidavit. (U.S. Const., 4th Amend., § 13; Pen. Code, §§ 1525, 1529; *Garrison* (1987) 480 U.S. 79, 84; *Bradford* (1997) 15 Cal.4th 1229, 1291, 1296.) A rule of thumb to follow is: A person with no knowledge of the case should be able to find the location to be searched

based on the description. (Minder (1996) 46 Cal.App.4th 1784, 1788.) A single warrant may authorize a search of multiple locations, as long as probable cause exists as to each place or vehicle, and each is adequately described. (Easley (1983) 34 Cal.3d 858, 870.)

Inaccurate descriptions may result in suppression of evidence seized. If, before serving the warrant, you realize that the description in the warrant is incorrect, do not serve the warrant. Instead, correct the description and return the documents to the magistrate for another signature. Always make sure that the descriptions in the warrant and affidavit of the place to be searched are correct and exactly the same.

C. Obtaining a judge's authorization

Do not assume that the magistrate will correct any errors you may have made. You are responsible for submitting proper documents to be signed. Remember, the warrant may be presented to the magistrate in the middle of the night or when he is preoccupied with other matters. The magistrate will examine the documents. If satisfied they provide probable cause for the search, he will swear the affiant(s) under oath. The magistrate's clerk may perform this function if authorized. (Chavez (1972) 27 Cal.App.3d 883.)

The affiant(s) (the deputy) will then sign the affidavit, and the magistrate will sign and date the warrant and the affidavit. If subsequent additions or amendments are made, this procedure must be repeated.

If requesting a nighttime search, be sure the magistrate knows and authorizes it--assuming good cause appears--on the face of the warrant.

The magistrate may question the affiant or informant under oath. However, unless the oral statements are obtained and preserved in compliance with the procedure set out in Penal Code section 1526, subdivision (b), this examination cannot be used to furnish probable cause. (Theodor (1972) 8 Cal.3d 77; Charney (1972) 27 Cal.App.3d 888.)

The magistrate and the reviewing courts are confined to the "four corners" of the documents presented. If probable cause exists but is not reflected in the documents, supplying it at some later point is useless. (Whitely (1971) 401 U.S. 560.)

Only magistrates may authorize a search warrant. Magistrates are judges of the justice courts, municipal courts, superior courts, courts of appeal, and the Supreme Court.

§ Note: Commissioners, judges pro tem, and referees are not magistrates.

D. Filing the warrant with the court

Discuss how this is accomplished in your assigned area.

1.12.09 - The trainee shall describe the process for serving search and arrest warrants, including:

A. Hours of service for felony arrest warrants

A felony arrest warrant may be served at any time of the day or night.

B. Hours of service for misdemeanor arrest warrants

A misdemeanor arrest warrant may be served between the hours of 0600 and 2200.

Except when:

- The arrest is made in a public place
- The arrest is made when the person is already in custody pursuant to a lawful arrest
- The arrest is made pursuant to a warrant endorsed for night service

C. Hours of service for search warrants

Penal Code section 1533 states:

"Upon a showing of good cause, the magistrate may, in his/her discretion, insert a direction in a search warrant that it may be served at any time of the day or night. In the absence of such a direction, the warrant shall be served only between the hours of 7 o'clock a.m. and 10 o'clock p.m.

"When establishing 'good cause' under this section, the magistrate shall consider the safety of the peace officers serving the warrant and the safety of the public as a valid basis for nighttime endorsements."

D. Knock and notice for search warrants and exceptions to

Even though the statutes governing "knock and notice" for arrests (Pen. Code, §844) and search warrants (Pen. Code, § 1531) are not identical, they are treated as "functional equivalents" and are governed by the same policy considerations for most purposes. (Bittaker (1989) 48 Cal.3d 1046.) Basically, they require you to convey to the occupant who you are and what your purpose is. Specifically, before you enter (not while you enter) you must:

- Knock (or do something else which will alert the people inside to your presence);
- Identify yourself as a police officer;
- Explain your purpose;
- Demand entry and then wait a reasonable period before entering.

Technically, there is no "demand" requirement when entering to execute a search warrant. (Gallo (1981) 127 Cal.App.3d 828, 838.)

Similarly, there is no "refusal" requirement before entering to make an arrest. (Schmel (1975) 54 Cal.App.3d 46, 50-51.)

However, all the cases do not agree about these distinctions. (See Hirsch (1977) 71 Cal.App.3d 987.) Therefore, it is probably best to use just one procedure when "announcing" in either situation. Example: Knock loudly on the door and then say in a loud voice, "Sheriff's Department. Open up. We have a search warrant [or an arrest warrant] for 'X'."

When executing a search warrant, there is the specific requirement that before forcing entry, you must be refused admittance. Sometimes it can be difficult to figure out what constitutes a refusal.

When the refusal is verbal ("It's the cops! Let's get out of here!"), there's usually no problem. Likewise, a refusal based on conduct (the resident goes for a weapon; starts to destroy evidence; you hear "retreating footsteps") is usually easy enough to recognize.

However, many times the refusal takes place just by the passage of time, without any response from inside. How long you must wait before this type of refusal has legally occurred will depend on all the circumstances. Around one minute would be a "safe" period in most cases, but it can be less, especially if you know that someone is inside.

Example: Officers knocked and announced three times and then entered about 30 seconds later, but only after people they could see inside had made no response. The forcible entry was proper. (Gallo (1981) 127 Cal.App.3d 828; McCarter (1981) 117 Cal.App.3d 894.)

Example: Officers waited 20 seconds after knocking and announcing at a bookmaking establishment and getting no response, even though they knew the people inside were committing illegal acts. Failure to respond was properly interpreted as a refusal of permission to enter. (Elder (1976) 63 Cal.App.3d 731.)

Example: A 20-second delay after knocking and announcing was not long enough to justify forcible entry into a residence at 11:00 p.m. where officers did not know if anyone was home, heard nothing, and had "no information whatsoever" on which to base a belief that they were being refused entry. (Jeter (1983) 138 Cal.App.3d 934.)

Example: A 5-second delay after a female voice said "Who's there?" was not long enough to justify forcible entry where officers were executing a narcotics search warrant at 1:00 a.m., were dressed in

civilian clothes, heard no other sounds after announcing their identity, and failed to demand entry. (Gonzales (1989) 211 Cal.App.3d 1043.)

Example: Officers, who may have known that a light was turned on about a half hour earlier in an upstairs apartment, waited 18 seconds after knocking and announcing at 7:45 a.m. before forcing entry. During this time, they heard some nondescript "movement" to which they did not attach any particular meaning. The court said that although it was a close case, the 18-second delay was not enough time to constitute a "refusal." (Trujillo (1990) 217 Cal.App.3d 1219.)

Example: Officers executing a search warrant, who knocked loudly and yelled "peace officers" outside a small apartment which they had reason to believe was occupied, properly forced entry after waiting 15-30 seconds and getting no response. (Nealy (1991) 228 Cal.App.3d 447, 450.)

If you bear in mind the purpose behind the "knock and notice" requirements (i.e., to protect privacy and avoid surprise confrontations), it will be easier to understand and remember why the requirements apply in the following situations.

Note: The following situations assume there are no exigent circumstances, consent, or other exception to the "knock and notice" requirements.

1. Open Outer Doors

You may not enter someone's dwelling--which includes a hotel room (Bennett (1998) 17 Cal.4th 373, 384)--even through an open door without knocking and announcing. (Bradley (1969) 1 Cal.3d 80, 87; Hoxter (1999) 75 Cal.App.4th 406, 410-411; Zabelle (1996) 50 Cal.App.4th 1282, 1286.) However, the courts are less likely to require strict compliance with the statutory requirements when the door is already open. (Mendoza (1986) 176 Cal.App.3d 1127.)

Note: Federal law is different. Officers entering through an open door are not required to knock and announce under 18 U.S.C. 3109, due to the specific language of that statute. (Phillips (9th Cir. 1998) 149 F.3d 1026, 1029.)

2. Closed Inner Doors

Penal Code section 1531 specifically mentions "inner" doors, and there are some older cases which therefore hold that you must comply with the "knock and notice" requirements before entering, for example, a closed bedroom door in a private residence, even though you already "knocked and announced" at the front or "outer" door. (Pipitone (1984) 152 Cal.App.3d 1112; Glasspoole (1975) 48 Cal.App.3d 668.) Because of these cases, complying with knock/notice even on inner doors would always be the "safest" thing for you to do, legally, at least in the appellate districts which decided those cases (namely, the First (San Francisco) and the Second (Los Angeles)).

However, more recent and better-reasoned cases have interpreted section 1531 to require compliance with "knock/notice" only on the outer door, except in unusual situations, such as where the residence is unusually large, or the outer door does not provide access to the place to be searched under the warrant, or the warrant authorizes a search only of the particular inner room. (See, for example, Pompa (1989) 212 Cal.App.3d 1308 (4th Dist.-San Diego).)

Thus, in the typical situation, there is no need to knock and/or announce again before opening, or "breaking into," a closed interior door. "We construe the language of section 1531 to require compliance therewith at the point of entry to a house, but not at inner doors." (Howard (1993) 18 Cal.App.4th 1544, 1547 (3rd Dist.-Sacramento); accord: Aguilar (1996) 48 Cal.App.4th 632, 639 (6th Dist.-San Jose); and Mays (1998) 67 Cal.App.4th 969, 974-976 (4th Dist.-San Diego).)

Likewise, federal cases agree that knock-notice is required only on the outer door where entry is originally made (18 U.S.C. section 3109 contains language essentially identical to Pen. Code sec. 1531). (Crawford (9th Cir. 1981) 657 F.2d 1041, 1045; see also Bustamante-Gamez (9th Cir. 1973) 488 F.2d 4, 10, holding that compliance is required only at one point of entry, not at each exterior point of entry.)

Example: Officers executing a search warrant at a residence one morning knocked, announced repeatedly, and were "refused" admittance by the lack of any response within a reasonable period of time even though a woman at the front window had seen them approaching. They opened the unlocked front door, found the woman and detained her in one room, and continued down the hallway to a closed bedroom door. There they knocked, stated "Police, search warrant," and simultaneously opened the door and entered, without waiting for any "refusal." HELD: "Having fully complied with section 1531 at the outer door, the officers were under no constitutional or statutory obligation to repeat the knock-notice litany once inside." (Howard (1993) 18 Cal.App.4th 1544, 1555.)

Example: Police went to an apartment to execute arrest warrants for Aguilar and Zaragosa. Having knocked and announced at the front door, they were not required to do so again inside at a closed bedroom door before entering the bedroom. (Aguilar (6th Dist.-San Jose) 1996) 48 Cal.App.4th 632, 639.)

E. "Signing off" warrants/return

A search warrant return is a sworn statement before a magistrate listing the items seized. You must give a detailed receipt for the seized property to those from whom it was taken. If no one is present, leave it where the property was found. (Pen. Code, § 1535.) However, it is not necessary (contrary to what the Ninth Circuit held in 1997) to include notice of published, available, statutory or case-law remedies concerning how the seized property may be reclaimed once the state no longer has a right to retain it. (Perkins (1999) 119 S.Ct. 678, 681-682.)

Penal Code section 1534 states that the search warrant shall be executed and returned within 10 days from issuance. Service is valid if the warrant is returned within the 10-day limit and the probable cause supporting the warrant did not change (dissolve or self-destruct) before the warrant was executed. (Cleland (1990) 225 Cal.App.3d 388, 394; Seibel (1990) 212 Cal.App.3d 1279.)

This 10-day time limit means that you have 10 days within which to execute the warrant, beginning with the day after the warrant is issued and running until midnight of the 10th day, with no exceptions for weekends or holidays. (Clayton (1993) 18 Cal.App.4th 440.)

If the 10-day period has expired or there is a change in the probable cause, you must either

- (1) Obtain a new warrant or
- (2) Resubmit the expired warrant so it may be reissued and revalidated.

1.12.10 - The trainee shall explain the "Ramey" and "Steagald" court decision and how it applies in the field.

Ramey was a US Supreme Court decision in 1976. It had to do with making an arrest inside someone's own home. The court stated that as a general rule, it is unlawful for a peace officer to enter someone's home to arrest him or her without an arrest warrant.

The idea is that a man's home is his castle and police are simply not permitted inside without judicial authorization, an emergency (exigent circumstances), or valid permission.

Exigent circumstances means an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence or property.

Steagald was a US Supreme Court decision in 1981. It had to do with making an arrest of a suspect inside the house of another person. The court ruled an arrest warrant, as opposed to a search warrant, is NOT adequate to protect the 4th amendment interests of persons not named in the warrant, when their homes are searched without their consent and in the absence of exigent circumstances.

Describe some hypothetical situations to your trainee and ask his or her if a warrant is required to enter the home to arrest on each situation.

1.12.11 - The trainee shall identify the three parts of a search warrant.

1.12.12 - Given an incident and necessary probable cause that calls for a search or arrest warrant, the trainee shall follow agency procedures for obtaining and serving the appropriate warrant(s).

Field Notes and Notebooks - 1.13.01 - 1.13.05

1.13.01 - The trainee shall identify the types of information that may/should be entered into his/her field notes or notebook. This information may include:

- A. Victims' witness', contact's names, date of birth, etc.
- B. Suspect's name and/or description
- C. Injuries
- D. Property description / damage
- E. Other officer's names and actions
- F. Evidence
- G. Notes on your actions
- H. Notes on statements
- I. Type of incident
- J. Other pertinent information

1.13.02 - The trainee shall recognize that the contents of field notes and notebooks are discoverable in a court proceeding.

1.13.03 - The trainee shall explain the necessity for field notes. The explanation shall minimally include:

- A. Reference for future investigation
- B. Reference for future court appearance
- C. Beat or area information

1.13.04 - The trainee shall explain the relative reliability of the following forms of identification:

- A. Driver's license with photo
- B. Temporary license without photo
- C. Military ID
- D. Social security card
- E. Medi-Cal card
- F. Food stamp ID
- G. Out-of-state ID
- H. Credit cards with a signature
- I. Vehicle registration
- J. Payroll stubs
- K. Check and bank books
- L. Check cashing cards
- M. Alien registration card

1.13.05 - Given an incident, the trainee shall properly use field notes or a note book to record pertinent information.

Report Writing – 1.13.06 - 1.13.21

1.13.06 - The trainee shall exhibit an appropriate knowledge of the flow of completed reports and the relative importance of the information that they contain.

1.13.07 - The trainee shall describe the report review process, including:

- A. FTO's role
- B. FTO sergeant's role
- C. Patrol sergeant's role
- D. Records section's role
- E. Detective division's role

1.13.08 - The trainee shall give the location of the report depository for any paper forms

1.13.09 - The trainee shall describe the function for the records unit in the reporting process.

1.13.10 - The trainee shall describe the functions of the investigative unit(s) and the District Attorney's Office in the reporting process.

1.13.11 - The trainee shall discuss the importance of police reports, including these uses:

- A. Recording facts to a permanent record
- B. Providing coordination of follow-up activities
- C. Providing investigative leads
- D. Providing statistical data
- E. Providing a source for trainee evaluation
- F. Providing reference material

1.13.12 - The trainee shall explain the qualities of a good police report. These shall include:

- A. Accuracy
- B. Brevity
- C. Completeness
- D. Clarity
- E. Legibility/Neatness
- F. Objectivity
- G. Grammatical and structural correctness
- H. Timely
- I. First person/active voice/past tense

1.13.13 - **The trainee shall identify and explain the uses of the following modules and tabs in the Field Reports Tab of the MOBILE system and the following report forms:**

The Field Reports Tab is to be used for all incidents that require a case number. The Field Reports Tab allows Enterprise Mobile users to view and access the following Field Reporting forms: Arrest, Case, Case Supplemental, and Vehicle Impound.

Note: Reports are not to be generated without being dispatched to an incident or creating an incident.

A. KCSO Arrest

For each suspect arrested, an Arrest report must be created. A KCSO Arrest report shall be done in all arrests where the subject is arrested and booked. This report is required since this is the primary location crime records will obtain statistics to satisfy UCR reporting.

B. KCSO Case

For each incident requiring a report, a case/incident number will be assigned. The KCSO Case will be used to document **ALL** incidents.

C. KCSO Case Supp

The KCSO Supp report will be used for all supplemental reports(i.e. assisting officers, follow up, additional information, located stolen vehicles).

Supplemental reports can be added before the original is entered or after the original report has been saved, approved, and locked. When entering supplemental reports, verify to make sure you have the correct case number.

D. KCSO Vehicle Impound

For all vehicles a deputy has physically towed, a KCSO Vehicle Impound report will be completed in addition to the KCSO Case report. This is done regardless of whether the vehicle was stored or impounded. Make sure to ensure the case number matches the KCSO Case report.

ADDITIONAL REPORTS/FORMS

A. Traffic / misdemeanor citation

Used when issuing a citation. It is also required when booking a subject into a jail facility on an open misdemeanor charge (In custody citation)

B. Parking citation

This is used when issuing a parking citation

C. On-duty injury reports

When injured on duty

D. Lab analysis report

To be completed when an item is to be analyzed in the crime lab.

E. Juvenile transfer of custody(TOC)

1) **Juvenile Hall:** To be completed when booking a juvenile into juvenile hall. The TOC for juveniles is in ARIETIS.

2) **Jamison Center:** To be completed when taking a child into protective custody and transferring him or her to Jamison.

F. Field interview card

To be completed whenever there is a reason to document a person's identity for future reference.

G. Arietis

The electronic program used in the booking process at the Central Receiving Facility and Juvenile Hall.

H. Traffic collision report: There are two different types of traffic collision reports that our department utilizes.

- The state form is used when investigating a traffic collision. This is often used in the contract cities where deputies investigate traffic accidents
- The second is the county form. This form is completed by a deputy after he or she has been involved in a collision.

Driving under the influence report

Completed in conjunction with a crime or incident report to document the deputy's observations during drunk driving cases.

H&S 11550 report

Completed in conjunction with a crime or incident report to document the deputy's observations during HS 11550 cases.

Firearm Confiscation report

Completed in conjunction with a crime or incident report when firearms are seized pursuant to the provisions of PC 12028.5 or WI 8102. The white copy of the form is to be attached to the crime or incident report.

1.13.14 - The trainee shall identify and explain the uses of the following report forms that would be used in case Mobile is not working:

A. Crime or incident report

It is the primary report form used by the department. It is to be used for the following incidents:

- All misdemeanors
- All non-criminal cases except missing persons.
- All felonies except vehicle theft.

B. Supplemental report

This is used to report any supplemental information on a prior case. It is never to be used as an initial report form.

C. Stolen vehicle report

This report form is to be used to report the theft of the following:

- Automobiles, trucks, buses, motorcycles, snowmobiles, trailers or any licensed vehicle. (The theft of farm equipment, bulldozers, airplanes, construction equipment, or boats will be reported on a CI form.
- If the vehicle theft is the only crime, no other report form is needed.
- If the vehicle theft occurs in conjunction with another crime, a CI report will be completed with the vehicle theft report form.

D. Vehicle recovery / storage report

This report form will be used to record the impounding, recovery or storage of any Automobile, truck, bus, motorcycle, snowmobile, trailers or any other licensed vehicle. All stolen recoveries will be done utilizing this report form, regardless of the agency that took the initial theft report.

- If the impounding, recovery or storing occurs in conjunction with another crime or incident, a CI report will be completed along with the vehicle recovery report form. **Exceptions:** CVC 12500a and CVC 14601 incidents and vehicle abatement incidents.
- Recovery of farm equipment, bulldozers, airplanes, construction equipment, boats or license plates will be reported on a CI form if originally reported to another agency, and on a supplemental report form if originally reported to our department.

E. Missing person

PC 14211(a) requires a law enforcement agency to complete a report on all individuals reported as missing or runaway. The missing person report shall be used to report all missing persons and runaways. There shall only be one person per form and each person shall be assigned a separate case number.

- If it is determined that the missing person is a victim of a kidnapping or a parental abduction, the case will be handled as a criminal investigation. In these cases, both a CI report and a missing person report form will be completed under separate case numbers. the criminal case will serve as the master case number.

1.13.15 - Following the completion of a preliminary investigation of a "cold" crime, the trainee shall record all pertinent information in correct format on the proper report form.

1.13.16 - The trainee shall prepare a report that minimally includes:

- A. Written in first person
- B. Written in active voice
- C. Organizing facts in chronological order
- D. Relating facts in appropriate sentence form
- E. Correctly filling in all appropriate boxes
- F. Properly establishing who, what, when, where, why, how and how many
- G. Properly establishing the elements of the crime(s), when appropriate

1.13.17 - The trainee shall identify those types of incidents that require a report pursuant to department policy (Code 8 Policy). A report will be written under the following circumstances:

- A. All felony crimes
- B. All missing persons
- C. All crimes involving domestic violence
- D. All crimes requiring follow up investigation
- E. Custodial arrests (except warrants)
- F. Any incident involving force that has likely caused injury
- G. Any incident where property was seized
- H. All reports that are to be forwarded to the D.A. for review
- I. Any reports that are to be forwarded to another agency
- J. Any unusual incident that may require documentation for future reference
- K. When directed by a supervisor or ranking officer
- L. When a search warrant is completed, and no other report is in existence, i.e., a controlled buy.

1.13.18 - The trainee shall identify those types of incidents that do not require the completion of a report according to department policy (Code 9 Policy). The following are authorized clearance dispositions:

A. No further action

An offense may have occurred, but it has been resolved and no criminal complaint will be sought. No further intervention is necessary and there are no statutory or policy requirements to complete a report.

B. Non-criminal activity

The reported activity is not criminal and there are no statutory or policy requirements to complete a report.

C. Unable to locate

The participants and the incident cannot be located.

D. Unfounded

There is no factual basis to substantiate a crime or an incident requiring law enforcement action.

E. Gone on arrival

Suspects and/or participants have left and their location is unknown. No description is available and the situation is resolved.

F. Civil

An incident with no criminal activity by the participants. The matter is civil in nature and no further action or intervention by law enforcement is necessary.

G. Declined report

None of the participants in the incident want a report written and there is no statutory or policy requirements to complete a report.

H. False alarm

Any alarm that is false.

I. Citation

Vehicle code violations without exigent circumstances, including VC 14601, where the violator is cited and released in the field.

J. Assist other department

Another governmental agency is provided assistance and the matter is resolved, and there are no statutory or policy requirements to complete a report.

K. Field interview

When at least one person from a self-initiated field contact identified through a completed FI card and it is entered I-LEADS system.

L. Warrant arrest

When an arrest is made solely pursuant to a warrant and no unusual circumstances surround the arrest.

M. Supplemental

When a report has already been taken and the new incident was the gathering of additional information related to the prior report.

N. Citation Misd.

All misdemeanor violations where the violator is cited and released in the field and no case number was assigned to the incident. Facts of the violation will be written on the back of the records copy of the citation. (If you receive a subpoena, contact Crime Reports to get a copy of both sides of the citation.)

O. Cancelled

Used by the Communications Center when an incident is cancelled.

P. Warning

When a violator is stopped for a traffic violation and no citation was issued for the violation and there are no statutory or policy requirements to complete a report.

F. Warning

When a violator is stopped for a traffic violation and no citation was issued for the violation and there are no statutory or policy requirements to complete a report.

G. Faxed

Used by the Communications Center when Patrol Check information is sent to Patrol.

H. 9015

Do not use.

I. Paper

When a case number was assigned to the incident per statutory or policy requirements to complete the report

1.13.19 - The trainee shall identify the KCSO report format headings in their proper order:

1. Synopsis

The purpose of the synopsis is to provide enough information for a news release and to assist the follow-up investigators in assessing the report. It is a brief description of what happened, what was taken, the type of weapon used, victim's condition (injuries, if treatment was given and where) and arrests made. The synopsis should not repeat any information already listed on the face sheet. Limit the synopsis to as few lines as possible.

2. Additional suspect description

List any further suspect or suspect vehicle description that does not fit into the designated area.

3. Additional missing person description

List any further descriptive information concerning a missing person that does not fit into the designated area

4. Injuries

Completely describe the physical injuries sustained by each victim. Use general terms rather than technical terms

5. Additional property description

List any further property description that does not fit in the designated sections of the report forms. This heading is not used to list damaged property.

6. Property damaged

This heading will often be used in vandalism cases as well as in other crimes in which damage results in conjunction with the commission of another crime, (i.e., if the front door was smashed during a forced entry burglary). Give a complete description of the property damaged or destroyed along with a value of the damaged property. This information is particularly helpful during the sentencing phase of the criminal process. When the Probation Department knows the damage value they can recommend restitution in that amount as a condition of probation.

7. Physical evidence

This is a description of the physical evidence. Identify each item separately and in detail.

8. Chain of evidence

List who seized the evidence, where it was seized, and what was done with the evidence.

9. Witnesses

List the witnesses by name and briefly state what they will testify to. It is not a detailed account of their statement. The "witness" section is an aid to the follow-up investigator and the prosecuting attorney. Deputies will be listed under "Officers Involved." Be sure to include under this heading agency members who are witnesses to the offense.

10. Officers involved

List the name, Department (where other than KCSO), and Agency identification number of each government official (peace officers, firefighters, animal control officers, social workers, etc.) involved in the investigation, along with their primary actions at the scene. For KCSO personnel, use CAD identification numbers in conjunction with name and rank.

11. Details

This is the written account of the crime or incident reported.

1.13.20 - Given an incident in which an arrest is made, the trainee shall demonstrate the ability to satisfactorily complete all the appropriate police reports involved, to minimally include:

- A. The elements constituting the offense
- B. A complete documentation of reasonable/probable cause to arrest
- C. A complete description of all physical evidence, where it was found, and its disposition
- D. A complete listing of all suspects, including whether or not they are in custody.

1.13.21 - The Trainee shall explain when a Marsy's Card is required to be handed out on an incident.

On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resource. A card will be given or mailed to every victim of a crime.

Police Patrol Techniques - 1.14.01 - 1.14.06

1.14.01 - The trainee shall explain the principle types of police patrol (preventative, directed enforcement, etc.) and their respective impacts on community relations.

Preventive patrol – to be highly visible in order to discourage occurrences of unlawful or problem activity.

Directed enforcement patrol – to apprehend violators or concentrate patrol activities on particular circumstances or problem areas.

1.14.02 - The trainee shall review and explain basic preventative patrol methods utilized by an officer:

- A. Frequent checks and contacts with business premises
- B. Frequent checks of suspicious persons
- C. Fluctuating patrol patterns
- D. Maintenance of visibility and personal contact
- E. Daily individual patrol and community action plan

1.14.03 - The trainee shall discuss the advantage(s) of foot patrol and bicycle patrol, including:

- A. Increased personal contact between police and citizens
- B. Increased observation ability
- C. Increased ability to gather information

1.14.04 - The trainee shall discuss the advantage(s) of motorized patrol, including:

- A. Increased speed and mobility
- B. Increased conspicuousness
- C. Availability of additional equipment
- D. Increased transportation capability

- E. Decreased response time
- F. Communications

1.14.05 - The trainee shall explain the importance of positive daily personal contact with citizens.

1.14.06 - The trainee shall identify methods by which perception skills may be improved and demonstrate the ability to describe scene activity, persons, and vehicles with acceptable accuracy.

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.*

Observation

Observation *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

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.*

Preventing and Detecting Crime - 1.14.07 - 1.14.14

1.14.07 - The trainee shall explain and demonstrate techniques and procedures that improve a patrol officer's capabilities in preventing and detecting crime.

Preventive Patrol

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. Preventive patrol actions include:

- maintaining a law enforcement presence and visibility within the community,
- conducting frequent security checks of high-risk targets and businesses,

- conducting checks of persons who may be involved in suspicious activities.

Officers should plan their movements through their assigned areas of patrol. Planned movements help ensure that:

- All streets, neighborhoods, districts, etc., are adequately patrolled,
- A perception that patrol is a routine does not cause an officer to become complacent, and
- *An officer's patrol patterns, routes, and times do not become predictable.*

Lane Position

The traffic lane an officer uses during patrol will generally depend upon the specific type of patrol activity and the time of day.

- The number one lane is generally the best for observing traffic and allows officers to initiate a U-turn in order to pursue traffic violators or exit a traffic pattern in order to respond to call.
- The curb lane is the best for traveling at reduced speeds, provides a better vantage point for observing an area, and allows officers to better hear unusual noises (e.g., breaking glass, calls for help, etc.)

Speed

Officers should patrol at a speed that is reasonable for the tasks they are performing (e.g., patrolling in heavy traffic, patrolling in a residential or business area, etc.).

Driving at a slower speed while on patrol:

- Provides a maximum opportunity to observe while maintaining effective control of the vehicle.
- Contributes to public awareness and visibility.
- Maximizes contact with members of the community and provides a positive law enforcement image.
- Decreases engine noise enabling an officer to get closer to any criminal activity without being detected.

1.14.08 - The trainee shall identify factors to be considered in becoming familiar with the community:

- A. General population information
- B. Appropriate geographic information
- C. Recent criminal activity
- D. Specific factors that may influence patrol functions (i.e., location of emergency hospitals, high-crime areas, community habits, etc.)

1.14.09 - The trainee shall explain and demonstrate how to prepare for a normal patrol shift:

- A. Gathering information through crime reports and briefings
- B. Gathering needed materials (i.e., report forms, citation books, etc.)
- C. Obtaining and checking equipment
- D. Planning work around identified priorities
- E. Preparing daily patrol and community action plan

1.14.10 - The trainee shall identify those locations and/or situations that exist in a "patrol area" that warrant frequent checks.

- A. Recreation areas
- B. Rural areas
- C. School grounds

- D. Shopping centers
- E. Areas of nighttime activity (e.g., nightclubs, bars etc.)
- F. Areas containing large groups (e.g., festivals, parties, protests, parades, etc.)
- G. High risk areas (e.g., gang hangouts, known locations of drug activity, etc.)

1.14.11 - The trainee shall explain and demonstrate what an officer on nighttime patrol should be looking for:

- A. Broken glass
- B. Open doors and windows
- C. Pry marks
- D. Suspicious vehicles
- E. Persons on foot
- F. Differences in normal lighting (on or off)
- G. Unusual sounds
- H. Access to rooftop or upper floors

1.14.12 - The trainee shall identify ways to determine if a parked vehicle has been recently operated.

1.14.13 - The trainee shall describe and/or demonstrate how to conduct surveillance, including:

- A. Invisible deployment
- B. Radio security
- C. Use of surveillance/vision devices

1.14.14 - The trainee shall be able to locate the vehicle identification number (VIN) of various vehicles (i.e., auto, trucks, trailers, motorcycles, and bicycles)

Additional Patrol Safety - 1.14.15 - 1.14.21

1.14.15 - The trainee shall explain and/or demonstrate how to react when encountering a plain-clothes officer in the field:

- A. No display of recognition until presence acknowledged by plain-clothes officer
- B. In the absence of acknowledgement, reaction should be identical to any other citizen

1.14.16 - The trainee shall explain and/or demonstrate how to react to uniformed officers if the trainee makes a plain-clothes or off-duty arrest.

1.14.17 - The trainee shall explain and/or demonstrate ways to avoid the hazards of "silhouetting."

Within a Patrol Vehicle

- Be aware of sources of backlighting when traversing open areas (e.g., streets, alleys, fields, etc.).
- Position the patrol vehicle away from street light or other sources of backlighting.
- Disable interior patrol vehicle lighting that is activated when a door is opened.

While on Foot Patrol

- Avoid walking through spotlights and lead lamps when approaching pedestrians and/or vehicles.
- Do not stand in doorway, hallways, or in front of windows.

- Do not peer openly through windows.

Using a Flashlight/Map Light

- Hold the flashlight in such a way as not to illuminate oneself or other officers or units.
- Use red bulbs or diffuse the light source to minimize light intensity.

Keep flashlight use to a minimum and only when necessary.

1.14.18 - The trainee shall explain and/or demonstrate how to avoid making telltale "police noises," such as:

- A. Vehicle(s)
 - Reduce vehicle noise prior to approach
 - Secure seat belts and doors quietly.
 - Close doors quietly rather than slamming.
- B. Radio noises
 - Reduce the volume.
 - Use earpiece if available
- C. Key and whistle noises
 - Secure keys
 - Ensure baton does not bang against any other objects
 - Ensure leather gear and shoes do not squeak
 - Avoid stepping on twigs, leaves, and gravel that could make noise
 - Keep pagers and cell phones on vibrate. Deactivate wrist watch alarms
 - Use hand signals or prearranged word codes when appropriate

1.14.19 - The trainee shall explain the importance of always keeping a subject's hands in view.

1.14.20 - The trainee shall explain and/or demonstrate safe and effective tactics for initiating a foot pursuit of a fleeing suspect.

1.14.21 - The trainee shall review and explain department policies on mutual aid and jurisdiction, including:

- A. Use of official vehicles outside the agency's jurisdiction
- B. Responding to calls for assistance outside the agency's jurisdiction
- C. Assisting other agencies with arrests within agency jurisdiction

Pedestrian Stops - 1.14.22 - 1.14.31

1.14.22 - The trainee shall discuss and explain the term "consensual encounter". Such discussion shall minimally include:

- A. Justification needed to conduct a consensual encounter.**

A "consensual encounter" is a contact between an officer and an individual which is strictly voluntary. The key element is that the person remains totally free to leave or not cooperate. (Mendenhall (1980) 446 U.S. 544, 554; Bennett (1998) 68 Cal.App.4th 396, 402; Rodriguez (1993) 21 Cal.App.4th 232, 238.)

B. Amount and type of force appropriate to conduct a consensual encounter.

You must not restrain the person or exert any authority over him. (Malone (9th Cir. 1989) 886 F.2d 1162; Castaneda (1995) 35 Cal.App.4th 1222, 1227; Lopez (1989) 212 Cal.App.3d 289; Ross (1990) 217 Cal.App.3d 879, 884; Christopher B. (1990) 219 Cal.App.3d 455.)

Conversely, you do not need any objective reason or justification for initiating this type of contact. (Manuel G. (1997) 16 Cal.4th 805, 821.)

1.14.23 - The trainee shall discuss and explain a lawful "detention". Such discussion shall minimally include:

A. Justification needed to conduct a detention.

In order for an investigative stop or detention to be valid, you must have a "reasonable suspicion" that: (1) criminal activity may be afoot; and (2) the person you are about to detain is connected with that possible criminal activity. (Wardlow (2000) 120 S.Ct. 673, 675; Sokolow (1989) 490 U.S. 1, 7-8; Justin B. (1999) 69 Cal.App.4th 879, 886; Bennett (1998) 17 Cal.4th 373, 386; Daugherty (1996) 50 Cal.App.4th 275, 285; Ross (1990) 217 Cal.App.3d 879, 884; Ornelas (1996) 116 S.Ct. 1657, 1661; Johnson (1991) 231 Cal.App.3d 1, 10; Limon (1993) 17 Cal.App.4th 524, 532.) "The determination of reasonable suspicion must be based on commonsense judgments and inferences about human behavior." (Wardlow (2000) 120 S.Ct. 673, 676.)

Remember, however, that even though the court will consider the "totality of the circumstances," you must have specific facts which you can articulate to a court. The court will then decide if these facts--together with your training and experience--were enough to make your suspicion objectively reasonable. (Wright (1988) 206 Cal.App.3d 1107; Lloyd (1992) 4 Cal.App.4th 724, 733.)

You cannot make a valid detention based solely on a hunch, rumor, intuition, instinct or curiosity. (Wardlow (2000) 120 S.Ct. 673, 676; Tony C. (1978) 21 Cal.3d 888; Raybourn (1990) 218 Cal.App.3d 308.) However, for "reasonable suspicion," both the quality and quantity of the information you need is considerably less than the "probable cause" you need to arrest or search. (White (1990) 496 U.S. 325, 330; Bennett (1998) 17 Cal.4th 373, 387; Johnson (1991) 231 Cal.App.3d 1, 11.) "Reasonable suspicion" is a less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence. . . ." (Wardlow (2000) 120 S.Ct. 673, 675-676.)

B. Amount and type of force appropriate to conduct a detention.

A temporary "detention" or "stop" is an exertion of authority that is something less than a full-blown arrest, but more substantial than a simple "contact" or "consensual encounter." (Ayarza (9th Cir. 1989) 874 F.2d 647; Brueckner (1990) 223 Cal.App.3d 1500, 1505.)

The amount and type of force is to be reasonable considering the totality of the circumstances the officer is confronted with at the time of the detention.

1.14.24 - The trainee shall explain the concepts of consensual encounter and reasonable suspicion to stop and detain. The trainee will then explain, demonstrate, or otherwise give examples of how a consensual encounter or reasonable suspicion can be elevated to probable cause, allowing for an arrest to be made.

A "consensual encounter" is a contact between an officer and an individual that is strictly voluntary. The key element is that the person remains totally free to leave or not cooperate.

A "detention" occurs whenever a reasonable--and innocent--person would believe he is not free to leave or otherwise disregard the police and go about his business. Such a belief may result from physical

restraint, unequivocal verbal commands, or words or conduct by you that clearly relate to the investigation of specific criminal acts.

For an investigative stop or detention to be valid, you must have "reasonable suspicion" that: (1) criminal activity may be afoot and (2) the person you are about to detain is connected with that possible criminal activity.

1.14.25 - The trainee shall identify and discuss those tactical variables to consider when encountering a person on foot. The discussion shall minimally include determining:

- A. Whether or not to stop the person
- B. When and where to stop the person
- C. Methods to utilize in stopping the person (approach on foot vs. in the vehicle)

1.14.26 - The trainee shall describe and demonstrate positions that one or two officers can take while interviewing one or more suspicious persons to minimize the possibility of attack.

1.14.27 - The trainee shall discuss and explain the value of field interview cards as it applies to investigations.

Talk about how the information in the FI card can be used by other units, or by detectives during investigations. Tell your trainee some "war stories" of how a case was solved by the information documented on an FI card. Explain to your trainee the FI card can be used to help in the notetaking process.

1.14.28 - The trainee shall discuss situations that warrant the completion of an F.I. card.

1.14.29 - The trainee shall properly and legibly complete the field interview (FI) report form and who to turn it into for input into Mobile

1.14.30 - The trainee shall explain the role and use of CLETS in determining a person's wanted status.

1.14.31 - Given a situation involving one or more suspicious persons on foot, the trainee shall, having assessed sufficient probable cause, safely and effectively approach, contact, interview, and complete a field interview (FI) report or make any other proper disposition of the person(s).

Searching Persons - 1.14.32 - 1.14.38

1.14.32 - The trainee shall identify and explain the basic degrees of searches of person(s). These shall minimally include:

Reference: 4030 PC

A. Visual

Talk your trainee through the mechanics of the search:

- A) Officer directs movement of suspect
 - 1) Points with strong hand
- B) As suspect passes in front, officer lightly grasps the suspect's elbow with non-gun hand
- C) Officer positions himself / herself directly behind suspect
 - 1) Have suspect spread legs
 - 2) Officer's feet are parallel to the suspect's
 - 3) Good chest to back contact

- 4) Officer tucks head to the side he / she is searching
- D) Officer places strong hand in suspect's corresponding armpit
- E) Officer off balances suspect
 - 1) Weak hand goes to the small of the back, bowing it outward
- F) Officer conducts systematic search with weak hand
 - 1) Front waistband
 - 2) Front pocket
 - 3) Up the front
 - 4) Sides, sleeves

5) Down the back

- 6) Back pocket

G) Officer's hands exchange places

- 1) Strong hand to small of back
- 2) Weak hand to arm pit.
- 3) Officer tucks head to opposite side

H) Officer conducts systematic search with strong hand

- 1) Front waistband
- 2) Front pocket
- 3) Up the front
- 4) Sides, sleeves
- 5) Down the back
- 6) Back pocket

I) Officer disengages

- 1) Both hands to suspect's elbows
- 2) Gently turn suspect toward officer
- 3) Officer shuffles back

- Appropriate situations for the search:

The cursory search is the least secure, and also the least intrusive of the department's search techniques. It is generally used on persons who are perceived as non-violent, and non-threatening. It is generally not the recommended search on a person whom the deputy intends to arrest or handcuff. Exceptions are when the deputy reasonably believes he or she can physically handle the suspect, the suspect is being cooperative, and all indications are that the cooperation will continue, and the suspect is being arrested for a non-violent misdemeanor crime.

B. Pat-down search/cursory search

This is a search for weapons only. Case law Terry v. Ohio.

C. Field search (standing, kneeling, prone)

Talk your trainee through the mechanics of the standing search:

- A) Officer directs suspect into position by giving clear orders
 - 1) You are under arrest
 - 2) Put your hands up
 - 3) Interlace your fingers behind your head
 - 4) Turn around
 - 5) Spread your legs
 - 6) Don't move
- B) Officer approaches
 - 1) Shuffle forward
- C) Officer grasps suspect's hands
 - 1) Weak hand
 - 2) Fingers over the top
 - 3) Thumb locks suspect's fingers
- D) Officer off balances suspect

1) Strong hand to the small of the back, bowing the back out

E) Officer steps in

- 1) Strong leg forward
- 2) Thigh to thigh contact

G) Officer conducts systematic search with strong hand

- 1) Front waistband
- 2) Front pocket
- 3) Up the front
- 4) Sides, sleeves
- 5) Down the back
- 6) Back pocket

H) Officer switches sides

- 1) Strong hand to suspect's hands

2) Weak hand to small of the back, bowing the back out

I) Officer conducts systematic search with weak hand

- 1) Front waistband
- 2) Front pocket
- 3) Up the front
- 4) Sides, sleeves
- 5) Down the back
- 6) Back pocket

J) Officer establishes a rear wristlock

- 1) Turn suspect's hands to where the palms are down
- 2) Officer's weak hand establishes rear wristlock position

K) Officer applies the handcuffs

- 1) Have the suspect place his / her free hand on the head
- 2) Apply first cuff to suspect's free hand
- 3) Officer's two fingers in the loop, bring cuff down to second wrist
- 4) Establish a "pistol" grip on free cuff
- 5) Apply second cuff while maintaining wristlock control

L) Officer conducts leg search

- 1) Weak hand on top of handcuffs
- 2) Forearm vertical and along the suspect's spine

3) Officer is in a horse stance, perpendicular to the line of the suspect's heels

- 4) Slight downward pressure on the handcuffs
- 5) Strong hand searches the corresponding leg.
- 6) Strong hand goes to handcuffs
- 7) Step out; step back in with opposite side forward
- 8) Free hand searches the suspect's corresponding leg

M) Officer double locks the handcuffs

• Appropriate situations for the search:

The standing modified search is the search technique typically used during arrest situations. It is a mid-level search that is appropriate for most misdemeanor arrests and non-violent felonies.

Talk your trainee through the mechanics of the kneeling search:

A) With his / her gun out, the officer directs suspect into position by giving clear orders

- 1) You are under arrest
- 2) Put your hands up
- 3) Interlace your fingers behind your head
- 4) Turn around
- 5) Down on your knees
- 6) Put your knees and ankles together
- 7) Don't move

- B) Officer approaches
 - 1) Shuffle forward
- C) Officer grasps suspect's hands
 - 1) Weak hand
 - 2) Fingers over the top
 - 3) Thumb locks suspect's fingers
- D) Officer off balances suspect
 - 1) Strong hand to the small of the back, bowing the back out
- E) Officer steps in
 - 1) Strong leg forward
 - 2) Officer's foot in front of knee
 - 3) Officer's knee into suspect's hip, maintaining constant pressure
- G) Officer conducts systematic search with strong hand
 - 1) Front waistband
 - 2) Front pocket
 - 3) Up the front
 - 4) Sides, sleeves
 - 5) Down the back
 - 6) Back pocket
- H) Officer switches sides
 - 1) Strong hand to suspect's hands
 - 2) Weak hand to small of the back, bowing the back out
- I) Officer conducts systematic search with weak hand
 - 1) Front waistband
 - 2) Front pocket
 - 3) Up the front
 - 4) Sides, sleeves
 - 5) Down the back
 - 6) Back pocket
- J) Officer establishes a low-profile twist lock
 - 1) Officer's weak hand to suspect's elbow.
 - 2) Officer's strong hand goes to suspect's wrist
- 3) Officer breaks suspect's hands apart, bringing suspect's arm into an "L"
 - 4) Officer grasps suspect's fingers with weak hand
 - 5) Officer shuffles back, bringing the suspect's palm up
 - 6) Officer goes to first position of a twist lock with strong hand
 - 7) Officer goes to second position of a twist lock with weak hand
- K) Officer applies the handcuffs
 - 1) Have the suspect place his / her free hand on the head
- 2) Apply first cuff to suspect's free hand
 - 3) Officer's two fingers in the loop, bring cuff down to second wrist
 - 4) Establish a "pistol" grip on free cuff
 - 5) Apply second cuff with the single strand down
- L) Officer conducts leg search
 - 1) Strong hand on top of handcuffs
 - 2) Slight downward pressure on the handcuffs
 - 3) Weak hand searches the corresponding leg.
 - 4) Weak hand goes to handcuffs
 - 5) Step out; step back in with opposite side forward
 - 6) Free hand searches the suspect's corresponding leg
- M) Officer brings the suspect to his / her feet using a bent wrist lock
- N) Officer double locks the handcuffs

- Appropriate situations for the search.

Other than the prone, the kneeling search is the most secure, and the most intrusive of the department's search techniques. It is generally used on felony arrests, or during situations that call for a high degree of caution. Sometimes it is used during the most serious of all arrests in lieu of the prone search, when the prone is not practical. The prone is not practical, for instance on a hot day in Bakersfield in that it is not advisable to attempt to get an unshirted suspect to lie prone on melting asphalt. It is also a bad idea to have a suspect lie prone in tall grass due to the resulting loss of visibility.

Talk your trainee through the mechanics of the prone search:

- A) With his / her gun out, the officer directs suspect into position by giving clear orders
 - 1) You are under arrest
 - 2) Put your hands up
 - 3) Down on your knees
 - 4) Put your hands out on the ground in front of you
- 5) Keeping your hands where they are, slide away from me until your stomach is on the ground.
- 6) Put your left / right (depending if the officer is right or left-handed) ear on the ground.
- 7) Cross your ankles
- 8) Don't move
 - B) Officer approaches
 - 1) Shuffle forward
 - 2) Gun pointed up
 - 3) Toward officer's gun side
 - C) Officer grasps suspect's hand
 - 1) Horse stance, squared to suspect's body
 - 2) Officer reaches down with weak hand
 - 2) Fingers over the suspect's blade
 - 3) Thumb between suspect's thumb and index finger
 - D) Officer establishes control
 - 1) Maintain hand hold, walk to suspect's side with palm down
 - 2) Point suspect's fingers at his head, with palm down
- 3) Bar suspect's arm with weak knee
 - 4) Do t-search
 - 5) Officer's free hand to back of the suspect's elbow
 - 6) Step over head
 - 7) Officer squats, facing the suspect's feet
 - 8) Officer bows suspect's arm, palm up, into prone control
- E) Officer applies handcuffs
 - 1) Apply first cuff with strong hand, inverted and away.
 - 2) Strong hand moves to upper loop
 - 3) Weak hand to chain
 - 4) Direct suspect to place his / her free hand behind his / her back
 - 5) Officer reaches out with strong hand and grasps suspect's free hand, pulling it into the handcuff.
- F) Officer conducts search
 - 1) Upper body
 - 2) Move to legs, kneel and do search
 - 3) Pull suspect up to the side, search front
 - 4) Sit suspect up, search other side
 - 5) Stand suspect up
 - 6) Double lock the handcuffs

• Appropriate situations for the search:

The prone search is the most secure and the most intrusive of the department's search techniques. It is reserved for the most serious types of arrests.

D. Strip search

Permitted searches

Penal Code Section 4030 authorizes custodial personnel to:

- conduct a physical search (patdown, metal detector, clothing)
- of all persons who
- have been arrested for misdemeanor offenses
- prior to placing that person into a holding cell.

Prohibited strip searches

Penal Code Section 4030 also prohibits custodial personnel from:

- conducting strip searches
- of prearrest misdemeanor or infraction arrestees, and
- minors detained prior to a detention hearing
- unless certain circumstances or conditions are present.

NOTE: If a person is in custody for a felony offense, agency policy may allow broader discretion to conduct strip and body cavity searches.

Circumstances which allow for strip searches

Certain circumstances and conditions must be present before a strip search of a person arrested for a misdemeanor can be conducted.

It is not a violation of Penal Code Section 4030 when conducted:

- on a person who has been arrested for a crime involving weapons, controlled substances or violence, and
- there is reasonable suspicion to believe the arrested person is concealing a weapon or contraband, and
- the search has been authorized in writing by the supervising officer, or
- the person to be searched has failed to secure a release (post bail) within three hours and is to be placed in the general prisoner population.

NOTE: Any strip search must be conducted by a person of the same sex as the inmate and in an area of privacy.

E. Body cavity search

Prohibited body cavity searches

No person arrested for a misdemeanor or infraction offense can be subjected to a physical body cavity search unless a search warrant has been issued authorizing the search. All physical body cavity searches must be conducted by medical personnel but may be monitored by an officer.

Refer to Detention Bureau Policy and Procedure C-550 regarding strip and body cavity searches.

1.14.33 - The trainee shall explain the common principles of the search of an individual. These principles shall minimally include:

- A. Constant alertness
- B. Off-balancing the suspect
- C. Maintain control and position of advantage (contact & cover)
- D. Searching systematically and thoroughly
- E. Safeguarding weapons

1.14.34 - The trainee shall identify those places on the person of both males and females where dangerous weapons or contraband may be concealed.

1.14.35 - The trainee shall safely and effectively conduct a legal pat-down search of one or more suspect(s).

1.14.36 - The trainee shall safely and effectively conduct a field search (standing, kneeling, or prone) of one or more suspect(s).

1.14.37 - The trainee shall explain the responsibilities of the back-up officer during a person(s) search. The responsibilities should minimally include:

- A. Protecting the searching officer from outside interference and from those being searched
- B. Assisting in control of the person(s) being searched, as needed
- C. Continuous observation of the person(s) being searched
- D. Assist with securing weapons if needed

1.14.38 - The trainee shall safely and effectively serve as a back-up officer while another officer conducts a search of one or more suspect(s).

Vehicle Stops - 1.14.39 - 1.14.54

1.14.39 - The trainee shall explain various types of vehicle stops to minimally include:

A. Traffic violations

- Reason to believe the driver has committed a traffic infraction.
- No objective reason to believe that the vehicle's occupants represent an unusual risk.
- An expectation that the pullover would result in a citation.

B. Investigative

- An expectation that the pullover involves less risk than a "high risk" pullover, but more than a traffic enforcement pullover.
- Reason to believe that one or more of the vehicle's occupants has engaged, or is about to engage, in criminal activity.
- An expectation that the pullover would involve an investigation that might lead to a custodial arrest for a violation of the Vehicle Code, the Penal Code or other statute.

C. High risk

- Reason to believe that one or more of the occupants of the car may be:
 - armed,
 - represent a serious threat to the officer, or
 - have committed a felony.

An expectation that the pullover could result in an arrest.

1.14.40 - The trainee shall identify and discuss the following elements to be considered when selecting the proper location for a vehicle stop:

- A. Traffic hazards
- B. Escape routes
- C. Number of people present
- D. Lighting conditions
- E. Proper position of primary and backup units

1.14.41 - The trainee shall explain the advantages of recording the license number and description of the vehicle prior to the stop.

It allows the officer to focus on officer safety issues by getting all admin traffic and responsibilities out of the way.

Dispatch can provide a quick return, many times before the vehicle is stop, and advise if the vehicle is wanted in connection with another crime, stolen, or occupied by an at risk missing person or suicidal person.

Also, if the officer is injured or killed there is a record or investigative lead as to who the suspect may be.

1.14.42 - The trainee shall demonstrate the proper distance from which the stop of another vehicle should be initiated. The distance should be:

- A. Not so great as to encourage the driver to attempt to escape
- B. Not so close as to present a hazard due to erratic actions of the driver
- C. Enough to create a safety corridor (patrol car off-set left or right) for the safety of the officer(s) and vehicle occupant(s).

1.14.43 - The trainee shall identify techniques for gaining the attention of the driver when making a vehicle stop. Techniques shall minimally include:

- A. Use of emergency lights
- B. Use of headlights
- C. Use of horn
- D. Use of siren
- E. Use of hand signals
- F. Use of public address system
- G. Proper use of spotlight to include:
 - 1. Not blinding the driver while the vehicle is moving
 - 2. Illuminating the interior of the stopped vehicle
 - 3. Focusing on the rear and side mirrors to blind the occupants of the officer's approach
 - 4. Use of two spotlights to give the impression of two deputies

1.14.44 - The trainee shall identify the inherent hazards involved when an officer conducts a vehicle stop. These hazards shall minimally relate to the:

- A. Location of the stop
- B. Reason for the stop
- C. Officer's approach
- D. Position the officer takes
- E. Contact with the violator
- F. Visibility

1.14.45 - The trainee shall identify the consequences of failing to closely watch the movements of the occupants of a vehicle prior to, during, and after the stop. These minimally include:

- A. Attack from suspects
- B. Destruction or concealment of evidence
- C. Escape of occupants

1.14.46 - The trainee shall explain the advantages, disadvantages, and legal aspects of directing the occupants to remain in or to exit the vehicle during a stop.

Discuss this with your trainee. Some advantages to ordering them out are that it might separate the suspect from any potential weapons in the car, it assists in separating the suspects from each other, and it tends to hamper the suspect's ability to drive away.

Some disadvantages are that ordering the suspect out of the car gives the suspect an opportunity to attack the officer physically. It might also make a foot pursuit more likely.

The Supreme Court has held that in all traffic stops the driver and the passengers are seized and all persons in the car can therefore challenge the constitutionality of the stop. (Brendlin (2007) 551 U.S. 249.) The detention of the occupants "ordinarily continues, and remains reasonable, for the duration of the stop." (Johnson (2009) 129 S.Ct. 781, 783; see Hoyos (2007) 41 Cal.4th 872, 894.)

The courts acknowledge the risks associated with traffic stops and have recognized your need to control the occupants' movements. In all cases, you have the right to order the driver to get out of the vehicle. You do not need any particular reason, such as danger or suspicion of a crime. This is because the courts believe that all traffic stops involve enough inherent risk to justify the minimal additional intrusion of ordering a validly detained driver to get out of the vehicle.

(Mimms (1977) 434 U.S. 106; Maxwell (1988) 206 Cal.App.3d 1004; Valencia (1993) 20 Cal.App.4th 906, 918; Miranda (1993) 17 Cal.App.4th 917, 927.)

Note: You may order the driver to step out of his vehicle even though you have already (previously) decided to release him with just a warning but no citation. This is so because your subjective thinking plays no role in what you are objectively authorized to do. (Robinette (1996) 519 U.S. 33, 38.)

The same rule applies to passengers: an officer may order passengers out of the car pending completion of a traffic stop. "The same weighty interest in officer safety is present regardless of whether the occupant of the stopped car is a driver or passenger." "Danger to an officer from a traffic stop is likely to be greater when there are passengers in addition to the driver in the stopped car. While there is not the same basis for ordering the passengers out of the car as there is for ordering the driver out, the additional intrusion on the passenger is minimal." (Wilson (1997) 519 U.S. 408, 414-415; Saunders (2006) 38 Cal.4th 1129, 1134-1135; Hoyos (2007) 41 Cal.4th 872, 892; see also Ruvalcaba (9th Cir. 1995) 64 F.3d 1323, 1327.) Therefore, it is always reasonable to order passengers out for the sake of your safety in every traffic stop. (Lomax (2010) 49 Cal.4th 530, 564.)

You may also order a passenger to remain inside or get back into the vehicle. (Vibanco (2007) 151 Cal.App.4th 1, 14; Castellon (1999) 76 Cal.App.4th 1369, 1374; Williams (9th Cir. 2005) 419 F.3d 1029, 1034.)

1.14.47 - The trainee shall explain and/or safely demonstrate how to safely stop and approach vehicles other than automobiles:

A. MOTORCYCLES AND BICYCLES

Because of their maneuverability and speed, motorcycles present special safety and tactical considerations. Motorcycle riders are highly vulnerable to injury if the motorcycle should go down as a result of an officer's actions.

When conducting a stop on a motorcycle:

- Pull in behind the motorcycle as in any other pull over
- Have the operator shut off the engine
- Have the operator remove keys from the ignition
- Have operator take off helmet, to confirm identification
- Have the operator step off motorcycle
- Have the operator move away from the motorcycle
- Prevents the operator from having access to weapons that may be on the motorcycle
- Prevents the operator from quickly getting back on the motorcycle and fleeing.

B. CAMPERS AND VANS

There is an increased risk to the deputy conducting a pull over on a van or camper due to the limited visibility those type of vehicles afford of the interior. The following is one method of minimizing those risks:

- Cautiously approach the driver and have him or her step out of the vehicle with the keys
- Have the driver accompany you to the rear area of the van.
- Have the driver open the rear door of the van to allow visibility into the interior.

C. BUSES

Due to the size difference between a patrol car and a bus, this type of pull over requires specific considerations and tactics. A bus driver has a significant advantage over the officer while the officer approaches the bus, due to the height of the bus. For that reason, it is generally advisable to have the bus driver exit the bus and approach the deputy. Busses also create some public relations problems that the deputy should be aware of, and attempt to minimize.

D. Trucks

Semi-trucks carry the same size considerations as busses, and it is advisable to have the truck driver exit the truck and approach the deputy. Also, there is an obvious safety problem with a deputy climbing up onto the tractor to contact the driver.

Deputies should not require the driver to turn off the engine due to the potential engine damage that doing so could cause.

1.14.48 - The trainee shall explain the "POST 8 step traffic stop" to include:

1. Greeting
2. Identify yourself and your department
3. Give the violator a reason for the stop
4. Ask the violator if there is any justification for the violation
5. Obtain driver's license
6. Obtain registration and insurance papers
7. Decide on action / recontact
8. Close

1.14.49 - The trainee shall identify common violator reactions and shall discuss techniques for acceptably dealing with those reactions which may include:

- A. Embarrassment
- B. Anger
- C. Fear
- D. Rationalization or excuse for violation
- E. Refusal to sign citation

1.14.50 - The trainee shall explain why an officer should not argue with a violator.

1.14.51 - The trainee shall explain discretion in a car stop situation by giving examples of traffic situations in which an officer feels that a warning would be more beneficial.

1.14.52 - The trainee shall explain the advantages of the following procedures:

- A. Obtaining the violator's driver's license, vehicle registration, and proof of insurance as soon as possible after the stop is made
- B. Not accepting the violator's wallet in response to a request for a driver's license
- C. Checking the validity and authenticity of a driver's license (including picture) and vehicle registration
- D. Checking the signature of the violator on the citation

E. Issuing the proper copy of the citation to the violator

1.14.53 - The trainee shall recognize that the required signature of a motorist on a citation is not an admission of guilt but a promise to appear (PTA).

1.14.54 - Given an incident involving a traffic violation, the trainee shall safely and effectively conduct a traffic stop and assess whether to issue a citation or warning in a manner that promotes a positive police image.

Felony/High Risk Vehicle Stops - 1.14.55 - 1.14.61

1.14.55 - The trainee shall identify and discuss the important considerations taken when about to make a felony/high-risk vehicle stop. These elements shall minimally include:

- A. Seriousness of the crime(s)
- B. Availability of back-up
- D. Location at which to make the stop
 - As few traffic hazards as possible
 - As few escape routes as possible
 - As few persons present as possible
 - Desirable lighting conditions
- D. Tactics to be used after making the stop
- E. Number of suspects involved
- F. Placement of second, third, and subsequent units at the stop itself
- G. Placement of additional units away from the stop to control traffic (to provide additional safety for the stop itself)
- H. Use of Public Address system
- I. Use of additional resources - K-9 units, air support units

1.14.56 - The trainee shall discuss the proper positioning of the police vehicle for a felony/high-risk vehicle stop:

A. Primary unit

The primary unit is to be placed behind the violator, with the patrol car's spotlights, high beams and takedown lights illuminating the suspect vehicle's interior. Lights should be focused on the suspect vehicle's rear view mirrors.

B. Secondary unit

The secondary unit is positioned to the left of the primary unit, angled so that the headlights are focused on the suspect vehicle. The secondary unit's spotlights, high beams and takedown lights should be positioned so that they are illuminating the suspect vehicle's interior. Lights should be focused on the suspect vehicle's rear view mirrors.

C. Additional units

Depending on the number of suspects, the number of patrol cars, and the road and traffic conditions, additional patrol cars can be positioned behind the primary unit, and units need to be assigned to divert traffic.

D. Additional units for stopping vehicle and pedestrian traffic

Once there are significant units to handle the stop safely. Additional units will need to block pedestrian and vehicle traffic from entering the area. This is to protect officers handling the situation and the citizens from getting injured from cross fire or the suspect's actions.

1.14.57 - The trainee shall discuss the advantages of verbally ordering the removal of the suspect(s) from the vehicle prior to approaching on foot.

IN SOME SITUATIONS, IT MAY BE TO THE OFFICER'S ADVANTAGE TO ALLOW THE DRIVER OR OCCUPANTS TO EXIT THE VEHICLE. WHEN ELECTING TO USE THIS STRATEGY, THE OFFICER SHOULD REMAIN AT THE PATROL UNIT IN A POSITION OF SAFETY. REMAINING SEATED IN THE PATROL VEHICLE COULD PLACE THE PATROL OFFICER IN A TACTICAL DISADVANTAGE.

Advantages

- If the driver exits immediately, the officer may choose to remain behind the cover/concealment of the patrol vehicle.
- May allow the officer to direct the driver out of the vehicle to the curb while the officer maintains a position of safety.
- Violator's action can be constantly monitored, especially hand movements.
- During the contact, the occupants remain in the officer's field of vision (directly or peripherally).
- Violator is positioned between officer and target vehicle, helping prevent interference by violator/occupants during the pullover.
- If vehicle has tinted windows, officer avoids visibility issues.

NOTE: It is recommended that the officer **not** allow any occupants, except the driver, to exit the target vehicle.

Disadvantages

- Exposes the violator to the hazards of passing traffic
- Officer loses containment of occupants
- Increases the potential for assault on the officer
- Hinders the officer's ability to observe the interior of the vehicle upon approach

NOTE: Officer conducting the pullover is responsible for the violator's safety.

1.14.58 - The trainee shall explain verbal commands that should be used when removing suspect(s) from a vehicle prior to approaching on foot. These commands shall minimally include having the suspect:

- A. Keep hands in sight at all times
- B. Exit the vehicle (according to agency policy)
- C. Assume position of disadvantage outside the vehicle

1.14.59 - The trainee shall discuss the advantages of waiting for additional back-up before approaching the vehicle or the occupants.

1.14.60 - The trainee shall explain the roles of both the primary and back-up officer(s) before, during, and after the stop. This discussion shall minimally include which officer:

- A. Has the radio responsibilities
- B. Assumes the shotgun responsibilities, if applicable
- C. Communicates to the occupants
- D. Searches the occupants and/or the vehicle

1.14.61 - Given an incident involving a felony/high-risk vehicle stop, the trainee shall safely stop the vehicle, remove the occupant(s), and place the occupant(s) in a position of disadvantage without the officer(s) being placed in an inherently dangerous position.

Searches - 1.14.62 - 1.14.65

1.14.62 - The trainee shall identify and explain principles of a safe and effective search of a vehicle. These principles shall minimally include:

- A. Proper removal and control of occupants
- B. A systematic method of search
- C. Applicable case law

1.14.63 - Given an incident, the trainee shall safely and effectively conduct a vehicle search.

1.14.64 - The trainee shall identify and explain the principles of a safe and effective search of a building that may contain a suspect. These principles shall minimally include:

- A. Containment of the building
- B. Containment of area(s) already searched
- C. Utilization of a systematic method
- D. Safe searching techniques
- E. Appropriate use of canine or specialized assistance

1.14.65 - Given an incident, the trainee shall safely and effectively conduct a building/area search.

Handling Crimes in Progress - 1.14.64 - 1.14.65

1.14.64 - The trainee shall explain agency policy and factors to consider when responding to a crime in progress. These may include:

- A. Proceeding directly to scene as quickly and silently as possible
- B. Proceeding directly to scene utilizing emergency lights and/or siren
- C. Proceeding to the location most likely to intercept fleeing suspects
- D. Proceeding to scene and coordinating arrival and/or deployment with other units
- E. Distance to location
- F. Availability of assisting units
- G. Nature of crime

- H. Traffic and environmental conditions
- I. Concern for possible lookouts
- J. Watch for fleeing suspects
- K. Parking and securing vehicle
- L. Apprehension of suspect(s)
- M. Broadcasting additional information
- N. Securing the scene

1.14.65 - The trainee shall explain agency policy and procedures to be followed when responding to a prowler call. These may include:

- A. Coordination of responding units
- B. Utilization of a quiet and possibly "blacked-out" approach
- C. Containment of the area
- D. Parking and securing the vehicle
- E. Immediate contact of the informant or RP (advantages and disadvantages)
- F. Controlled search of area or location
- G. Inspection for telltale signs, footprints, barking of dogs, etc.
- H. Locate "warm" vehicles
- J. Use of additional resources - K-9 units, air support units

PHASE TWO

Control/Searching of Persons - 2.15.01 - 2.15.08

2.15.01 - The trainee shall be able to safely and effectively control (verbally and physically), one or more suspects, applying all officer safety tactics.

2.15.02 - The trainee shall be able to demonstrate effective search techniques for both male and female suspects, including:

- A. Constant alertness, including keeping hands in view
- B. Maintaining control and position of advantage
- C. Cursory, standing, kneeling, and prone position searches
- D. Safeguarding of weapons
- E. Searching systematically and thoroughly

2.15.03 - The trainee shall review and explain agency policy regarding searching individuals of the opposite sex.

If you have a male officer and a female suspect, your decision to search and the extent of the search of the opposite sex should be based on the following criteria:

1. Nature of the crime
2. Was a weapon used in the crime
3. Known facts indicating the suspect may carry a weapon
4. Suspects clothing

The following information was taken from the book: law enforcement Reasonable Force Options by Rod Sanford and the Pacific Institute of Defensive Tactics

The Kern County Sheriff's Office has adopted as its use of force system the Pacific Institute of Defensive Tactics taught by Rod Sanford. On page 97 of the law enforcement Reasonable Force Options book it addresses the issues of searching members of the opposite sex. The following are discussion points:

1. Use good judgement when searching a suspect of the opposite sex
2. Always use acceptable searching techniques
3. Take steps to avoid claims of misconduct or sexual assault

Always ensure the safety of the officer's on the scene, those transporting the suspect and those at the booking facility. If available, it may be best to have an officer of the same sex search the suspect. When an officer of the same sex is not available a suspect should be searched by the arresting officer. If the opposite sex suspect is a threat to the arresting officer's safety, the suspect should be searched immediately.

Generally the decision to search a suspect of the opposite sex will be based on the same criteria of a search of a suspect of the same sex. Do not allow the sex of the suspect to affect your use of

proper techniques and safety precautions. Your decision to search and the extent of the search should be based upon the following criteria:

1. Nature of the crime: Did the crime involved force or a threat of force?

2. Was a weapon used in the crime?
3. Known facts indicating the suspect may carry a weapon. This information may come from bulletins, other officers or your personal experience. Are there any observations that you have made that would indicate that the suspect may be carrying a weapon?
4. Suspect's clothing? Could the suspect's clothing reasonably conceal a weapon?

2.15.04 - The trainee shall identify the purposes for handcuffing. These purposes shall minimally include the temporary restraint of a suspect to prevent:

- A. Attack
- B. Escape
- C. The destruction or concealment of evidence or contraband
- D. Fight with other prisoners
- E. Inflict injury upon himself / herself

2.15.05 - The trainee shall discuss various handcuffing principles which should be met in order to reasonably guarantee the temporary restraint of a suspect. The principles shall minimally include:

- A. Control of the suspect(s) and the handcuffs
- B. Proper positioning of the suspect's hands, key outlets, and double locking mechanisms
- C. Reasonable degree of tightness
- D. Observation of restrained suspects
- E. Other approved restraint devices (i.e., flex cuffs, hobbles, etc.)
- F. Safe and controlled removal of handcuffs and other restraint devices

2.15.06 - The trainee shall review and explain the agency policy regarding the handcuffing of prisoners, including males, females, juveniles, mentally ill, pregnant females, and all other types of detainees/prisoners. Such discussion shall minimally include:

- A. Prisoners should be handcuffed behind the back
- B. Pregnant females should be handcuffed in front.
- C. Injured persons may need handcuffing in front.
- D. Prisoners should not be handcuffed to a permanent object.
- E. Handcuffed prisoners require constant observation.

2.15.07 - The trainee shall review the advantages of searching a prisoner prior to handcuffing. Such review shall minimally include:

- A. Officer safety issues
- B. Department policy

This is a controversial area of defensive tactics. There are basically two schools of thought on this issue. Both will be addressed here.

Many law enforcement agencies in the United States employ what is referred to as "speed cuffing" as their handcuffing technique. Basically, under this style of handcuffing, an officer quickly applies handcuffs, and then searches the handcuffed suspect. The logic behind such a practice is based upon the premise that is safer to search someone who is already handcuffed, and if the handcuffs are applied quickly enough, the suspect will not have adequate time to attack the officer, or to retrieve a hidden weapon.

The Kern County Sheriff's Department has NOT adapted the quick cuffing system. The flaw in that technique lies in the area of officer safety. Imagine an officer approaching and arresting a suspect who has a handgun concealed in his front waistband. If the officer were to arrest that suspect using speed cuffing, the officer would have the suspect turn away from him or her and place his hands behind his back. The officer would retrieve his handcuffs, and hold it in his hand while approaching. He or she would then grab one of the suspect's hands and quickly apply the handcuffs.

At the moment when the officer is approaching the suspect, and when he or she is grabbing the suspect's hand, the officer will have one of his or her hands occupied by the handcuff. The officer's other hand is preparing, or is grabbing the suspect's hands. Therefore, at best, the officer only has one hand free.

The suspect, on the other hand, has both hands free at that moment. If the suspect was to go for his concealed handgun at that moment, the officer has no position of advantage at all and cannot stop the suspect's action. In all likelihood, the officer will be shot. Members of the Kern County Sheriff's Department Defensive tactics team have tested this theory and have come to that conclusion.

Due to the danger listed above, the Kern County Sheriff's Department has adopted the philosophy that we will search prior to handcuffing using the techniques taught by the Pacific Institute of Defensive tactics. When these techniques are employed, the officer is far safer, and should survive the above gun-wielding suspect scenario outlined above. At no time during any of our search techniques does the suspect have a position of advantage over the deputy and one of the takedown techniques will handle the above scenario with minimal injury to the deputy and to the suspect.

This theory has also been tested by members of the Kern County Sheriff's Department DT Team, and has been shown to be true.

2.15.08 - The trainee shall be able to safely and effectively handcuff single or multiple suspects and, if necessary, transport single or multiple suspects away from an arrest scene.

Legal Responsibilities and Requirements with Prisoners - 2.15.09 - 2.15.18

2.15.09 - The trainee shall review and explain the legal responsibilities for protecting prisoners.

Peace officers who have custody of arrested persons are lawfully responsible for the care and safekeeping of those individuals.

There are numerous terms which refer to peace officers who are responsible for the care and custody of arrested persons.

At the time of the initial arrest, the arresting officer is responsible for the care and custody of an arrested person. The arresting officer may or may not also be the transporting officer, responsible for transporting the arrested person to a local detention facility.

As the arrested person moves through the formal process of incarceration into a local detention facility, the care and custody of that person is the responsibility of custodial personnel, including the intake officers or receiving officers.

Peace officers who have responsibility for arrested persons are liable for the safekeeping and standard of care of those persons.

Failure to uphold the expected level of care under the provisions of state and federal laws or the callous disregard for an arrested person's safety will subject peace officers to:

- *departmental discipline (including termination),*
- *state prosecution for violation of penal code statutes,*
- *federal prosecution for violation of federal civil rights law, and/or*
- *civil lawsuits which may include punitive damages levied directly against individual officers.*

2.15.10 - The trainee shall discuss the legal responsibilities for providing prisoners with shelter, food, and medical care.

Persons under the custody of peace officers are also afforded a number of statutory rights and protections. The following identifies a number of statutes related to such rights:

- *The reasonable opportunity to exercise religious freedom. (PC 4027)*
- *The right of a prisoner's attorney to visit the prisoner. (PC 825)*
- *The right to any physician, surgeon, psychologist or psychiatrist who is employed by the prisoner, or the prisoner's attorney to visit the prisoner for the purpose of assisting in the prisoner's defense. (PC 825.5)*
- *The right to make at least three local telephone calls within the first three hours of the arrest. (PC 851.5)*
- *The right to retain certain civil rights which include the right to: (PC 2601)*

- *inherit, own, sell, or convey real or personal property,*
- *correspond confidentially with a member of the State Bar or public office,*
- *purchase, receive, and read newspapers, periodicals, and books accepted for distribution by the U.S. Postal Service, with some limitations*
- *initial civil actions,*
- *marry,*
- *create a power of appointment, and*
- *make a will.*

*Along with the constitutional and statutory protections, each agency will have its own specific policies and guidelines regarding rights and protections afforded to persons in the custody of peace officers. **It is the responsibility of each officer to become familiar with and comply with their own agency's policies.***

2.15.11 - The trainee shall review and explain prisoner's rights to telephone calls.

The prisoner has the right to make at least three local telephone calls within the first three hours of the arrest. (PC 851.5)

2.15.12 - The trainee shall explain the requirements for issuing property receipts.

Upon entering a local detention facility, an intake officer or the arresting officer must take possession of the arrested person's personal property. Seized property can include, but is not limited to:

- *jewelry,*
- *wallet or purse,*
- *money,*
- *credit cards,*
- *personal documents (e.g., driver's license).*

Weapons, whether lawfully or unlawfully possessed by the arrested person, are seized at the time of arrest before the person is transported to a local detention facility.

The officer who takes possession of the personal property must immediately provide the arrested person with a receipt for the property. (Penal Code Section 4003) Receipts are not issued for evidence or contraband. The personal property sheet (filled out before booking) lists the prisoner's property that is seized.

All property must then be stored in a secure area.

2.15.13 - The trainee shall review and explain local policy and the legal aspects pertaining to the rights and privileges of prisoners, including the constitutional rights of prisoners while in custody.

Peace officers are bound to protect the rights of all persons as guaranteed in the Amendments to the Constitution referred to as the *Bill of Rights*. Although arrested persons no longer have the right to the freedom of movement, they do retain certain other rights and protections under the law.

The first 10 amendments to the Constitution, commonly referred to as the **Bill of Rights**, were written to ensure that certain rights of people cannot be infringed upon by the government. Although a person who has been lawfully arrested and is under the custody of peace officers relinquishes the right to freedom of movement, certain other rights remain. The following table identifies the rights afforded to persons who are in the lawful custody of a peace officer.

First Amendment

- *Freedom of religion (The right to worship or not worship, within reasonable limitations, cannot be denied to persons who are in custodial situations.)*
- *Freedom of speech (The right to free speech, within limits, is not denied to persons in custodial situations.)*

Sixth Amendment

- *Right to a speedy trial*
- *Right to legal counsel*

(A person's rights concerning the due process of the law cannot be infringed upon even while that person is in a custodial situation.)

Eighth Amendment

- *Protection from cruel and unusual punishment*

(Prisoners have the same legal rights as other persons to humane treatment. Unnecessary or inhumane force against prisoners is strictly prohibited.)

Fourteenth Amendment

- *The right to due process of the law (A person's right to due process under the judicial system begins at the time of the arrest and cannot be denied while that person is under the custody of peace officers.)*

Right to equal protection (Officers must apply the law equally to all persons regardless of race, creed, nationality, religious preference, or national origin.)

2.15.14 - The trainee shall identify the provisions of Penal Code Section 147 pertaining to willful inhumanity or oppression toward prisoners in the custody of an officer.

PC 147 states:

Every officer, who is guilty of willful inhumanity or oppression toward any prisoner under his care or in his custody, is punishable by fine not exceeding four thousand dollars (\$4,000), and by removal from office.

2.15.15 - The trainee shall identify the provisions of Penal Code Section 149 pertaining to assaulting a prisoner "under color of authority."

PC 149 states:

Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

2.15.16 - The trainee shall review and explain the agency's policy regarding the transportation of prisoners. This explanation shall minimally include:

A. *Prisoners restrained with specialty devices (i.e., hobble, expectorant shields, etc.)
This is covered in department policy.*

B. *Sick, injured, mentally ill, physically challenged, or pregnant prisoners
Sick and injured prisoners should be transported to a suitable location for medical aid if any of the following conditions apply*

- *The prisoner was subjected to the use of the carotid restraint and was rendered unconscious*
- *The prisoner is under the influence of PCP and was subjected to the carotid restraint whether rendered unconscious or not.*
- *The prisoner is complaining of injuries, or of a medical condition that may require immediate medical attention*
- *The prisoner was involved in a traffic accident at the time or immediately preceding the time of arrest, if the prisoner suffered any injury.*
- *The prisoner is exhibiting visible injuries, or a visible medical condition that may require immediate medical attention.*
- *The prisoner is unconscious, or is unable to move under his or her own power.*
- *The prisoner is a pregnant female who has recently ingested any illicit drugs.*
- *The prisoner has any other condition requiring medical aid at the discretion of IRC staff.*

C. *Juveniles with/without adults
Juveniles are not housed, transported, or restrained with adults.*

D. *Females
If the officer is a male, the beginning location along with the vehicle's mileage will be given to the dispatcher when the transporting begins. Upon arrival at the location, the vehicle's ending mileage will be given to the dispatcher.*

E. *Use of seat belts
E-500 states:*

It shall be the policy of this department to require the use of safety belts in all vehicles so equipped, except where the use would pose a risk of injury to the passengers or to the person attempting to secure a prisoner. In all vehicles controlled by this department, all occupants under eight years of age shall properly secure that child in a rear seat in an appropriate child passenger restraint system in compliance with VC27360 (a).

Exceptions to the above are:

- *Where the use or attempted use of a safety belt would aggravate an existing injury or medical condition of the person being restrained.*
 - *Where the use or attempted use of a safety belt would expose to injury, or cause injury to the person applying the belt, or the person being restrained, such as attempting to restrain combative or violent prisoners.*
 - *Where the person is transported to the rear of the front seat, as provided by law.*
- F. *A search of the area in which the prisoner is about to be placed prior to transportation*
G. *A search of the area where the prisoner has been following transportation*
H. *The proper positioning of the officer(s) and the prisoner(s) within the vehicle*
I. *Close and constant observation of the prisoner(s)*

2.15.17 - Given a situation in which prisoner(s) must be transported in a patrol vehicle, the trainee shall safely place the handcuffed (if according to agency policy) prisoner(s) into the vehicle and safely transport the prisoner(s) to the predetermined destination.

2.15.18 - The trainee will review and explain the legal constraints, agency policy and procedure, and custody facility requirements relative to medical clearance/approval prior to booking.

Explain to your trainee the circumstance and situations that require medical clearance prior to booking, i.e., force used during an arrest which requires medical clearance, pregnant females arrested for HS 11550 or PC 647(f), etc.

Booking Prisoners - 2.15.19 - 2.15.28

2.15.19 - The trainee shall explain how to properly book a juvenile prisoner in conformance with agency policy, legal codes, and minimum jail standards, including:

Reference:625 W&I; 206 W&I; 207.1-2 W&I; 4030 PC; 273b PC; 626 W&I; 626.5 W&I

A. Miranda advisement

Federal law regarding Miranda--which serves to protect a suspect's Fifth Amendment privilege against self-incrimination-- is exactly the same for juveniles and adults; juveniles have no additional rights. Indeed, because of the Supremacy Clause, states lack the power to increase or decrease what the federal law dictates. (Butler (1979) 441 U.S. 369, 376.)

- *Note: There is, however, a state statute (Welf. & Inst. Code, 625) which requires you to give certain advisements to a minor whom you have taken into temporary custody. However, this statute is separate and distinct from federal Miranda law, and non-compliance with section 625 can have no effect on the admissibility of a statement by a juvenile, since the admissibility of evidence is governed by federal law. "In general, relevant evidence that is illegally obtained under California law is nonetheless admissible, so long as federal law does not bar its admission." (Hines (1997) 15 Cal.4th 997, 1043; Charles C. (1999) 76 Cal.App.4th 420, 426.)*

B. Right to phone calls

A juvenile is entitled to at least two completed phone calls within an hour of being taken into custody. Local calls are to be made at public expense and in the presence of a public officer or employee.

The juvenile is allowed to call:

- their parent or guardian,
- an attorney,
- an employer, or
- a responsible relative.

C. What notifications are required

The parents or guardian of a juvenile taken into temporary custody must be advised as soon as practical of the custody and where the minor is being held (W&I 627(a)).

NOTE: In the event a parent is not home, it is permissible to leave a note at the parent's address. This will satisfy the notification requirement.

D. Secure/Non-secure detention of juveniles

Since 1987, major restrictions have existed regarding the circumstances under which minors may be detained or kept at a jail, substation, or other facility besides juvenile hall.

Regarding "300's," while they have always had to be detained in facilities separate from "601's" or "602's," they now may **not** be held "in any building that **contains** a jail or lockup for the confinement of adults" unless, while in the building, the minor is not permitted to come into contact with adults in custody, and is under the direct and continuous supervision of a peace officer or other child protective agency worker, as specified, or trained volunteer for a maximum of three hours. (Welf. & Inst. Code, § 206.)

Regarding "601's" (status offenders), they also may not be detained in any "jail, lockup, juvenile hall, or other secure facility," but rather, if detained, must be referred to a sheltered care facility, crisis resolution home, or a non-secure facility, as specified. (Welf. & Inst. Code, § 207.)

Regarding "602's," even they may not be detained in any "jail or lockup." Therefore, you will most commonly take such a minor to juvenile hall or other secure juvenile facility, unless the situation falls within either of two exceptions exist.

Under the first exception, the minor, as young as 14, may be detained "in a jail or other secure facility for the confinement of adults" if: (1) he is alleged to have committed one of a list of designated offenses, has been found unfit to be dealt with as a juvenile, and his case has been transferred to adult court; OR (2) he had been charged directly in or transferred to an adult court; and (3) the appropriate court makes a finding that the minor's further detention in the juvenile hall would endanger the safety of the public or would be detrimental to the other minors there; and (4) contact between the minor and adults in the facility is restricted, as specified; and (5) the minor is adequately supervised. (Welf. & Inst. Code, §§ 207.1, 208.)

The second exception permits temporary detention in a "lockup" facility (not a jail) only if the minor is 14 years old or more and you reasonably believe that he or she "presents a serious security risk of harm to self or others." Again, numerous restrictions and conditions apply. These include:

- that the temporary detention is for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility;
- that the detention not exceed six hours unless specified exceptional circumstances exist;
- that the minor is told the purpose, expected duration, and 6-hour maximum limit of the detention;
- that contact between adults and the minor is restricted in accordance with section 208; and
- that there is adequate supervision of the minor;
- that a log or other written record is maintained showing the offense and other items prescribed in subdivision (d)(1)(f) of section 207.1. (Welf. & Inst. Code, § 207.1.)

In addition, there is a special exception for suspected DUI offenses. In this situation, you are allowed to take the minor to a "detention facility or jail" for the purpose of "administering an evaluation, test, or chemical test" (see Veh. Code, § 23612) if (1) there is no equipment for administering the test at a juvenile facility within a reasonable distance, (2) the minor is not locked in a cell or room, (3) the minor is under the continuous, personal supervision of a peace officer or employee of the detention facility or jail and does not come into contact with in-custody adults, and (4) the evaluation or test is performed as quickly as possible and the minor is removed from the facility afterwards as quickly as possible so that the minor under no circumstances remains at the facility more than two hours.

E. Strip search of juveniles

Strip searches are covered under PC 4030 authorizing and prohibiting strip searches.

F. Requirements pertaining to the confinement of a child under 16 years of age with an adult accused or convicted of a crime

Juveniles must be confined separate from adults.

G. Custody alternatives

Juveniles are confined at Juvenile Hall. Juveniles may also be issued citations for misdemeanors and felonies and released to a parent or legal guardian.

2.15.20 - The trainee shall acquire (preferably through a tour) an understanding of the basic functions, layout, organization, and staffing of the jail facility his/her agency utilizes most often.

2.15.21 - The trainee shall review and explain reasons and procedures for securing his/her weapon prior to entering any custody facility.

2.15.22 - The trainee shall explain his/her responsibilities to provide proper documentation to book an inmate into a facility, including:

A. Complete an accurate ARIETIS (Automated Regional Integrated Electronically Transmitted Information System) form to include charges, sub-sections and probable cause declaration

The ARIETIS form will consist of

- *The arrestee's personal information*
- *The arrest information (i.e. case number, time, location)*
- *The offense*
- *The narrative (probable cause declaration) and*
- *The Request Deny Release (in misdemeanor cases only)*

PC Dec.:

A. What details should be included.

The details should completely describe those facts that clearly describe the probable cause to arrest information.

B. Which arrests require completion of the form.

- *Any open charge arrest requires a probable cause form to accompany the booking paperwork*

Routing procedure of ARIETIS:

- *ARIETIS declaration is submitted and is automatically routed to a judge for review.*
- *The judge reviews the ARIETIS and either agrees that probable cause exists for the arrest, or that it does not.*

If the judge agrees that probable cause exists for the arrest, then the suspect remains in custody pending bail, or another type of release. If the judge does not find, from reviewing the probable cause declaration, that probable cause exists for the arrest, the suspect must be released from custody. The maximum amount of time that a suspect may remain in custody without this "judicial review" is 48 hours.

(McLaughlin (1991) 111 S.Ct. 1661.)

Not In Custody Dec(NIC):

If during an investigation, the officer finds there is probable cause to arrest a subject, but the subject is not located, then a Not In Custody Declaration (NIC Dec) is entered in the ARIETIS system where other officers can retrieve if the subject is located and arrested.

A. Confirm arrestee is adult versus juvenile

Discuss with your trainee possible legal/civil ramifications and unnecessary waste of time transporting from jail to juvenile facility, or vice versa.

B. Valid court and/or warrant paperwork

In most cases, the warrant abstract will not be pulled from the system until the prisoner is booked.

C. Inmate is medically screened and has medical clearance/approval form

The jail and juvenile hall will not accept prisoners without a medical clearance form if the prisoner is/was in need of medical attention.

E. Physical condition as to injuries and/or current medical problems (DT's, heart problems, etc.)

2.15.23 - The trainee shall explain how to properly book adult prisoners in conformance with agency policies, legal codes, and minimum jail standards, including notifications and procedures for the following:

- A. Alcoholics
- B. Narcotic/Drug users
- C. Mentally ill
- D. Sex offenders
- E. Escape risks
- F. Non-conformists
- G. Civil bookings

2.15.24 - The trainee shall identify other prisoners who may warrant special considerations, including:

- A. Injured or sick
- B. Females (including pregnant females)
- C. Elderly
- D. Gang members or police informants
- E. Current or former police officers, judges, etc.
- F. High-profile prisoners
- G. Any other prisoner(s) who may need specialized classification/housing needs

2.15.25 - The trainee shall explain the concept of inmate classification, to include:

- A. Sex
- B. Age
- C. Criminal sophistication
- D. Seriousness of offense
- E. Assaultive behavior
- F. Medical disabilities
- G. Gang Affiliation
- H. Overt sexual behavior

2.15.26 - The trainee shall review and explain the legalities of prisoner/inmate searches, including:

- A. Search by same sex
- B. Clothed search
- C. Strip or skin search, including documentation

Searches are conducted on arrested persons in order to prevent weapons or contraband items from entering the facility. Such items would pose serious threats to the safety of officers and to the inmates.

Constitutional Protections

Subjecting an inmate to arbitrary or unnecessary strip or body cavity searches is a violation of that person's state and federal constitutional protections against unreasonable searches and seizures. For that reason, strict policies and statutes have been written establishing the specific conditions under which searches can be conducted.

There are four types of searches that may be conducted in a local detention facility. The following identifies each:

Physical searches

Includes patdown searches, metal detector searches, and thorough clothing searches for concealed weapons and contraband

- More thorough than a typical patdown search
- Least intrusive for the person being searched

Strip searches

- Requires that the inmate remove or arrange some or all of that person's clothing
- Permits a visual inspection of:
 - underclothing,
 - breasts,
 - buttocks, or
 - genitalia

Visual body cavity searches

- Visual inspection of the stomach, rectal cavity, or vagina

Physical body cavity searches

- Physical intrusion into the stomach, rectal cavity, or vagina for the purpose of discovering any object concealed within the body cavity
- Most intrusive for the person being searched
- Must be done by medical personnel, but may be monitored by an officer

Permitted searches

Penal Code Section 4030 authorizes custodial personnel to:

- conduct a physical search (patdown, metal detector, clothing)
- of all persons who
- have been arrested for misdemeanor offenses
- prior to placing that person into a holding cell.

Prohibited strip searches

Penal Code Section 4030 also prohibits custodial personnel from:

- conducting strip searches
- of prearrest misdemeanor or infraction arrestees, and
- minors detained prior to a detention hearing
- unless certain circumstances or conditions are present.

NOTE: If a person is in custody for a felony offense, agency policy may allow broader discretion to conduct strip and body cavity searches.

Circumstances which allow for strip searches

Certain circumstances and conditions must be present before a strip search of a person arrested for a misdemeanor can be conducted.

It is not a violation of Penal Code Section 4030 when conducted:

- on a person who has been arrested for a crime involving weapons, controlled substances or violence, **and**
- there is reasonable suspicion to believe the arrested person is concealing a weapon or contraband, **and**
- the search has been authorized in writing by the supervising officer, **or**
- the person to be searched has failed to secure a release (post bail) within three hours and is to be placed in the general prisoner population.

NOTE: Any strip search must be conducted by a person of the same sex as the inmate and in an area of privacy.

Prohibited Body Cavity Searches

No person arrested for a misdemeanor or infraction offense can be subjected to a physical body cavity search unless a search warrant has been issued authorizing the search.

All physical body cavity searches must be conducted by medical personnel but may be monitored by an officer.

Unlawful searches

Any person who knowingly and willfully authorizes or conducts a strip search or body cavity search in violation of Penal Code Section 4030 is guilty of a misdemeanor and subject to civil liability.

Documentation of strip and body cavity searches

Because of the potential violation of an inmate's constitutional rights, all strip and body cavity searches performed as a part of the intake process must be well documented.

A copy of the written authorization along with identification of who authorized the strip or body cavity search must be retained in the agency's records. In the case of a physical body cavity search, a copy of the search warrants must also be retained.

If requested, a copy of the written authorization for the strip or body cavity search must also be provided to the person being searched or that person's representative.

2.15.27 - The trainee shall review and explain methods and procedures for releasing a prisoner per P.C. 849(b).

When officers arrest a person without a warrant for a felony or misdemeanor and the person is not otherwise released, the officers must take a person "to the nearest or most accessible magistrate" (Penal Code Section 849(a)), if one is available. Otherwise, the officers must take the person to jail for booking and either bail or arraignment and the filing of a criminal complaint.

However, Penal Code Section 849(b) list three situations where an officer may release a person who was arrested without a warrant. Those situations exist:

- When there are insufficient grounds for criminal complaint.
- When the person was arrested for intoxication only and no further proceedings are desirable.
- When the person was arrested only for being under the influence of a controlled substance or drug, the person is delivered to a treatment facility or hospital, and no further proceedings are desirable.

2.15.28 - The trainee shall discuss his/her agency's response, if any, to a jail emergency, including:

- A. Fire
- B. Earthquake
- C. Civil disorder
- D. Escape

Persons with Disabilities - 2.15.29 - 2.15.33

2.15.29 - The trainee shall recognize that the ADA (Americans with Disabilities Act) also covers people with developmental and mental impairments and impacts law enforcement as follows:

- A. Requires reasonable adjustments and modifications in policies and practices or procedures, on a case-by-case basis.
- B. Prohibits the arrest of an individual for behavioral manifestations of a disability that is not criminal in nature.
- C. Requires that the safety and civil rights of people with disabilities be protected during transport and while detained.
- D. Requires officers to make accommodations for persons with disabilities, except where safety is compromised.

2.15.30 - The trainee shall acknowledge that some disabilities (including mental retardation, cerebral palsy, epilepsy, autism, and other neurological conditions) are not readily apparent and that sometimes

people with developmental or cognitive disabilities may have little or no conscious ability to control their behavior.

2.15.31 - The trainee shall recognize and demonstrate effective communications for persons with cognitive impairments, to minimally include:

- A. Give one direction or ask one question at a time.
- B. Allow the person to process what you have said and respond (10-15 seconds, then repeat).
- C. Avoid questions that tell the person the answer you expect (avoid questions with yes/no answers).
- D. Repeat questions from a slightly different perspective, if necessary.
- E. Avoid questions about time, complex sequences, or reasons for behavior.
- F. Use concrete terms and ideas. Avoid jargon or figures of speech.

2.15.32 - The trainee shall explain how non-compliance is a warning sign that indicates a person may need more time to mentally grasp and respond to what is being said or asked of them and that it may be due to fear, confusion, auditory hallucinations, etc., rather than defiance.

2.15.33 - Recognizing that safety (officer safety, public safety, and the safety of the person in crisis) is always the top priority when dealing with impaired people, the trainee shall explain and demonstrate standard tactical assessments and safeguards, including:

- A. His/her own abilities to physically control the person
- B. Escape routes
- C. Use of cover
- D. Call for backup
- E. The T.A.C.T. Model

Tone (Present a calm and firm demeanor/Maintain respect and dignity)
Atmosphere (Reduce distractions/Respect personal space)
Communication (Establish contact/Develop rapport)
Time (Slow down/Reassess)

Reference: POST Field Guide - Police response to people with mental illness or developmental disability

Mental Illness Cases - 2.15.34 - 2.15.43

2.15.34 - The trainee shall review and explain state law and agency policy regarding mental illness cases.

Determine if the person falls into the W&I 5150 category:

- *A danger to himself/herself*
- *A danger to others*
- *Gravely disabled*

Discuss the following:

American Disabilities Act (ADA)

The Americans with Disabilities Act (42 US Code 2101 et seq.) was signed in 1990 and written to provide a clear and comprehensive mandate 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.”

Lanterman Developmental Disabilities Services Act

The Lanterman Developmental Disabilities Services Act was written to establish the State of California's responsibility for and the coordination of services for persons with developmental disabilities. The goal of the writers of this act was to maximize, to the extent feasible, the services available throughout the state and to prevent the dislocation of persons with developmental disabilities from their home communities.

Lanterman-Petris-Short Act (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 effort of the Legislature was to balance the rights of the community with the rights of the individual 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 Section 5150

2.15.35 - The trainee shall identify considerations to be made when handling and dealing with mentally ill or emotionally disturbed persons. These considerations shall minimally include:

- A. Ignoring verbal abuse
- B. Avoiding excitement
- C. Avoiding unnecessary deception
- D. Requesting backup to minimize resistance
- E. Requesting ambulance prior to confronting subject, if necessary
- F. Keeping the disturbed person in sight constantly
- G. Continual alertness
- H. Seizing firearms for safekeeping

2.15.36 - The trainee shall identify the appropriate mental health facility or regional center within the agency's jurisdiction to be used for evaluation, treatment, counseling, or referral.

2.15.37 - The trainee shall identify and explain the criteria as set forth in the Welfare and Institutions Code by which an individual may be committed for a 72-hour hold:

- A. Danger to himself/herself
- B. Danger to others
- C. Gravely disabled

Discuss the above criteria with your trainee. Just because an individual maybe mentally challenged or "918" does not automatically qualify them as a WI 5150. They must meet the criteria. Discuss how you can place a hold on a subject based on third party statements, as long as they have firsthand information about the incident, even if the subject in question denies the allegations.

WI§ 5154. Immunity of Mental Health Personnel and Peace Officer

(a) Notwithstanding Section 5113, if the provisions of Section 5152 have been met, the professional person in charge of the facility providing 72-hour treatment and evaluation, his or her designee, the medical director of the facility or his or her designee described in Section 5152, the psychiatrist directly responsible for the person's treatment, or the psychologist shall not be held civilly or criminally liable for any action by a person released before the end of 72 hours pursuant to this article.

2.15.38 - The trainee shall explain procedures required of officers for safeguarding the rights of a person detained under the authority of Section 5150 of the Welfare and Institutions Code, including:

- A. The circumstance under which the person's condition was called to their attention and the observation constituting probable cause for detention must be recorded on the Application for 72-Hour Detention For Evaluation and Treatment.
- B. Advisement of Miranda rights, as appropriate, when criminal action is involved.

C. Reasonable precaution must be made to safeguard personal property in the possession of or on the premises occupied by the person.

D. The person must be informed of the officer's name and agency and the reason the person is being detained.

E. If taken into custody at a residence, inform person of personal items that may be brought along (with approval), right to a telephone call, and right to leave a note to friends or family.

2.15.39 - The trainee shall discuss appropriate alternative methods for handling the situation if involuntary detention for evaluation and treatment is NOT appropriate, including:

A. Urgent medical attention

B. Arrest

C. Referral for mental health services

D. Referral to local developmental disabilities agency

E. No police action required

2.15.40 - The trainee shall discuss when an officer must give the detainment advisement to a person placed on 72-hour hold per section W&I 5150

Show the trainee a 5150 form and point out the advisement which is found on the top of the form.

WI§ 5157. Advisement to Person Taken into Custody

(a) Each person, at the time he or she is first taken into custody under provisions of Section 5150, shall be provided, by the person who takes such other person into custody, the following information orally.

2.15.41 - The trainee shall give examples of good cause of why the detainment advisement was unable to be read to the person placed on a 72-hour hold.

Discuss reasons for a non-advisement, this could include be not limited to the patient was being treated by medical personal, the patient was unconscious, or the patient is being treated for life threatening injury. It is important to try to give the advisement if feasible.

2.15.42 - Given a scenario or an actual incident involving a mentally ill or emotionally disturbed person, the trainee shall take all necessary precautions in dealing with the person, safely take the person into custody (if necessary), assure safe transportation of the person, and properly complete all necessary forms and reports.

2.15.43 - Given a series of scenarios or in conjunction with an actual incident involving a mentally ill or emotionally disturbed person, the trainee shall identify indicators of mental illness, intellectual disability, substance use disorders, neurological disorders, traumatic brain injury, post-traumatic stress disorder, and dementia. The training shall also address:

A. Issues related to stigma

B. Autism spectrum disorder

C. Genetic disorders, including, but not limited to, Down syndrome

D. Conflict resolution and deescalation techniques for potentially dangerous situations

E. Alternatives to the use of force when interacting with potentially dangerous persons with mental illness or intellectual disabilities

F. The perspective of individuals or families who have experiences with persons with mental illness, intellectual disability, and substance use disorders

G. Involuntary holds

H. Community and state resources available to serve persons with mental illness or intellectual disability, and how these resources can be best utilized by law enforcement

Domestic Violence - 2.16.01 - 1.16.07

2.16.01 - The trainee shall explain the legal issues and a law enforcement officer's duties in response to a domestic violence situation to minimally include:

A. Difference between domestic violence and a domestic dispute

Domestic disputes are not the same as domestic violence. Domestic disputes are disagreements between family or household members that do NOT involve violence, threats of violence, or court order violations.

Peace officers need to be aware of this distinction because a different response is generally required. In domestic dispute situations where both parties are legally entitled to occupy the residence, the officer's role is generally to keep the peace and assist in conflict resolution.

B. Impact of domestic violence on victims, children, and the batterers

Your trainee should know that domestic violence often escalates if left unchecked. It seldom diminishes without outside interference.

C. Essential elements of Penal Code Sections 13700 and 13519

"Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

D. Duty to provide maximum protection to the victim from abuse (emergency protective order, EPO)

An emergency protective order is available even though the endangered person has already left the household to avoid abuse. (Fam. Code, § 6254.)

A judge, commissioner or designated referee must be "reasonably available" 24-hours a day, regardless of whether or not court is in session, to issue emergency protective orders, by telephone or otherwise. (Fam. Code, § 6241.)

Designated peace officers are entitled to obtain an emergency protective order. These include police officers, sheriff's deputies, CHP officers, state police, UC police, state university and college police, parks and recreation officers, DA officers, parole and probation officers, and housing authority patrol officers (as defined). (Fam. Code, § 6240.)

The officer must assert to the judge either or any combination of the following:

- (1) That a person is in immediate and present danger of domestic violence, based on that person's allegation of a recent incident of abuse or threat of abuse by the defendant
- (2) That a child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member
- (3) That a child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has an intent to abduct the child or flee with the child from the jurisdiction, or based on an allegation of a recent threat to abduct the child or flee with the child from the jurisdiction. (Fam. Code, § 6250.)

A. When an EPO is appropriate

H-510 states:

When an officer of this department has reasonable grounds to believe a person is in immediate and present danger of domestic violence, or a child is in immediate and present danger of abuse by a family or household member, the officer **shall** inform the complainant as to the availability of Emergency Protective Orders. Regardless of the victim's preference, the officer may request an ex-parte emergency protective order from the on-call judge. The following are examples of situations that may provide the grounds for requesting an EPO:

- *The suspect is being arrested for a charge related to a domestic violence incident*
- *The suspect has a history of domestic violence*
- *The victim expresses fear of retaliation or further violence*
- *Threats of serious danger have been made to the victim or to the victim's family.*

B. The procedure necessary to obtain an EPO

H-510 further states:

- *The officer shall contact the on-call judge by telephone or otherwise assert grounds for the belief that the order is appropriate*
- *Upon oral issuance of the order by the on-call judge, the officer requesting the order shall reduce it to writing, using the Judicial Council form and sign the order.*
- *The officer shall serve a copy of the EPO on the restrained party.*
- *The officer shall give a copy of the EPO to the protected party.*
- *The officer who requested the order, while on duty, shall carry a copy of the order.*
- *A copy of the EPO shall be filed with the court as soon as practical after issuance. The officer requesting the order shall route the white copy to the court officer to be filed with the court clerk. Substation officers shall fax a copy to the court officer as well as route the white copy via inner office mail. The goldenrod copy will be filed with the officer's crime or incident report.*
- *The officer shall ensure that a copy of the EPO is hand delivered or faxed (872-1224) to the communications center and request that the information regarding the order be entered into the complaint history detail of the incident and request that a temporary hazard be placed on the involved address.*
- *The officer shall ensure that the information on the EPO is entered into CLETS/ROS (restraining order system) before the end of the shift, by telephoning or delivering the information to the teletype operator of the crime reports records section at 391-7770.*

C. Expiration times of an EPO

An EPO is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance, counting weekends and holidays.

E. Provide safety to other persons and property

F. Verification and enforcement of court orders (restraining and stay-away orders)

Valid orders must be signed by a judge.

G. Responsibility and authority with tenancy issues related to domestic violence

Determine who lives at the residence.

H. Determine if a crime has been committed and if arrest is mandatory

I. Completion of appropriate documentation and required reports

J. Making appropriate victim's assistance information referrals for medical aid, personal safety, community resources, legal options, and the District Attorney's Office

K. The safekeeping of firearms

Discuss the importance of sending all firearms seized or taken for safekeeping to be entered into the Automated Firearm System and sent to the crime lab to be entered into the NIBIN System

2.16.02 - The trainee shall recognize the inherent dangers to an officer who enters the home of a family involved in a dispute.

2.16.03 - The trainee shall discuss the advantages and disadvantages of separating parties in a domestic dispute and gathering information from them individually.

Separating parties allows the parties to “cool off” and for the deputy to gather information without the presence of the other involved party. However, when separating the parties a cover officer should be present. If another deputy is not available, the parties should be separated in a manner that allows the deputy to keep an eye on both parties at the same time.

2.16.04 - The trainee shall explain the differences between criminal and civil law that apply during domestic dispute situations.

2.16.05 - The trainee shall discuss mandatory custody arrest requirements.

Our department policy in the area of domestic violence states, “It is the policy of this department that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victims and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated.”

A. When a felony arrest shall be made

H-500 states, “Officers SHALL make an arrest when there is reasonable cause to believe a felony has occurred”.

B. When a misdemeanor arrest shall be made

H-500 also states, “Officers SHALL make an arrest when there is reasonable cause to believe that a misdemeanor has occurred in the officer’s presence (including violations of court orders) or when there is reasonable cause to believe a violation of PC 273.6 has occurred outside the officer’s presence, in cases where the person to be arrested had knowledge of the court order prior to the violation.”

Officers considering releasing the suspect on a citation shall evaluate the likelihood of the suspect continuing an offense which is one of the statutory conditions under which a field arrest is not appropriate (PC 853.6(a)). Any one of the following may support the likelihood of a continuing offense:

- Whether the suspect has a history of arrests or citations involving domestic violence.*
 - Whether the suspect is violating a criminal, court issued stay away order.*
 - Whether the suspect has previously violated, or is currently violating valid temporary restraining orders*
- Whether the suspect has a prior history of other assaultive behavior.*
- Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.*
 - Statement or demeanor of the suspect.*

Also, make sure your trainee knows that H-500 requires that the deputy inform the victim of the right to make a private person’s arrest when a crime has been committed outside the officer’s presence for which the officer cannot make an arrest and does not meet the requirements for a felony arrest. Whenever possible, such discussion shall be held out of the presence of the suspect.

*Officers will accept a private person’s arrest and **shall not** dissuade victims from making a lawful private person’s arrest.*

2.16.06 - The trainee shall review and explain the law and procedures relating to enforcement of active restraining orders, "ex parte" orders, and permanent injunctions.

A. TRO’s (temporary restraining order)

In critical situations where "instant relief" is appropriate, a court may issue a temporary restraining order (TRO) at the same time it issues the order to show cause (OSC). Such a restraining order is called

"temporary" because it stays in effect only until the evidentiary hearing with the defendant takes place. Such a hearing must be scheduled promptly, usually within a week or two. (Code Civ. Proc., § 527.)

You should realize that an OSC becomes a TRO if the judge has authorized it and the appropriate box on the form has been checked. In other words, if the relief the plaintiff wants is also granted,

temporarily, pending the hearing, at the same time the OSC is issued, then the document becomes a combination OSC and TRO.

B. Ex Parte orders

A temporary restraining order may often be obtained with or without notice to the other side. When it is obtained without notice, it is considered an "ex parte" order because it was obtained "by one party" only. Many statutes now provide for issuance of ex parte restraining or protective orders. (Fam. Code, §§ 240, 2045, 6320 et seq.)

C. Permanent injunctions

An "injunction" is simply a writ or order of the court requiring a person to refrain from a particular act. When such an order is obtained after a full evidentiary hearing or "trial," it is considered "permanent." That is, it stays in effect indefinitely or until modified or dissolved. In the area of domestic law, most restraining and protective orders last a shorter, specified time, usually not longer than three years.

2.16.07 - Given a domestic dispute or domestic violence incident, the trainee shall be able to assess and handle the situation in a safe and effective manner.

Victims of Violent Crimes - 1.16.08 - 2.16.11

2.16.08 - The trainee shall examine and explain the California requirements upon law enforcement officers to notify victims of violent crimes and/or their families of the availability of state funds and other assistance (California Government Code Sections 13959-13969). This description shall minimally include:

A. Who is eligible for such aid

Gov Code 13961:

A victim of a crime may file an application for assistance with the board.

Gov. Code 13960 defines a victim as:

§ *A person who sustains injury or death as a direct result of a crime*

§ *Anyone legally dependent for support on a person who sustains injury or death as a direct result of a crime*

§ *Any member of the family of a person who sustains injury or death as a direct result of a crime, or any person in close relationship with such victim if that person was present during the commission of the crime, or any person herein described whose treatment or presence is medically required for the successful treatment of the victim*

§ *Any member of the family of a person who sustains injury or death as a direct result of a crime when that family member has incurred emotional injury*

§ *In the event of death caused by a crime, any individual who assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result thereof.*

Gov. Code 13960 defines injury as:

Physical or emotional injury, or both. However, this article does not apply to emotional injury unless such an injury is incurred by a person who also sustains physical injury or threat of physical injury or by those persons described above.

B. The time limitations upon the victim in filing a claim

One year after the date of the crime, unless an extension is granted by the board (Gov. Code 13961 c)

C. Whom to contact

Kern County Probation Department

2.16.09 - The trainee shall explain the proper handling of cases of child abuse, neglect, or sexual exploitation of children, including:

- A. Initial receipt and evaluation of information
- B. Preliminary investigative procedures
- C. Reporting laws
- D. Follow-up investigative procedures
- E. Referral to additional support agencies (CPS, Social Services, etc.)

2.16.10 - The trainee shall explain the proper handling of cases of elder abuse, neglect, or sexual or fiduciary exploitation, including:

- A. Initial receipt and evaluation of information
- B. Preliminary investigative procedures
- C. Reporting laws
- D. Follow-up investigative procedures
- E. Referral to additional support agencies (Adult Protective Services, Public Guardian, etc.)

2.16.11 - The trainee shall identify the authorities and procedures for the confiscation and holding of firearms or other dangerous weapons, including:

A. PC 12028.5

Confiscation of a deadly weapon at the scene of a domestic violence.

B. PC 12028.7

Issue a receipt for firearm confiscation.

C. PC 12029

Provides for the destruction of nuisance weapons.

D. W&I 8102

Confiscation of firearms from mental patient(s).

Hate Crimes - 2.16.12 - 2.16.15

2.16.12 - The trainee shall recognize indicators of hate-related crimes including:

- A. Anti-religious symbols/slurs
- B. Racial/sexual/ethnic slurs
- C. Racist symbols
- D. Hate group symbols
- E. Anti-gay/lesbian slurs

2.16.13 - The trainee shall identify and discuss the possible consequences of hate crimes including:

- A. Psychological effect on victim
- B. Denial of basic constitutional rights

- C. Divisiveness in the community
- D. Potential escalation of violence

2.16.14 - The trainee shall identify and explain the legislative mandates and agency policy and procedures related to the enforcement of hate crimes.

Reference: 422.6 PC

Penal Code 422.6 states:

(a) No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics.

(b) No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics.

2.16.15 - The trainee shall recognize and be able to effectively deal with hate crimes motivated by race, ethnicity, religion, or sexual orientation.

Gang Awareness - 2.16.16 - 2.16.24

2.16.16 - The trainee shall discuss the characteristics of gangs and the importance of recognizing gangs in terms of officer safety and the investigation of criminal activity.

A criminal street gang is a group of three or more persons who:

- *Have a common name, identifying sign, or symbol,*
- *Have members who individually or collectively engage in a pattern of criminal gang activity, and*
- *Have, as one of its primary activities, committed one or more specified criminal acts. {PC 186.22(f)}*

Gangs often form based on ethnicity and/or geographical area. They can include:

- *Street gangs (e.g., Hispanic, black, Asian, white, etc.)*
- *Outlaw motorcycle gangs (e.g. Hell's Angels)*
- *Prison gangs (e.g., Aryan Brotherhood, Mexican Mafia)*
- *Organized crime gangs*

Gang members have little or no regard for authority and may view all forms of law enforcement as the enemy. They challenge a peace officer's authority and in doing so, receive recognition from other gang members. In some cases peace officers are the targets of deliberate assaults and murders committed by gang members. Gang members often possess and conceal a variety of weapons such as guns, knives, clubs, etc.

2.16.17 - The trainee shall identify types of gangs that represent law enforcement concerns, including:

- A. Street gangs
- B. Motorcycle gangs
- C. Prison gangs
- D. Cult/Ritualistic gangs

2.16.18 - The trainee shall discuss primary reasons for gang membership, including:

A. Peer pressure

- Peer pressure and need for recognition and respect
- May be from a dysfunctional family
- Community-neighborhood dominated by gang activity
- Family acceptance of gang membership; other family members already in a gang
- Gangs provide
- An alternative family,
- Status and self-esteem (reinforces negative behaviors)
- Excitement and the thrill of a reputation as a gang member

B. Common interest

- Use of alcohol and/or drugs
- Economic gain from criminal activity
- Glamorized lifestyle (e.g., dress, music, cars etc.)
- Primary ethnic alignment, although some gangs are racially mixed (e.g. "My friends are a part of this gang")
- Thrill of or propensity for violence

C. Protection/Safety

- Survival factor
- Intimidation and violence to control territory and gain recruits
- Principle of join or be subjected to violence
- There is safety in numbers, and gangs provide protection from other gangs.
- Gangs offer protection during criminal activity, such as drug trafficking and extortion.

2.16.19 - The trainee shall discuss characteristics that are common to most gangs, including:

A. Cohesiveness

- Banding together provides a way of exerting influence not normally available.
- "Home boy" syndrome or attitude serves to protect their territory.
- Loyalty to group outweighs personal interest.

B. Code of silence

- Members commit to not snitching on another member.
- Violation of code may result in execution of violators.

C. Rivalries

- Territory disputes – protection of their neighborhood or turf
- Unclaimed territory (nightclubs, arcades, etc.)/ drug trafficking disputes
- Displaying gang colors or insignias
- Conflict over recruiting or female associates
- Traditional, longstanding feuds
- Racial tensions

D. Revenge

Retribution for perceived or real prior acts, such as:

- Being an informant
- Prior drive-by shootings
- Dope rip-offs
- Conflicts with rival gang members
- Crossing out rival gang member's graffiti markings, showing disrespect

2.16.20 - The trainee shall identify methods that gangs use to distinguish their members from members of other gangs, including.

- A. Tattoos
- B. Attire and accessories
- C. Use of monikers
- D. Use of hand signs

2.16.21 - The trainee shall identify gang graffiti factors significant to law enforcement, including:

- A. Identifying individuals and/or a specific gang
- B. Identifying gang boundaries
- C. Indications of pending and/or past gang conflicts

2.16.22 - The trainee shall discuss types of criminal activities as those commonly engaged in by gangs, including:

- A. Sale and use of narcotics
- B. Physical violence
- C. Auto theft/burglary from vehicles

2.16.23 - The trainee shall explain law enforcement methods used to reduce gang activity, including:

- A. Identification of gang activity
- B. Coordination with allied agencies
- C. Reduction of the opportunity for criminal activities
- D. Requesting the District Attorney to consider criminal street gang enhancement charges (PC 186.22) when gang members are arrested.

2.16.24 - The trainee shall review and explain the elements of PC 186.22 and which open charges can the gang enchantment be added on to an arrestees record.

Per PC 186.22(e)-

As used in this chapter, "pattern of criminal gang activity" means the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the following offenses, provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

- (5) *Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.*
- (6) *Discharging or permitting the discharge of a firearm from a motor vehicle, as defined in subdivisions (a) and (b) of Section 12034 until January 1, 2012, and, on or after that date, subdivisions (a) and (b) of Section 26100.*
- (7) *Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.*
- (8) *The intimidation of witnesses and victims, as defined in Section 136.1.*
- (9) *Grand theft, as defined in subdivision (a) or (c) of Section 487.*
- (10) *Grand theft of any firearm, vehicle, trailer, or vessel.*
- (11) *Burglary, as defined in Section 459.*
- (12) *Rape, as defined in Section 261.*
- (13) *Looting, as defined in Section 463.*
- (14) *Money laundering, as defined in Section 186.10.*
- (15) *Kidnapping, as defined in Section 207.*
- (16) *Mayhem, as defined in Section 203.*
- (17) *Aggravated mayhem, as defined in Section 205.*
- (18) *Torture, as defined in Section 206.*
- (19) *Felony extortion, as defined in Sections 518 and 520.*
- (20) *Felony vandalism, as defined in paragraph (1) of subdivision (b) of Section 594.*
- (21) *Carjacking, as defined in Section 215.*
- (22) *The sale, delivery, or transfer of a firearm, as defined in Section 12072 until January 1, 2012, and, on or after that date, Article 1 (commencing with Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6.*
- (23) *Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (1) of subdivision (a) of Section 12101 until January 1, 2012, and, on or after that date, Section 29610.*
- (24) *Threats to commit crimes resulting in death or great bodily injury, as defined in Section 422.*
- (25) *Theft and unlawful taking or driving of a vehicle, as defined in Section 10851 of the Vehicle Code.*
- (26) *Felony theft of an access card or account information, as defined in Section 484e.*
- (27) *Counterfeiting, designing, using, or attempting to use an access card, as defined in Section 484f.*
- (28) *Felony fraudulent use of an access card or account information, as defined in Section 484g.*
- (29) *Unlawful use of personal identifying information to obtain credit, goods, services, or medical information, as defined in Section 530.5.*
- (30) *Wrongfully obtaining Department of Motor Vehicles documentation, as defined in Section 529.7.*
- (31) *Prohibited possession of a firearm in violation of Section 12021 until January 1, 2012, and on or after that date, Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.*
- (32) *Carrying a concealed firearm in violation of Section 12025 until January 1, 2012, and, on or after that date, Section 25400.*
- (33) *Carrying a loaded firearm in violation of Section 12031 until January 1, 2012, and, on or after that date, Section 25850.*

Missing Persons - 2.16.25 - 2.16.30

2.16.25 - The trainee shall review and explain state law (including statutory reporting requirements) and the agency's policies and procedures for handling missing persons, both adult and juvenile. In addition, the trainee will also review and explain the criteria and initiation process for an Amber Alert.

Reference: 784.5 PC; 14205(a) PC; 14205(b) PC; 14206(a)(1) PC; 14207 (a)-(c) PC

A. When a report will be taken

H-800 states:

Deputy Sheriffs, Communication specialists, Sheriff's Report Technicians, and all other Sheriff's personnel who have reporting responsibilities shall accept any missing person report, including any telephonic report without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes against property.

B. Priority assigned to missing person reports

H-800 also states:

- *The report taker shall give priority to the handling of these reports over the handling of reports relating to crimes against property.*
- *The report taker must exercise good judgment and apply reasonableness in following this guideline.*
- *Special attention should be given to reports of very young missing children. The younger the child, the less their survival skills and the greater the risk to their safety.*

C. Follow-up procedures, including searches

Deputies shall take the proper course of action for initial response.

- 1) *Officers or other designated personnel shall interview reporting parties and any witnesses to determine:*
 - *The type of missing person case*
 - *The existence of any suspicious circumstances or indications that the person is at risk*
 - *The description of the missing person*
 - *Other appropriate action that may be necessary.*
- 2) *Based on the circumstances of each report, appropriate action may include:*
 - *Making a local broadcast. If the person is under 21 years of age, or there is evidence a person is at risk, a broadcast must be made without delay.*
 - *Searching the area.*
 - *Examining court orders regarding custody matters.*
 - *Notifying other agencies.*
 - *Calling a supervisor or an investigator to the scene.*
 - *Making a referral to a local counseling agency or support group.*
 - *Utilizing additional resources such as: air support, K-9, search and rescue etc.*
 - *Utilizing Readykern, Nextdoor App and Nixle.*

It is important to remember that a missing person, child or adult, may be a victim of a crime. Therefore, a thorough investigation is always necessary. Search and Rescue teams can add to or replace field deputies involved in a search. Refer to H-400

2.16.26 - The trainee shall explain the agency's policy regarding search procedures for missing persons.

Talk to your trainee about the importance of conducting a thorough, systematic search of the area. Clear cut tasks should be assigned to different deputies assisting with the search, for example...

- *One deputy will search the house.*
- *Another will talk to neighbors*
- *Another will check the missing person's likely locations*
- *Etc.*

2.16.27 - The trainee shall explain the reasons for making a thorough search of a "missing" child's home and nearby area at the outset of the investigation.

It is important to remember that young children are often found inside their house or yard. Often when a parent discovers his or her child missing, the parent will become extremely emotional. That emotional parent often searches the house and yard prior to the deputies' arrival, but due to the extreme emotional state, the search is often not adequate. Therefore, it is advisable to research the child's bedroom (especially under the bed) prior to expanding the search.

2.16.28 - The trainee shall define the following terms:

At risk missing person

Evidence that a person is “at risk” include, but is not limited to, evidence or indications of any of the following:

- The person missing is a victim of a crime or of foul play.
- The person missing is in need of medical attention.
- The person missing has no pattern of running away or missing
- The person missing may be a victim of a parental abduction
- The person missing is mentally impaired
- Any person missing who is under the age of thirteen years.

B. Voluntary missing person

Adult person who is missing of his or her own free will.

C. Parental abduction

Abduction or concealment of a child by a parent or their agent in violation of current law.

D. Stranger abduction

Abduction or concealment of an adult or minor child by a person other than a parent or guardian.

E. Runaway

Any minor who is a voluntary missing.

2.16.29 - The trainee shall discuss when an officer can activate the Child Abduction Alert System (Amber Alert) and what information is needed for the alert.

Reference: H-1500

In cases of apparent child abduction, a field supervisor will be dispatched in addition to patrol personnel. The supervisor will be responsible to determine the potential need for a Child Abduction Alert, and ensure that the abduction criteria is met and all pertinent information is obtained for distribution. In the event a field supervisor is not readily available, the on scene deputy will be the investigating deputy and cause immediate notification and briefing of available information concerning the abduction to the Watch Commander, or in absence of a Watch Commander, the Detective Commander. The investigating deputy, in the absence of a supervisor, will ensure the Alert protocol is completed.

Generally, the following criteria should be met before an Alert is initiated:

- *Law Enforcement confirms a child has been abducted, 17 years of age or younger, or a proven mental or physical handicapped person regardless of age.*
- *Law Enforcement believes the circumstances surrounding the abduction indicate that the victim is in imminent danger of serious bodily injury or death. Absent unusual conditions, parental or family abductions will not fit the criteria without further indication of imminent danger.*
- *There must be enough descriptive information about the victim, abductor, and suspect's vehicle to believe an immediate broadcast alert to the public will assist in the safe recovery of the victim.*

2.16.30 - Given an incident involving a missing person, the trainee shall properly apply the agency's policies and procedures in reporting the situation and, if necessary, initiating search procedures.

Controlled Substance - 2.16.31 - 2.16.43

2.16.31 - The trainee shall review and define the following terms:

A. Horizontal gaze nystagmus

Nystagmus refers to a rapid jerking motion of the eyeball. There are several aspects to horizontal gaze nystagmus:

1. Lack of smooth pursuit.

Normally, the eyes are able to track a moving object with a smooth movement of the eyes. However, with someone who is exhibiting a "lack of smooth pursuit" there is a visible jerking of the eyes as they attempt to follow a moving object.

2. Horizontal nystagmus

Normally, when the eyes follow an object on a horizontal plane, the eyes will rest at the far edge of their range of motion without movement. In a person who is exhibiting horizontal nystagmus, however, the eyes will noticeably bounce when they reach the far edge of that range of motion.

B. Vertical gaze nystagmus

Normally, when the eyes follow an object on a vertical plane (up and down), the eyes will rest at the far edge of their range of motion without movement. In a person who is exhibiting horizontal nystagmus, however, the eyes will noticeably bounce when they reach the far edge of that range of motion.

C. Lack of convergence

Normally, when an object is held in front of someone's face, and then brought inward toward the subject's nose, both eyes will track the object in by coming together (the eyes will cross). In a subject with a lack of convergence, however, the eyes are not able to do so in a normal manner. Instead, one of the eyes will quit tracking the moving object prematurely and return to a resting position.

D. Rhomberg stand

This is a field sobriety test that uses a suspect's estimate of elapsed time to determine whether the body clock is normal, too slow, or too fast.

E. Tolerance

The body's natural build-up of resistance to a drug. Due to tolerance, more and more of a drug must be taken to achieve the same results.

F. Rebound dilation

When a light source is introduced to a healthy eye, the pupil will constrict in response to the change in light. As long as that added light source remains, the pupil will continue to be constricted. When a subject exhibits rebound dilation, the pupil does initially constrict to the added light, however the pupil redilates even though the added light is still present.

G. Dilated pupil

A widening of the pupil to a width greater than normal, generally greater than 6.5 mm.

H. Constricted pupil

A narrowing of the pupil to a width smaller than normal, generally smaller than 2.9 mm.

2.16.32 - The trainee shall discuss central nervous system stimulants and explain the effect they tend to have on the human body. Such discussion shall minimally include:

CNS stimulants are a class of drugs that enhances or stimulates the nervous tissue activity. Common stimulants include methamphetamine, amphetamines, cocaine, and rock cocaine.

A. Horizontal nystagmus

Normally not present

B. Vertical nystagmus

Normally not present

C. Pupil size

Dilated

D. Pupil's reaction to a change in light

Slowed

E. Lack of convergence

Normally not present

F. Heart rate

Elevated

G. Rhomberg stand

Fast

H. Common street names

Crank, speed, meth (Methamphetamine) Coke, Rock, Blow (Cocaine)

Additionally, someone under the influence of a stimulant might exhibit:

- Paranoia*
- Increased alertness*
- Restlessness, insomnia*
- Body tremors (including eyelids)*
- Increased respiration*
- Rapid speech*
- Loss of appetite*
- Agitation*
- Euphoria*
- Sweating, foul body odor*
- Grinding teeth*

2.16.33 - The trainee shall discuss hallucinogens and explain the effect they tend to have on the human body. Such discussion shall minimally include:

Hallucinogens are a class of drugs that induce intense emotional feelings which are characterized by possible magnification of sensory perceptions and visual hallucinations. Common hallucinogens include LSD, Peyote, and Psilocybin.

A. Horizontal nystagmus

Normally not present

B. Vertical nystagmus

Normally not present

C. Pupil size

Dilated

D. Pupil's reaction to a change in light

Normal

E. Lack of convergence

Normally not present

F. Heart rate

Elevated

G. Rhomberg stand

Fast

H. Common street names

LSD, shrooms, buttons

Additionally, someone who is under the influence of a hallucinogen might exhibit:

- Hallucinations*
 - Irrational or bizarre behavior*
 - Insomnia*
 - Dazed and confused appearance*
 - Impaired memory*
 - Body tremors*
- Excessive sweating*

2.16.34 - The trainee shall discuss opiates and explain the effect they tend to have on the human body. Such discussion shall minimally include:

Opiates are a class of drugs that are derived from the opium plant (naturally or synthetically). Opiates are narcotic analgesics which are used to relieve pain and cause sedation. Common opiates include heroin, morphine, codeine, demerol, methadone, and dilaudid

A. Horizontal nystagmus

Normally not present

B. Vertical nystagmus

Normally not present

C. Pupil size

Constricted

D. Pupil's reaction to a change in light

Little to none visible

E. Lack of convergence

Normally not present

F. Heart rate

Lowered

G. Rhomberg stand

Slow

H. Common street names

Tar, H, smack, chiva, negra

Additionally, someone under the influence of an opiate might have:

- Droopy eyelids*
- Drowsiness*
- Injection sites*
- Deliberate slow speech*
- Itching, scratching*
- Muscle tone relaxation*
- Euphoria*
- Cold extremities*

2.16.35 - The trainee shall discuss marijuana and explain the effect it tends to have on the human body. Such discussion shall minimally include:

Marijuana is a plant that contains the chemical THC. THC has the effect of impairing the attention process

A. Horizontal nystagmus

Normally not present

B. Vertical nystagmus

Normally not present

C. Pupil size

Normally dilated, might be normal

D. Pupil's reaction to a change in light

Normal with rebound dilation

E. Lack of convergence

Present

F. Heart rate

Elevated

G. Rhomberg stand

Distorted

H. Common street names

Weed, Grass, Bud, Pot, Blunt, Reefer

Additionally, someone who is under the influence of marijuana might exhibit:

- *Red or bloodshot eyes*
- *Eyelid and body tremors*
- *Loss of sense of time and space*
- *Diminished inhibitions*
- *Difficulty in concentration*
- *Increased appetite*
- *Green or yellow coating on tongue*

2.16.36 - The trainee shall discuss and explain the effect that alcohol has on the human body. Such discussion shall minimally include:

Alcohol is the most commonly abused drug in the United States. It acts as a depressant.

A. Horizontal nystagmus

Present

B. Vertical nystagmus

May be present with high concentrations

C. Pupil size

Normal, or possibly dilated

D. Pupil's reaction to a change in light

Slowed

E. Lack of convergence

Present

F. Heart rate

Normal to elevated

G. Rhomberg stand

Fast

Additionally, someone under the influence of alcohol might exhibit:

- *Bloodshot or watery eyes*
- *Odor of an alcoholic beverage*
- *Loss of coordination*
- *Slurred speech*
- *Mood swings*
- *Loss of inhibitions*

2.16.37 - The trainee shall discuss and explain the effect that depressants have on the human body. Such discussion shall minimally include:

Depressants are a class of drugs that slow, or depresses nervous system activity.

A. Horizontal nystagmus

Present

B. Vertical nystagmus

Present

C. Pupil size

Normal, possibly dilated with Soma or Quaaludes

D. Pupil's reaction to a change in light

Slowed

E. Lack of convergence

Present

F. Heart rate

Slowed

G. Rhomberg stand

Slow

Additionally, someone under the influence will often exhibit

- *A drunk like appearance without the alcohol odor.*
- *Drowsiness*
- *Slurred speech*
- *Droopy eyelids*
- *Decreased inhibitions*
- *Impaired coordination or slowed reflexes*

2.16.38 - The trainee shall discuss and explain the effect that phencyclidine has on the human body. Such discussion shall minimally include:

Phencyclidine, or PCP is a drug that has the ability to alter sensory perceptions and cause visual hallucinations similar to those experience with hallucinogens. It can also act as a visual stimulant, analgesic, or cause extreme mood swings.

A. Horizontal nystagmus

Present

B. Vertical nystagmus

Present

C. Pupil size

Normal

D. Pupil's reaction to a change in light

Normal

E. Lack of convergence

Present

F. Heart rate

Elevated

G. Rhomberg stand

Distorted

H. Common street names

Angel dust, Dust, Crystal, Sherms, Supercools, KJ, Juice, Water

Additionally, someone under the influence of PCP might exhibit:

- *Disorientation*
- *Sensory distortions*
- *Paranoia*
- *Loss of memory, or loss of identity*
- *Blank stare*
- *Extreme confusion*
- *Non-communicative, or fragmented confused speech*
- *Hallucinations*
- *Chemical odor*
- *Feeling of extreme heat, profuse sweating*
- *High pain tolerance*
- *Muscle rigidity*
- *Unusual gait*

2.16.39 - The trainee shall review and discuss the drug influence (HS 11550) evaluation process, including the importance and method of obtaining blood or urine evidence.

2.16.40 - The trainee shall review and explain the elements of a possession of a controlled substance case.

A possession case includes the following elements:

§ Possession of a usable amount

§ The suspect has to have knowledge of the possession and of the substance

§ Control (possession) or constructive control of the substance

Possession is the act of having or taking control

Actual possession requires that a person knowingly exercises direct physical control over an object.

Constructive possession does not require actual possession, but does require that a person knowingly exercises control or the right to control an object, either directly or through another person or persons.

2.16.41 - The trainee shall review and explain the elements of a possession for sales case.

A possession for sales case includes the following elements:

A. The suspect has to have knowledge of the possession and of the substance

B. Control or constructive control of the substance

C. A specific intent to sell

· Indicates that a person plans to receive money in exchange for a controlled substance. This is corroborated by:

a) Observation of the suspect's movements, behavior, characteristics, associates, and a high volume of vehicle and pedestrian traffic at a specified location

b) Evidence such as packaging, scales, calculator, notebook, mathematical notations, cutting agents, denominations and location of US currency, etc.

c) Fortified locations

D. Possession of a usable quantity for sale

· This differs from possession for personal use in that there needs to be a usable quantity with intent to sell. Possession quantity for sale is subject to jurisdictional tolerance.

2.16.42 - The trainee shall describe the appearance and common packaging of various types of controlled substances. Such description shall minimally include:

A. Marijuana

Green, leafy substance. Commonly packaged in hand rolled cigarettes. Larger quantities are found packaged in "bricks".

B. Methamphetamine

Commonly encountered as an off-white, powdery substance with a foul odor. It is packaged in various ways, including small plastic baggies.

C. Heroin

Commonly found in the Kern County area in the form of "tar". It is a dark brown color, with a tar like consistency. It is commonly packaged in small pieces of plastic, or tin foil, or a combination of the two. It is also frequently encountered packaged in balloons.

D. Cocaine

Cocaine is not as frequently encountered in Kern County as is methamphetamine, however, when it is encountered it is usually as a white powder. Common packaging is paper bindles. These are commonly made of glossy, magazine paper. Cocaine is also found in heat sealed plastic baggies.

E. Rock cocaine

The rock cocaine that is frequently encountered in Kern County is an off-white, yellowish rock-like substance. The "rocks" are in irregular shapes and sizes. The "rocks" are frequently found wrapped in pieces of plastic, and often are found without any packaging at all.

F. Phencyclidine

PCP in Kern County is commonly found in two different forms. Crystal PCP is found as a white powder that resembles salt. Liquid PCP seems to be more commonly encountered and is a clear liquid with a strong chemical odor.

Patrol deputies often find both styles of PCP after being applied to a substance to be smoked, such as a marijuana cigarette.

2.16.43 - Given a suspect who reasonably appears to be under the influence of a controlled substance, the trainee shall properly conduct an HS 11550 evaluation, arrest the suspect and complete all the required paperwork.

Fires - 2.16.44 - 2.16.48

2.16.44 - The trainee shall identify the following types of fires and the best methods to deal with each:

A. Dry combustibles (Class A)

- *Cool with water*
- *Smother with nonflammable material*
- *Removal of fuel (e.g. clear the brush)*
- *Pressurized water extinguisher*
- *All purpose extinguisher*

B. Flammable liquids (Class B)

- *Smothering (removing source of oxygen)*
- *Carbon dioxide (CO₂) extinguisher*
- *Dry chemical extinguisher*
- *All purpose extinguisher*

C. Electrical (Class C)

- *Carbon dioxide (CO₂) extinguisher*
- *Dry chemical extinguisher*
- *All purpose extinguisher*

NOTE: Power source should be disconnected prior to extinguishing. Once disconnected, the method for extinguishing the fire will be dependent on the actual material that is burning.

D. Combustible metals (Class D)

- *Heat-absorbing extinguishing medium which is not reactive with the burning metal*
- *Specialized extinguishing agents*

NOTE: Class D fires involve combustible metals. These types of fires are difficult to control even for trained firefighters because they involve hazardous materials that may require specialized equipment. One example is a vehicle fire where burning aluminum and magnesium may be involved.

2.16.45 - The trainee shall identify and discuss the initial steps to be taken when confronted with a fire in a building. These steps shall minimally include:

- A. Request for fire department
- B. Request for further law enforcement assistance, if necessary
- C. Immediate evacuation of any occupants
- D. Isolation of the immediate area
- E. Establishment of a perimeter for crowd control

2.16.46 - The trainee shall identify and discuss the best methods of conducting a safe and effective search for victims in a burning building.

Normally, it is the role of the fire department to search for victims inside a burning building. However, it is conceivable that a field deputy might be called upon to perform that function due to the nature of such an emergency. If lives are at stake, the fire department is not present and it can be done with a reasonable degree of safety, a deputy might find him or herself searching in a burning building. In such a case, the deputy should bear in mind the following.

- *The air inside a burning building may be toxic, or might lack sufficient oxygen to support life.*
- *Super heated air the deputy might encounter can burn the lungs when inhaled creating serious health risks.*
- *While the deputy is inside the building, he or she needs to ensure that an exit is available at all times.*
- *Opening a door inside a burning structure might create a “flashback” when a new supply of oxygen is suddenly introduced to the fire.*

2.16.47 - The trainee shall recognize signs that indicate a burning building is unsafe to enter.

2.16.48 - Given a scenario or an actual incident involving fire, the trainee shall perform all the necessary steps to safely and effectively manage the situation.

Hazardous Occurrence/ Major Disaster - 2.16.49 - 2.16.53

2.16.49 - The trainee shall review and explain the responsibilities and actions required of an agency whose jurisdiction is the scene of a hazardous material incident, disaster, potential disaster, or chemical spill (including ICS - Incident Command System and OES - Officer of Emergency Services).

Response to an unusual occurrence may require many agencies, (e.g., law enforcement, fire department, public utilities, private industry, etc.) each with their own mission.

The law enforcement mission during an unusual occurrence, disaster, or calamity generally involves any or all of the following:

- *Establishing and maintaining law and order (i.e., enforcement of the law)*
- *Preventing looting*
- *Assuming care and custody of prisoners*
- *Identifying necessary resources*
- *Mobilizing and deploying required response personnel*
- *Enforcing emergency rules and regulations*
- *Protecting vital installations*
- *Controlling individuals within the affected area*
- *Providing emergency care for the sick and injured*
- *Assisting in rescue operations*

*In order to establish control and organize a combined effort to resolve an on-scene emergency, the incident commander may elect to utilize an **Incident Command System (ICS)**.*

The specific purposes of utilizing an ICS are to:

- *coordinate on-scene emergency operations,*
- *coordinate multi-agency responses, and*
- *establish temporary or permanent command at the scene.*

ICS principles can be applied to almost any event requiring coordination of personnel and resources. They can be adapted for handling major events such as natural disasters, hazardous materials spills, large scale accidents requiring large numbers of personnel and varied resources all the way to handling an incident involving a broken fire hydrant.

2.16.50 - The trainee shall review and explain the agency's policy on hazardous substances or chemical spills (HAZMAT).

The deputy's role at a hazardous material spill is one of scene security. A wide perimeter should be immediately established and all unauthorized persons kept out. Deputies should remember that some materials are hazardous if breathed, others if touched, and appropriate safety measures need to be taken for each.

The Fire Department receives extensive training in hazardous material spills, and that agency has overall scene responsibility.

2.16.51 - The trainee shall explain responsibilities and considerations of a first responder to a hazardous materials incident, including:

The first unit to arrive at the scene must take the leadership responsibility to gather as much information regarding the current status of the situation as possible.

*The **initial responding officer** should make a quick and safe assessment of the situation in order to:*

- verify the nature of the emergency,*
- confirm the exact location of the incident,*
- determine the extent of the area affected,*
- determine what resources will be needed in relation to the identified hazard(s), and*
- assume the role of incident commander.*

*The **initial responding officer** must assume preliminary incident command and take the necessary steps toward establishing control of the situation. It becomes that officer's responsibility as incident commander to:*

- establish a command post*
- initiate appropriate notifications,*
- identify a perimeter around the designated area,*
- isolate the hazard,*
- control ingress/egress to the area,*
- continually gather and communicate further information,*
- implement a plan of action, and*
- reassess and evaluate the effectiveness of the operation and make modifications as necessary.*

NOTE: The initial responding officer continues as the incident commander throughout the operation until otherwise relieved of those duties by a supervisor, or other specialized authority.

2.16.52 - The trainee shall identify and explain the initial responsibilities of the first unit to arrive at a major vehicle accident or other disaster scene. These responsibilities shall minimally include:

- A. Requesting needed assistance and equipment
- B. Providing for emergency medical aid
- C. Undertaking immediate coordination with appropriate outside agencies
- D. Establishing a security perimeter
- E. Establishing ingress and egress corridors
- F. Identifying and admitting only authorized personnel
- G. Dealing with the media

2.16.53 - The trainee shall discuss procedures to be used when confronted with other unusual or hazardous occurrences. These occurrences shall minimally include:

A. Electrical wires down

- Establish a perimeter*

- Dispatch Fire Department
- Request personnel from the appropriate utility company

B. Malfunctioning traffic signals

- Notify appropriate agency for repairs (usually county roads)
- Minimize hazards posed by malfunctioning lights such as
- Setting up flares
- Directing traffic in especially busy intersections
- Etc.

C. Hazards on the roadway

- Safely remove hazard if possible
- Arrange to have the hazard remove if unable to do so

D. Damage to fire hydrants

- Notify Fire Department
- Minimize hazards until their arrival

E. Gas leaks

- Establish a perimeter
- Dispatch Fire Department
- Request personnel from the appropriate utility company

F. Chemical spills

- Establish a perimeter
- Dispatch Fire Department
- Request medical aid if appropriate

G. Conditions caused by inclement weather such as fog, snow, ice, flooding, and mud slides

- Make an initial assessment of the area involved.
- Stay away from flood water.
- Continuously update communication of ongoing and changing conditions.
- Notification of appropriate departments and utility companies
- Establish detours as needed.
- Place appropriate warning devices
- Assist with evacuation if necessary.

H. Military incidents requiring police intervention

Law enforcement responsibilities may be limited to logistical support and perimeter control.

Bombs/Explosive Devices - 2.16.54 -2.16.56

2.16.54 - The trainee shall review and explain the agency's policy and procedures for handling explosives.

This is taken directly from H-600.

An officer assigned as the primary unit, upon locating a suspected bomb, explosive or military ordinance, will:

- Set up a perimeter and evacuate to a minimum distance of 300 feet. Larger perimeters are desired especially when the suspected device is near a building or in an urban or congested area;
- Be aware of the possibility of secondary or multiple devices;
- After determining the item is a suspected bomb, DO NOT APPROACH THE SUSPECTED BOMB AGAIN unless authorized by Bomb Squad Personnel;
- Remain outside the perimeter;

- Request the Bomb Squad;
- Refrain from radio use within the evacuation area.

2.16.55 - The trainee shall explain tactical considerations upon arrival at the scene of a suspected or actual explosive device. These considerations shall minimally include:

- A. Hazards of using the police radio and/or cellular phone
- B. Request for a technician or E.O.D.
- C. Isolation of the device and the area
- D. Evacuation of civilian personnel
- E. Possibility that more than one explosive device exists
- F. Establish a command post

2.16.56 - Given a simulated or actual disaster, potential disaster, chemical spill, or bomb scene, the trainee shall assess and perform all necessary responsibilities and actions in a safe and effective manner.

Aircraft Crashes - 2.16.57 - 2.16.58

2.16.57 - The trainee shall review and explain the agency's policy on aircraft crashes.

A. ALERT ONE

Minor aircraft problem with potential for an aircraft accident.

Meadows Field will notify the Communications Center. One unit will respond if requested. Response will be no code unless otherwise dispatched.

B. ALERT TWO

Major aircraft problem with a possibility of an accident.

Meadows Field will notify the Communications Center. Two units will be dispatched code three unless otherwise directed.

C. ALERT THREE

Aircraft accident or major aircraft problem with a probability of an accident.

1. *Meadows Field will notify the Communications Center.*
2. *The Communications Center will assign a radio channel to the emergency.*
3. *Two units will be dispatched code three unless otherwise directed.*
4. *The first unit on scene will respond to gate 24 located on Sunnyside Court.*
5. *The unit will provide access for fire, medical and other emergency personnel.*
6. *Emergency personnel will be directed to the staging area at Kern County Fire Station #62.*
7. *The second and additional units will respond to the staging area at Kern County Fire Station #62 for security assignments at the direction of the ranking deputy at the scene.*
8. *The on duty supervisor and watch commander will be dispatched to Kern County Fire Station #62 and set up a liaison with the on scene incident commander to coordinate scene security until the emergency is resolved.*
9. *The Kern County Sheriff's Public Information Officer (PIO) will be dispatched to the media staging area at the new terminal (3701 Wings Way). The PIO will coordinate with the lead PIO designated by the incident commander.*
10. *The Meadows Field Deputy, if assigned, will be notified by the Communications Center of the alert.*
11. *The Meadows Field Deputy will maintain terminal security.*
12. *There are many variables if the crash site is not on airport property. Use the Aircraft Crash Checklist (Attachment 2) established by the Governor's Office of Emergency Services as a guide to establish a coordinated response and a secure scene.*

2.16.58 - The trainee shall discuss factors associated with the handling of an aircraft crash, including:

A. Civilian Aircraft

1. Federal Aviation Agency (FAA) and/or National Transportation Safety Board (NTSB) will investigate.

An increasing number of commercial airline crashes have occurred worldwide as a result of terrorist-placed explosive devices. Because of this, when a commercial aircraft is involved, the initial responding officer should take extra precautions to:

- *consider the possibility of the presence of explosives and secondary devices,*
- *secure and protect the area as a potential crime scene, and*
- *manage the news media and bystanders to prevent scene contamination and destruction of potential evidence.*

A. Military Aircraft

1. Military authorities are in charge

2. There may be dangerous weapons issues

3. There may be classified materials present

4. Police cannot authorize news media to enter

The military has complete authority over the management of any crash scene involving a military aircraft and has the legal authority to order law enforcement and nonmilitary personnel to leave the crash site. Law enforcement responsibilities may be limited to logistical support and perimeter control.

Because of inherent safety issues associated with possible military ordnance on an aircraft crash site as well as national security interests, (i.e., presence of classified equipment/materials), law enforcement officers have broad legal authority to restrict access to the scene of a military aircraft crash. (18 USC)

Law enforcement officers can:

- *prevent the news media from entering a military aircraft crash scene.*
- *restrict overflights of aircraft including news media helicopters, private aircraft, etc. (Federal Aviation Regulations, Section 91.137)*

NOTE: Photography of a crash site which involves potentially classified material is illegal under prevailing federal law. (18 USC 793c)

Explain to your trainee that the fumes from a down aircraft are extremely toxic and deadly. A half mile radius should be established around the aircraft if possible.

First Aid - 2.16.59 - 2.16.64

2.16.59 - The trainee shall possess the knowledge and skills needed to administer necessary first aid during emergency situations.

A.A. Heart attack

CPR

B. Choking

Partial choking with a good air exchange:

- *Stand by.*
- *Reassure victim*
- *Let victim try to cough it out*

Partial blockage with poor air exchange (conscious victim)

- Advise the victim that you can help and what you are going to do
- Stand behind victim, reach around just above the navel, and below the xiphoid
- Thumb of one fist in this position, grab that fist with the other hand
- Keep arms away from ribs; thrust inwards and upwards
- Repeat until object is expelled or victim loses consciousness
- If victim loses consciousness, ease to floor and start unconscious maneuver

Unconscious victim

- Place the victim on his back; check airway; look in mouth for object and if it is visible, remove it.
- Attempt to ventilate (rescue breathing)
- If airway is now open, check for pulse (ABC's)
- If no exchange of air; go to abdominal thrusts
- Straddle legs of victim, place heel of one hand just above navel, place second hand on top of first, and thrust inward and upward. Repeat up to 5 times.
- Open adult victim's mouth, visually inspect and perform a finger sweep attempt to dislodge object.
- *With a child, do a finger sweep only if the object is visible and attainable
- Try to ventilate. If still unable to exchange air go back to abdominal thrusts

C. Fractures

- Expose the injured area
- Control ant bleeding
- Immobilize and seek medical aid.

D. Child birth

1. Transport the mother to the hospital

- A mother can be transported if she is in the first stage of labor
- The mother's stage of delivery needs to be determined prior to transporting.

First stage: From the onset of regular contractions to the time when the cervix is fully dilated.

Second stage: From the full dilation of the cervix to the delivery of the baby. During this second stage, preparations should be made for the delivery of the baby.

Third stage: From the delivery of the baby to the delivery of the placenta (afterbirth). During the third stage of labor, post-delivery care should be provided.

- You need to determine the mother's childbearing history (birth may occur more quickly if the woman is having a second or subsequent child)

2. Determining the stage of labor

- Using a concern for modesty, check the mother to see if the baby's head is visible at the vaginal opening
- Reassure the mother
- Ask the mother if her doctor expects any complications any whether she is taking any medications or drugs.

3. Signs that birth is imminent

- Contractions are occurring less than two minutes apart.
- Crowning is present (Crowning is when the baby's head is present at the vaginal opening)
- The water has broken (i.e. the amniotic sac has broken, releasing the amniotic fluid)
- Mother has an urge to bear down.
- * If you determine that birth is imminent, prepare to assist with the delivery. Do not transport the mother.

4. Delivering the baby

A. Preparations for childbirth

- Provide support and reassurance to the mother.
- Afford her as much privacy as possible
- Have someone stay at the mother's head to speak with her as you assist in the delivery

B. Procedures for delivery

- Support the head as the baby is delivered
- Apply gentle pressure so that the head is not delivered in an explosive manner. This will help prevent tearing of the vagina.
- As the head emerges, it will generally rotate to one side.

- When the entire head is delivered, look and feel to see if the cord is around the baby's neck.
- If the cord is around the neck and is loose enough, you may slip it over the baby's head or shoulder.
- If you cannot loosen or remove the cord because the cord is wrapped tightly around the neck, place clamps or ties 3 inches apart on the cord and quickly cut the cord between the ties.
- Continue supporting the head and body as the baby is delivered.

CAUTION: Get a firm grip on the baby; newborns are very slippery.

C. Post-delivery treatment

- Keep the baby's head low for draining of the airway
- The placenta and the rest of the cord will probably deliver within the next half-hour. Look for a lengthening of the cord and a sudden gush of blood.
- Do not pull on, tie, or cut the umbilical cord
- Wrap the placenta for transport with the mother
- Childbirth will be accompanied by a loss of blood and other fluids.
- Place pads or towels at the vaginal opening to help reduce the bleeding.

E. Severe Burns

There are several types of burns. They include:

- Thermal Burns, burns caused by heat
- Chemical Burns, burns caused by contact with a chemical
- Electrical burns, burns caused by electrocution

Thermal burns are classified by degrees:

- First degree burns
- Damaged the outside layer of skin only
- Skin turns red and becomes very painful
- Sunburn is the most common example
- Second degree burns
- Burns are deeper than first degree
- Second degree burns damage the dermis or lower layer of skin
- They are characterized by blistered formation
- Third degree burns
- These are the most serious; damaging the inner and outer layers of skin.
- Third degree burns are characterized by dry leathery and discolored skin.

First aid treatment for thermal burns:

- Remove the victim from the source of heat
- Cool the burn with water
- Loosely cover the burned area
- For first and second degree burns (closed blisters) apply a moist clean dressing and bandage loosely.
- For second and third degree burns (open blisters) apply a dry clean dressing and bandage loosely.
- Monitor ABC's
- Treat for shock

First aid treatment for chemical burns:

- Remove excess chemical, saturated clothing or jewelry. *Dry chemicals should be brushed off before flooding. Sometimes combining dry chemicals with water can cause more damage
- Flood the affected area with water for fifteen to thirty minutes or until the pain has stopped.
- After flooding is complete, cover the burned area with a clean, dry dressing.

First aid treatment for electrical burns:

- Turn the power off. Remember that an electrical burn occurs when the victim's body becomes a conduit for electricity. The body is completing an electrical circuit because what it is touching is completing an electrical circuit. If you touch the victim's body BEFORE the power is turned off, you will become part of the circuit.
- Begin monitoring the victim's airway, breathing and circulation (ABC's), if the victim's heart has stopped, begin CPR immediately.
- Be aware that there might be extensive internal injuries and treat accordingly.
- External injuries will include both the entrance wound and the exit wound (where the current entered and exited the body) These need to be treated as thermal burns.

F. Drowning victim

Check the ABC's

Start rescue breathing / CPR as appropriate

G. Severe bleeding

Expose the wound site

- *Prevent any further contamination of the wound but do not attempt to clean the wound before bandaging*

- *Check pulse below wound site*

Bleeding control

- *Place a clean dressing on the wound to help control bleeding with the use of direct pressure to the wound.*

- *If a clean dressing is not available, place a gloved hand, or whatever is available over the wound to control the bleeding*

- *If a fracture is not suspected, elevate the wound above the heart to help reduce blood flow.*

H. Administering CPR

A) Establish unresponsiveness

B) Activate EMS

C) Open airway

- *Head tilt, chin lift, jaw thrust*

D) Check breathing

- *Look, listen, feel*

E) Give two slow breaths

- *1 ½ to 2 seconds per breath*

- *Watch chest rise*

- *Allow exhalation between breaths*

F) Check carotid pulse

- *If breathing is absent, but pulse is present, provide rescue breathing*

G) Provide rescue breathing if needed

- *1 breath every 5 seconds, or about 12 breaths per minute*

H) Provide chest compressions if needed

If no pulse...

- *Give cycles of 15 chest compressions (80-100 per minute) followed by two slow breaths*

- *After 4 to 5 cycles of 15:2 (or about 1 minute) check pulse for 5 seconds*

- *If still no pulse, continue 15:2 cycle of CPR*

The steps are listed above. The numbers given are for an adult victim. Additional things that your trainee should be made aware of include:

- *When giving the two breaths to an infant victim, the rescuer should give two "puffs" of air instead of the normal two full breaths given to an adult. This is due to the fact that an infant has a much smaller lung capacity and there is a danger of damaging the lungs by attempting to force too much air into them during this rescue breathing.*

- *When giving the chest compressions to an infant victim, the compressions are to be given at a faster rate than with an adult victim (at least 100 breaths per minute). This is due to the fact that an infant's heart rate is typically higher than that of an adult.*

- *Because of the frailty of an infant, care must be exercised when giving the chest compressions so as not to create undue injury by exerting too much pressure. It is for that reason that the compressions are given with two fingers, instead of the heel of the hand as with an adult victim.*

2.16.60 - The trainee shall review and explain the agency's policy on administering first aid.

B-200 states, "All law Enforcement personnel will give first aid treatment to the sick, injured, and mentally ill when safe to do so."

2.16.61 - The trainee shall discuss why a law enforcement officer is morally, ethically, and legally (Section 1799.100 and 1799.102(a) Health and Safety Code) required to maintain proficiency in first aid techniques.

1799.100. In order to encourage local agencies and other organizations to train people in emergency medical services, no local agency, entity of state or local government, private business or nonprofit organization included on the statewide registry that voluntarily and without expectation and receipt of compensation donates services, goods, labor, equipment, resources, or dispensaries or other facilities, in compliance with Section 8588.2 of the Government Code, or other public or private organization which sponsors, authorizes, supports, finances, or supervises the training of people, or certifies those people, excluding physicians and surgeons, registered nurses, and licensed vocational nurses, as defined, in emergency medical services, shall be liable for any civil damages alleged to result from those training programs.

1799.102. (a) No person who in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission. The scene of an emergency shall not include emergency departments and other places where medical care is usually offered. This subdivision applies only to the medical, law enforcement, and emergency personnel specified in this chapter.

2.16.62 - The trainee shall explain why the improper application of first aid techniques could conceivably result in civil action against the officer and the agency.

The California Legislature has declared that emergency rescue personnel qualify for immunity from liability from civil damages for any injury caused by an action taken when providing emergency medical services under certain specified conditions. (Health and Safety Code Section 1799.102)

To be protected from liability for civil damages, emergency rescue personnel must:

- *act within the scope of their employment,*
- *act in good faith, and*
- *provide a standard of care that is within the scope of their training and specific agency policy.*

If peace officers attempt to provide emergency medical services that are beyond the scope of their training, or if they act in a grossly negligent manner, they can be held liable for any injuries they may cause. Failure to provide care, even though the officer has had the appropriate level of training to do so, may also lead to the officer being liable for any injuries caused because of lack of care. (e.g., not providing CPR to a victim who is HIV positive)

NOTE: Peace officers are responsible for being aware of and complying with their agency policies regarding providing emergency medical services.

2.16.63 - Given any emergency situation in which some form of first aid becomes a necessity, the trainee shall properly administer the necessary first aid technique(s) following the summoning of professional emergency assistance.

2.16.64 - The trainee shall explain the agency's plan for the management of occupational exposure to blood and airborne pathogens (i.e., AIDS, Hepatitis, TB, etc.)

Officers are trained to take personal preventive measures by using:

- *Protective gloves*
- *Eye protection*
- *Masks*
- *Gowns*
- *Cleaning and disinfectant solutions*

Report all exposures per department policy.

Sick, Injured or Deceased Persons - 2.16.64 - 2.16.67

2.16.65 - The trainee shall review and explain department policies concerning providing aid and transportation to sick or injured persons.

2.16.66 - The trainee shall review and explain California law and department procedures concerning death investigations that must be handled by the medical examiner:

- A. Apparent homicide, suicide, or occurring under suspicious circumstances
- B. Resulting from the use of dangerous or narcotic drugs
- C. The death of any person who is incarcerated in any jail, correctional facility, or who is in police custody
- D. Apparently accidental or following an injury
- E. By disease, injury, or toxic agent during or arising from employment
- F. While not under the care of a physician during the period immediately previous to death
- G. Death related to disease that might constitute a threat to public health.

2.16.67 - The trainee shall review and explain legal requirements concerning the removal of a human body from the death scene, including:

Reference: Gov. Code Sec. 27491.3 & 27491c; 13 Cal. Admin. Code, Section 1101

A. Limits to which an officer may search a dead person

It is unlawful for any person (including law enforcement officers) to:

- *search for or remove any:*
 - *papers,*
 - *money,*
 - *valuable property, or*
 - *weapons*
- *from the person of the deceased, or*
- *the premises of the deceased*
- *prior to the arrival of the medical examiner/coroner.*

NOTE: In the event of a vehicular homicide, the investigating officer may legally search the person or property on or about the deceased for a driver's license or identification card to determine if an anatomical donor card is attached (Government Code Section 27491.3(d)).

At the same time, whenever it is apparent that a crime has been committed and that a criminal investigation and prosecution will take place, the medical examiner/coroner cannot:

- *disturb or remove the body or*
- *any related evidence*
- *until law enforcement personnel have had a reasonable opportunity to respond to the scene.*

B. Legalities involved in transporting an obviously dead person in an ambulance

Remember, the coroner authorizes the disposition of the body.

Lost, Found or Recovered Property - 2.16.68

The trainee shall review and explain California law and department policies and procedures concerning the disposition of property other than evidence including:

- A. Property recovered by trainee
- B. Property found by citizen

- C. Property (real or personal) of injured, ill, or deceased persons
- D. How Law Enforcement Data Systems (LEDS) can assist in determining property status.

Crowd Control - 2.16.59 - 2.16.85

2.16.69 - The trainee shall explain the basic principles of crowd and riot control tactics and shall be able to participate effectively as a team member in crowd control situations.

Principles of crowd control:

- *Isolation and containment*
- *Law enforcement presence*
- *Selective arrests*

There are four primary principles of riot control:

- *Incident planning*
- *Containment*
- *Isolation*
- *Dispersal*

The responsibilities of a team member:

- *Receive orders from their team leader or the squad leader*
- *May be assigned to carry and utilize special weapons and/or chemical agents*
- *Support team members*

2.16.70 - The trainee shall define and describe basic crowd and riot control formations.

Column

- *Officers line up one behind the other*
- *Used to:*
 - *move a squad from one location to another,*
 - *divide a crowd, or*
 - *lead into other formations*
- *Maintains discipline en route to the location*
- *Promotes confidence of individual squad members*
- *Easy to maintain*
- *Appearance can be intimidating to the crowd*

Skirmish Line

- *Aligns officers on a straight line*
- *Used to:*
 - *move small crowds in a specific direction*
 - *contain a group or maintain set limits, or*
 - *block access to restricted areas (e.g., doorways, streets, etc.)*
- *Easy to form (especially from a column)*
- *Can be supplemented with other columns*

Arrest/Rescue

- *Officers form a circle around a designated group or individual facing outward.*
- *Used to:*
 - *protect officers*
 - *rescue a subject, or*
 - *affect an arrest or multiple arrests*
- *Dynamic perimeter within a hostile environment*
- *Can be intimidating*
- *Lack of mobility (some officers moving backward)*

- *Difficult to transition smoothly with crowd*

Diagonal

A slant line of officers

- *Used to:*
 - *clear a crowd from the side of a building, enclosure, or wall*
 - *change the direction of a crowd*
 - *force groups into side streets or open areas*
- *Point officer has most contact with the crowd*
- *May require backup to prevent crowd members from getting behind officers*

Wedge/Vee

- *V-shaped formation with the point officers at the front and remaining officers forming at 45 degree angles on both flanks*
- *Used to:*
 - *break crowd into segments,*
 - *clear intersections, or*
 - *penetrate a crowd to execute an arrest/rescue formation*
- *Difficult to maintain*
- *Difficult to move laterally*

2.16.71 - The trainee shall explain the agency policy regarding the use of lethal and less lethal force when an officer is involved in any management or crowd control situation. The trainee will understand and be able to articulate the agency's use of force policies, and will explain the level(s) of force that may be necessary to control unlawful actions, arrest/disperse violators, and control order. The trainee will understand that any level of force used in a crowd situation must be reasonable, lawful, and within agency policy.

2.16.72 - The trainee will explain the appropriate use and maintenance of all agency-issued/approved riot equipment (i.e. helmets, shields, flex cuffs, and other gear/equipment).

K-100 of the Policies and Procedures Manual:

Departmentally issued equipment is county property and shall be maintained in a clean, serviceable condition at all times. Replacement or re-issuance of county issued equipment will be governed by the following procedure(s). Items of county owned equipment requiring replacement, or repairs, are to be returned to the Property Room

2.16.73 - The trainee will explain the guaranteed First Amendment rights of freedom of speech and freedom of assembly, and will understand the responsibility of law enforcement to protect and uphold an individual's right to free speech and assembly, while also protecting the lives and property of all people.

First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It is the responsibility of all law enforcement officers to protect and uphold each individual's right to free speech and assembly while also protecting the lives and property of all people.

Decisions regarding enforcement actions are usually taken by senior officers. Such decisions strike a balance between protecting constitutional rights and enforcing statutes and local laws.

When dealing with crowds, the role of law enforcement includes:

- *protection of individual constitutional rights,*
 - *fair and impartial enforcement of the law,*
 - *protection of life and property,*
 - *protection of vital facilities,*
 - *prosecution of violators,*
-
- *safety of the public and peace officers, and*
 - *prevention of disruption to commerce and community affairs.*

2.16.74 - The trainee will explain the concept of restoring order, with an understanding that if the actions of a group turn from lawful to unlawful activities, law enforcement officers (following the law and agency policy) have a responsibility to control those actions efficiently and with minimal impact to the community.

If the actions of a group pass from lawful activities to unlawful activities, it is the responsibility of law enforcement to control those actions lawfully, efficiently, and with minimal impact upon the community. If the use of force becomes necessary, only that force which is reasonable may be used to arrest/disperse violators and restore order.

Not only must the deputy notify his supervisor of the situation, establish a command post and report the number of people involved, but he or she must provide a dispersal order prior to any arrests being valid for PC 726. While making an arrest the deputy must adhere to Section F of the Department Policies and Procedures Manual.

A dispersal order may consist of the following:

"I am (official's name and rank), a police officer of (name of jurisdiction). I hereby declare this to be an unlawful assembly and, in the name of the People of the State of California, command all those assembled at (give specific location) to immediately disperse. If you do not do so, you will be arrested."

Penal Code section 409 prohibits remaining at a riot or an unlawful assembly after a dispersal order is given, whether or not one participated in the riot or unlawful assembly.

The dispersal order must be heard.

"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." (Pen. Code, § 727.)

Refusing to Disperse Upon Lawful Command (Pen. Code, § 416, subd. (a)) Misdemeanor

"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 so to do by a public officer, the persons so offending are severally guilty of a misdemeanor."

2.16.75 - The trainee will explain and discuss the agency philosophy and law enforcement objective for controlling a crowd, where there is a potential or imminent threat of violence. The discussion will minimally include the concept that law enforcement's objective is to control the situation and prevent violations of law, without infringing on an individual or group's First Amendment rights of free speech and assembly.

- *Protecting the constitutional rights of all parties*

People will view your activities in a crowd control situation differently

- *The police have the responsibility for the protection of life and property in the community they serve*

One of the primary considerations of the police when assessing a crowd control situation is the makeup of the group and the reasons for its gathering

All citizens have the right to assemble (Ref. U.S. Constitution - First Amendment)

2.16.76 - The trainee will understand and be able to explain the fact that peace officers must not allow personal or political opinions, attitudes, or religious views to affect their responsibility to protect an individual's rights to free speech and assembly.

Peace officers must not allow personal or political opinions, attitudes, or religious views to affect their responsibility to protect an individual's right to free speech and assembly.

*Officers must **not** be affected by:*

- *the content of the opinions being expressed,*
- *race, gender, sexual orientation,*
- *ethnic makeup,*
- *physical disabilities,*
- *appearances, or*
- *affiliations.*

2.16.77 - The trainee will understand and be able to explain that "crowd management" deals with law enforcement response to a known event, activity, or occurrence where a large amount of people may gather. Law enforcement response to crowd management situations will include incident planning and crowd containment strategies.

- *Containment*
 - *Establish a perimeter which is*
- *Controllable and*
- *Flexible*
 - *Control ingress*
 - *Control egress*
- *Isolation*

Establish an inner perimeter. Create a buffer zone

- *Provide ready means to identify intruders or unauthorized persons inside the outer perimeter*
- *Serves as an operating zone, necessary*
 - *Isolation makes the rioters feel vulnerable*
 - *Allows officers to focus enforcement capabilities*

2.16.78 - The trainee will identify and explain the agency's philosophy and policies for response to crowd management situations. A discussion of agency philosophy and policies will minimally include the following:

A. Crowd Management at large planned/organized gatherings

- 1. Protests/Demonstrations/First Amendment activities*
- 2. Labor disputes*
- 3. Concerts*
- 4. Sporting events/celebrations*
- 5. Holiday celebrations*
- 6. Cultural programs*
- 7. Religious gatherings*
- 8. Community activities*

B. Incident Planning

- 1. Establishing a command post*
- 2. Coordination of resources*
- 3. Planning, preparation, and coordination with event promoters*
- 4. Deploying sufficient personnel with proper equipment*
- 5. Establishment of a unified chain of command*
- 6. Establishment of rules of conduct for the crowd, law enforcement, media, etc.*
- 8. Preparing to handle multiple arrests*
- 9. Planning and coordinating the response of medical personnel or additional resources, if needed*
- 10. Making contingency plans for response if a riot situation ensues*
- 11. The construction of written plans for the Incident Command System, State Emergency Management System, and National Incident Management System*
- 12. Authorized/designated law enforcement personnel interacting with the media*

C. Containment

- 1. Establishment of a flexible and controllable perimeter for the crowd, whenever possible*
- 2. Using officers to control the entry and exit of the crowd within the perimeter*

2.16.79 - The trainee will understand and be able to explain that a "crowd control" situation is one in which law enforcement must respond to a preplanned or spontaneous event, activity, or occurrence where there is a potential or imminent threat of violence associated with a large gathering of people. In such situations, only the level(s) of force necessary (force which is reasonable under the law and agency policy) may be used to arrest/disperse violators and restore order.

2.16.80 - The trainee will identify and explain the agency's philosophy and policies for response to crowd control situations. A discussion of agency philosophy and policies will minimally include the following:

A. Isolation and containment

- 1. Establishment of a perimeter around the crowd*
- 2. Consideration of barricades and placement of additional personnel to maintain the perimeter*
- 3. In situations involving the potential for violence, officers should maintain the integrity of squads and platoons and avoid becoming isolated in the crowd*

B. Law enforcement presence

- 1. Coordination of resources*
- 2. Communication*
- 3. Deploying sufficient personnel with proper equipment*
- 4. The announcement of dispersal orders (prepared announcement/amplified sound, multiple announcements in appropriate language)*
- 5. Use of force options*
- 6. Law enforcement documenting its own response (video/audio)*
- 7. Making selective arrests (arrest teams/communication)*
- 8. Establishment of a unified chain of command*
- 9. Preparing to handle multiple arrests*
- 10. Planning and coordinating the response of medical personnel or additional resources, if needed*
- 11. Authorized/designated law enforcement personnel interacting with media*

2.16.81 - The trainee will understand and be able to discuss law enforcement actions immediately following crowd dispersal orders. The trainee will understand that if the only unlawful act at a crowd

control situation is the forming of an unlawful assembly, the crowd should be given an opportunity to disperse voluntarily prior to law enforcement initiating any arrests.

- *Dispersal*
 - *Dispersal of the rioters can begin once the perimeter has been established and ingress and egress controlled*

- *Dispersal should be accomplished systematically*
 - *Provide adequate time for the crowd to comply*
 - *Larger crowds require more time to respond*
 - *Officers must be patient, observant, alert and cautious*
 - *Do not “press” or “force” a crowd to move too fast*
 - » *Can cause panic*
 - » *Can cause violent resistance*

2.16.82 - The trainee will understand and be able to discuss the importance of all law enforcement personnel at a crowd situation being aware of their purpose and agency policies. If any peace officer at a crowd management or crowd control incident is not absolutely clear on the law enforcement objective, mission, or agency policies relating to the incident, it is that officer's responsibility to IMMEDIATELY contact a supervisor to obtain clarification.

2.16.83 - The trainee will understand and be able to discuss the term "riot control" as it refers to the techniques used by peace officers in response to an escalation of crowd violence where reasonable force may be necessary to prevent additional violence, injuries, death, or the destruction of property. Although law enforcement does not necessarily plan on riots erupting in all crowd situations, riot control is generally a contingency of a well-prepared crowd management plan. A discussion of riot control techniques will minimally include the following:

- A. Specific operational tactics/formations
- B. Additional resources, equipment, and personnel that may be required for a response
- C. Assignment of specific tasks
- D. Agency policies and procedures for mounting a quick, effective response to violence or violations of the law
- E. Dispersal orders
- F. Clarity on agency policies and guidelines for the use of less-lethal force (i.e. chemical agents, baton, bean-bag rounds, taser, etc.)
- G. Clarity on the agency policy for the use of deadly force

2.16.84 - The trainee will identify and be able to discuss the agency philosophy and policies dealing with the principles of riot control. The discussion will minimally include the following:

A. Containment

1. *Flexible outer perimeter controlling ingress and egress of the crowd*
2. *Denying access and preventing others from joining the existing crowd*

B. Isolation

1. *Developing an inner perimeter so officers can focus on gaining control and rioters may feel vulnerable and more likely to disperse*

C. Dispersal

1. *Dispersal can commence once the inner and outer perimeters have been established and control forces are in place to support and control crowd movement, ingress, and egress*

D. Restoration of order

1. *Medical aid*
2. *Detention, arrest, cite and release, transportation*

3. Criminal investigation

4. Authorized/designated law enforcement personnel interacting with the media

2.16.85 - The trainee will understand and be able to discuss the importance of proper law enforcement conduct in response to crowd situations. All law enforcement personnel responding to crowd situations must conduct themselves legally and professionally, and in a calm and unbiased manner. Officers shall respond to any incident safely and professionally; and all law enforcement personnel shall follow the law and agency policies in any type of response to a crowd situation.

Peace officers encountering a crowd where there is a potential or imminent threat of violence must appraise the situation carefully. Factors that should be considered include the:

- *emotional complexion of the group.*
- *presence of bystanders or opposing groups.*
- *potential for violence.*
- *resources and tactical ability of officers at the time.*

Crowd situations should be continually monitored by peace officers to assess the crowd control situation. If necessary, officers should be prepared to advise their supervisor or agency of the crowd's status.

Officers should report any changes in the status of the crowd or the event so that those who are in command can modify any proposed course of action based on those changes.

News Media Relations - 2.16.86 - 2.16.90

2.16.86 - The trainee shall discuss the importance of maintaining a professional and cooperative relationship with the media.

Even though the media and law enforcement frequently have conflicts, it needs to be understood that the media has a legitimate and important job to do. So long as that job does not interfere with the role of law enforcement, your trainee should be encouraged to maintain a cooperative attitude toward the media.

2.16.87 - The trainee shall discuss the most common law enforcement practices as to who may release information to the news media and the notification procedures utilized.

The synopsis of the policy is outlined above. I-100 states:

Freedom of the press is a fundamental constitutional guarantee. The news media reports on the activities of law enforcement agencies and the administration of justice. However, it is recognized that the constitutional rights of a free press can conflict with the constitutional right of an accused to a free trial. Therefore, it is essential to establish guidelines for the disclosure and reporting of information relating to arrested persons and criminal trials.

Members of this department shall provide factual, accurate, and timely information to all news media on a fair and equal basis. Such disclosure shall occur unless:

1. *It jeopardize the rights and safety of crime victims or the rights of a person accused of a crime.*

2. **IT COMPROMISES THE SECURITY OF AN INVESTIGATION.**

3. **IT BREACHES A CONFIDENTIAL RELATIONSHIP.**

Directive A, information that will NOT be released:

Criminal suspects or arrested persons, information regarding:

- *Statements or opinions of a suspect's character, criminal record or reputation, except to aid in apprehension of the suspect.*

- *The existence or content of any admission or confession.*
- *Any refusal by a suspect to make a statement.*
- *The performance or result of any examination or test.*
- *The identity, testimony or credibility of any prospective witness*
- *Any statement on the possibility of a guilty plea or of charges being filed.*
- *Any statement or opinion of the guilt or innocence of a suspect*
- *The names or identities of any juveniles arrested or listed as suspects in a crime report.*

Directive B, information which may be released:

Most department information that is not confidential or which would not hamper any investigation or jeopardize the rights and safety of anyone can and should be released to the news media. Information that may be released within the law and this policy can be described as:

Information that is a matter of public record, or any of the following information pertaining to a suspect arrested by OUR agency and while charges are actually pending or being considered. After that time, refer the requestor to arrest records.

- *Name*
- *All charges including holds*
- *Date and time of arrest*
- *Factual circumstances*
- *Amount of bail*
- *Age and date of birth*
- *Occupation*
- *Physical description*
- *Location of arrest*
- *Jail location*
- *Time and manner of pre-trial release*
- *Any information necessary to obtain public assistance in the apprehension of a criminal suspect.*
- *Any information warning the public of danger or the nature and frequency of crime in the community.*
- *Any information which might result in the public assistance of any investigation*
- *Any description of the general scope of an investigation.*
- *Circumstances surrounding an incident of arrest such as:*
- *Place of occurrence*
- *Time and date*
- *Description of resistance encountered or pursuit involved*
- *Any possession or use of item seized*
- *General description of any item seized*
- *names of department members involved except undercover officers*
- *The duration of any investigation and identification of any other law enforcement agencies involved.*

2.16.88 - The trainee shall recognize press credentials most commonly honored by law enforcement agencies.

2.16.89 - The trainee shall identify the provisions of California law pertaining to the authorization of news media representatives to enter areas otherwise closed to the public.

Reference: Penal Code Section 409.5

PC 409.5 authorizes law enforcement to close an area during an emergency.

PC 409.5(d) states:

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 closed pursuant to this section.

2.16.90 - The trainee shall discuss types of information that could prejudice the rights of an individual if furnished to the news media, including:

- A. Statements as to the character or reputation of an accused person or prospective witness
- B. Admissions, confessions, or alibis attributed to an accused person
- C. Results, performance, or refusal of a suspect or witness to take any test(s)
- D. The believed credibility of an accused person or witness
- E. The probability of an accused person entering a guilty plea
- F. The opinioned value of evidence against an accused person
- G. Information prohibited by agency policy
- H. Information that would be detrimental to the investigation of the case
- I. Information that may jeopardize the rights of the individual

Hostage/Barricaded Subject - 2.16.91

2.16.91 - The trainee shall explain and/or demonstrate tactical considerations in dealing with hostage/barricaded suspect situations, including:

- A. Safe approach
- B. Containment of the scene
- C. Requesting the appropriate assistance (i.e., hostage negotiator, specialized unit(s), etc.)
- D. Evacuation
- E. Communication/negotiation with the suspect

Sniper Attack - 2.16.92 - 2.16.94

2.16.92 - The trainee shall explain those steps which should be immediately taken when confronted with a "set-up", ambush, or sniper situation including:

- A. Cover/Concealment
- B. Calling for assistance
- C. Isolating and clearing
- D. Determining possible location of assailants

2.16.93 - The trainee shall discuss tactical actions that can be taken by the driver of a vehicle that comes under sniper attack:

- A. Acceleration/Reversal out of "kill zone"
- B. Turning into nearest available cover
- C. Abandonment of target vehicle
- D. Awareness of possible secondary ambush

2.16.94 - The trainee shall discuss tactics that should be used when the police vehicle has been hit with a firebomb:

- A. Acceleration
- B. Roll-up windows
- C. Abandon vehicle (after initial flame burst, if vehicle is incapacitated)

Animal Control - 2.16.95 - 2.16.98

2.16.95 - The trainee shall discuss Animal Control Services and explain the agency's functions and responsibilities.

- *Animal Control is the county's enforcement agency for animal related matters.*
- *PC 830.9: Animal Control Officers - Powers and Training Requirements*

Animal control officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if those officers successfully complete a course in the exercise of those powers pursuant to Section 832. That part of the training course specified in Section 832 pertaining to the carrying and use of firearms shall not be required for any animal control officer whose employing agency prohibits the use of firearms.

For the purposes of this section, "firearms" includes capture guns, blowguns, carbon dioxide operated rifles and pistols, air guns, handguns, rifles, and shotguns.

2.16.96 - The trainee shall explain the agency's policy and procedures when confronted with different types of animal control situations. These types of situations shall minimally include:

A. Injured animals

- *When a deputy confronts an injured animal, the deputy should attempt to locate the animal's owner.*
- *PC 597.1: (b) Every sick, disabled, infirm, or crippled animal, except a dog or cat, that is abandoned in any city, county, city and county, or judicial district may be killed by the officer if, after a reasonable search, no owner of the animal can be found. It shall be the duty of all peace officers, humane society officers, and animal control officers to cause the animal to be killed or rehabilitated and placed in a suitable home on information that the animal is stray or abandoned. The officer may likewise take charge of any animal, including a dog or cat, that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated, and provide care and treatment for the animal until it is deemed to be in a suitable condition to be returned to the owner. When the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of an animal or the health or safety of others,*

- *The officer shall immediately seize the animal and comply with subdivision (f). In all other cases, the officer shall comply with subdivision (g). The cost of caring for and treating any animal properly seized under this subdivision shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid.*

- *(c) Any peace officer, humane society officer, or animal control officer shall convey all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer to be a veterinarian who ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment.*

- *(e) Notwithstanding any other provision of this section, any peace officer, humane society officer, or any animal control officer may, with the approval of his or her immediate superior, humanely destroy any stray or abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal.*

- *(f) Whenever an officer authorized under this section seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, prior to the commencement of any criminal proceedings authorized by this section, provide the owner or keeper of the animal, if known or ascertainable after reasonable investigation, with the opportunity for a post-seizure hearing to determine the validity of the seizure or impoundment, or both.*

- *Depending on the extent of the injury, and the type of animal involved, dispatching animal control might be appropriate.*

- *If the animal is injured to the point where it is suffering and other options are not feasible, i.e. a horse hit by a car and is unable to move, killing the animal might be appropriate*

F-700 states: 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 the safety of people has been given prime consideration.

B. Dead animals

- *The deputy should request animal control for the removal of the carcass.*
- *PC 374d :Every person who knowingly allows the carcass of any dead animal which belonged to him at the time of its death to be put, or to remain, within 100 feet of any street, alley, public highway, or road in common use, and every person who puts the carcass of any dead animal within 100 feet of any street, alley, highway, or road in common use is guilty of a misdemeanor.*
- *If the dead animal is on the roadway and is obstructing traffic, or is causing any similar hindrance, the deputy should move the animal to a safe location*

C. Rabid animals

The deputy should ensure that no persons are being immediately endangered by the animal. The situation should then be referred to animal control.

F-700 states: 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 the safety of people has been given prime consideration.

D. Noisy animals

· *CO7.08.390A.states: It is unlawful to keep or harbor any dog, cat or other animal, or fowl which habitually howls, yelps, barks or makes other noise disturbances, or annoys any considerable number of persons, or any neighborhood and/or trespasses, destroys, damages any public or private property or commits any dangerous act to the public health or safety. (Misdemeanor)*

· *PC 399 states: If the owner of a mischievous animal, knowing its propensities, willfully suffers it to go at large, or keeps it without ordinary care, and such animal, while so at large, or while not kept with ordinary care, kills any human being who has taken all the precautions which the circumstances permitted, or which a reasonable person would ordinarily take in the same situation, is guilty of a felony.*

· *H-1700 states: The Sheriffs Office will respond to nuisance/barking dog calls for service during all hours in which an Animal Control Officer is not on duty. This will be a low priority call. If an Animal Control Officer is on duty, the complaint will be referred to Animal Control to respond.*

The assigned deputy will:

o Make contact with the responsible party and administer one of the following actions:

§ **First Response** - The Deputy will determine the cause of the nuisance and advise the owner/responsible party of Ordinance Code 7.08.380, and warn of further action in the event of subsequent complaints.

§ **Second Response** – Upon a second response to an animal nuisance complaint within a twelve-month period, the deputy will issue an infraction citation to the owner/responsible party for an offense occurring in the deputy's presence.

§ **Third Response** – Upon a third response to a dog barking complaint within a twelve-month period, the Deputy will issue a misdemeanor citation to the owner/responsible party for an offense occurring in the deputy's presence.

o Advise the dispatcher of the following information for entry into CAD:

§ Address;

§ Name of Owner/Responsible party;

§ Type of action taken: verbal warning, infraction citation, misdemeanor citation.

o If a responsible party cannot be located, the address and call information will be logged by the dispatcher and forwarded to Animal Control for follow-up.

E. Stray animals

- *This is a situation that should be referred to animal control.*
- *PC 597s: Every person who willfully abandons any domestic dog or cat is guilty of a misdemeanor.*

F. Vicious animals

- *This is another situation that is to be referred to animal control, however,*
- *The deputy's primary focus is the protection of people. The deputy needs to take immediate steps to ensure the safety of all persons. These might include:*
 - *Isolating the animal*
 - *Evacuating the immediate area*
 - *Killing the animal if necessary pursuant to F-700.*

G. Protective custody of animals

This typically occurs under the following circumstances:

1. *The animal is being mistreated.*
2. *The owner is not available to care for the animal.*

In either case, if the deputy has reasonable cause to believe that very prompt action is required to protect the health or safety of the animal, or of others, the deputy is authorized under PC 597 to take the animal into protective custody.

PC§ 597.1:(a) Every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. Any peace officer, humane society officer, or animal control officer shall take possession of the stray or abandoned animal and shall provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner. When the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall immediately seize the animal and comply with subdivision (f). In all other cases, the officer shall comply with the provisions of subdivision (g). The cost of caring for and treating any animal properly seized under this subdivision shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid, if the seizure is upheld pursuant to this section.

(f) Whenever an officer authorized under this section seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, prior to the commencement of any criminal proceedings authorized by this section, provide the owner or keeper of the animal, if known or ascertainable after reasonable investigation, with the opportunity for a post-seizure hearing to determine the validity of the seizure or impoundment, or both.

After the seizure of the animal pursuant to PC 597.1(a), the deputy shall coordinate with animal control for care and shelter of the animal.

H. Animal bites

The deputy should request animal control for this situation. Prior to their arrival however, the deputy is to ensure there is no immediate danger from the offending animal.

2.16.97 - The trainee shall explain the agency's policy and procedures when it is determined that a vicious, dangerous, or injured animal must be killed/destroyed. This explanation shall minimally include:

A. Whom to notify prior to killing the animal

If practical, notification of an immediate supervisor is advisable, but only if the notification does not cause a delay in action that could further endanger anyone.

B. Who may shoot the animal

F-700 states:

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

C. What report should be completed following the shooting of the animal

A crime or incident report is required.

D. How disposal of the dead animal is handled

This should be coordinated with animal control.

2.16.98 - Given an incident, the trainee shall effectively assess and handle an animal control situation.

PHASE THREE

Interview/Interrogation - 3.17.01 - 3.17.07

3.17.01 - The trainee shall explain the systematic steps he/she should take in conducting an interview or interrogation.

3.17.02 - The trainee shall discuss basic rules in statement taking and interviewing. These rules shall minimally include:

- A. Asking direct and brief questions. Let the person being interviewed do the majority of the talking.
- B. Controlling the interview. Avoid rambling by the person being interviewed.
- C. Avoiding leading questions except when absolutely necessary.
- D. Putting the person being interviewed at ease.
- E. Writing statements verbatim (when appropriate) from the person being interviewed, not improvising or making assumptions. Including the solicitation of negative statements.
- F. Avoid interruptions from other witnesses or victims.

3.17.03 - The trainee shall describe the contents of a good statement. These contents shall minimally include:

- A. What happened
- B. When it happened
- C. Where it happened
- D. Who it happened to
- E. How it happened
- F. Why it happened
- G. How many are involved

3.17.04 - The trainee shall review and explain the "Miranda" requirements as they pertain to interviews. Such explanation shall minimally include:

- A. When the advisement needs to be given.
- B. Required contents of the advisement
- C. Consequences of not giving an advisement when required.
- D. Differences in advising adults and juveniles

3.17.05 - The trainee shall explain the ramifications of the Miranda warning and shall describe when, where, and why it should/should not be used during interrogations.

3.17.06 - Given a situation in which a statement should be taken, the trainee shall properly conduct an interview and satisfactorily summarize the information on the appropriate form.

3.17.07 - The Trainee shall explain the difference between an interview and interrogation. This should minimally include:

- A. Victim, witness, and contact vs. suspect
- B. Use of Miranda rights
- C. Location of interview

Investigations - Cold Crimes - 3.17.08 - 3.17.11

3.17.08 - The trainee shall demonstrate the ability to conduct thorough and complete preliminary investigations.

3.17.09 - The trainee shall discuss factors which must be determined when interviewing complainants, reporting persons, and witnesses.

- A. When did this incident occur?
- B. When was this incident discovered?
- C. Where did this incident occur?
- D. Where was the interviewee when he/she obtained the information?
- E. What was taken, damaged, used etc.?
- F. How did this incident occur?
- G. How did the interviewee obtain the information (sight, smell, hearing etc)?
- H. Who is involved (include a complete description)?
- I. Why did this incident occur?
- J. Why is this incident being reported?

3.17.10 - The trainee shall review and discuss the department's Technical Investigations Unit. Such discussion shall minimally include:

- A. The Unit's location:
- B. The Unit's capabilities :
- C. Situations that require the use of a technical investigator;
- D. The field deputy's role in working with technical investigators.

3.17.11 - The trainee shall properly obtain all information necessary for the completion of a thorough preliminary investigation of a "cold" crime.

Crimes Against Property - 3.17.12 - 3.17.13

3.17.12 - The trainee shall review and explain an officer's responsibilities associated with the preliminary investigation and reporting of in-progress or fresh crimes against property. These responsibilities should minimally include:

- A. Identity or description of suspect(s)
- B. Description of loss
- C. Direction of flight of suspect(s)
- D. Possibility of weapons being involved
- E. Radio broadcasts of all known and important information

- F. Pursuit and/or apprehension of suspects, if possible.
- G. Time element

3.17.13 - Given an in-progress or fresh incident involving a crime against property, the trainee shall properly assess and perform all the objectives necessary to satisfactorily complete the preliminary investigation, including the satisfactory completion of the proper report(s).

Crimes Against Persons - 3.17.14 - 3.17.17

3.17.14 - The trainee shall review and explain an officer's responsibilities associated with the preliminary investigation and reporting of in-progress or fresh crimes against persons.

- A. Provide for the safety of the public, other officers and themselves.
- B. Obtain medical assistance for those in need.
- C. Separate all participant and witnesses.
- D. Obtain statements / information.
- E. Protect the crime scene.
- F. Determine if additional units are needed.
- G. Give assignments to additional units.
- H. Broadcast pertinent information over the radio
- I. Identify / locate potential witnesses
- J. Determine if special units are needed (K-9, Air Support etc.)

3.17.15 - The trainee shall explain the steps to take while investigating the following crimes:

- A. Rape/Sexual assault
- B. Felonious assault
- C. Robbery
- D. Kidnapping
- E. Broadcasts by deputy/dispatch

3.17.16 - The trainee shall discuss the steps to take at the scene of a serious injury or death. These steps shall minimally include:

- A. Locate the victim and provide medical assistance, and aid
- B. Initiate homicide proceedings if appropriate
- C. Preserving the scene
- D. Restriction of unauthorized personnel
- E. Locating visible physical evidence
- F. Locating, identifying and interviewing witnesses
- G. Identifying and apprehending the suspects
- H. Supervisor notification

3.17.17 - Given an in-progress or fresh incident involving a crime against a person, the trainee shall properly assess and perform all the objectives necessary to satisfactorily complete the preliminary investigation, including the satisfactory completion of the proper report(s).

Burden Of Proof - 3.17.18

3.17.18 - The trainee shall define the term "burden of proof" and determine, in the following situations, whether the "burden of proof" falls upon the prosecution or defense during a criminal trial:

- A. Criminal guilt (Evidence Code Section 520)
- B. Corpus delicti (Evidence Code Section 550)
- C. Jurisdiction (Evidence Code Section 666)
- D. Double jeopardy as a defense (Evidence Code Section 500)
- E. Self defense as a defense (Evidence Code Section 500)

Reference: Evidence Code sections 520; 550; 666; 500; 500

Concepts of Evidence - 3.17.19 - 3.17.24

3.17.19 - The trainee shall recognize the concepts of evidence as defined and used in California law, including:

- A. Evidence
- B. Direct evidence
- C. Circumstantial evidence

3.17.20 - The trainee shall identify the following types of evidence or material related to the introduction of evidence in court and shall give an example of each:

- A. Fruits of a crime
- B. Instrumentalities of a crime
- C. Contraband

3.17.21 - The trainee shall explain the purposes for offering evidence in court, including:

- A. As an item of proof
- B. To impeach a witness
- C. To rehabilitate a witness
- D. To assist in determining sentence

3.17.22 - The trainee shall explain the tests which an item of evidence must successfully pass before it may be admitted into any criminal court. (Evidence Code Section 210)

- A. The evidence must be relevant to the matter in issue
- B. The evidence must be competently presented in court
- C. The evidence must have been legally obtained

3.17.23 - The trainee shall identify at least three of the following as qualifications that must be met by a witness before he/she may testify in a criminal trial in the State of California.

- A. The witness must know the difference between right and wrong

- B. The witness must possess the ability to understand
- C. The witness must possess the ability to express himself/herself
- D. With the exception of those areas covered by the Hearsay Rule, the witness must testify only to those facts that are personal knowledge

3.17.24 - The trainee shall explain the privileged communication rule and provide examples to include:

Reference: Evidence Code sections 970 & 980; 950; 1030; 990

- A. Husband and wife
- B. Attorney and client
- C. Clergyman and confessor
- D. Physician and patient

Rules of Evidence, Collection and Preservation - 3.17.25 - 3.17.35

3.17.25 - The trainee shall describe the effects of the "exclusionary rule" upon police actions and procedures in the following areas:

- A. Civil rights
- B. Inadmissible evidence
- C. Possibility of false arrest

Reference: Evidence Code; Case Law

3.17.26 - The trainee shall define the Hearsay Rule and give examples of exceptions to the rule, including:

- A. Spontaneous statements
- B. Admissions
- C. Confessions
- D. Dying declarations
- E. Records
- F. Officers testifying at preliminary hearings

Reference: Evidence Code sections 1200; 1220

3.17.27 - The trainee shall search a crime scene and locate physical evidence through the use of an organized method which may include:

- A. Strip
- B. Spiral
- C. Quadrant

3.17.28 - The trainee shall explain and/or demonstrate the methods for preserving evidence at a crime scene in fair and inclement weather.

3.17.29 - The trainee shall demonstrate the ability to preserve evidence in such a way as to ensure it is received by the examining authority or court in as near to the same condition as it was found.

3.17.30 - The trainee shall review and explain, as well as apply, the agency's policies on:

- A. Handling controlled substances
- B. Depositing property and evidence
- C. Depositing money
- D. Withdrawing and returning property

- E. Depositing firearms
- F. Miscellaneous weapons
- G. Explosives

3.17.31 - The trainee shall explain the provisions of the agency's rules, policies, and procedures regarding the storage of evidence.

3.17.32 - The trainee shall review and explain the agency's policies and procedures regarding the taking of evidence to laboratory examination facilities and court. The discussion will include a review of the agency's policy on calling out Crime Scene Investigators and/or detectives to process a crime scene.

- A. What types of evidence require crime lab analysis.
- B. Booking evidence into the crime lab.
- C. "Request for analysis" form

3.17.33 - The trainee shall explain "chain of custody" or "chain of evidence."

3.17.34 - Given a crime situation in which any form of evidence is recovered, the trainee shall collect, preserve, and deliver the evidence, and properly complete all necessary forms (property reports, evidence tags, etc.) in order to ensure the chain of custody.

3.17.35 - The trainee shall review and explain the agency's procedures regarding requesting the Technical Investigators Unit to process evidence at a crime scene. This should minimally include:

- A. Normal hours of operation
- B. Types of calls the unit responds too
- C. Call out procedures for after hour incidents

Line Ups - 3.17.36 - 3.17.38

3.17.36 - The trainee shall explain technical methods for identifying suspects, including:

- A. Field show up
- B. Photo identification
- C. Identification kit
- D. Artist's conception

3.17.37 - The trainee shall review and explain the agency policy and procedure(s), including admonitions, for conducting the following types of "line ups:"

- A. In custody
- B. In the field
- C. Photographic

3.17.38 - The trainee shall explain and/or demonstrate the following procedures for a photographic identification:

- A. Use of multiple photos
- B. Instructions to witness(es)
- C. Control of the situation
- D. Similar appearances

Sources of Information - 3.17.39 - 3.17.41

3.17.36 - The trainee shall explain technical methods for identifying suspects, including:

- A. Field show up
- B. Photo identification
- C. Identification kit
- D. Artist's conception

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3.17.38 - The trainee shall explain and/or demonstrate the following procedures for a photographic identification:

- A. Use of multiple photos
- B. Instructions to witness(es)
- C. Control of the situation
- D. Similar appearances

Subpoenas and Courtroom Testimony/Demeanor - 3.17.42 - 3.17.51

3.17.42 - The trainee shall review and explain the agency's practices and policies concerning the subpoena process.

3.17.43 - The trainee shall define the term "subpoena" and describe the authority and immunities associated with the subpoena, including:

- A. Who may exercise the power of a subpoena
- B. Who may serve a subpoena
- C. How a subpoena is served
- D. Who is subject to the power of a subpoena
- E. What immunities from arrest are granted to a person traveling in answer to a subpoena
- F. How a subpoena is enforced

3.17.44 - The trainee shall explain the value of impressive and professional courtroom demeanor and appearance. This discussion will also cover the fact that perjury in court and officers falsifying police reports are felony crimes that can result in both criminal and civil actions against the officer, and civil actions against the agency.

3.17.45 - The trainee shall explain the value of a pre-trial conference with the prosecuting attorney. This shall minimally include:

- A. Refreshing the officer's memory
- B. Coordination of efforts

3.17.46 - The trainee shall identify and explain principles of effective testimony. These principles shall minimally include:

- A. Honesty
- B. Clarity
- C. Brevity
- D. Objectivity
- E. Poise

3.17.47 - The trainee shall explain the value of furnishing testimony in a professional manner, even when confronted with a variety of attorney personalities including:

- A. Irate
- B. Offensive
- C. Threatening
- D. Argumentative
- E. Overly friendly

3.17.48 - The trainee shall become familiar with local courtroom security policies and procedures such as:

- A. Prisoner escort
- B. Prisoner restraint
- C. Screening of courtroom audience
- D. Disturbance procedures

3.17.49 - The trainee shall explain the elements and penalty for proving false testimony under oath, this shall minimally include:

- A. Internal Affairs investigation
- B. Loss of credibility
- C. Loss of career
- D. Arrest and imprisonment

Reference: PC 118(a)

3.17.50 - The trainee shall explain the elements and penalty for completing a false report, this shall minimally include:

- A. Internal Affairs investigation
- B. Loss of credibility
- C. Loss of career
- D. Arrest and imprisonment

Reference: PC 118.1

3.17.51 - The trainee shall demonstrate the ability to prepare and furnish courtroom testimony in such a manner as to promote professionalism and the administration of justice.

Tactical Communication - 3.18.01 - 3.18.05

3.18.01 - The trainee shall discuss how tactical communication involves both professional demeanor and words (verbal and non-verbal cues).

3.18.02 - The trainee shall identify the benefits of tactical communication including:

- A. Enhanced safety (reduces likelihood of physical confrontation and injury)

B. Enhanced professionalism (decreases citizen complaints, civil liability, personal, and professional stress)

3.18.03 - The trainee shall demonstrate an ability to perform in a calm, professional demeanor while de-escalating hostilities or conflicts (i.e., without resorting to physical force).

3.18.04 - The trainee shall explain and demonstrate the ability to use deflection techniques in response to verbal abuse. Every word that follows "but" is professional language that is goal directed. Examples might include:

- A. I appreciate that, but I need to see your driver's license.
- B. I understand that, but I need you to sign the citation.

3.18.05 - Given a scenario or an actual incident involving an uncooperative subject(s), the trainee shall be able to generate voluntary compliance using the 5-step process:

- A. Ask (Ethical Appeal) - The subject is given an opportunity to voluntarily comply by simply being asked to comply
- B. Set Context (Reasonable Appeal) - The "why" questions are answered by the identification or explanation of the law, policy, or rationale that applies to the situation
- C. Present Options (Personal Appeal) - Explain possible options
- D. Confirm (Practice Appeal) - Provides one last opportunity for voluntary compliance; "Is there anything I can say to earn your cooperation at this time?"
- E. ACT - (Take appropriate action)

Handling Disputes(Civil, Landlord, Labor, Repossessions) - 3.18.06 - 3.18.20

3.18.06 - The trainee shall explain an officer's basic responsibilities at the scene of a dispute. These responsibilities shall minimally include:

- A. Remaining impartial
- B. Preserving the peace
- C. Determining whether or not a crime has been committed
- D. Conducting an investigation if a crime has been committed
- E. Providing safety to individuals and property
- F. Suggesting solutions to the problem
- G. Offering names of referral agencies
- H. Considering arrest as a viable alternative if a crime has been committed

3.18.07 - The trainee shall identify various social service organizations that are available within the city or county to render assistance in dispute situations. These organizations shall minimally include those dealing with:

- A. Public health
- B. Alcohol/Drug problems
- C. Family counseling and child guidance

3.18.08 - The trainee shall explain the inherent dangers to an officer who enters the home of a family involved in a dispute.

3.18.09 - The trainee shall explain the advantages and disadvantages of separating parties in a dispute and gathering information from them individually.

3.18.10 - The trainee shall explain private persons arrest procedures and explain how it can be used during different types of disputes.

3.18.11 - The trainee shall assess and explain different techniques to use in given dispute situations. These situations shall minimally include:

- A. Family disputes
- B. Neighbor disputes
- C. Juvenile disputes
- D. Loud parties

3.18.12 - Given a scenario or an actual incident involving a dispute, the trainee shall assess and handle the dispute in a safe, efficient, reasonable, and discretionary manner.

3.18.13 - The trainee shall review and explain the agency's policy on handling landlord-tenant disputes.

- A. Tenant's Rights:
- B. Landlord's obligations:
- C. A patrol deputy's role during a dispute
- D. Unlawful detainer motion (eviction process)

3.18.14 - The trainee shall identify and explain California civil and criminal law and agency procedures applicable to situations that arise from landlord-tenant disputes. These situations shall minimally include:

- A. Lock-outs
- B. Trespass
- C. Interruption of utility service
- D. Removal of doors or windows
- E. Confiscation of tenant's property

3.18.15 - The trainee shall review and explain the agency's policy on labor-management disputes.

3.18.16 - The trainee shall explain agency policy and procedures relative to typical policing problems that occur during labor-management disputes. These problems shall minimally include:

- A. Obstruction of ingress or egress
- B. Blocking of sidewalks and roadways
- C. Outside agitators
- D. Violence and vandalism

3.18.17 - The trainee shall explain the role of the small claims court.

- A. Damage limits of small claims
- B. Procedure for filing a claim

3.18.18 - The trainee shall review law and policy regarding child custody disputes. Such review shall minimally include:

- A. Verification and enforcement of court orders
- B. Procedure necessary for obtaining a court order
- C. Unlawfully keeping a child from a parent
- D. A patrol deputy's role during a dispute

3.18.19 - Given any situation involving a civil dispute, the trainee shall assess and handle the situation in a safe and effective manner, consistent with agency policy and state law.

3.18.20 - The trainee shall explain the general rules that pertain to the repossession of items. These rules shall minimally include:

- A. Who is eligible to conduct repossessions
- B. When a repossession is complete
- C. A patrol deputy's role during a dispute
- D. What property is subject to repossession
- E. Notice and hearing requirements before a repossession can occur
- F. Buyer's rights

PHASE FOUR

Self Initiated Activity - 4.19.01 - 4.19.05

4.19.01 - The trainee shall explain the necessity of and demonstrate proficiency in the performance of self-initiated activities to minimally include:

Vehicle Stops:

- A. Investigative
- B. Traffic enforcement

4.19.02 - The trainee shall explain the necessity of and demonstrate proficiency in the performance of self-initiated activities to minimally include:

Pedestrian Stops:

- A. Suspicious persons
- B. Consensual encounters
- C. Traffic enforcement

4.19.03 - The trainee shall explain the necessity of and demonstrate proficiency in the performance of self-initiated activities to minimally include:

Directed Patrol:

- A. Gang area/activities
- B. DUI enforcement
- C. Illegal vendors
- D. Pattern crimes
- E. COPS, POP Projects, School programs

4.19.04 - The trainee shall explain the necessity of and demonstrate proficiency in the performance of self-initiated activities to minimally include:

Arrests:

- A. Misdemeanor and felony
- B. Other (i.e., Municipal codes, local ordinances)

4.19.05 - The trainee shall explain the necessity of and demonstrate proficiency in the performance of self-initiated activities to minimally include:

Other activities:

- A. Field Interview (FI) cards
- B. Bar checks
- C. Curfew violators
- D. Suspicious circumstances
- E. Patrol checks