

The badge is an oval-shaped metal emblem. At the top, the words "POLICE OFFICER" are inscribed in a semi-circle. In the center, there is a shield with a sword pointing upwards. Below the shield, a banner contains the words "FONTANA POLICE". The entire badge is surrounded by a decorative border.

Fontana Police Department

Field Training Officer Manual

"Service With Integrity"

MISSION AND VISION STATEMENT, CORE VALUES

MISSION STATEMENT

The Fontana Police Department is committed to protecting the community by providing quality "Service with Integrity." As an organization, we will continue to build diverse community based partnerships. These partnerships will be guided by innovation and perseverance to ensure Fontana's future as a well-developed, dignified, and respected community in the Inland Empire.

VISION

Dedicated to excellence and professionalism, we are committed to working with the people of Fontana to enhance the safety and security of our diverse community.

CORE VALUES

TRADITION: We are a tradition rich organization, respectful of past accomplishments, optimistic about current challenges, and inspirationally leading the way for Fontana's future.

EXCELLENCE: We strive for excellence in all we do. We work to identify our organizational vulnerabilities and are committed to improvement via training, communication, and initiative.

ACCOUNTABILITY: We hold ourselves accountable for our deeds. We are aware of the impact our actions have and are dedicated to providing service with integrity.

MINDFUL: We are mindful of the trust and confidence placed in us by the community. We honor this responsibility and strive for validation each and every day.

"TEAM" Fontana Police Department

CARES

- **C= Community**
- **A= Attention**
- **R= Respect**
- **E= Empathy and Enforcement**
- **S= Service**

INTRODUCTION

The Field Training Program is designed to provide the entry-level officer an environment in which to apply the basic training received in the academy to the practical needs of the beat officer. This program is also designed to prepare the lateral police officer, drawing from prior police experience, to work in the city of Fontana. This Field Training Officer Manual is provided to assist the recruit in this transition. A police officer working the streets has the widest range of alternatives in handling incidents they are called upon to perform. Because of the inherent discretion and the power of the police officer in the enforcement role, police officers have been considered by many as the most important decision makers in society today. The actions a police officer takes or the omission of an act, will affect the lives of the citizens of this community. It will be the goal of this Field Training Program to assure the recruit officer's performance meets this awesome responsibility.

The Field Training Program is divided into a two week Administrative phase and five patrol phases. The goal of the administrative phase should be to ensure that the trainee has a basic foundation of standard Fontana Police patrol operating procedures prior to being assigned a FTO patrol assignment. It is believed that this can be accomplished by creating and incorporating scenario based training with ARS/report writing training, and field tactics (building searches, high risk stops, routine traffic stops, radio procedures, MDC, arrest/control, K9, etc.). This training should be done in a sterile environment thereby, allowing the training staff/FTOs an opportunity to monitor a trainee's application of what they have learned in the academy, as well as expand on that training as it relates to our agency's procedures. Other aspects of the administrative phase will include firearms training, defensive tactics, station orientation and department/organizational orientation. The training coordinator/FTOs assigned to lead this training will be responsible for identifying and facilitating an appropriate venue to conduct a particular training segment, as well as any equipment and/or role players needed to accomplish each particular training mission.

Phase I, Phase II, & Phase IV are each designed to be six to eight weeks in duration. **Phase III** is a four-week block and primarily covers traffic accidents and D.U.I. *Each of these phases is expected to cover all areas of the Field Training Manual.* ***Phase V (Shadow Phase)*** is the final phase and is a two week block. This phase will be with the training officer in civilian clothes, and acting as a ghost rider with the trainee officer handling every aspect of every call. The only time the training officer will intervene in this phase is if the trainee is making gross errors or in the event a case could be lost without intervention. The training officer will also intervene in cases of officer safety.

There are cases when a recruit is accelerated through the phase training process. The acceleration only takes place when the candidate clearly exhibits superior or outstanding abilities. The few cases where this has been used have most often been on lateral entry officers with considerable experience.

“Recycling” or “re-phasing” for the purpose of remedial training must be recommended by the Field Training Officer (FTO) and FTO sergeant. The field-training lieutenant must approve this recommendation. It is neither the design nor the desire to recycle candidates who are performing marginally in the phase training. Recruits who do not meet minimal standards as determined by the FTO sergeant(s) and the FTO lieutenant may be terminated for failure to meet minimal job requirements.

All daily and end-of-phase summary reports will be completed immediately by the FTO and submitted at end of watch (EOW) to the FTO sergeant and/or lieutenant. The FTO lieutenant in charge of the Field Training Program or FTP/SAC will retain these reports. The FTO lieutenant will be responsible for the records of the

entire phase training program. The phase reports will be made available to all sergeants who have the trainee on their shift, in addition to the phase training officers who will take a direct role in the development of the trainee. on their shift, in addition to the phase training officers who will take a direct role in the development of the trainee.

This Field Training Program and Evaluation Manual have been developed to provide the Field Training Officers (FTOs) with a reference guide to assist them in carrying out the duties and responsibilities of the program. These guidelines have been developed over years of practical application and research of several Field Training Programs. Of particular interest to the FTO will be the sections related to job analysis, performance criteria and standardized guidelines for the evaluation process. An important part of this program is the Field Training Guide, which has a checklist of the tasks, and functions the trainee is expected to perform during the Field Training Program. The Field Training Guide also provides a checklist for the explanation and/or demonstration by the FTO.

Complete familiarization with the entire manual is necessary for those directly involved in the program, as it will prepare the FTO to respond to questions regarding the program and its operation from the trainee, members of the department, other agencies and the community.

When utilized fully, this Field Training Manual will ensure high quality training, and most importantly, a fair and impartial evaluation of every trainee processed through the Field Training Program.

PROGRAM PERSONNEL SELECTION AND TRAINING

Length of Program

The Fontana Police Field Training Program is designed as a 26-week training program for new police officers. The objective is to prepare new officers to meet the standards of a competent solo officer.

Field Training Officer Requirements

The minimum requirements and selection process to become a Field Training Officer are as follows.

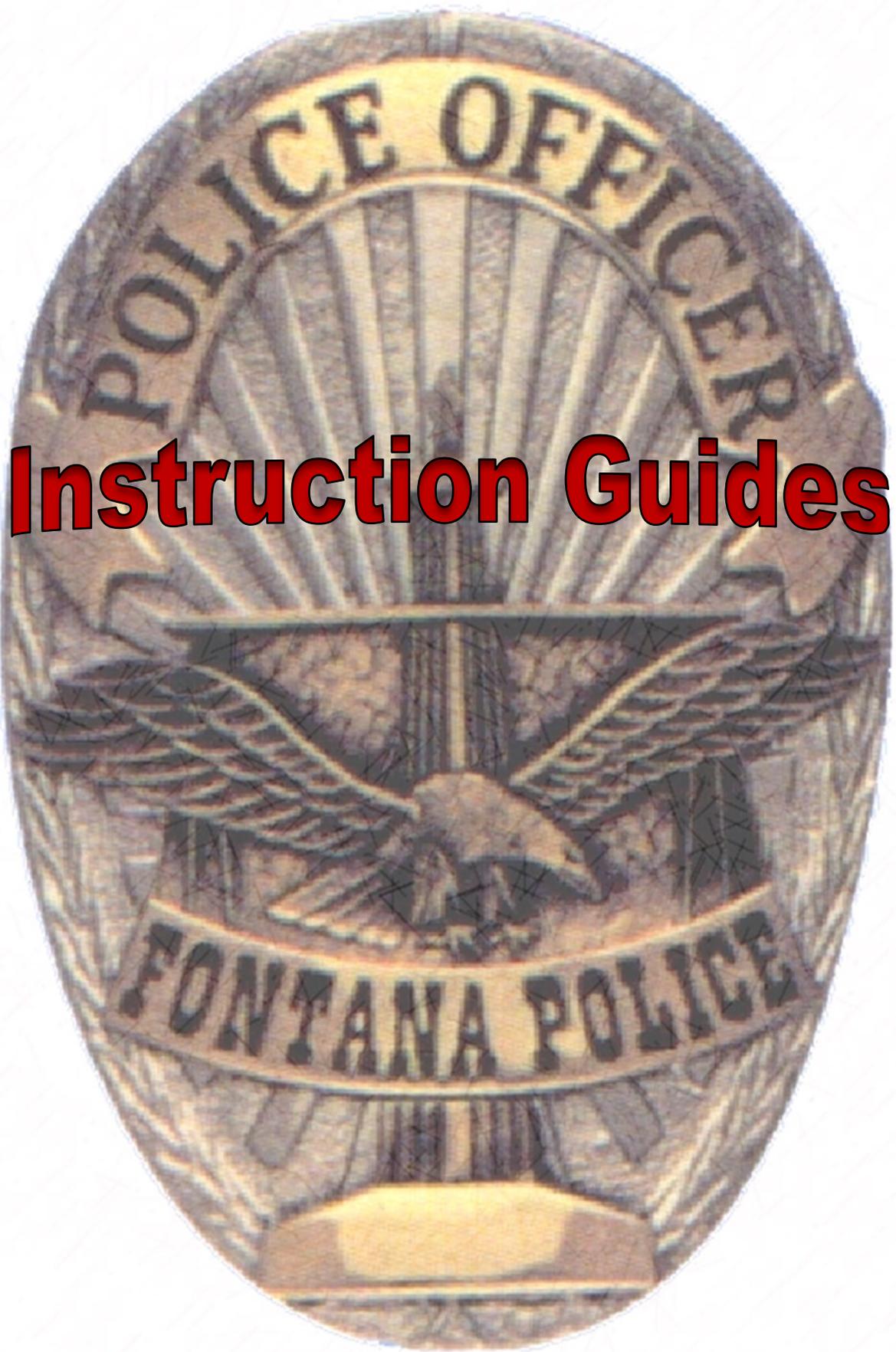
Applicants must:

1. Possess a Basic POST certificate
2. Have a minimum of four years of patrol experience with a minimum of two years with the Fontana Police Department
3. Submit a résumé of interest
4. Receive a “competent” or “meets standards” rating (or higher) on their most recent evaluation
5. Participate in a technical oral interview
6. Meet any other standards as outlined by the Chief of Police

Training Requirements

Upon selection, the newly appointed Field Training Officer (FTO) will be required to attend a 40-hour POST certified Field Training Officer course prior to conducting any training. The FTO will be required to attend a POST certified FTO Update Course training every three years.

The Field Training Supervisor/Administrator/Coordinator (SAC) shall oversee the Field Training Program for the department. The Supervisor/Administrator/Coordinator shall successfully complete a POST-certified Field Training Supervisor/Administrator/Coordinator (SAC) course prior to or within 12 months of the initial promotion, appointment, or transfer to such a position.

A detailed, oval-shaped police badge for the Fontana Police. The badge features a central eagle with spread wings, perched on a banner that reads "FONTANA POLICE". Above the eagle, the words "POLICE OFFICER" are inscribed in a curved path. The badge has a textured, metallic appearance with a gold-colored border and a gold-colored base at the bottom.

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FONTANA PD TRAINEE CHECK OFF LIST

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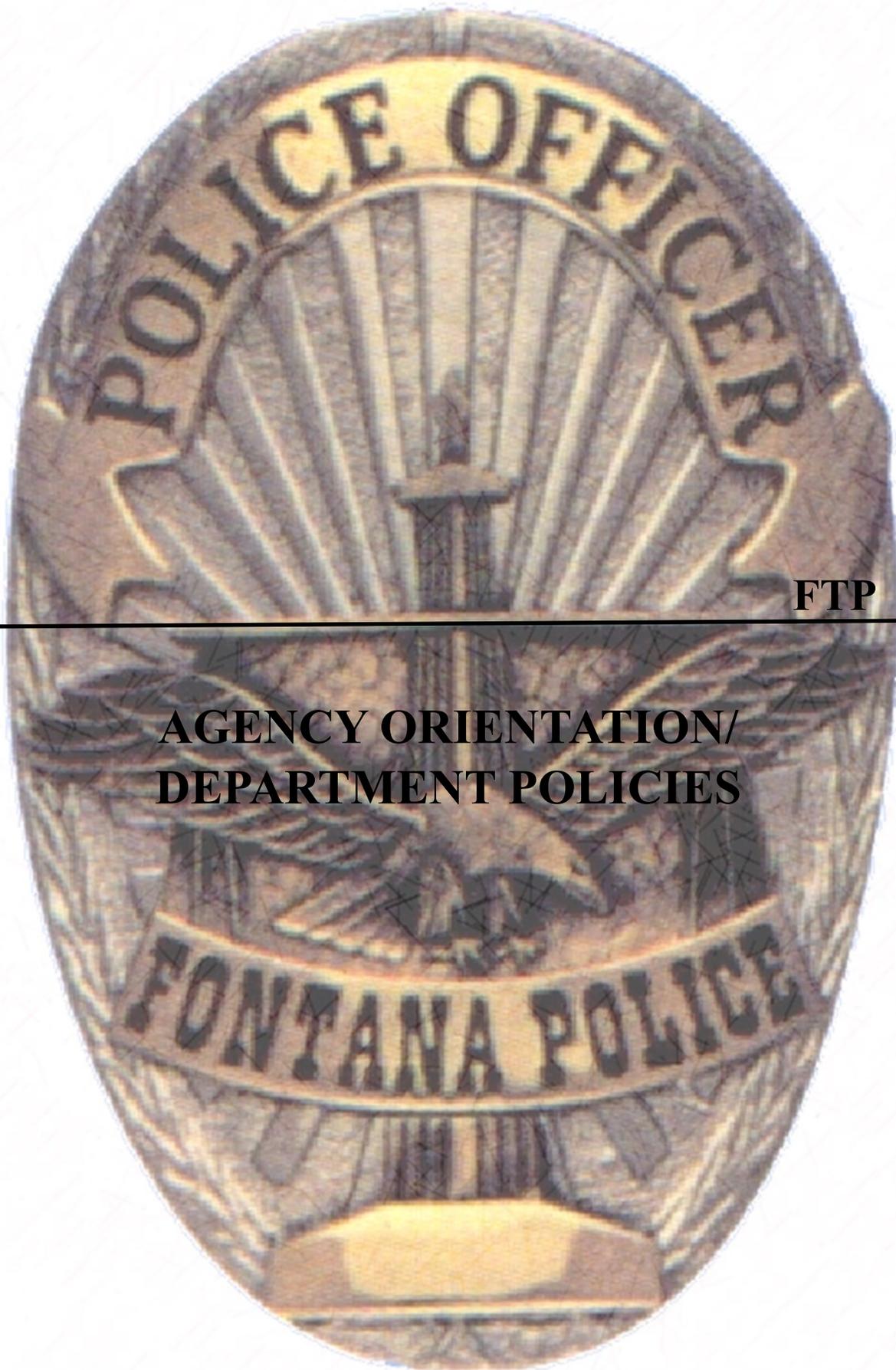
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This is the beginning of your career in Law Enforcement:

- Engage in learning and always promote the pride you feel today as you open the pages of this book and embark on your path of service with integrity.
- Demonstrate courage and commitment every day and follow a professional standard that only few in society possess.
- Meet all department and community expectations and never fail yourself or your fellow officers by not giving all you have in every situation.
- Be a loyal servant, a protector of innocence, a leader of the community and understand the expectations and requirements of your new profession as a Fontana Police Officer...



FTP

**AGENCY ORIENTATION/
DEPARTMENT POLICIES**

FIREARMS QUALIFICATION

AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

SAFETY CONSIDERATIONS

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice "quick draws" except under Rangemaster supervision.
- (c) Any member who discharges his/her weapon accidentally or intentionally, on- or off- duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit. The supervisor will file a written administrative report detailing the incident with their Division Commander as soon as practical.
- (d) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present. Officers cleaning weapons which require the firearm to be in a cocked position for proper cleaning and/or maintenance shall not pull the trigger to clear this position without having complete control of the hammer.

For purposes of this section, complete control means guiding the firing pin to a position of rest in a manner, which would not discharge any ammunition in the firing chamber.

Whenever possible, depending on the make and type of weapon, the cylinder of the weapon being cleaned shall be open. Those officers who carry a semi-auto pistol are to keep the slide back in the open and locked position.

- (e) Rifles removed from vehicles or equipment storage room shall be loaded and unloaded outside of the vehicle.
- (f) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail or any section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with a firearm.
- (g) Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon (from the armory), except with approval of a supervisor.
- (h) Any weapon authorized by the department to be carried on- or off- duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to a supervisor or department Rangemaster for inspection. Any weapon determined to need service or repair during an inspection by the department Rangemaster, will immediately be removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.

(5 P's of Safe gun handling) NO GUN IS SAFE UNTIL YOU HAVE CHECKED IT YOURSELF!

- P** - Point the firearm in a safe direction.
- P** - Put the safety in the safe position.
- P** - Pull the rounds from the magazine.
- P** - Pull the bolt to the rear and lock it.
- P** - Physically and visibly inspect the chamber.

KINETIC ENERGY PROJECTILES:

This department is committed to reducing the potential for violent confrontations when suspects are encountered. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury. Kinetic energy projectiles are approved by the Department. Certain munitions can be used in an attempt to deescalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

Approved munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand. Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Reference Policy #308.5

**SIGN OFF
FIREARMS QUALIFICATION**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Duty/Off-Duty/ Back-up							
1. Low Light							
2. Shooting on the move							
3. Flashlight Manipulation							
4. Malfunctions							
5. Close Contact Shooting							
6. Weapon Transition							
7.Speed and Tactical Reloads							
B. 40mm Less-Lethal							

COMMENTS:

ARREST AND CONTROL TECHNIQUES

At times, officers are confronted with situations where control is required to affect arrests or protect the public safety. Most often, control is achieved through advice, warnings, and persuasion. However, in situations where resistance or threat to life is encountered and reasonable alternatives have been exhausted or clearly would be ineffective, physical force may be necessary. Officers need not retreat, or desist, in the use of force necessary to neutralize the incident.

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; Nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Penal Code § 835a).

Reference Policy #300

PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply pain compliance techniques when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- a) The potential for injury to the officer(s) or others if the technique is not used
- b) The potential risk of serious injury to the individual being controlled
- c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- d) The nature of the offense involved
- e) The level of resistance of the individual(s) involved
- f) The need for prompt resolution of the situation

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

Reference Policy #300.2.4

CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual; however, due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- a) The officer shall have received departmentally approved training in the use and application of the carotid restraint.
- b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s).

When the carotid restraint is applied the officer shall take the following actions:

- a) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel.

- b) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.
- c) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- d) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

Reference Policy #300.2.5

LEG RESTRAINT DEVICE

The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only restraint devices approved by the Department shall be used, and only in the departmentally approved manner for such temporary immobilization of the legs.

Reference Policy #306.1

HANDCUFFING

The Departmental policy relative to handcuffing is predicated on its responsibility to protect the officer, the public, and the person handcuffed. No distinction is made between male and female, adult or juvenile (unless they are 14 years of age and younger). Per Policy Manual #354.2.2, juveniles 14 years and under generally won't be handcuffed unless they have been arrested on a felony or they are an escape risk. The primary purpose in handcuffing is to maintain control of the person handcuffed and to minimize the possibility of escalating the situation to a point that would necessitate additional force.

1. Felony and misdemeanor arrestees shall normally be handcuffed; however, there may be circumstances which would make the handcuffing inappropriate. The involved officer can best perceive such circumstances. Therefore, any decision to handcuff an arrestee must be based on available facts. Factors involved in the decision include, but are not limited to:
 - a. The possibility of escape.
 - b. The possibility of the incident escalating.
 - c. Potential danger to the officers and others.
 - d. Knowledge of the arrestees past behavior.
2. If an arrestee is to be handcuffed, it should be accomplished with hands behind back unless specific reason is given to cuff in any other manner; but in all cases, the handcuffs shall be *double locked*. Below are additional concerns for handcuffing and controlling persons.
 - a. Controlling more than one suspect at a time (physically/verbally).
 - b. How tight should the handcuffs be?
 - c. Maintaining observation of handcuffed subjects.
 - d. Other restraint devices (hobbles, flex, etc.).
 - e. Safe and proper removing of handcuffs.
 - f. Mentally ill, pregnant, males/females, juveniles, and all others.
 - g. Legal responsibility for protecting prisoners' rights while in custody.
 - h. P.C. 147 willful inhumanity/oppression of prisoner in officer's custody.
 - i. P.C. 149- Assault under color of authority.

3. Persons may be detained and handcuffed under circumstances other than arrest.
 - a. Stop and frisk doctrine provides that a person may be detained when:
 - (1) It appears some activity on the part of the person detained is out of the ordinary, and
 - (2) There is some indication that the activity relates to some crime, and
 - (3) Specific facts indicate that some criminal activity has, is, or will take place.
 - b. The person(s) may also be handcuffed if the requirements for detention have been met and:
 - (1) There is a need for control due to the possibility the person(s) may flee, or
 - (2) There is a threat to officer safety.
 - c. Person(s) detained and handcuffed under these circumstances shall be released in the field when the officer is satisfied that no crime has been committed by the subject(s).

Reference Policy #354

**SIGN OFF
ARREST AND CONTROL TECHNIQUES**

Glossary: *FP= Field Performance RP=Role Playing WT=Written Test VT=Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Pain Compliance Techniques							
B. Carotid Restraint							
C. Leg Restraint Device (Hobble)							
D. Handcuffing							

COMMENTS:

IMPACT WEAPON QUALIFICATION

BATON

The baton is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of the suspect. The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect may cause serious bodily injury or death to the officer or others. This department has authorized the following batons:

1. PR 24 (only authorized upon certification of officer)
2. Telescoping baton (ASP)
3. Straight stick baton

Reference Policy #308.2

**SIGN OFF
IMPACT WEAPON QUALIFICATION**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. PR 24							
B. Telescopic Baton (ASP)							
C. Straight Stick							

COMMENTS:

DEPARTMENT POLICIES/GENERAL ORDERS

The Fontana Police Department Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of the policy manual. Except where otherwise expressly stated, the provisions of the policy manual shall be considered as guidelines. It is recognized, however, that police work is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of the policy manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

***Fontana Police Department Policies/General Orders can be accessed from the Fontana P.D. Intranet system.**

SIGN OFF

DEPARTMENT POLICIES/GENERAL ORDERS

Glossary: FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Policies and Procedures Manual							

COMMENTS:

SUPPORT SERVICES

Crime Analysis

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

Reference Policy # 800

Communication Operations/Dispatch

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

It shall be the responsibility of the Dispatch Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Case number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

Reference Policy #802

Sign Language Interpretation:

To access the system, press the “Stratus” icon at the bottom of the screen (blue square with a green bird). Click on the “American Sign Language” button.

The system will automatically connect you to a sign language interpreter (if you get a prompt regarding the microphone, click allow or the interpreter won’t be able to hear you).

Inform the interpreter you are with the Fontana Police Department and need assistance with sign language interpretation.

The system uses 2-way video-you will see the interpreter and the interpreter will see you /the caller. Remember, the interpreter will only sign what you say. Treat it as a normal conversation but speak slightly slower-look at the person the interpreter.

Spanish Video Interpretation (use only when audio interpretation won’t suffice):

Click on the Spanish button (with the video camera icon on the top right corner).

The system will automatically connect you to a Spanish interpreter (if you get a prompt regarding the microphone, click allow or the interpreter won’t be able to hear you).

Inform the interpreter you are with the Fontana Police Department and need assistance with Spanish interpretation.

The system uses 2-way video so you will see the interpreter and the interpreter will see you /the caller. Remember, the interpreter will only translate what you say. Treat it as a normal conversation-look at the person not the interpreter.

****The username and password are saved to the device. Per minute charges apply. Available 24/7/365.**

*****The device can also be used for audio interpretation on 200 languages when a phone is not readily available. You must provide the interpreter with our non-emergency client ID #101154.**

Reference Policy #802

Property

The Department's policy provides for the proper collection, storage, and security of evidence and other property. Additionally, the policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property..

- ⇒ **Property:** Includes all items of **evidence**, items taken for **safekeeping** and **found property**.
- ⇒ **Evidence:** Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.
- ⇒ **Safekeeping:** Includes the following types of property:
 - Property obtained by the Department for safekeeping such as a firearm
 - Personal property of an arrestee not taken as evidence
 - Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code Section 5150 (mentally ill persons)).
- ⇒ **Found Property:** Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Evidence

Top concerns when packaging and booking property:

- **Serialized Property:** DOJ mandates that all serialized property is entered in APS (Automated Property System). This includes all credit cards, drivers' licenses and identification cards. When booking these items into property, they are required to be listed individually and a tag issued for each item. They can all be placed in the same envelope as long as they belong to the same person/victim. If you have cards recovered that are issued to different people, they need to be placed in separate envelopes. This is crucial when releasing property to the rightful owner so that their property is not comingled with other victim's property.
- **Impound Lot:** All items booked into the impound lot requires that they be placed in the locked area. Do not prop items against the gate as it is not considered secure. There are impound keys in the MET unit, Patrol Sergeants office, Narcotics unit, Investigation unit, Traffic unit, WC's office and Front Desk. Also, a notification to property staff is required if an item is placed in the impound lot.
- **High Capacity Magazines:** High Capacity Magazines are illegal to posses unless purchased prior to the ban. When placing HC mags in property, please list them as HC so that property staff can dispose of them appropriately if the owner is unable to provide the required proof. If there are multiple magazines, please separate HC from legal magazines and book separately.
- **Currency:** All currency is required by policy to be placed in a currency envelope. Do not leave currency in wallets, backpacks, etc. The watch commander or other supervisor shall be contacted to verify cash in excess of \$1,000.00
- **Padded Envelopes:** If you use the padded envelopes for your item, this still needs to be placed in the appropriate property evidence envelope or bag.
 - * Explosives-To be handled only by the Bomb Squad. **Exception:** Fireworks and similar items are to be placed in Bomb box located in the impound area (gated area in the employee parking lot)
 - * Bloody or wet clothing must be placed inside the blood drying room before submitting into property. **(Policy 804.3.4)**

GENERAL PROCEDURES

Do not place the following types of items in evidence lockers:

- * Perishables-All perishables must be disposed of. Take a photo of the evidence prior to destruction.
- * Hazardous Materials-Proper authorities must handle hazardous materials. This is usually done at the scene. Please avoid bringing and handling such materials to the station.
- * Explosives-to be handled only by the bomb squad. **Exception:** Fireworks and similar items are to be placed in Bomb Box located in the impound area (gated area in the employee parking lot).
- * Bloody or wet clothing must be placed inside the blood drying room before submitting into property. (Policy 804.3.4)

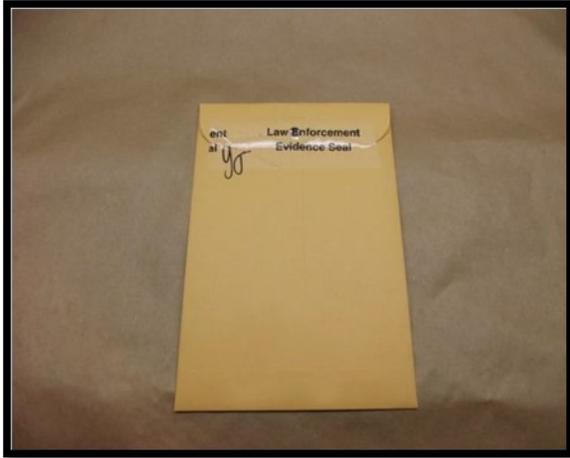
Standard General Evidence Packaging

1. Acceptable Packages:

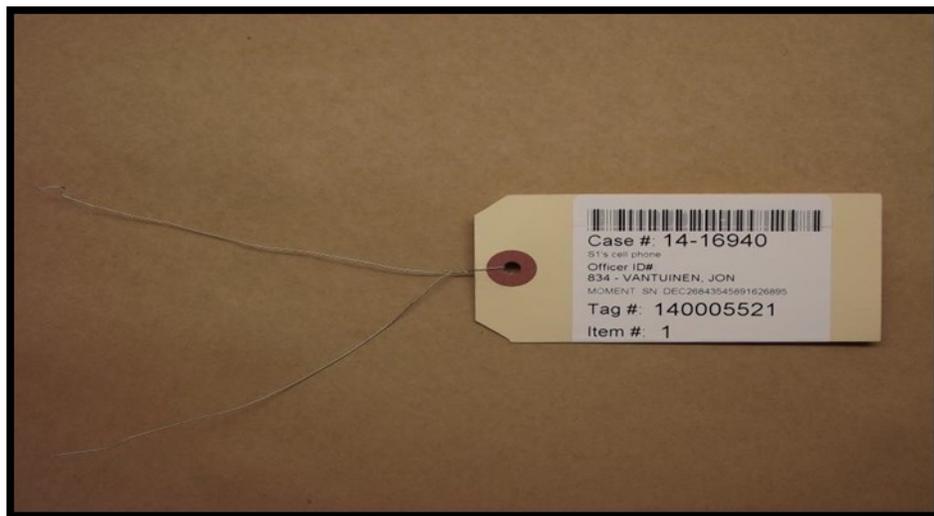
- A. Plain Manila Envelope (6 1/2 x 9 1/2)
- B. Plain Manila Envelope (9 x 12)
- C. Standard size brown paper grocery bag
- D. Cardboard Boxes (12x12x18)
- E. Cardboard Boxes (12x12x24)
- F. Paint Cans (for flammable liquids)
- G. Bubble wrap mailers (used to secure bullets)
- H. Currency envelopes
- I. Syringe Tubes
- J. Brown butcher paper (used to package items that do not fit in any of the packaging mentioned above)



2. All packages must be sealed with evidence tape and initials written half on and half off the tape.
3. Barcode labels shall be placed on each item booked in.



4. For Bulk property a tag should be affixed to the property and a barcode label should be attached as shown.



Submission Forms

All evidence submitted to the Sheriff's Scientific Investigations Division for analysis must be accompanied with the appropriate paperwork. There are currently three different forms the Sheriff's Investigations Division uses.

1. General Request Form (Pink Sheet)

SAN BERNARDINO COUNTY SHERIFF-CORONER
SCIENTIFIC INVESTIGATIONS DIVISION
GENERAL REQUEST FORM

Requesting Agency: _____ Requester Case No.: _____
Case No.: _____ Officer: _____
Requester: _____ Requester Title: _____
Requester Phone: _____ Requester Email: _____
Requester Address: _____

SUMMARY OF CASE

Substance	Quantity	Type	Date	Time	Location	Case No.	Officer	Requester	Request Date	Requester Title	Requester Phone

2. General Request Continuation Form (Pink Sheet)

⇒ If you have more than 5 items this form can be used in conjunction with the General Request Form.

3. Request for Analysis (Green Sheet)

⇒ Controlled Substances

REQUEST FOR ANALYSIS

Requesting Agency: _____ Requester Case No.: _____
Case No.: _____ Officer: _____
Requester: _____ Requester Title: _____
Requester Phone: _____ Requester Email: _____
Requester Address: _____

SUMMARY OF CASE

Substance	Quantity	Type	Date	Time	Location	Case No.	Officer	Requester	Request Date	Requester Title	Requester Phone

Analysis Explanations for General Request Form

- ◆ **DNA:** Evidence that needs to be examined for biological stains and/or analyzed for DNA (ex. Clothing). This also includes processing of reference bloods and sexual offense kits.
- ◆ **Firearms:** Firearms function test, gun/bullet/cartridge case comparison and identification, list of possible guns that could have fired a bullet (GRC), number of guns involved in a shooting, assault weapon determination, shooting distance determination and sound suppressor examination.
- ◆ **Tool marks:** Comparison of a tool (bolt cutters, pliers, etc.) to tool marks left on an object.
- ◆ **IBIS:** Fired cartridge case from a scene or test-fired cartridge case from a firearm which are searched against a database of digital images to discover associations between crimes.
- ◆ **GSR/Trace:** Evidence such as a gunshot residue, fire debris, shoe & tire impressions, hair, fiber, paint, unknown substances, etc. that need to be analyzed or compared; generally, this type of evidence can associate an individual to a crime, or vice versa.
- ◆ **Fingerprint processing:** **Only use when unable to process at FPD.** Make sure items to be printed are packaged appropriately and packages are tape sealed and initialed.
- ◆ **Cal-ID:** Cal-ID comparison on latent print cards.
- ◆ **Other:**

Aerosol Containers

Per SO09-03, Fontana Police Department will no longer store evidence involving aerosol containers.

1. The officer will photograph the aerosol container. The photo will become your evidence.
2. Officer will enter the property into ARS, package and attach a barcode label to the aerosol container/s.
3. If booking a physical photo, officer will enter the property into ARS, package into a photo envelope and attach a barcode label.
4. If officer is downloading photos into Laserfiche, property will be entered in ARS as follows:

Involvement: DCI

Category: K

Article: Photos

Description: Copy and paste information from Laserfiche into your description field.

(ex. 140000058 865 2014-01-02 photos of victim)

5. Property Personnel will dispose of the container. **(We will no longer hold this type of evidence for court.)**
6. In the event the container needs to be analyzed such as a PC381(inhaling a toluene substance) case. The container must be sealed, nozzle must be removed and the cap placed securely on the can. Place can and nozzle in a paper bag.

Compressed Gas Cylinders

Per SO10-13, Fontana Police Department will no longer store compressed gas cylinders as evidence they will be treated as a hazardous material when located in the field. Please refer to General Order Policy #412 for disposition of evidence.

Collection Procedure

In criminal cases involving compressed gas cylinders officers or other employees will handle the collection evidence in the following manner:

1. Photograph the container and book the photograph as evidence.
2. The photographs will be used as evidence in court.
3. Do not collect the cylinder or container as evidence.
4. Do not bring compressed gas cylinders in to the Fontana Police Department.

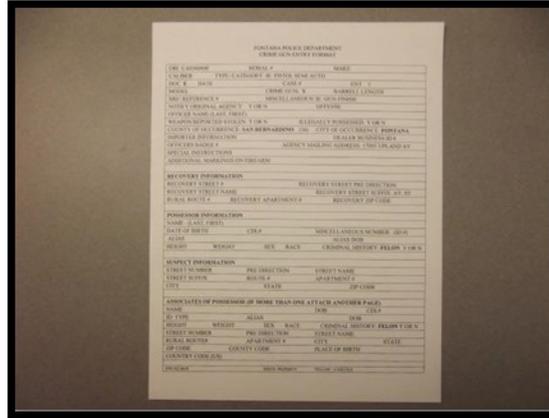
Firearms

Unloaded firearms must be secured with zip ties either through the chamber or barrel.

1. Place unloaded firearms, secured with non-removable cable tie inside an evidence locker. **Latent prints, etc.) Please write on the outside of the package “Hold for additional testing”.** Do not package any gun unless it needs special handling (i.e. blood comparison,



2. **Crime Gun Entry Form**-Please fill out a crime gun form for each firearm (original copy with property and yellow gets attached to your report).



Found/Stolen and Recovered Firearms

Submission Form

A general request form (pink sheet) is required when submitting these items to the scientific investigations division for analysis. Fill out the form completely. Incomplete request forms, or insufficient information, can lead to a low priority assignment of case work.

Magazines

All magazines shall be removed from all firearms, unloaded and booked in separately into acceptable evidence packaging (**manila envelope or brown grocery paper bag**).

1. High capacity magazines are illegal and will not be released. They shall be packaged and booked separately from legal magazines. **Please write on the outside of the package and in the description field of ARS “high capacity magazine”.** Otherwise, the department’s gun expert or administration will need to open the package and verify the capacity of the magazine, if unknown.



Bullets

All live bullets must be removed from all firearms/magazines packaged and booked in separately into acceptable evidence packaging.

For safety reasons, all bullets must be placed inside a bubble wrap envelope or bullet box then placed into an acceptable evidence packaging (manila envelope or brown grocery bag).



Knives

Knives with sharp, exposed blades shall be double packaged or blades wrapped (with paper or cardboard and tape) before placing into acceptable evidence packaging.

1)



2)



3)



4)



5)



6)



Syringes

Needles and syringes are to be packaged inside syringe tubes before placing into a manila envelope or brown grocery bag.

If you decide to dispose of a syringe:

1. Please take a photo, book into property or download into Laserfiche (please follow procedures on page 12).
2. Then destroy by placing inside a sharps container.

Syringe Tubes



Policy 804.4.1

Pipes

All pipes shall be booked into property. (Please do not destroy)

1. Please take a photo and make your DCI entry into ARS, if downloading your photo/s into Laserfiche.
2. Place pipe into a manila envelope, seal with evidence tape, place your initials on the evidence tape and place barcode label on manila envelope.

Explosives

1. Explosives are to be handled only by the Bomb Squad and **shall not** be retained in the Police Facility.
2. Fireworks (which include common firecrackers and Safe and Sane Fireworks) **shall not** be brought into the station. These items shall be stored in the bomb box located inside the locked chain link fence area. Keys may be located in the MET unit, Patrol Sergeants office, Narcotics unit, Investigations unit, Traffic Unit, WC's office and the front desk.
3. Please take a photo, book into property or download into Laserfiche (please follow procedures on page 12).

***Note: Fireworks will not be retained. Bomb squad will be contacted for disposition. Photos will be your evidence.**

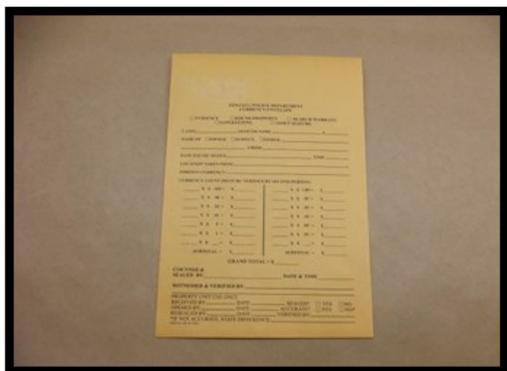
4. Notification to property staff is required. You may notify property by:
 - A. Sending an email to property staff at "PD Property" with case number and item/s located in the bomb box.
 - B. Or print our a "Property and Evidence" report and place inside evidence locker #004.

Policy 804.3.3

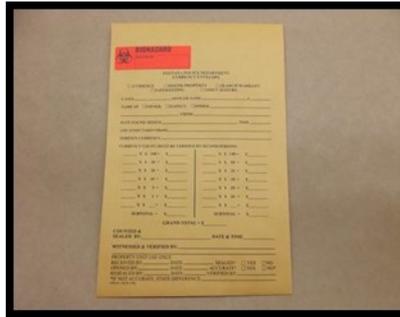
Currency & Counterfeit

All currency, booked in as Found, Evidence or Safekeeping shall be placed inside a currency envelope.

1. Tape seal the envelope and place initials on evidence tape.
2. Complete the front of the envelope.
3. Amount must be witnessed and verified by a second person before booking in (if amount is over \$1,000.00 a Sergeant or above must verify and sign).
4. Barcode label will be placed on the back of currency envelope.



5. Counterfeit money shall be packaged into a manila envelope and not a currency envelope.
6. All currency contaminated with narcotics and/or biological evidence shall be placed inside a currency envelope. Please place a "biohazard" sticker on the currency envelope.



Photos

To submit physical photos:

1. Place inside a photo envelope and fill out photo envelope information.
2. If photo is too large, please place inside an acceptable manila envelope.
3. Seal and initial the evidence tape.

To submit a CD containing photos:

1. Place CD in a CD sleeve.
2. Place certification seal on flap, with initials/badge #, date and case number.
3. Place inside a photo envelope and fill out photo envelope information.
4. Seal and initial evidence tape.

NAME _____
DOB _____
PHOTOS
ITEM # _____
OF PHOTOS _____
CASE # _____
CRIME _____
OFFICER _____
DATE _____



Photos downloaded into Laserfiche:

1. Property will be entered into ARS as follows:

Involvement: DCI

Category: K

Article: Photo

Description: Copy and paste information from Laserfiche into your description field.

Ex. 14000058 865 2014-01-02 photos of victim

Controlled Substances for Analysis

1. All controlled substances except Marijuana must be placed into a secondary bag then packaged in acceptable packaging.
2. All controlled substances in liquid form must be Kapaked.
3. Marijuana plants must be completely dry prior to submission.
4. Narcotic packages must be sealed with evidence tape and officer's initials written on the tape.
5. PCP vials, containers, or cigarettes with PCP, must be placed in at least two layers of Kapak. Each layer must be individually sealed.
6. If narcotics are in a syringe, the narcotics must be emptied in a small glass vial (please see picture below). **Do not submit syringes or pipes for analysis.**
7. A request for analysis form (green sheet) is required when submitting these items to the Scientific Investigations Division for analysis. Please fill out the form completely.



Controlled Substance booked for Destruction Only

1. If narcotics are for destruction you **must** package separately from narcotics needing to be analyzed.
2. A request for analysis form (green sheet) must be submitted. Please indicate under "Detailed Description of each item of Evidence" the type of drug for destruction (ex. Marijuana for destruction).

CD's, DVD's and Videos

To submit audio and or video:

1. Place CD in CD sleeve.
2. Place certification seal on flap, with initials/badge #, date and case number.
3. Place CD inside a 6 ½ x 9 ½ manila envelope.
4. Seal and initial the evidence tape.

Audio downloaded into Laserfiche:

1. Property will be entered into ARS as follows:

Involvement: DRI

Category: L

Article: Audio

Description: Copy and paste information from Laserfiche into your description field.

EX. 0752 08/02/2013 23:06:02 Interview w/Vic

0752 08/02/2013 23:07:28 Interview w/Sus

Note: A separate entry shall be made for each recording.



Wet, Blood Contaminated Evidence

Wet, blood contaminated evidence, or any evidence that is wet from any source, shall be dried before it is put in an evidence locker and should be treated with the utmost of caution, utilizing universal precautions at all times. The blood drying room (s) shall be utilized for this purpose if a Field Evidence Technician is not available. (Please follow the guidelines under SO 13-20) (**Policy 804.3.4(SO 13-20)**)

DNA Analysis for Physical Evidence

Packaging Procedure

If more than one article is to be submitted, package each **dry** article in a separate envelope or paper bag. All items with biological substances (blood, semen, hair, etc.) that need to be frozen must be packaged appropriately.

- ⇒ First Choice: 6 ½ x 9 ½ envelope
- ⇒ Second Choice: 9x12 envelope

Do not package clothing/articles from more than one person in the same container.

Never package bloody items in plastic

Submission Form

A General Request form (pink sheet) is required when submitting these items to the Scientific Investigations Division for analysis. Fill out the form completely. Incomplete request forms, or insufficient information, can lead to a low priority assignment of case work.

Sexual Offense Kits

Packaging Procedure

After the examination is complete, the kit is received from the examining physician or nurse and sealed with official seal supplied.

1. Make sure the appropriate box is checked for suspect or victim. All information on the front of the sex kit is completely filled out including chain of evidence.
2. Sex kit **must** be sealed with evidence tape and have the officer's initials.
3. Do not place extra items in the sex kits (ex. Clothing, additional blood vials or urine containers).
4. Please place sex kit inside a refrigerated locker.

Note: Underwear needs to be packaged separately from sexual assault kit.

Submission Form

A general request form (pink sheet) is required when submitting a sexual offense kit to the Scientific Investigations Division for analysis. Fill out the form completely. Incomplete request forms, or insufficient information, can lead to a low priority assignment of case work.

Blood Alcohol Kits

Collection Procedure

The official Sheriff's Department alcohol kit shall be used to collect blood from a subject for the purpose of blood alcohol analysis.

***Note:** LEMS is contracted by the county for all blood alcohol draws. They are required to provide the BA kit for draw.

Packaging Procedure

Place the blood vial in the blood alcohol envelope and seal it with the seal provided. Fill out all the information on the front of the envelope completely. Please place inside a regular locker.

Submission Form

No Form is required for a blood alcohol kit.

Marijuana Kits

Collection Procedure

If collecting less than one ounce of marijuana, and no other controlled substances, then the marijuana shall be packaged in a "Marijuana Kit" envelope. The marijuana may be in a baggie in the MJ Kit.

Packaging Procedure

Fill out all of the information on the front of the envelope, place the marijuana inside the envelope, seal it and place your initials on the evidence tape. Do not cover the Marijuana Kit # in the upper right hand corner.

Submission Form

Please attach a copy of your citation with the Marijuana Kit.

Latent Fingerprint Cards

Collection Procedure

Latent fingerprint cards, shall be used when collecting latent fingerprints from items. The information on the back of the card must be completely filled out and a sketch of where the latent was lifted from should be below the information. Also, be sure to place an orientation arrow next to the sketch and next to the actual latent.

Packaging Procedure

Use a "Latent Print File" envelope for latent prints.

Submission Forms

A general request form (pink sheet) is required when submitting these items to Cal-ID for analysis. Fill out the form completely. Incomplete request forms, or insufficient information, can lead to a low priority assignment of case work.

Latent Print Processing at FPD

To have an item processed for latent prints by FPD FET Personnel.

Collection Procedure

Submit the item to property as normal.

Packaging Procedure

Make sure the item is packaged properly and the need to have the item processed is marked on the outside of the package “hold for prints”.

Submission Forms

Fill out the “Fontana Police Department Request for I.D. Unit Services” form FPD 204 completely. Attach the white copy to your report; yellow copy goes to the I.D. Tech’s bin located in report writing room.

SEM Gunshot Residue Kits (GSR)

Collection Procedure

When collecting gunshot residue evidence, a San Bernardino Co. Sheriff’s Department issued “SEM Gunshot Residue Kit” must be used. If anything else is used, the evidence will not be analyzed.

Packaging Procedure

Use the kit envelope to package the evidence. Fill out all of the information on the front of the kit envelope and seal the envelope with the seal provided. Tape seal with evidence tape and initial the kit.

Submission Form

A general request form (pink sheet) is required when submitting these items to the Scientific Investigations Division for analysis. Fill out the form completely. Incomplete request forms, or insufficient information, can lead to a low priority assignment of case work. **Note: Please submit pink sheet with your property.**

Reference Policy #804

Records Unit

The Support Services Supervisor shall maintain the Department Records Unit Procedures Manual on a current basis to reflect the procedures being followed with the Records Unit.

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Unit accessible only to authorized personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Watch Commander. Fontana Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

Reference Policy #806-812

Animal Services

The Animal Service Officer (ASO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ASO shall be under the operational control of the Special Field Services Division. The Animal Service Officer's assigned working hours will be scheduled by the Special Field Services Division Lieutenant or designee. During hours when the ASO is on duty, requests for animal related services shall be assigned by the Dispatch Center. Requests for assistance by the ASO shall be acknowledged and responded to promptly.

During hours when the Animal Service Officer is off duty, or if the ASO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer. Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ASO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ASO. The following are examples of when an officer may consider acting before the arrival of the ASO:

- a) When there is a threat to the public safety.
- b) When animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
- c) When an animal is creating a traffic hazard
- d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- e) When the animal is gravely injured.

Reference Policy #820

Safe Animal Handling (Night Shift Units)

Sick, Injured and or Vicious Animals

Night shift units respond to calls of sick, injured and or vicious animals. If the animal is found to be sick, injured or vicious, the standby ASO should be called out. Injured dogs can become agitated due to pain and are more likely to bite out of fear and avoidance of pain. The ASO's are trained to safely capture and transport animals in distress. If a vicious dog is found to be truly vicious, ASO will be called out to capture. ASO's carry a tranquilizer rifle on their trucks in the event the only option to capture is sedation.



Bites

ASO should be called out when a dog bite to a human is reported. Depending on the severity (full thickness lacerations, head and upper extremities are considered serious) of the bite or priors regarding the dog will determine if ASO will respond after hours. If the dog is not contained, has a history of biting, or the bite to the person is substantial, ASO will respond. If the dog is owned and owner is home and the bite is minor, the call can be printed for ASO to respond in the morning to quarantine the dog. Here is an example of the serious bite.

Wildlife Calls

Often times the night shift units are called out to reports of sick, injured or vicious wildlife. If the animal is found to be any in distress, the stand by ASO will be called out. Wildlife such as Raccoons, Bats, and Foxes are carriers of the highly contagious disease known as Rabies. ASO's are highly trained in capturing wildlife and are equipped with special equipment to safely capture wildlife. Opossums are not carriers of Rabies but can and will bite if provoked. Calls for Hawks and other birds of prey should be handled by ASO's as they are assigned Hawk gloves to safely capture. Birds of prey are protected under Federal Laws and RP's are never allowed to harbor. Any Raccoon, Bat, Fox or Coyote who have been reported to have bitten a human or a pet, ASO must respond to follow State quarantine procedures. Bats are the highest carrier of rabies in San Bernardino County.

Coyotes

Our city receives several calls for Coyotes. We only respond to calls of Coyote (s) in a yard attacking pets or people. Calls for Coyotes roaming in fields is considered normal behavior and we will not respond. Responding to calls where a citizen's pet have been taken or attacked in its yard should be handled as an advisal. The call should be printed for ASO's to respond out during normal business hours. If the pet survives the attack we must follow state quarantine laws regarding rabies exposure. If the RP request a trapper to respond due to an increase in coyote sighting and or attacks, they must call the county trapper. He can be reached by calling [800-472-5609](tel:800-472-5609). This number is to San Bernardino County Animal. This service is free to all county residents.

Horses

In the event our department is called to regarding a downed (sick/injured) horse the ASO should respond. In most cases a California Licensed Veterinarian is called out to humanely euthanize the horse via an injection of sodium pentobarbital. When a veterinarian cannot respond, use of a firearm by a peace officer is legal and humane. When an owner is present, an owner surrender form will be filled out by owner. ASO's carry the forms with them. In the event of a loose horse, the ASO should be called out unless a Good Samaritan can hold the horse overnight.



Snakes

Our city receives several calls for service regarding snakes. All snake calls are considered one of our highest priorities. Rattlesnake season runs from April to September after the rattlesnake comes out of hibernation. Often times the snake is mistaken for a Gopher snake. We will advise the RP the Gopher snake is not deadly and good for the environment. We will relocate the Gopher snake if the RP would like it removed. If the snake is confirmed to be a Rattlesnake ASO should be called out. The rattlesnake will be killed immediately by the ASO by use of a shovel. They have the training and equipment to grab the snake and behead it. Rattlesnake fangs are connected by venom ducts to large venom glands near the outer edge of the upper jaw, towards the rear of the jaw. Biting is one of the reflexes that can be activated in the brain even hours after the animal dies therefore it is policy to bury the head in a field immediately or keep in a closed container until daylight. The snake's body can be tossed in a field for other wildlife to eat or be disposed of in our dead freezer. To avoid the risk of being bit, we do not relocate rattlesnakes.



Deads

In the event an officer is called out for a hazard dead, you will only need to move the dead to the side of the road. Print the call for ASO to pick up in the morning.

Dogs in Vehicles

During the summer months our unit is called out often to reports of animals left unattended in a vehicle. This type of call is considered a priority for animal services. It is unlawful to leave any animal unattended in a motor vehicle when life threatening conditions exist. Inside of a vehicle can reach upwards of 20 degrees higher than the outside temp. Upon arrival check the condition of the animal right away. If the pet is exhibiting signs of heat distress such as panting heavily, eyes glazed, purplish tongue and excessive salivating, remove the dog immediately. ASO is usually first on scene. If the windows are slightly cracked ASO's use a tool to unlock the doors. If the windows are rolled up and doors locked, a unit is called out to assist. Once the animal is removed, the ASO will begin heat stroke triage. Offering small amounts of water to the pet, rubbing water on head and paws to begin the cooling process and place pet in an air-conditioned unit. Every reasonable effort is made to locate an owner. **Under California Penal Code 597.7 Misdemeanor Animal In Unattended Motor Vehicle is a citable offense. If the animal suffers severe (heat stroke) injuries or dies a Felony case is long formed to the DA.**

Animals Found not to be Sick, Injured or Vicious

**14715 ARROW BL, SBC
RED ARROW KENNES K9 UNITS TR
AIN THEIR DOGS AT THIS LOCATION AND ALSO KENNEL THEM HERE
WHEN NEEDED ***ACCESS CODE 3066 ***LOCKBOX FACES ARROW
@THE MAIN GATE TO THE K9 FIELD ***OFFICERS PLEASE MAKE SURE
TO RETURN THE KEY TO THE LOCK BOX AFTER LEAVING THE
DOG***EXTRA KEY IN DISPATCH IF NEEDED PER SGT DILLS 050516
KENNELS DESIGNATED FOR FPD USE ARE “ROW C, 1-13*

Calls where animals are found to be friendly and not sick or injured, the responding officer, if able to, can place dog in unit and transfer to Red Arrow Kennels for owner night housing. ASO will pick up the dog in the morning to transport to the shelter.

Contacts

Our emergency clinic is Animal Emergency Clinic

12022 La Crosse Ave
Grand Terrace, CA 92313
Office: 909-825-9350

Hours:
Mon-Fri 06:00pm-08:00am
Sat-Sun 24 hours

Contract Day Veterinarian Valley Animal Hospital

993 W. Valley Blvd, Ste 120
Bloomington, CA 92316
Office: 909-877-2384

Hours:
Mon-Fri 08:00am-05:00pm
Sat 09:00am-05:00pm

Dead Livestock Removal-Stiles Rendering

Phone: 909-390-9828

Tranquilizer Rifle ASO’s Trained/Authorized to Deploy

ASO1 Supervisor Jamie Simmons
ASO2 Andrew Canedo

ASO3 Jennie Fisher
ASO4 Vanessa Valverde

**SIGN OFF
SUPPORT SERVICES/DEPARTMENT ORIENTATION**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Crime Analysis							
B. Community Operations/Dispatch							
C. Translation Devices							
E. Property							
F. Records Unit							
G. Animal Services							
H. Personnel and Training							
I. Scheduling							
J. Internal Affairs							
K. Investigations/ID Techs							
L. Special Ops (Narcotics/Gangs/RRT)							
M. Jail							
N. Crime Prevention/PIO							
O. Range							
P. Traffic Division							
Q. Code Enforcement							
R. Fontana Municipal Court 17830 Arrow Blvd, Fontana (909) 350-9322							

S. Rancho Cucamonga District Attorney's Office 8303 Haven Ave, Rancho Cucamonga, CA 91730 (909) 945-4241							
T. West Valley Detention Center 9500 Etiwanda Avenue Rancho Cucamonga (909) 463-5000							
U. Arrowhead Regional Medical Center 400 North Pepper Ave Colton (909) 580-1000							
V. Central Jail 630 E. Rialto Avenue San Bernardino (909) 286-0969							
W. Juvenile Hall 900 E. Gilbert Street San Bernardino (909) 387-7538							
X. Range							
Y. City Hall 8353 Sierra Avenue Fontana (909) 350-7600							
Z. West Valley Superior Court 8303 Haven Ave Rancho Cucamonga, CA 91730 (909) 285-3358							

COMMENTS:



FTP

OFFICER SAFETY

CONTACT AND COVER

REDACTED

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

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

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. Positions of assistance, if needed, during arrest
- G. Provides assistance as directed by contact officer

The trainee shall discuss the roles of 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

The trainee shall safely and effectively demonstrate the responsibilities of **both** the contact and cover officer positions during:

- A. Call for service
- B. "In-progress" calls
- C. Pedestrian stops
- D. Traffic stops
- E. High-speed pursuit, felony stop, and/or foot chase.

Body Amor

The trainees shall discuss benefits, limitations, and characteristics of protective body armor including:

- A. Benefits for wearing
- B. Types of body armor
- C. Level of protection against firearms
- D. Level of protection against knives and other penetrating weapons

OFFICER SURVIVAL

Officer survival will be addressed during the Administrative Phase of training and will be handled by members of the Defensive Tactics Staff and Field Training personnel assigned to this portion of training.

Pertinent areas of discussion and demonstration will include the following:

- Mental and Physical Toughness
- Pre-planning (“What If” scenarios)
- Self-confidence
- Will to survive
- Weapon Retention
- Defense vs Offense Mindset

This area of field training will be conducted in a gym/classroom setting and will contain both discussion and physical altercations to support the ideology of officer survival and the will to survive violent confrontations.

Trainees will be instructed and demonstrate proficiency the most current methods of control holds, searching techniques, handcuffing and ground fighting exercises being utilized by the Fontana Police Department.

Controlling/Searching of Persons

Several areas must be considered when controlling and searching persons. The following is a list of some of the main considerations an officer must make concerning proper control and searching of people:

- Verbal control
- Physical control
- Safety tactics for one or more suspects
- Searching male/female suspects
- Constant alertness, including keeping suspects hands in view
- Maintaining control and positions of advantage
- Standing, kneeling and prone position searches
- Safeguarding weapons-both Officers and/or suspects
- Policy concerning searches of all types

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, “keep 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

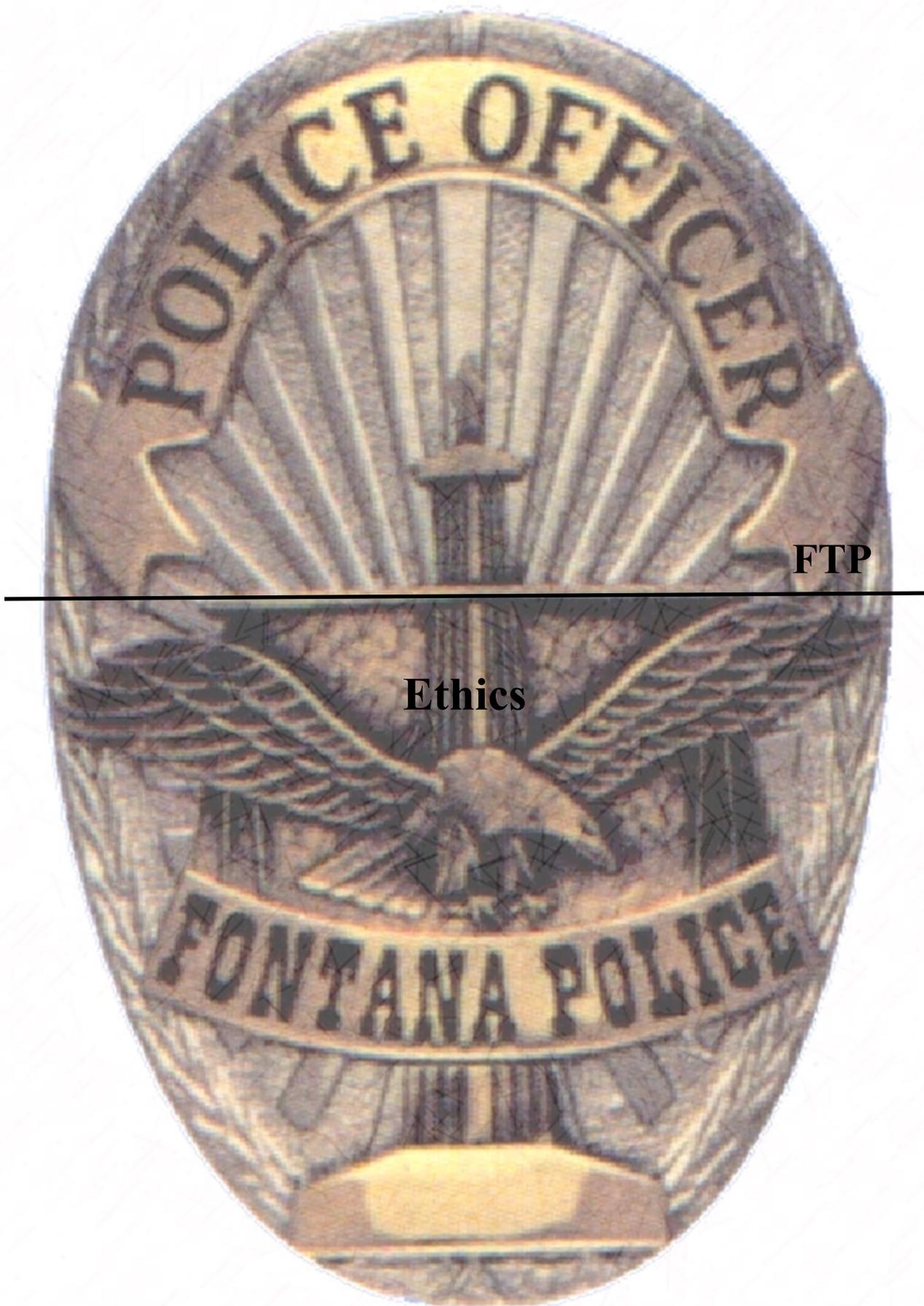
D. Weapon retention

Sign off
Officer Safety
(Contact and Cover/Officer Survival)

Glossary: *FP= Field Performance* *RP= Role Playing* *WT= Written Test* *VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Contact and Cover							
B. Officer Survival							

COMMENTS:



FTP

Ethics

The trainee will be given a copy of the Law Enforcement Code of Ethics, and the International Association of Chiefs of Police Standards of Conduct, and will explain or demonstrate how they apply to ethical decision-making.

The Law Enforcement Code of Ethics

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 the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear of favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust, to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession: Law Enforcement.

International Association of Chief's of Police-Standards of Conduct

Model Policy

I. Purpose

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this agency's statement of values so that officers of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities established by this agency. Rather, they are intended to (1) alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics; (2) specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers, and (3) guide officers in conducting themselves and their affairs in a manner that reflects standards of deportment and professionalism as required of law enforcement officers. Additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by this agency and from officer's immediate supervisors and commanders.

II. Policy

Actions of officers that are inconsistent, incompatible or in conflict with the values established by this agency negatively affect it's reputation and that of it's officers. Such actions are inactions thereby detract from the

agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of this law enforcement agency that officers' conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this agency.

III. Definitions

Accountability: In the context of this policy, accountability means the duty of all officers to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without deception or subterfuge.

IV. Procedures

A. General Conduct

1. Obedience to Laws, Regulations and Orders

- a. Officers shall not violate any law or any agency policy, rule, or procedure.
- b. Officers shall obey all lawful orders.

2. Conduct Unbecoming an Officer-Officers shall not engage in any conduct or activities on – or off-duty that reflect discredit on the officers, tend to bring this agency into disrepute, or impair it's efficient and effective operation.

3. Accountability, Responsibility, and Discipline

- a. Officers are directly accountable for their actions through the chain of command, to this agency's chief executive officer.
- b. Officers shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
- c. Officers shall be accurate, complete, and truthful in all matters.
- d. Officers shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
- e. Officers who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior as soon as possible.

5. Conduct Toward the Public

- a. Officers shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.
- b. 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 their duty.
- c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's use-of-force policy and shall observe the civil rights and protect the well-being of those in their charge.

6. Use of Alcohol and Drugs

- a. Officers shall not consume any intoxicating beverage while on duty unless authorized by a supervisor.
- b. No alcoholic beverage shall be served or consumed on police premises or in vehicles owned by this jurisdiction.
- c. An officer shall not be under the influence of alcohol in a public place, whether on-or off-duty.
- d. No officer shall report for duty with the odor of alcoholic beverage on his or her breath.
- e. No officer shall report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances.
- f. Officers must report the use of any substance, prior to reporting for duty, that impairs their ability to perform as a law enforcement officer.
- g. Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening shall conform to this agency's policy on employee drug-screening and testing.

7. Use of Tobacco Products

- a. While on duty a police Officer shall not use a tobacco product unless in a designated area while not conducting police business. Additionally, officers are not permitted to use tobacco products in a vehicle owned or maintained by this agency.

8. Abuse of Law Enforcement Powers or Position

- a. Officers shall report any unsolicited gifts, gratuities, or other items of value that they receive and shall provide a full report of the circumstances of their receipt if directed.
- b. Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.
- c. Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
- d. Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the agency chief executive or his or her designee.
- e. Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.
- f. Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their commanding officer.

9. Off-Duty Police Action

- a. Officers shall not use their powers to resolve personal grievances (e.g; those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify and arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is a personal involvement that would reasonably require law enforcement intervention.
- b. Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

10. Prohibited Associations and Establishments

- a. Arresting, investigating, or custodial officers shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency.
- b. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, would know, or have reason to believe are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships.
- c. Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.
- d. Officers shall not knowingly join or participate in any organizations that advocates, incites, or supports criminal acts or criminal conspiracies.

11. Public Statements, Appearances, and Endorsements

- a. Officers shall not, under color of authority,
 1. Make any public statement that could be reasonably interpreted as having an adverse effect upon department moral, discipline, operation of the agency, or perception or the public;
 2. Divulge or willfully permit to be divulged, any information gained by reason of their position, for anything other than its official authorized purpose; or
 3. Unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.
- b. Endorsements-Officers may not, under color or authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

12. **Political Activity**-Officers shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform or otherwise serving as a representative of this agency.
- a. Engage in any political activity;
 - b. Place or affix any campaign literature on city/county-owned property;
 - c. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
 - d. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
 - e. Use official authority to interfere with any election or interfere with the political opinions or affiliations;
 - f. Participated in any type of political activity while in uniform.

13. **Expectations of Privacy**

- a. Officers shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered-to meet operational needs, internal investigatory requirements, or for other reasons-at the direction of the agency chief executive or his or her designee.
- b. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

Ethics

Ethics has been defined as what is right and what is wrong. But, is it not also honesty and integrity. On every Fontana Police unit the words, "Service with Integrity" stand out. "Integrity is unmistakable and unbroken completeness. Having integrity provides personal or professional direction and protects us from being divided between right and wrong." (Borrello, A. Jan. 2005) Every person that has made it through the background Investigation and academy knows the difference between right and wrong. Just use **COMMON SENSE**.

1. The trainee shall illustrate, through explanation or example, the following aspects of ethical conduct.

- a. An officer shall not engage in 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. **FPD Policy 340 ET AL**
- b. 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. **FPD Policy 340 ET AL**
- c. Officers shall not use the language or engage in acts that demean, harass, or intimidate another. **FPD Policy 340 ET AL**
- d. 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. **FPD Policy 340 ET AL**

- b. 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. **FPD Policy 340 et al**
- 2. The trainee shall identify and discuss problems associated with common ethical decisions, including:**
- I. Non-enforcement of specific laws by personal choice
 - a. A police officer is given the task of enforcing the federal, state, and city codes. An officer may not agree with a particular code or city ordinance and may choose not to enforce it. Officer's actions in this scenario may bring unwanted embarrassment to the department or even criminal charges; an example is failing to enforce a domestic violence restraining order. An officer could be in violation of departmental policies for failing to act. "Failure to take reasonable action while on duty and when required by law, statute, resolution or approved Department practices or procedures." **FPD Policy 340.3.5(r)**
 - II. Acceptance of gratuities
 - a. "No officer shall use his/her badge, uniform, identification card, or other position to solicit special privileges for himself/herself, or to others, such as free admission to places of amusement, discounts on purchases, or other favors, except as expressly permitted on the departmental orders." **FPD Policy 340.3.5 (l)**
 - III. Misuse of unscheduled leave time
 - a. **FPD Policy 1014 ET AL** explains the procedure for notification of absence from work. A situation may evolve where an officer may want to take time off for some planned event and has been denied a request for a day off. There are still some who say that using an unscheduled day will ensure the time off. This is the wrong way to think. You will not only be in violation of Policy Manual if you are not sick but, think of the officer that will be ordered in or is ordered to stay later to cover your shift.

Decision Making

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

- Law
- Departmental policy and procedure
- Departmental goals and objectives
- Community Expectations
- Officer Safety

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

- Death or injury
- Additional crime
- Civil and vicarious liability
- Discipline
- Embarrassment to department
- Relationship with the community

Scenario #1:

It is 0500 hours on your last day of your weekly shift and you have 2 hours until you are on vacation for one month. You are dispatched to a call of a possible drunk driver in the area of Sierra Ave. and Valley Blvd. driving a white pickup. You respond to the area and are already convinced the vehicle is gone. When you arrive on scene, a white pickup is stopped on Valley Blvd. at the intersection of Sierra Ave. The traffic light for Valley Blvd is green, but the pickup is not moving and the driver is slouched over the steering wheel.

You position your police unit behind the vehicle and activate your emergency lights. You walk up to the driver's side of the pickup and are immediately hit with the smell of an alcoholic beverage. The driver finally awakes and looks at you. The driver, holding a beer bottle in his hand tells you he drank too much. Instead of having the driver step out of the vehicle and conducting an investigation, you tell the driver to get out of here. You tell yourself, it would take too long to arrest the driver and you want to PM on vacation. The call is updated with, unable to locate.

The white pickup drives off westbound on Valley Blvd. and collides with a small compact car at the intersection of Juniper. The occupants of the car are a mother with her three small children. All the occupants of the car are killed, but the driver of the pickup is not injured.

The person who initially made the report of the drunk driver was sitting in a gas station parking lot when the officer arrived on scene and watched how the call was handled. The reporting party followed the white pickup and witnessed the accident. The reporting party watches as the driver of the pickup falls out of the pickup and passes out. The reporting party looks inside the pickup and observes about 20 opened beer bottles. The mother and three children in the vehicle are the wife and children of a police officer in a neighboring city. The reporting party is employed by the Press Enterprise.

Did the officer make the right decision? Discuss.

If the occupations of the reporting party and the deceased party's husband were changed, would there be a difference?

What if the officer drove to the scene and observed the vehicle in the roadway, but ignored that fact and drove away updating the call with the vehicle was gone, would there be any ethical problems?

Scenario #2

A fellow officer comes to work with alcohol on his/her breath. The officer sits in back of the briefing room so the Sergeant would not smell the alcohol. At the conclusion of briefing the officer approaches you and says they are really drunk and wants you to pick up the majority of the calls for service so they can get some sleep and sober up.

Do you report this to your supervisor?

Could there possibly be criminal and/or civil damages for your lack of reporting?

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.

The trainee shall demonstrate the ability to accept responsibility for his/her actions.

The trainee shall illustrate, through explanation or example, the following aspects of ethical conducts:

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.
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 wellbeing of those in their charge.

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.

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

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

- A. Non-enforcement of specific laws by personal choice
- B. Acceptance of gratuities
- C. Misuse of sick time, etc.

The trainee shall review and explain the FPD policy and procedures associated with conduct both on and off duty.

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

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

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

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

**SIGN OFF
ETHICS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. The Law Enforcement Code of Ethics							

COMMENTS: _____



FTP

Use of Force

LEGAL/ETHICAL ISSUES (Policy Manual #300)

At times, officers are confronted with situations where control is required to affect arrests or protect the public safety. Most often, control is achieved through advice, warnings, and persuasion. However, in situations where resistance or threat to life is encountered and reasonable alternatives have been exhausted or clearly would be ineffective, physical force may be necessary. Officers need not retreat, or desist, in the use of force necessary to neutralize the incident.

Officers may use physical force to affect an arrest, prevent an escape, or overcome resistance. **Only that type and degree of force necessary and reasonable is authorized**, and all use of force is subject to administrative review.

Except in actual self-defense, deadly force or force likely to produce a mortal injury shall normally not be used if the incident prompting the use of force is a misdemeanor.

Determining the Reasonableness of Force (Policy Manual # 300.2.2)

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- c) Influence of drugs/alcohol (mental capacity).
- d) Proximity of weapons.
- e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- g) Seriousness of the suspected offense or reason for contact with the individual.
- h) Training and experience of the officer.
- i) Potential for injury to citizens, officers and suspects.
- j) Risk of escape.
- k) Other exigent circumstances.

The trainee shall review and discuss the legal and ethical consideration pertaining to the use of force, including for reasonable force.

FORCE OPTIONS (Reference Policy #300)

In addition to areas covered in the “Agency Orientation/Department Policies” section of this manual, the Fontana Police Department utilizes additional resources as follows:

Department Canine Policy-See Department Policy #318

Department Shooting Policy-See Department Policy #304

Flashlight Use:

The flashlight is provided for **illumination only** and should not be used as a weapon unless no other weapon is reasonably available.

Chemical Agents/O.C. Spray (Reference Policy Manual #308.4)

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officer, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

Uniformed field personnel carrying the oleoresin capsicum spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry the oleoresin capsicum spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

Canisters involved in any type of malfunction or damage shall be returned to the Range master for exchange.

Treatment for O.C. Spray Exposure (Reference Policy Manual #308.4.4)

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas (fresh air and/or water). Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

Taser Use (Reference Policy Manual # 309)

Personnel who have completed department approved training may be issued / use a TASER for use during their current assignment. Personnel leaving a particular assignment may be expected to return their issued device to the department's inventory.

Officers shall only use TASER and cartridges that have been issued by the Department. The device may be carried either as a part of a uniformed officer's equipment in an approved holster or secured in the driver's compartment of the officer's vehicle so that it is readily accessible at all times.

- a) When the TASER is carried as part of a uniformed officer's equipment, the TASER shall be carried on the side opposite from the duty weapon.
- b) All TASER's shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- c) Whenever practical, officers should carry a total of two or more TASER cartridges on their person at all times while carrying a TASER.
- d) Officers shall be responsible for insuring that their issued TASER is properly maintained and in good working order at all times.
- e) Officers should avoid holding both a firearm and the TASER at the same time unless lethal force is justified.

Verbal Warning (Reference Policy Manual #309.3)

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the TASER shall precede the application of a TASER in order to:

- a) Provide the individual with a reasonable opportunity to voluntarily comply.
- b) Provide other officers and individuals with warning that a TASER may be deployed.

Taser Application (Reference Policy Manual #309.4)

Authorized personnel may use the TASER when circumstances known to the individual officer at the time indicate that the application of the TASER is reasonable to subdue or control:

- a) A violent or physically resisting subject, or
- b) A potentially violent or physically resisting subject if:
 - 1. The subject has verbally or physically demonstrated an intention to resist; and
 - 2. The officer has given the subject a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply; and
 - 3. Other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others.
- c) Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER to any of the following individuals:
 - 1. Pregnant females.
 - 2. Elderly individuals or obvious juveniles.
 - 3. Individuals who are handcuffed or otherwise restrained.
 - 4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material.
 - 5. Passively resisting subjects.
 - 6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

Report of Taser Use (Reference Policy Manual #309.4.2)

All TASER discharges shall be documented in the related arrest/crime report. Accidental discharges of a TASER cartridge will also be documented in either by MIR or memorandum as directed by the employee's supervisor. Any report documenting the discharge of a TASER cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge.

Photographs will be taken of the area the taser probes made physical contact and or where a touch stun taser contact was applied to the suspect. The photographs will be booked into evidence. The onboard TASER memory will be downloaded through the data port, and saved with the related arrest/crime report.

Medical Treatment-Taser Deployment (Reference Policy Manual #309.5)

Absent extenuating circumstances or unavailability, only qualified medical personnel, including certified paramedics, should remove TASER darts from a person's body. Used TASER darts shall be considered a sharp biohazard, similar to a used hypodermic needle. Universal precautions should be taken accordingly.

All persons who have been struck by TASER darts or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel.

Reporting The Use of Force

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

Notification to Supervisors

Supervisory (sergeant or above) notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- a) The application of force appears to have caused physical injury (i.e. Taser, Baton, Canine, O.C, less lethal munitions).
- b) The individual has expressed a complaint of pain and requests medical attention
- c) The individual has been rendered unconscious

(See Use of Force Policy #300.4 and 300.5)

**SIGN OFF
FOR USE OF FORCE**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Flashlight Policy							
B. K-9 Policy							
C. Taser Policy							
D. Shooting Policy							
E. O.C. Policy							
F. Use of Force Reporting Party							

COMMENTS:



FTP

Patrol Vehicle Operations

PATROL VEHICLE INSPECTIONS

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- ◇ Emergency road flares
- ◇ Fire Extinguisher
- ◇ Riot Baton
- ◇ Hand Sanitizer
- ◇ Trauma Kit
- ◇ Ambu bag
- ◇ Yellow crayon or chalk
- ◇ Crime Scene Barricade Tape
- ◇ First aid kit, CPR mask
- ◇ Blanket
- ◇ Spit Mask
- ◇ Protective gloves
- ◇ Hazardous Materials Emergency Response Handbook

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one quarter tank of fuel. Vehicles shall only be refueled at the authorized location. All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance. Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle. Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage. Before going on patrol, the police vehicle should be checked. The mechanical condition of lights, brakes, tires and signaling devices should be tested, along with a check of red lights.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor. Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter. **Location of found contraband and how to handle should be dealt with per policy manual #804.**

Routine maintenance and oil changes shall be done in accordance with the maintenance schedule. The vehicles will normally be serviced at the City maintenance shop. Employees should contact the vehicle maintenance coordinator to schedule routine as well as unscheduled maintenance of the vehicle.

(Reference Policy # 704/706)

**SIGN OFF
PATROL VEHICLE INSPECTIONS**

Glossary: FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Unit Inspection Procedure							
B. Inspect Vehicles for damage-tire-wear-inflation							
C. Check flares-first-aid-blanket							
D. Fire Extinguisher							
E. Spot Lights							
F. Vehicle Lights							
G. Check fuel gauge and fueling units							
H. Check Emergency Lights							
I. Check Siren							
J. Check maintenance mileage sticker							
K. Vehicle Cleanliness							
L. Check less-lethal equipment							
M. Complete Service Request							

COMMENTS:

PATROL VEHICLE OPERATIONS SAFETY

Members of the department operating automotive equipment must possess and carry a valid California driver's license. Those employees, who are required to drive a vehicle as a primary responsibility of their job, shall not be permitted to work without a valid California driver's license.

Employees shall operate city vehicles in a reasonable and prudent manner. They shall at all times, whether or not actively on duty, carefully obey traffic laws and courtesies of the road to the end that no cause may exist for criticism of the department.

Employees shall report any incident where a department vehicle is involved in a traffic collision, either singularly or with another vehicle, as soon as practical and in no case later than 24 hours after the incident, to their supervisor if while on-duty or to the watch commander if during off-duty time. The supervisor/watch commander or his designee will complete the required paperwork documenting the incident. Any damage to a vehicle, not caused by a traffic collision, shall be immediately reported within the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant. An administrative investigation will be conducted to determine any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

The trainee shall have an understanding of how to safely operate a police vehicle and the other factors that relate to operational safety of a police vehicle. The trainee shall also have an understanding of the liability involved in the operation of a police vehicle. While there are exemptions (VC 21055), there is still a requirement for safety (VC 21056). In an effort to avoid liability issues, the trainee will understand and adhere to the department's Code 3 policy (Policy Manual #316), pursuit policy (Policy Manual #314), and the Vehicle Code.

**SIGN OFF
PATROL VEHICLE OPERATIONS SAFETY**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Backing/Right of way							
B. Passing							
C. Excessive Speed							
D. Driver Condition							
E. Vehicle Condition							
F. Environmental conditions, including road surfaces							
G. Vehicle Speed							
H. Reaction Time and distance							
I. Braking Distance							
J. Purpose of anti-lock brakes							
K. Driver attitude							
L. Driver Skill							
M. Seatbelt usage							
N. Impatience overconfidence							
O. Compliance with Laws and Policies							

COMMENTS:

SITUATION-APPROPRIATE, FOCUSED, EDUCATED (SAFE) DRIVING

What is SAFE Driving? “SAFE” is an acronym for “Situation-Appropriate, Focused, and Educated.” “Situation-Appropriate” recognizes the need for Law Enforcement Officers (LEOs) to modify their driving for varied circumstances (e.g., routine patrol versus Code 3; school zone versus rural highway; or inclement weather versus ideal conditions) and for supervisors, managers, and chiefs to establish and reinforce what “appropriate” is for their agency. “Focused” addresses the many concerns related to roadway position, distraction, fatigue, and multi-tasking. “Educated” refers to both training and policy and the need for officers to apply learning from these areas to their driving.

For CalPOST, the SAFE Driving Campaign is aimed at both action and awareness. Action is realized through two components. As a continuation of the Driver Training Study, CalPOST has assembled a multi-disciplinary Research Team (RT) to investigate LEO traffic collision causes and feasible interventions. An ambitious agenda looks at the effects of policy, training, fatigue, distraction, supervision, management, and culture on LEO collision rates.

The “Elephant in the Room”

POST encourages a focus on what we call *Negligent Operator Negative Outcome* or “NONO” collisions. There will always be instances where the LEO does everything right and still gets involved in a collision. Too, there will always be property damage only (PDO) “fender-benders” and miscellaneous backing incidents. While important, these are not the concern of SAFE Driving. **NONOs**—those instances where LEOs neglected to drive properly and had a collision resulting in some untenable conclusion—are where chief executives and trainers have the greatest opportunity to identify problems and enforce positive change. The challenge is to approach the “NONO” factors without indicting the individual LEO. While this may be difficult at the time, the benefits will far outlast the discomfort

Enforcement is the elephant in the room at most discussions about injury and fatal LEO traffic collisions. LEOs are professional enforcers; however, there is strong resistance in most agencies to enforcing SAFE Driving standards on LEOs and even stronger resistance to identifying LEO errors after an injury or fatal collision. CalPOST concludes that this resistance is not the case in other industries. For example, the National Transportation Safety Board (NTSB) is not reticent about identifying pilot error in the case of aviation accidents—and for good reason. After the NTSB identifies a “pilot error” issue, policy and training adjustments are frequently employed to limit the likelihood of repeated errors. Although the law enforcement industry doesn’t have an overarching regulatory body that reviews LEO collisions, chief executives and trainers can certainly create internal review processes to serve the same function. POST encourages all agencies and academies to focus on SAFE Driving and “NONO” collisions.

**SIGN OFF
SITUATION-APPROPRIATE, FOCUSED, EDUCATED (SAFE) DRIVING**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. SAFE							

COMMENTS:

USE OF SEATBELTS DURING ROUTINE AND EMERGENCY DRIVING CONDITIONS, AND TACTICAL SEATBELT REMOVAL

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in department owned, leased or rented vehicles and while operating or riding in privately owned vehicles while on duty. The driver is responsible for ensuring all occupants, including nonemployees, are in compliance with this policy.

It is the intent of Fontana Police policy that all employees wear seat belts whenever possible. However, sworn officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seat belt would hinder rather than increase safety.

Tactical Seatbelt Removal

In times of a stressful event, officers will rely on muscle memory of a tactical seatbelt removal. Tactical seatbelt removal must become natural as drawing a weapon. Officers should train in tactical seatbelt removal while seated inside the police unit. They should practice clicking and un-clicking seatbelts during their shifts. This repetitive motion will develop muscle memory and will become second nature. By not wearing a seatbelt, an officer is sacrificing the best safety device available to them in preventing what has been the leading cause of death for law enforcement.

INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

SIGN OFF
USE OF SEATBELTS DURING ROUTINE AND EMERGENCY DRIVING
CONDITIONS, AND TACTICAL SEATBELT REMOVAL

Glossary: FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Wearing of Safety Restraints							
B. Inoperable Seatbelts							
C. VC27315.5							
D. Tactical Seatbelt Removal							

COMMENTS:

EMERGENCY VEHICLE OPERATIONS/PURSUIITS/LIABILITY

Driving Code 3

Code 3 assignments are usually designated through Dispatch or a Field Supervisor, with the exception of pursuing an “On-View Traffic Violator,” or stopping a suspected or verified misdemeanor or felony suspect in a vehicle.

- A. In making regular stops, an attempt should first be made to stop the vehicle by use of red lights and horn instead of the siren.
- B. The purpose of the siren and the display of red lights is to gain the right of way. The right of way is never assumed.
- C. When driving Code 3, **NEVER** pass another vehicle on the right, unless all traffic has stopped, and is blocking your way. (Pass on the right to avoid a hazard.)
- D. Keep in mind that some drivers might not hear the siren or see the red lights. Individuals who are deaf can be licensed to operate a motor vehicle in this state. Closed or fogged windows, or radios playing in the vehicles you are approaching, reduces the effectiveness of your red lights and siren.
- E. Be alert for other Code 3 vehicles. Other police vehicles, an ambulance or fire personnel may be responding to the same call or another call in the same area.
- F. Do not assume red lights and siren will gain you the right of way. Crossing intersections presents the greatest hazard. Slow down when approaching and crossing intersections.
- G. Be aware of the speed of the police vehicle, weather conditions, road conditions, and traffic flow. You are no help to the call if you are involved in a traffic collision. **Remember that you can be held criminally and civilly liable for damages resulting from the negligent operation of an emergency vehicle-even with red lights and siren activated.**
- H. Be alert for hazards when arriving at the scene of the call.

VC21055 Exemption of Authorized Emergency Vehicles

{The driver of an authorized emergency vehicle is exempt from Chapter 2 (commencing with Section 21350), Chapter 3 (commencing with Section 21650), Chapter 4 (commencing with Section 21800), Chapter 5 (commencing with Section 21950), Chapter 6 (commencing with 22100), Chapter 7 (commencing with Section 22348), Chapter 8 (commencing with Section 22450), Chapter 9 (commencing with Section 22500), and Chapter 10 (commencing with Section 22650) of this division, and Article 3 (commencing with Section 38305) and Article 4 (commencing with Section 38312) of Chapter 5 of Division 16.5, under all of the following conditions:

- a. If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.
- b. 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}.

VC21056 Effect of Exemption

{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}.

Department personnel are to respond to calls as directed by the dispatcher. Personnel should direct any questions regarding the type of call sent or which officer is sent to the Watch Commander or Field Supervisor.

Officers dispatched "Code 3" shall consider the call an emergency response and proceed immediately. Officers responding Code3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code. (VC 21056)

Officers should only respond Code 3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

EMERGENCY RESPONSE GUIDELINES

The following is a list of common calls that will be considered authorized for emergency response unless directed otherwise:

1. Assist an endangered officer
2. Injury or unknown injury traffic accidents
3. In progress calls where bodily harm has been committed or is likely to occur
4. Any type of call where a human life is seriously threatened and an urgent response to the scene by a police officer is imperative

Number of Units Assigned

Normally, only one unit should respond to an emergency call Code 3 unless the Watch Commander of the field supervisor authorizes an additional unit(s).

Requesting Emergency Assistance

- a) Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. If circumstances permit, the requesting officer should give the following information:
 1. The unit number
 2. The location
 3. The reason for the request and type of emergency
 4. The number of units required

Officer Response to Calls

b) “999” Request

1. If an officer puts out a “999” request, all available units are authorized to respond Code 3.
2. The primary frequency dispatcher is responsible to know which units are responding Code 3 and from what location.
3. The first backup unit at the scene should update Dispatch as to the situation and direct additional units into the scene.
4. Once the situation has stabilized and Code 3 backs are no longer required, officers at the scene should inform Dispatch of this fact immediately.
5. This subsection can be waived if, in the opinion of the dispatcher, it would be unsafe to tie up the radio to request the information required by this subsection.

c) Code 3 Backup Request

1. If an officer requests a Code 3 backup, the nearest two (2) units are authorized to respond Code 3.
2. The primary frequency dispatcher is responsible for ensuring that the two (2) nearest units are responding Code 3 and from what location.
3. Any officer who feels they require emergency assistance may request a Code 3 back.

Initiating Code 3 Response

If an officer believes a Code 3 response to any call is appropriate, the officer shall immediately notify the Dispatch Center. Generally, only one unit should respond Code 3 to any situation. Should another officer believe a Code 3 response is appropriate, the Dispatch Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code 3 is appropriate.

Responsibilities of Responding Officer(s)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle. The decision to continue a Code3 response is at the discretion of the officer. If, in the officer’s judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Dispatch Center. An officer shall also discontinue the Code3 response when directed by a supervisor. Upon receiving authorization or determining a Code3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

Failure of Emergency Equipment

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Dispatch Center of the equipment failure so that another unit may be assigned to the emergency response.

Pursuits

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment.

Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers. Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

***Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.**

Considerations Before Initiating a Pursuit:

- A. The seriousness of the crime for which the suspect is wanted (infraction, misdemeanor and felony).
- B. What the threat the suspect poses to the public should he escape.
- C. The safety of the public if a pursuit is initiated.
- D. The weather and road conditions.
- E. The weather and road conditions.
- F. Whether any non-peace officer persons are in the police unit (arrestees, cadets, citizen ride-alongs).
- G. Whether there are any at-risk persons in the suspect vehicle (children, hostages).
- H. The age of the suspect.
- I. The location (school district, crowded residential area).

When Pursuits Should Not Be Initiated:

- A. When carrying any passengers such as arrestees or ride-alongs.
- B. When the Officer is responding to an emergency call that should take precedence.

Factors to Consider When Deciding to Terminate a Pursuit:

- A. Weather
- B. Road Conditions
- C. Traffic Conditions
- D. The distance between the suspect vehicle and the police unit
- E. When the danger of continuing the pursuit outweighs the benefit of catching the suspect.

Note: The above conditions should be monitored on a continuous basis. Restrictions of Units/Vehicles Involved in Pursuit:

- A. Pursuit limited to two units and a supervisor unless otherwise notified by a Watch Commander.
- B. Unmarked police vehicles should refrain from becoming involved in a pursuit unless the violator poses such a hazard to the public, that the hazard outweighs the risk of an unmarked vehicle being involved. The unmarked vehicle shall turn the pursuit over to a marked unit as soon as possible.
- C. Motor units are not prohibited from engaging in pursuits, but should relinquish the pursuit to a marked, four wheeled vehicle as soon as possible.

Duties of Pursuing Units:

- A. Advise Dispatch/Watch Commander as soon as possible
- B. Advise of pursuit speed on a continuous basis
- C. Advise of direction of travel on a continuous basis
- D. Advise of law violation
- E. Advise description of suspect vehicle and occupants
- F. Advise of any known weapons
- G. Advise of traffic/road conditions on a continuous basis

When to Discontinue the Pursuit:

- A. At the discretion of the involved units
- B. In compliance with Policy Manual #314.2.2
- C. When ordered to do so by a Watch Commander, Supervisor, or a Command Officer

Note: This guide is not to be seen as a substitute for any Fontana Police Department Policy Manual. Personnel should have a thorough knowledge of Policy Manual #314.

After the trainee has completely familiarized him/herself with the Policy Manuals regarding pursuits, the pursuit test shall be given. The test can be obtained from the FTP/SAC.

**SIGN OFF
EMERGENCY VEHICLE OPERATIONS/PURSUIITS/LIABILITY**

Glossary: FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Vehicle Code Restrictions/Liabilities							
B. Failure to Yield Procedures							
C. Pursuit Basics/Policy							
D. VC21055							
E. VC21056							
F. Code 3 Response							
G. Code 3/Back-up Request							
H. "999" Response							
I. Responsibility of Responding Officers							
J. Injury/Non-injury Traffic Collision							
K. Failure of Emergency Equipment							

COMMENTS:



FTP

**Community Relations /
Professional Demeanor**

COMMUNITY RELATIONS AND SERVICE

Department Objectives and Philosophy

A society free from crime and disorder remains an unachieved ideal; nevertheless, consistent with the values of a free society, it is the primary objective of the Fontana Police Department to, as closely as possible, approach that ideal. In doing so, the department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. It is not the role of the department to legislate, render legal judgments, nor to punish.

We, the members of the Fontana Police Department, stand ready to serve the people of the City of Fontana by performing the law enforcement function in a professional manner, as it is to these citizens that the department is ultimately responsible.

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

- Protect life and property
- Maintain order
- Crime Prevention
- Public education
- Delivery of service
- Enforcement of law(s)
- Community partnerships such as,
 - Area Commander
 - Neighborhood Watch

PROFESSIONAL DEMEANOR AND COMMUNICATIONS

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

- Profanity
- Derogatory language
- Ethnically offensive terminology

Policy Manual #340.3.2 (k) states, "Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department."

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

- Officious and disrespectful attitude
- Improper use of body language
- Improper cultural response

CULTURAL DIVERSITY

“The Fontana Police Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability.” Policy Manual #402.1

- The trainee shall explain how the culture of the community can have an effect on the community’s relationship with his/her agency.
- The trainee shall assess and explain ways in which he/she can increase the trust of the community he/she serves.

RACIAL PROFILING

Racial/Bias based profiling is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).

- A. It is the policy of the Fontana Police Department that all police initiated actions, which includes all investigative detentions, traffic stops, arrests, searches and seizures of persons and/or property by employees, shall be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution and statutory authority, as well as equal protection of laws required by the Fourteenth Amendment of the United States Constitution. Employees must be able to articulate specific facts, circumstances and conclusions, which support probable cause or reasonable suspicion for the arrest, investigative detention, search, or traffic stop. Except as provided in Policy Manual #402.3, employees shall not consider race, ethnicity, national origin, religion, age, gender, gender identity or sexual orientation in establishing either reasonable suspicion or probable cause, or as a basis for requesting consent to search.
- B. Except as provided in 402.3 (b) 3, employees shall not consider race or ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided in 402.3 (b) 3, employees shall not consider race, ethnicity, national origin, religion, age, gender identity or sexual orientation, socio-economic status and disability in deciding to initiate either consensual encounters or nonconsensual encounters.
- C. Employees may take into consideration the reported race, age, gender, ethnicity or national origin of a specific suspect(s) in those situations where such information has been provided by a victim, witness, police employee, or other party to a potential criminal act and/or activity that is suspicious in nature.
- D. Individuals shall not be detained beyond the point where there exists no reasonable suspicion of further violation of law, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement or the individual’s voluntary consent.” Policy Manual #402.3(b).
 - The trainee shall be able to summarize and apply the agency’s policy regarding biased-free policing.
 - The trainee shall distinguish that effective police work profiles behavior rather than race.
 - 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.

- The trainee shall identify cultural motivations and biases that may affect professional ethics and the law.

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.

4th Amendment – 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 warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

14th Amendment – All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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

Reference Policy #402

CRIME PREVENTION

Neighborhood/Business Watch is a crime prevention program, which enlists the active participation of Residents/Business Owners in cooperation with Law Enforcement to reduce crime in their communities.

It involves:

- Neighbors/ Business Owners getting to know each other and working together in a program of mutual assistance. Residents, Business Owners, and Employees getting trained to recognize and report suspicious activities in their neighborhoods.
- Implementation of Crime Prevention techniques such as Home and Business Security, Operation Identification, Bicycle Safety, and Crime Awareness.
- The trainee shall demonstrate the knowledge and skill necessary to gain citizen support and participation in the prevention of crime.
- The trainee shall familiarize themselves with the neighborhood watch coordinator's duties and responsibilities.

COMMUNITY – ORIENTED/PROBLEM-ORIENTED POLICING (COP/POP)

Area Commander

This introduction will establish the basic knowledge in the Area Commander program as an integral part of the Fontana Police Department's Community-Oriented Policing effort. The Area Commander program is designed to improve service to the community by establishing procedures which:

- ◇ Move decision-making lower in the organization
- ◇ Reduce paperwork for officers while improving lines of communication
- ◇ Free Corporals for organizational goals such as mentoring
- ◇ Meet a number of goals and objectives identified in the department's Strategic Plan

Procedure

The Area Commander program is designed to streamline the current COPS procedure by eliminating the application/approval process for officers, eliminating formal update requirements, and moving communications on all projects to simple e-mail. The program is designed to be flexible and less formal, so that officers working on a project can concentrate their efforts more on the problem and less on documentation.

The Area Commanders oversee community policing operations in their respective areas, monitor crime trends and relevant issues, act as a community liaison, and serve as contact point for inquiries. Issues will be handled by Area Commanders with geographical area as first consideration and shift as secondary consideration. For example, if a problem is city wide rather than tied to an area, it will be the responsibility of the Area Commander whose shift it is most closely associated. Area Commanders area assigned as follows:

- ◇ **AREA 1**-All areas north of the 210 freeway
- ◇ **AREA 2**-All areas south of the 210 freeway to Foothill Blvd.
- ◇ **AREA 3**-All areas south of Foothill Blvd. to the 10 freeway
- ◇ **AREA 4**-All areas south of the 10 freeway

As issues are brought to the attention of the Area Commander (from citizens, City staff or FPD employees), the Area Commander will determine what action is indicated, and will either take the action himself or assign it as necessary. If the Area Commander determines the problem is more amenable to handling through traditional police methods, he will take action in that direction.

As always, all parties involved in a COPS project are expected to use the S.A.R.A. evaluation model. Area Commanders will assign tentative dates to complete projects as appropriate in the “assessment” phase, to insure that we haven’t done an inadequate “quick fix” to a problem requiring more extensive action. Officers are encouraged to consult with other staff members when faced with problematic issues. Recognizing that problems are usually most visible to line personnel closest to the scene, it follows that issues of importance to the community are also discovered by non-sworn members of the department as well as from other sources. Non-sworn employees are encouraged to communicate these issues to their supervisors or to the Area Commanders, will be encouraged to take part in the resolution of the problems and will receive training in the program.

S.A.R.A. MODEL-(SCANNING, ANALYZING, RESPONDING, ASSESSING)

Scanning

- ◇ What is the nature of the problem?
- ◇ How was the problem identified?
- ◇ Who identified the problem (community, police officers, politicians, press)?
- ◇ Why was this problem selected over other problem areas?
- ◇ What was the initial level of diagnosis/unit of analysis (crime type, neighborhood, specific premise, and specific offender group)?

Analyzing

- ◇ What methods, data and information sources were used to analyze the problem (surveys, interviews, observation, and crime analysis)?
- ◇ How often and for how long was this a problem?

- ◇ Who was involved in the problem (offenders, victims) and what were their respective motivations, gains and losses?
- ◇ What situational information was needed to better understand the problem (time, location, environment)?
- ◇ Was there an open discussion with the community about the problem?

Responding

- ◇ What range of possible response alternatives were considered to deal with the problem?
- ◇ What responses can you use to address the problem?
- ◇ What do you intend to accomplish with your response plan?
- ◇ What resources were available to help solve the problem?
- ◇ Who was involved in the response to your problem?

Assessing

- ◇ What are the results? What impact did the response have on the problem?
- ◇ Who was involved in the evaluation?
- ◇ If there was no improvement in the problem, were other efforts considered to handle the problem?
- ◇ What response goals were accomplished?
- ◇ How could you have made the response more effective?
- ◇ Will your response require continued monitoring or a continuing effort to maintain your results?

Employees having questions regarding the program or suggestions as to how it might be improved are encouraged to communicate their questions or observations by whatever means is most expedient to them. Those staff members who took part in the initial drafting of this program fully expect it to evolve as line personnel find easier or more expeditious ways of working with the community to solve problems.

- The trainee shall review and explain the agency's concept of community orientated policing as it relates to community priorities and needs, focusing on specific violations, crimes, or circumstances.
- 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.
- The trainee shall demonstrated leadership by becoming a facilitator who assists and motivates the community to develop solutions to their problems.

**SIGN OFF
COMMUNITY RELATIONS/PROFESSIONAL DEMEANOR**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Community Relations and Service							
B. Professional Demeanor and Communications							
C. Cultural Diversity							
D. Racial Profiling							
E. Crime Prevention							
F. Community-Oriented/Problem-Oriented Policing (COP/POP)							

COMMENTS:



FTP

Radio Communication Systems

RADIO COMMUNICATIONS

DISPATCH

1. **Dispatch Procedures**-This will be an introduction to radio dispatch. The trainee will learn procedures involving dispatching of patrol and traffic units. The trainee will also be shown telephone procedures, procedures involving the 911 emergency lines, use of the dispatch records cards and the daily log.
2. **Automated Information Sources**-The trainee will be shown the various automated information systems available to the radio dispatcher. Training will include the automated state systems, CII, NCIC, NCI, DMV information systems and other automated systems available through the state of California. The trainee will also be shown the automated information systems offered through San Bernardino County Sheriff's Office, which includes CNI, central booking information, warrants, traffic and various property and court information systems.

DISPATCH CENTER	CAD: Call Card
	Premise File/Previous Events
	Unit Status
	911: ANI
	ALI
	Radio: Channels available
	Channel screen
	Unit Emergency Status
	Unit radio in console
	iPad for hearing impaired translation
	School Directory
TELETYPES	10-29 on SVS
	10-28 on vehicle: CA/ out of state
	DL Check CA/ out of state
	Inquiry to AFS
	Inquiry to APS
	Inquiry to WPS/MUPS/NCIC/Restraining Order
	Inquiry to CHS (CA & Nat'l)
	CNI Inquiry/T-cite Inquiry
	Supervised Release File
	Restraining Orders File

RADIO PROCEDURES

REDACTED

The portable radio is an expensive piece of equipment, and although durability is a design feature, extra care in handling should be exercised to ensure maximum years of serviceable use. The radio should be taken out of service and submitted for any needed repairs.

- 5. It is a good practice to turn the portable radio ON upon leaving the police vehicle. This ON condition allows for immediate use in times of emergency, and for the base station to contact you if immediately needed.
- 6. Officers are issued a portable radio at the beginning of their shift and are responsible for maintaining the radio in good working condition. If there is a problem with the radio, it shall be turned in to the patrol supervisor with a note explaining the problem.
 - a. Officers should obtain a fresh battery from the equipment room at the start of each shift and turn in batteries at the end of watch.

Codes designating response to details

No code– Proceed to location without undo haste.

Code 3– Use red light and siren

Descriptions:

The description of any person should contain the following information if possible: Name, race, age, DOB, address, height, weight, color of hair, color of eyes, complexion, physical imperfections and a description of clothing from head down, also any noticeable peculiarities.

Stolen vehicles should be described as follows: Stolen from (place), time, date, color, year, make, body type, license number, I.D. number, and any other information which will aid in the identification (damage, window stickers, etc.).

The phonetic alphabet should be used whenever there is a possibility that confusion may arise over spelling of words, or when describing the letters in a license number, example: GBS 055 - George - Boy - Sam 055.

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

Radio Codes:

Ten Series:

Ten 1	Receiving transmissions poorly
Ten 2	Receiving transmissions clearly
Ten 4	O.K.
Ten 7	Out of Service
Ten 8	In service

Ten 9	Repeat last transmission
Ten 10	Out of service, subject to call
Ten 15	Prisoner in custody
Ten 19	Return to station
Ten 20	Location
Ten 21	Telephone number
Ten 27	Any return number of subject
Ten 28	Check for registration
Ten 29M	Subject wanted on misdemeanor warrant
Ten 35	Confidential information
Ten 36	Correct time
Ten 48	Out of unit, coffee break
Ten 87	Meet at
Ten 97	Arrived at location
Ten 98	Finished last assignment

Code Series:

Code 2	Proceed without delay, but with caution and obeying all rules of the road
Code 3	Emergency. Use red light and siren.
Code 4	No further assistance needed
Code 5	Stake out
Code 6	Out for investigation
Code 7	Lunch/Dinner

Radio Call Designations:

Adam 1	Chief of Police
Adam 2, 3, 4	Captains
Adam 5+	Administration
Baker	Bicycle
David	Investigations
Frank	F.A.T Team
Lincoln	Lieutenants
George	Gang, Graffiti, MET, NIT
Tom	Traffic
Motor	Motor Units
Nora	Narcotics
Paul	Patrol
Sam	Sergeants
Charlie	Corporals
K-9	K-9 Unit
Robert	Reserve Officer
Victor	Volunteer Program personnel
Ida	I.D. Unit
Zebra	Community Services Officers
Henry	C.C.R.T.

Edward	Code Enforcement Officers
ASO	Animal Services Officer
William	Rapid Response Team

**SIGN OFF
RADIO COMMUNICATIONS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. How to use radio							
B. Portable radios							
C. Broadcasts							
D. Phonetic alphabet							
E. Radio codes							
F. Beat locations							
G. Designators							

COMMENTS:

INFORMATION SYSTEMS/TELECOMMUNICATIONS

The Mobile Data Computer (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

The MDC should be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

- a) All contacts or activity should be documented at the time of the contact;
- b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
- c) Whenever the activity or contact is not initiated by voice, the officer should record it on the MDC.

Use of Body Worn Cameras

The Fontana Police Department has provided each of its sworn members with body worn computers for use while on-duty. These BWCs are intended to assist officers in the performance of their duties by providing an unbiased video/audio record of a contact.

Prior to going into service, each uniformed employee will be responsible for making sure that his/her departmentally issued BWC in good working order. Uniformed employees shall carry their BWC on their person or within their immediate reach.

Any officer assigned to non-uniformed positions may carry a departmentally issued BWC at any time the officer believes that such a device may be beneficial to the situation. For additional requirements and restrictions see policy 451. Employees shall maintain their BWC in good operating order. The employee shall notify their supervisor any time the BWC does not operate properly.

Each employee shall be responsible for making the proper annotations to his/her own recordings, and documenting such in a police report and call card.

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

- a) **No member of this department may surreptitiously record a conversation of any other member of this department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code § 3303(g).**
- b) **Any member of this department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.**
 - 1. Any officer contacting an individual suspected of violating any law during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.
 - 2. For the purpose of this policy, employees are encouraged to advise private persons they are being recorded, but they are not required to obtain consent before recording if there exists a lawful right to do so.
- c) **Members of the Department are encouraged to activate their BWC's at any time that the officer reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.**

For Example:

 - 1. Contacts could result in any type of criminal enforcement action or investigation
 - 2. Contacts with persons which could be negative in nature
- d) **At no time should an officer jeopardize his/her safety in order to activate a BWC.**
- e) **Officers are prohibited from utilizing department BWC's and recording media for personal use.**

Retention of Recording Media

All recorded BWC media is automatically uploaded to the server. Employees are responsible for the proper documentation of BWC video in their police report and call card. They are also responsible for making any applicable annotations to pertinent video.

Review of Recorded Media Files

It is understood that there is no expectation of privacy for any recording made by the employee. Recorded files may be reviewed in any of the following situations, however, review is not limited to the below listed situations:

- a) By a supervisor investigating a specific act of officer conduct.
- b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation.
- c) By the personnel who originally recorded the incident.
- d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case.

Reference Policy #451

Additional Information Systems Resources

Other resources for information include, but are not limited to, the following:

- CLETS
- Department of Motor Vehicles (DMV)
- Cal Photo
- Criminal History/Rap sheets
- CopLogic
- Social media
- Jail Information Management (JIM) system

REDACTED

REDACTED

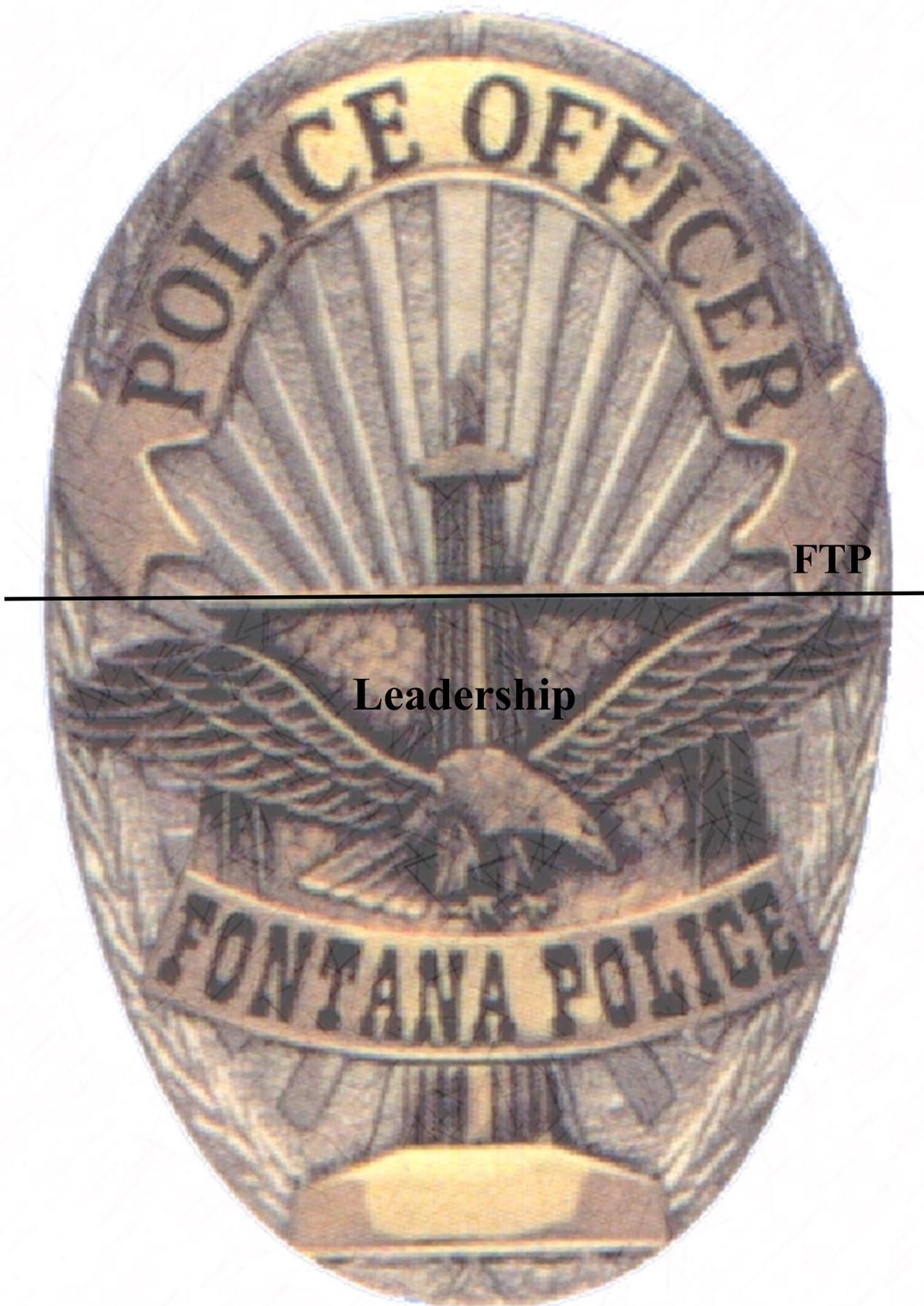
REDACTED

**SIGN OFF
INFORMATION SYSTEMS/TELECOMMUNICATIONS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Mobile Digital Computer (MDC)							
B. Body Worn Cameras							
C. Records System							
D. E-mail							
E. DMV/CLETS							
F. Criminal History/ RAP Sheets							
G. In-house/Name Search							
H. CAD							
I. Running Vehicles/ Persons							
J. Cal Photo							
K. CopLogic							
L. Vigilant							

COMMENTS:



FTP

Leadership

LEADERSHIP

Leadership is a necessity for a police officer and should be developed from the earliest stages; the officer should consider the department's mission statement, vision statement, and value statement for guidance in becoming a good leader. A good leader will provide purpose, direction, and motivation to his co-workers and the community. Along with this an officer should have a good understanding of a number of qualities good leaders possess and why, to include:

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

It is important to know your leadership role within the department as it relates to all of the above. You should remember that the citizens of the community look to you as a leader and role model. Your actions and demeanor will leave a lasting impression on the people you contact and others who merely observe your actions. By maintaining a professional attitude throughout your daily activities you will present not only a positive image for the department, but a positive image for yourself as a leader on the department and in the community.

**SIGN OFF
LEADERSHIP**

Glossary: *FP= Field Performance* *RP= Role Playing* *WT= Written Test* *VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Leadership							

COMMENTS:



FTP

California Codes and Laws

CRIMINAL LAW

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

- A. Accessory
- B. Accomplice
- C. Criminal Negligence
- D. Corpus Delicti
- E. Entrapment
- F. Implied Intent
- G. Principal
- H. Specific Intent
- I. Transferred Intent

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

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

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. Obstruction of justice
- B. Homicide
- C. Robbery
- D. Assaults
- E. Criminal Threats (formerly Terrorist threats)
- F. Stalking
- G. Restraining Order Violations
- H. Cruelty to animals
- I. Crimes against children
- J. Sex Crimes
- K. Disturbing the peace
- L. Burglary
- M. Trespassing
- N. Arson
- O. Vandalism
- P. Theft (including Identity Theft)
- Q. Forgery and check offenses
- R. Disorderly Conduct
- S. Control and use of dangerous weapons
- T. Use, possession, and sales of dangerous drugs (including under the influence)
- U. Receiving or possession of stolen property (including alteration of serial numbers)

PC 451/ARSON

1. WILLFULLY ATTEMPT
2. SETS FIRE TO OR BURNS OR CAUSES TO BE BURNED
3. ANY STRUCTURE, FOREST LAND OR PROPERTY

PC 240/ASSAULT

1. UNLAWFUL ATTEMPT
2. PRESENT ABILITY
3. TO COMMIT VIOLENT INJURY

PC 245(A)(1), (A)(2)/ADW

1. ASSAULTS PERSON OF ANOTHER
2. WITH DEADLY WEAPON OR INSTRUMENT 245(A)(1)
3. OR ANY FORCE LIKELY TO PRODUCE GREAT BODILY INJURY OR
4. WITH A FIREARM 245(A)(2)

PC 245(B), (C)/ADW-PO/FIREFIGHTER

1. ASSAULT WITH A DEADLY WEAPON OR INSTRUMENT (B) OR
2. A FIREARM (C)
3. PERSON OF A P.O. OR FIREFIGHTER
4. ENGAGED IN PERFORMANCE OF DUTY
5. ASSAILANT KNOWS OR SHOULD KNOW POLICE/FIRE AND ON-DUTY STATUS

PC 220/ASSAULT

1. ASSAULT WITH INTENT TO COMMIT
2. RAPE, SODOMY, MAYHEM OR ORAL COPULATION

PC 242/BATTERY

1. WILLFUL AND UNLAWFUL
2. USE OF FORCE OR VIOLENCE ON PERSON OF ANOTHER

PC 243.4/ BATTERY-(SEXUAL)

1. TOUCHING INTIMATE PART OF ANOTHER
2. AGAINST THEIR WILL
3. WHILE RESTRAINED BY ACCUSED OR ACCOMPLICE
4. FOR PURPOSE OF SEXUAL GRATIFICATION OR AROUSAL

PC 459/BURGLARY

1. ENTRY OF (NEED NOT BE FORCED)
2. BUILDING OR PLACE LISTED IN PENAL CODE
3. WITH INTENT TO COMMIT GRAND OR PETTY THEFT OR ANY FELONY

PC 466/BURGLARY TOOLS

1. POSSESSION OF PICKLOCK OR TOOL
2. WITH INTENT TO FELONIOUSLY ENTER
3. ANY BUILDING ETC, DESCRIBED IN PENAL CODE
4. OR KNOWINGLY ALTER ANY KEY TO UNLOCK A BUILDING
5. WITHOUT PERMISSION OF OWNER OR LESSEE

PC 273(A)/CHILD ABUSE

1. ANY PERSON HAVING CUSTODY OF A CHILD
2. WILLFULLY PERMITS CHILD TO SUFFER
3. OR INFLECTS PHYSICAL PAIN OR MENTAL SUFFERING
4. UNDER CONDITIONS LIKELY TO PRODUCE G.B.I. OR DEATH

PC 288(a)/CHILD MOLEST (UNDER 14)

1. WILLFULLY AND LEWDLY
2. COMMITS ANY LEWD OR LASCIVIOUS ACT UPON ANY PART OF THE BODY
3. OF A CHILD UNDER 14
4. WITH INTENT OF AROUSING, APPEALING TO, OR GRATIFYING LUST, PASSION OR SEXUAL DESIRES
5. OF CHILD OR PERPETRATOR

PC 288(c)(1)/CHILD MOLEST-(14 OR 15 YRS)

1. ANY PERSON WHO COMMITS ACT DESCRIBED IN SUBDIVISION (a)
2. WITH INTENT DESCRIBED IN SUBDIVISION (a)
3. AND THE VICTIM IS A CHILD OF 14 OR 15 YEARS
4. AND THAT PERSON IS AT LEAST 10 YEARS OLDER THAN THE CHILD

PC 647.6/CHILD MOLEST (UNDER 18)

1. ANNOYS OR MOLESTS
2. ANY CHILD UNDER 18 (SECOND CONVICTION OR PRIOR CONVICTION OF SPECIFIED SEX CRIME DEFINED IN PENAL CODE-FELONY)

PC 270/CHILD NEGLECT

1. PARENT WILLFULLY OMITTS
2. WITHOUT LAWFUL EXCUSE
3. TO FURNISH FOOD, CLOTHES, SHELTER
4. TO MINOR CHILD

PC 182/CONSPIRACY

1. TWO OR MORE PERSONS CONSPIRE
2. TO COMMIT ANY CRIME

PC 272/CONTRIBUTE TO DELINQUENCY OF MINOR

1. COMMITS ANY ACT OR OMITTS ANY DUTY
2. CAUSING A PERSON UNDER 18
3. TO COME UNDER THE PROVISIONS OF W&I 300, 601 OR 602

PC 422/CRIMINAL THREATS

1. ANY PERSON WHO WILLFULLY THREATENS TO COMMIT A CRIME
2. WHICH WILL RESULT IN DEATH OR GBI TO ANOTHER
3. WITH SPECIFIC INTENT THROUGH VERBAL, WRITING OR BY MEANS OF ELECTRONIC COMMUNICATION DEVICE
4. THAT COMMUNICATION IS INTENDED TO BE TAKEN AS THREAT
5. EVEN IF NO ACTUAL INTENT ON CARRYING OUT THREAT

PC 537/DEFRAUDING INKEEPER

1. OBTAINING FOOD, CREDIT OR ACCOMODATION
2. AT ANY HOTEL, RESTAURANT, BOARDING HOUSE.
3. WITHOUT PAYING AND WITH INTENT TO DEFRAUD
4. BY USE OF ANY FALSE PRETENSE
5. SURRIPTITOUSLY ABSCONDS WITH INTENT NOT TO PAY

PC 246/DISCHARGE FIREARM

1. MALICIOUSLY AND WILLFULLY
2. DISCHARGES A FIREARM
3. AT INHABITED DWELLING, HOUSECAR OR CAMPER OR OCCUPIED BUILDING OR OCCUPED MOTOR VEHICLE

PC 415/DISTURB THE PEACE

1. UNLAWFULLY FIGHTING IN A PUBLIC PLACE OR
2. CHALLENGING ANOTHER PERSON IN A PUBLIC PLACE TO FIGHT, OR
3. MALICIOUSLY AND WILLFULLY DISTURBS ANOTHER PERSON BY LOUD AND UNREASONABLE NOISE
4. USING OFFENSIVE WORDS IN A PUBLIC PLACE WHICH ARE LIKELY TO PRODUCE AN IMMEDIATE VIOLENT REACTION

PC 647/DISORDERLY CONDUCT

1. SOLICITS OR ENGAGES IN LEWD CONDUCT IN PUBLE
2. SOLICITS OR ENGAGES IN ACT OF PROSTITUTION
3. ACCOSTS PERSON IN PUBLIC PLACE FOR PURPOSE OF BEGGING
4. LOITERS ABOUT PUBLIC TOILETS FOR PURPSE OF LEWD ACTS
5. UNDER INFLUENCE OF ALCOHOL BEVERAGE/DRUGS IN A PUBLIC PLACE AND UNABLE TO CARE FOR SELF

PC417/EXHIBIT FIREARM

1. NOT IN SELF-DEFENSE
2. DRAWS OR EXHIBITS FIREARM, LOADED OR UNLOADED
3. OR OTHER DEADLY WEAPON
4. IN RUDE, ANGRY OR THREATENING MANNER
5. OR IN ANY MANNER USES SAME IN QUARREL

PC 148.9/FALSE I.D. TO POLICE

1. FALSELY REPRESENTS OR IDENTIFIES HIM/HER SELF
2. AS ANOTHER PERSON OR FICTICIOUS PERSON
3. UPON A LAWFUL DETENTION OR ARREST

PC 470/FORGERY

1. SIGNS NAME OF REAL OR FICTICIOUS PERSON
2. OR ALTERS ANY DOCUMENT LISTED AS GENUINE
3. OR ATTEMPTS TO PASS AS GENUINE
4. KNOWING HAS NO AUTHORITY TO DO SO
5. WITH INTENT TO DEFRAUD

PC 487/GRAND THEFT

1. TAKES MONEY, LABOR, REAL OR PERSONAL PROPERTY OF VALUE OVER \$950.00, FROM PERSON OF ANOTHER
2. AN AUTOMOBILE, HORSE, MARE, FIREARM, DOG (REGARDLESS OF VALUE)
3. WITH INTENT TO PERMANENTLY DEPRIVE

PC 261(2)/RAPE (FORCE)

1. ACT OF SEXUAL INTERCOURSE
2. VICTIM NOT SPOUSE OF PERPETRATOR AGAINST THE VICTIM'S WILL
3. ACCOMPLISHED BY FORCE OR FEAR OF IMMEDIATE UNLAWFUL BODILY INJURY TO VICTIM OR ANOTHER

PC496/RECEIVING STOLEN PROPERTY

1. BUYING OR ACCEPTING STOLEN PROPERTY
2. KNOWING PROPERTY IS STOLEN, OR
3. CONCEALING, SELLING STOLEN PROPERTY
4. KNOWING PROPERTY IS STOLEN

Narcotics/H&S

A drug is defined as any substance used in the composition or preparation of medicine. Of the many thousands of drugs available, relatively few will produce an appreciable effect on the central nervous system. The central nervous system consists of the brain, brain stem and spinal cord and is responsible for control of all of the body's systems. The drugs that affect the central nervous system are the drugs of choice for abusers, as these drugs can, at least initially; provide what the user perceives as a highly pleasurable effect. The drugs that affect the central nervous system generally fall into one of the following categories.

- | | | |
|---|---|---------------|
| S | – | Stimulants |
| H | – | Hallucinogens |
| O | – | Opiates |
| P | – | PCP |
| M | – | Marijuana |
| A | – | Alcohol |
| I | – | Inhalants |
| D | – | Depressants |

The following information is provided as a brief overview of these drugs and their observable effects. Drug identification, especially drug influence recognition, is expertise that is obtained primarily through repeated exposure to drugs and those who use them.

1. **Stimulants**– Central nervous system (CNS) stimulants are among the most commonly abused drugs. CNS Stimulants include:

- ◇ Cocaine
- ◇ Amphetamine
- ◇ Methamphetamine

- A. **Cocaine** is medically used as an anesthetic. It is rarely encountered by the patrol officer in this form. Cocaine is mostly commonly encountered in its illicitly manufactured forms of cocaine powder or cocaine base. Cocaine powder is usually white in appearance and can be ingested by inhaling the powder through the nose or mixing the powder with water and injecting it. To smoke cocaine it must be converted to a base. The conversion process is simple enough that most anyone can do it. Cocaine base, commonly referred to as “rock”, “crack,” or “free base,” appears as a white or off white rock and is smoke. Possession of cocaine in any form is a violation of 11350 H&S, a felony. Being under the influence of cocaine is a violation of 11550(a) H&S, a misdemeanor.
- B. **Amphetamine** is medically used for diet control and weight loss. It is obtained by prescription in a pill or tablet form from a doctor and primarily taken orally. Because of the availability of methamphetamine, illicitly manufactured amphetamine is rarely encountered anymore. Possession of amphetamine without a prescription is a violation of 11377(a) H&S, a misdemeanor. Being under the influence of amphetamine is a violation of 11550(a) H&S.
- C. **Methamphetamine** is medically used for diet control and weight loss. It can be obtained by prescription in pill or tablet form from a doctor or manufactured illicitly. It is most commonly encountered in its illicitly manufactured form which can appear as a white, tan or brown powder or as a rock very similar in appearance to rock cocaine. Methamphetamine can be taken orally, inhaled through the nose, injected or smoked. The most common forms of ingestion are smoking it or inhaling it through the nose. Possession of methamphetamine without a prescription is a violation of 11377(a) H&S, a misdemeanor. Being under the influence of methamphetamine is a violation of 11550(a) H&S.

In many cases, it is difficult to distinguish amphetamine from methamphetamine without a lab analysis.

Symptoms of stimulant use may include:

- | | | |
|--|---|---|
| <input type="checkbox"/> hyperactive | <input type="checkbox"/> body tremors | <input type="checkbox"/> pupil dilation |
| <input type="checkbox"/> euphoria | <input type="checkbox"/> emaciated body | <input type="checkbox"/> paranoia |
| <input type="checkbox"/> hallucination | <input type="checkbox"/> violence | <input type="checkbox"/> burnt fingers or injection marks |

Officers dealing with individuals under the influence of CNS stimulants or individuals who are known to use these drugs should use extreme caution. These individuals may exhibit symptoms very similar to those associated with PCP (including not feeling pain), are prone to violence and will frequently arm themselves because of their extreme paranoia.

2. **Hallucinogens**– Hallucinogens are those drugs that cause a perception of something that does not exist outside the human mind. Hallucinogens have no medical use and include:

- ◇ LSD
- ◇ MDMA (Ecstasy)
- ◇ Psilocybin mushrooms
- ◇ Peyote (mescaline)

- A. **LSD** is the most commonly encountered and strongest hallucinogen. It is a colorless, odorless, tasteless liquid that is placed on or in items that are ingested orally. It can be placed on or in almost anything and is undetectable except by laboratory analysis. The most common items it is found on are sugar cubes, small decorative stickers, postage stamps, and in Visine bottles. Possession of LSD is a violation of 11377(a) H&S, a felony/misdemeanor. Being under the influence of LSD is a violation of 647(f) P.C.
- B. **MDMA**, commonly referred to as Ecstasy, is one of a number of designer drugs that are chemically and in appearance very similar to amphetamine and methamphetamine. These drugs may be found in powder form but are also found in tablets or capsules. They are primarily ingested orally by dissolving them in a liquid, such as fruit punch, soda pop or coffee. Possession of these designer drugs is a violation of 11377(a) H&S, a felony/misdemeanor. Being under the influence of these designer drugs is a violation of 11550(a) H&S.
- C. **Psilocybin mushrooms** are a specific species of a small mushroom. The spores can be obtained through the mail and grown at home. The cap of the mushroom is from ½" to 2" wide and dark gold in the center of the cap to light gold on the outer portion of the cap, or vice versa. Just below the cap on the stem there may be a black ring. Psilocybin mushrooms are ingested orally whole or in part, or may be brewed in a soup or tea. Possession of Psilocybin mushrooms is a violation of 11377(a) H&S, a felony/misdemeanor. Being under the influence of Psilocybin mushrooms is a violation of 647(f) P.C.
- D. **Peyote** is a small spineless cactus that grows wild in the southwest United States. The cactus consists of numerous small “buttons” which are picked and dried, then ingested orally. The hallucinogenic compound in peyote is mescaline. Possession of peyote/mescaline is a violation of 11377(a) H&S, a felony/misdemeanor. Being under the influence of peyote/mescaline is a violation of 647(f) P.C.

Symptoms of hallucinogen use may include:

- | | | |
|---|-----------------------------------|---|
| <input type="checkbox"/> hyperactive | <input type="checkbox"/> passive | <input type="checkbox"/> body tremors |
| <input type="checkbox"/> hallucinations | <input type="checkbox"/> paranoia | <input type="checkbox"/> pupil dilation |

Officers dealing with individuals under the influence of hallucinogens or individuals who are known to use these drugs should use extreme caution. These individuals may exhibit symptoms very similar to those associated with PCP except they will feel pain. The sensory perceptions of these individuals are extremely sensitive and anything that affects their senses may cause them to become violent.

Caution should be used in handling any drug in liquid form, especially liquid LSD. Drugs in liquid form can easily be absorbed into the body through the skin. (See Safety section below.)

3. **Opiates**-Opiates are those drugs that are obtained from, or are made to simulate those drugs obtained from, the opium poppy. Medically, all of the opiates are used for pain relief, diarrhea control and as cough suppressants. They are found in pill form, capsule form, as syrup or as injectables. Opiates include:

- | | | |
|----------------------------------|--|------------------------------------|
| <input type="checkbox"/> Codeine | <input type="checkbox"/> Percodan/Percocet | <input type="checkbox"/> Dilaudid |
| <input type="checkbox"/> Hycodan | <input type="checkbox"/> Darvon/Darvocet | <input type="checkbox"/> Methadone |
| <input type="checkbox"/> Vicodin | <input type="checkbox"/> Morphine | <input type="checkbox"/> Demerol |

The most commonly abused non-synthetic opiate is heroin. Unlike the other opiates, heroin has no medical use. Heroin is illicitly manufactured in several different forms, all of which have an odor similar to vinegar. The most common forms found in the Los Angeles area are “tar” heroin and “brown” heroin. Tar heroin is black in color and gains its name from its similarity in appearance to roofing tar. Brown heroin is a brown powder. Heroin is commonly packaged in small balloons or clear cellophane. All forms of heroin can be injected or smoke.

Possession of opiates in any form is a violation of 11350 H&S, a felony. Being under the influence of any opiate is a violation of 1150(a) H&S, a misdemeanor.

Signs of opiate influence may include:

- | | | |
|---|--|--------------------------------------|
| <input type="checkbox"/> sleepy appearance | <input type="checkbox"/> slurred speech | <input type="checkbox"/> slow speech |
| <input type="checkbox"/> droopy eyelids | <input type="checkbox"/> pain relief | <input type="checkbox"/> cold skin |
| <input type="checkbox"/> pupil constriction | <input type="checkbox"/> injection marks | |

4. **Marijuana (Cannabis)**- Cannabis is any drug that is derived from the various species of the marijuana plant. These drugs include:

- | | |
|------------------------------------|-----------------------------------|
| <input type="checkbox"/> Marijuana | <input type="checkbox"/> Hash Oil |
| <input type="checkbox"/> Hashish | <input type="checkbox"/> Marinol |

A. **Marijuana** is one of the most common drugs you will encounter and is of dubious medical use. The most common form of marijuana is a hybrid known as sinsemilla. As most people have already seen marijuana, no further description is necessary. Possession of less than an ounce of marijuana is a violation of 11357(b) H&S, an infraction.

Possession of over an ounce of marijuana is a violation of 11357(c) H&S, a misdemeanor. Being under the influence of marijuana is only a violation if they qualify for 647(f) P.C.

B. **Hashish** is basically a compressed version of marijuana and has no medical use. It appears brown to black in color and looks just like what it is, compressed dried leafy material. Hashish is commonly packaged in tin foil. Possession of hashish is a violation of 11357(a) H&S, a felony/misdemeanor. Being under the influence of hashish is only a violation if they qualify for 647(f) P.C.

C. **Hash oil** is a highly concentrated form of marijuana obtained by removing the active ingredient of marijuana (THC) from the marijuana leaf and concentrating it. Hash oil is black in color, a thick gummy substance and commonly packaged in dark amber vials. Possession of hash oil is a violation of 11357(a) H&S, a felony/misdemeanor. Being under the influence of hash oil is only a violation if they qualify for 647(f) P.C.

B. **Marinol** is a synthetically produced THC in liquid form that is used in the treatment of glaucoma. It has yet to be encountered in the field.

Symptoms of cannabis influence may include:

- watery eyes green tongue droopy eyelids
- bloodshot eyes marijuana odor dilated pupils
- poor depth perception

5. **Alcohol**-By far the most commonly encountered drug is alcohol. Since most people have experienced it, no further time will be devoted to it.

6. **Depressants**-Central nervous system (CNS) depressants are some of the most commonly prescribed drugs. They are medically used to treat seizures, epilepsy, and depression to provide sedation or calming effects. There are more than 250 types of depressants on the mark. Many can be identified by use of a Physician's Desk Reference. They are available in tablet or capsule and are usually taken orally but may be injected. Some depressants are a violation of 11377(a) H&S, some are not. CNS depressants that are controlled are listed in the schedules of the Health & Safety Code. Being under the influence of a depressant is only a violation if the offender qualifies for 647 (f) P.C., with the exception of methaqualone (Quaaludes), which would be a violation of 11550(a) H&S, a misdemeanor.

If a person takes a depressant within a prescribed dose, it is not uncommon that there will be no observable effects. Observable symptoms are usually observed with the stronger depressants, un-prescribed doses, or when the depressants are taken together with other depressants or any other drug, particularly alcohol. Symptoms of depressant influence are very similar to the effects of alcohol and may include:

- slurred speech droopy eyelids sleepy
- poor coordination disoriented bloodshot/watery eyes

Several depressants can produce effects very similar to those produced by CNS stimulants and hallucinogens.

7. **Inhalants**-Inhalants include a wide variety of chemicals that can be easily purchased from retail stores, these include:

- ◇ Volatile solvents
- ◇ Aerosols
- ◇ Anesthetic gases

A. **Volatile solvents** include paints, thinners, lacquers, fingernail polish remover and airplane glue. These substances are commonly inhaled using a rag treated with the substance and placed against the mouth and nose. Possession of toluene, a chemical in airplane glue, with the intent to inhale, or being under the influence of toluene, is a violation of 381 P.C., a misdemeanor. None of the other substances are controlled. Being under the influence of a volatile solvent other than toluene is a violation of 647(f) P.C.

Aerosols are chemicals discharged from a pressurized container by the propellant force of a compressed gas. Intoxicating effects are most often caused by the compressed gas and not the primary contents of the container. Aerosols include hair spray, insecticides,

- B. deodorants, frying pan lubricants, and camera lens cleaners. These substances are inhaled by discharging the contents into the lungs or by filling a balloon with the aerosol then inhaling the contents of the balloon. Many of these aerosols contain nitrous oxide. Possession of nitrous oxide with the intent to inhale, or being under the influence of nitrous oxide, is a violation of 381(b) P.C., a misdemeanor. None of the other aerosols are controlled. Being under the influence of an aerosol other than nitrous oxide is a violation of 647(f) P.C.
- C. Anesthetic gases are drugs in gas form. These include chloroform, amyl nitrate, butyl nitrate, and nitrous oxide. The anesthetic gas are ingested in the same manner as the aerosols. Only nitrous oxide is controlled. Being under the influence of other anesthetic gases is a violation of 647(f) P.C.

Symptoms of inhalant influence many include:

- chemical odor chemical debris dizziness
- watery eyes nasal secretion disoriented
- confusion slurred speech sleepy

- 8. **PCP**– PCP (phencyclidine) is in a class by itself as the effects it produces are unlike any of the other drug categories. PCP has no medical use. It can be found in a crystalline form that emits no odor, but more commonly in the Los Angeles area it is in a liquid form that is yellow in color and emits a strong chemical odor. Marijuana or cigarettes are dipped in the liquid and then smoked. Typically, the cigarettes that are used have a dark paper wrapper to assist in hiding the discoloration from being dipped in the liquid. Possession of PCP is a violation of 11377(a) H&S, a felony/misdemeanor. Being under the influence of PCP is a violation of 11550(a) H&S, a misdemeanor.

In the past, PCP users have been known to exhibit extremely violent behavior. Many of the users have learned to limit their dosage by smoking only a small part of a cigarette versus the entire cigarette. As a result, the number of violent encounters with these individuals has decreased dramatically. The PCP user today commonly appears to be under the influence of alcohol, but with an odor of PCP.

Symptoms of PCP influence may include:

- blank stare chemical odor sweating
- slow/slurred speech droopy eyelids retracted eyelids
- disoriented slow reactions

Officers dealing with individuals under the influence of PCP or individuals who are known to use these drugs should use extreme caution. These individuals have a reduced sensitivity to pain. The sensory perceptions of these individuals are extremely sensitive and anything that affects their senses may cause them to become violent. Anyone suspected of using PCP who is in a catatonic state (high dose) will very likely become violent at some point and should be restrained using multiple handcuffs/flex cuffs.

Caution should be used in handling any drug in liquid form, especially liquid PCP. Drugs in liquid form can easily be absorbed into the body through the skin. (See Safety section below)

9. **Drug Combinations**-A majority of drug users will frequently use more than one drug at a time, producing a variety of observable symptoms. These may include any and all of the above signs and symptoms depending on the type of drugs and quantity ingested.
10. **Safety Considerations**-Individuals who abuse drugs typically are not in the best of health. They carry and transmit a variety of infectious diseases. These diseases include HIV and hepatitis. Care should be exercised in touching these people and anything they come in contact with, particularly hypodermic syringes. When dealing with a drug user, wearing gloves is highly recommended. When searching their person, vehicle and/or residence, use extreme caution. The injury that could be received from a single needle is not worth the misdemeanor charge for possession of a hypodermic syringe. If you should receive an injury from a needle or come in physical contact with blood from an intravenous drug user, immediately notify a supervisor and seek medical treatment.

It is highly recommended that after handling these individuals, you thoroughly wash your hands. You might also consider obtaining the hepatitis B vaccination series that is available at the expense of the department.

Caution should be used in handling drugs that are in a liquid form (i.e. PCP, LSD) or the items, which contain them. These drugs can be absorbed through the skin. Our Investigation units carry packaging material for these drugs. Since Investigations units are not always available, it is suggested you carry several plastic K-pak bags with your gear and avoid physically touching these drugs/containers.

If you or your partner should become dosed with either PCP or LSD, get help immediately. Notify other officers that are present of what has occurred and contact a supervisor. Get medical attention as soon as possible. Medical personnel have drugs that can counteract the effects of PCP and LSD. Try to handle the situation as low keyed and calmly as possible. Exposure to stimulation (i.e., red lights, siren, yelling) can aggravate the situation. Explain to the dosed officer that you will have to take their weapons and do so. Keep a fellow officer with the dosed officer at all times as a familiar face will help to comfort the officer.

Individuals under the influence of certain drugs may have a high propensity towards violence and a decreased or non-existent sensitivity to pain. Use of cocaine, methamphetamine, hallucinogens, certain inhalants, certain depressants and PCP all produce paranoia. In higher doses, each of these drugs can produce violence we previously thought was possible only with PCP.

O.C. and the baton are options that are available in dealing with these individuals but frequently the most successful method of taking control of them is with accumulative body weight and heavy restraints.

Certain drug users (i.e. methamphetamine) also have a propensity for owning guns. These individuals have been known to kill officers during their drug-induced paranoia and fits of drug induced rage.

**SIGN OFF
CRIMINAL LAW**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. PC 147							
B. PC 148.9							
C. PC187							
D. PC211							
E. PC 220							
F. PC 236							
G. PC 242							
H. PC 243.4							
I. PC 245							
J. PC 246							
K. PC 261							
L. PC 288							
M. PC 314							
N. PC 415							
O. PC 417							
Q. PC 451							
R. PC 470							
S. PC 476							
T. PC 487							
U. PC 496							
V. PC 503							
W. PC 530.5							
X. PC 594							

Y PC 597(a)							
Z. PC 646.9							
AA. PC 647							
BB. PC 21510							
CC. PC 25400							
DD. PC 25850(a)							
EE PC 29800 (A)(1)							
FF. HS 11350							
GG. HS 11357(b)							
HH. HS 11364.1(a)							
II. HS 11378							
KK. HS 11379							
LL. HS 11550(a)							
MM. HS 11550(e)							

COMMENTS:

PROBABLE CAUSE

Reasonable Suspicion

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.

Your “**reasonable suspicion**” must be based on specific facts, which you can articulate to a court. The court will then decide, based on the totality of the circumstances, whether the facts were enough, objectively, to constitute reasonable suspicion. On the other hand, you cannot make a valid detention based on a hunch, rumor, intuition, instinct or curiosity. 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.

Example: Officers observed the defendant standing in front of a dance hall and liquor store, showing something in a partially rolled down paper bag to a group of others gathered around him. As the officers approached in a marked car, someone yelled “rollers” and the group dispersed. When the officers drove by again a few minutes later, the defendant was outside, but ran back into the dance hall. They chased him and ordered him to stop. The court held that these circumstances—given this day and age where traffic in illegal drugs is endemic to our society—provided a valid basis to detain.

Example: It was proper to detain and pat-down a man who had been standing on a corner in a high narcotics area for several minutes, where two other persons nearby, believed to be sellers had yelled “rollers” to him, after which he had started to leave, then turned towards the approaching officers and reached into his jacket.

Probable Cause:

Definition: “**Probable Cause**” to search or arrest exists when the totality of 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 a crim. A police officer has the right and duty to stop and temporarily detain citizens if they have **probable cause** to believe the following:

1. It appears some activity on the part of the citizen is out of the ordinary.
2. There is some indication that the activity relates to crime.
3. There are specific facts, which indicate some criminal activity has, or will take place.

LAWS OF ARREST

What is an Arrest? (Penal Code 834)

1. An arrest is taking a person into custody
2. In a case and in a manner authorized by law.
3. An arrest may be made by:
 - A. A peace officer (836 P.C.)
 - B. Or by a private person (837 P.C.)

A Peace Officer may make an arrest (Penal Code 836)

1. In obedience to a warrant;
2. Without a warrant:
 - A. Whenever he has reasonable cause to believe that the person to be arrested has committed a public offense in his presence.
 - B. When a person arrested has committed a felony, although not in his presence.
 - C. Whenever he has reasonable cause to believe that the person has committed a felony, **WHETHER OR NOT A FELONY HAS, IN FACT, BEEN COMMITTED.**

A Private Person may arrest another (Penal Code 837)

1. For a public offense committed or attempted in his presence.
2. When a person has committed a felony, although not in his presence.
3. When a felony has, **IN FACT BEEN COMMITTED** and has reasonable cause for believing the person arrested to have committed it.

Mandatory Appearances Per California Vehicle Code 40302

1. The arrested person shall be taken without delay before a magistrate in the following cases:
 - A. When the person arrested fails to present California Driver's License or other satisfactory evidence of his identity for examination, and...
 - 1) When the person arrested refuses to give written promise to appear in court.
 - 2) When the person arrested demands an immediate appearance before a magistrate.
 - 3) Or when the person arrested is charged with violating Section 23152 or 23153 CVC.

Optional Appearances Per California Vehicle Code 40303

1. When the person is arrested for the following offenses and the officer is not required to take the person before a magistrate, the arrested person shall, in the judgment of the officer, either be given a notice to appear or be taken before a magistrate without delay.
 - A. Section 10852 or 10853, injuring or tampering with a vehicle.
 - B. Section 23103 or 23104, relating to reckless driving.
 - C. Section 2800 failure to stop and submit to a vehicle inspection (misdemeanor).
 - D. Section 20002 failure to stop in the event of an accident.
 - E. Section 23109 speed contest.
 - F. Section 14601 and 14601.1 driver's license revoked or suspended.
 - G. When the person arrested has attempted to evade arrest.

Time of Arrest (840 PC)-Felony; Misdemeanor

An arrest for the commission of a felony may be made on any day and at any times of the day or night. An arrest for the commission of a misdemeanor or an infraction cannot be made between the hours of 10 o'clock P.M. of any day and 6 o'clock A.M. of the succeeding day, unless:

1. The arrest is made without a warrant pursuant to Section 836 or 837.
2. The arrest is made in public place.
3. The arrest is made when the person is in custody pursuant to another lawful arrest.
4. The arrest is made pursuant to a warrant, which for good cause shown, directs that it may be served at any time of the day or night.

Note: Misdemeanor warrant arrests not in the “public” (i.e., residence) may not be legal if the hours of arrest are 10:00 P.M. –06:00 A.M.

Formalities When Making an Arrest (841 PC)

1. Officer or citizen must inform the person to be arrested of the intention of arrest
2. Cause of arrest (violation, etc.).
3. Authority of arrest must be established (identification as a police officer).

Formalities in Releasing a Suspect (849b)

1. Not involved; released through Investigations
2. Injury or illness precluded booking.

Forcible Entry

Breaking Doors and Windows

1. **Forced entry for arrest (844 PC)**
 - A. Must have probable cause to make an arrest (normally, warrant issued)
 - B. Felony
 - C. Peace Officer
 - D. May break open the door or window
 - E. After having demanded admittance and explained why admittance is desired and identified yourself (Knock and Notice)

Must have reasonable grounds to believe person is within the premises.

Possess an arrest warrant, or emergency exigent circumstances are present or authority to retake a parolee.

Officers may disregard 844 PC under certain limited circumstances. 844 PC can be disregarded if there is reasonable belief that the suspect will:

- A. Destroy the evidence;
- B. Frustrate the arrest;
- C. Escape;
- D. Or cause injury to the officers.

Belief that one of the above may occur must be based on specific facts, not broad unsupported presumptions.

Entry without compliance to 844 PC will result in any evidence being deemed inadmissible.

In all cases, officers must make a record, which will either reflect full compliance with 844 PC and 1531 PC, or reasons why compliance was excused, citing the above reasons.

Advising Suspects of their Rights

Officers are encouraged to attempt to obtain statements from suspects/arrested suspects regarding crimes whenever possible. Those statements often “lock” the suspect into a story that can often be disproved through investigation.

The Miranda admonition must be given whenever...

1. An Officer wants to question a suspect about a crime, **and** the suspect is in custody or is not free to leave.

Examples of in custody-not free to leave

- ⇒ The officer tells the suspect he/she is under arrest
- ⇒ The officer subjects the suspect to arrest-like restraints (examples would include placing the suspect in handcuffs, in a jail cell or in the back seat of the unit, or pointing drawn weapons at them during a felony stop).

Note: Removing the handcuffs, taking the suspect out of the jail cell or back seat, or holstering your weapon may terminate the restraint and the need for Miranda warnings.

The Miranda warning should be...

1. Read verbatim from the FPD warning and waiver card, and
2. After admonishing and prior to questioning, it is usually necessary to obtain a valid waiver.

The suspect's waiver may be...

Either *expressed* or *implied*:

Expressed Waiver: An expressed waiver is the ideal and must be made

- ⇒ *Voluntarily;*
- ⇒ *Knowingly;*
- ⇒ *And intelligently;*
- ⇒ *Obtained via the utilization of the printed FPD Rights and Waiver Card*

Implied Waiver

- ⇒ A waiver of this type is when the suspect acknowledges his understanding of his rights and makes statements or answers questions without expressly stating he/she wishes to give up their rights.
- ⇒ Although not the ideal, this type of waiver can be used where based on the officer's experience and professional judgment, he/she thinks it is not likely that the suspect is willing to provide an express waiver but seems willing to discuss the case.

Juveniles...

1. When arrested, juveniles must be given Miranda warnings at all times whether questioned or not.
2. There is no obligation to give the warning immediately upon arrest, but the warning shall be given at some point during the arrest and definitely prior to any questioning.
3. The rules for obtaining waivers from juveniles are the same as those for adults.
4. If juvenile is less than 14 years of age, a Gladys R form should be completed.

**SIGN OFF
PROBABLE CAUSE/LAWS OF ARREST**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. PC 834							
B. PC 836							
C. PC 837							
D. Mandatory & Optional Bookings Per CVC 40302 & CVC 40303							
E. Time of Arrest PC 840							
F. PC 841							
G. PC 849b Releasing Suspects							
H. Forcible Entry PC 844							
I. Miranda Advisals							

COMMENTS:

JUVENILE LAW AND PROCEDURE

The casual encounter of an officer and a juvenile may be of tremendous importance to the juvenile and his family. What an officer says and how it was said will be remembered and repeated.

A juvenile's first contact with a police officer may well color his or her attitude toward law enforcement for the rest of his/her life. Young people are interested in police officers, and think and talk a great deal about any contact they may have had with an officer. If the first contact is with an officer who is overbearing and who is arrogant, browbeating, or calls the juvenile names, the youth will pass on unfavorable reactions and feelings to many other people, including the next officer he or she happens to meet. The uniform, the badge, and the gun symbolize the law to most juveniles. The officers carrying this equipment must always be sure that their conduct, attitude and conversation do nothing to lessen respect of the law that is represented.

The approach of a police officer to a juvenile offender must be fitted to the individual case. It is recognized that officers cannot expect to take any greater risk of injury at the hands of an offender because he/she may be a juvenile.

What is being stressed is that the first contact between the youth and the police officer is very critical. If the first contact is with an officer who is firm, fair, courteous, truthful, impartial, unprejudiced, and interested in the youth as a person, with or without a problem, a good foundation has been laid, not only for that officer's interview or interrogation, if that is the purpose of the meeting, but for any future contacts with other officers. The manner in which these contacts are handled most often forms opinions and attitudes that remains with the juvenile throughout adulthood.

Juvenile Justice Philosophy: The juvenile Justice System is a very complex system, and the system is presently searching for ways to effectively meet social and societal demands. The basic philosophy of the Juvenile Law is the protection of the child, and to effectively work out a program for his or her adjustment in society without dealing out punishment. In spite of the coming changes that will affect the handling of minors, this philosophy will probably remain the foundation of the Juvenile Justice System.

Authority to Handle Juveniles: Section 625 (WIC) states a peace officer may, without a warrant, take into temporary custody a minor when such officer has reasonable cause to believe that such minor is a person described in Sections 300, 601, or 602 (WIC). In all cases, a minor shall be advised of his constitutional rights when taken into custody.

⇒**300 (WIC):** These sections describe the jurisdiction of the court when handling dependent children under 18 years of age.

⇒**601 (WIC):** This section deals with the persistent and habitual disobedience of a person under 18 years of age.

⇒**601.1 (WIC):** This section describes a person under 18 years of age who disobeys school authority and is a habitual truant.

⇒**602 (WIC):** This section concerns the violation of law (all laws) by a minor.

602 WIC Law Violators:

602 WIC is the Welfare and Institutions Code, which permits police officers to take into custody juveniles who have committed crimes. 602 WIC must appear on all arrest reports and contact involving juveniles.

Juveniles who are arrested for any crime (or 601 WIC) must be advised of their Miranda Rights. Obtaining the waiver for questioning purposes is up to the discretion of the officer.

When Mirandizing juveniles, some extra care may have to be taken to ensure that terms are understood (especially with juveniles under 14). This is accomplished by determining if they understood the meaning of lawyer, judge, court and words such as silent, appointed, etc. Indicate their explanation in your report.

Juveniles who are arrested for serious crimes and who are going to be transported to Juvenile Hall must receive clearance prior to transportation.

Gladys R Form:

Minors under the age of 14 are incapable of committing crime, in the absence of clear proof that at the time of committing the act charged against them, they knew its wrongfulness. After Mirandizing a juvenile less than 14 years of age, establish that he or she knows the difference between right and wrong by using a GLADYS R form and submitting it with all the related reports.

A police officer can have a significant impact on a child's life. The majority of juveniles arrested for 602 WIC are arrested only once. The impact of the one incident is enough to alter the juvenile's behavior. Your professional handling of the first time arrest can make a learning experience that much more significant.

300 WIC Dependent Children:

Law enforcement agencies are the only governmental agencies that can take immediate steps to protect children without court orders. In the area of dependent children, we work very closely with the CPS (Child Protective Services). CPS is the agency that houses dependent children and represents them through custody hearings.

Children who are taken into protective custody should never be detained in a jail cell. In most cases, they have committed no crime. It is suggested that an interview room be utilized while making arrangements to place a dependent child.

- ⇒ **300a:** Minor has suffered, or there is substantial risk that the minor will suffer serious physical harm inflicted non-accidentally upon the minor by the minor's parent or guardian.
- ⇒ **300b:** Minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the minor. Failure to provide adequate clothes, shelter or medical treatment.
- ⇒ **300c:** Minor suffering severe emotional damage as a result of parental conduct or no parent available to provide care.
- ⇒ **300d:** Minor has or there is a substantial risk that minor will be victim of sexual abuse.
- ⇒ **300e:** Minor under the age of five and has suffered severe physical abuse by a parent or any person known by the parent.

The section on **THE CRIME REPORT** would be the proper child abuse section or child neglect section of the Penal Code, not the 300 WIC section. The child would be the victim and the person causing the abuse would be the suspect. The injury report would describe the injury or illness suffered by the child.

The Juvenile Petition would document the taking of the child into custody; investigative facts will be in the crime report and the final disposition of the juvenile. The detention section is one of the 300 sections.

Once a child is taken into protective custody, a placement must be made for that child to stay in a foster home. This is where CPS comes into play. While the Police Department investigates any criminality involved with the dependent child, CPS investigates the area of custody. An officer taking a child into protective custody for 300 WIC should contact CPS.

We cannot release ANY minor to anyone other than the biological parent, or someone who has LEGAL guardianship of that child, please refer to our authority section in W&I 305(a). Only CFS can authorize a child being placed with someone other than the parent, or legal guardian; refer to W&I 309(a)-(d).

Here are a few examples:

- ⇒ You respond on a CFS TT and find out the sexual abuse occurred in the pas, but the minor victim and suspect are still living in the same house. What do you do? Complete the report, and call the CFS hotline and advise them you need a worker to respond. The social worker will complete a separate investigation and determine if they want to leave the minor/victim in that residence, or not. This puts the responsibility on CFS not you, regardless of what the hotline worker tells you! The worker who responds MAY physically release the minor back into the home after completion of their investigation, you may refer to **W&I306** as to what the social workers needs to consider when making their decisions.
- ⇒ You pull over a driver and determine that person is DUI, and in the back seat are 3 minor children. The driver tells you their spouse, and the other biological parent is in the same home, and is expecting them. What do you do? You complete your DUI/PC273(a) investigation, and call the other biological parent to come pick up their children, **refer to W&I 305(a)**. You can also CROSS report the information to CFS so they can follow up and make sure there are no other protection issues at the house. Make sure your report addresses your release to the biological parent and contact with CFS did not reveal and custody concerns.

All **social workers** are responsible for the evaluation of any NON family member who they are considering putting the minor(s) into temporary placement. For details refer to **W&I 362.7**

With that said, you call the hotline, request a social worker to respond. If you have a name of a family member/other any other person that is willing to take the minor(s), you can give that information to the CFS worker as an option after they respond to the station, or to your location. It is **irrelevant** that a parent has previously entrusted their children to other people, i.e. babysitters, grandparents, etc. The decision to place a child will be made by CFS, and not you. You may also assist the CFS worker with a criminal history search on any potential subject being considered for placement. CFS does NOT have access to CNI or RAPS; you may VERBALLY tell them of any offense's that may be of concern when determining the placement of a minor.

We are currently working with the Fontana CFS office to get briefing training to all teams. There are a million "What ifs," but it really boils down to CFS responding, and making the decision as to where the minor(s) will be placed. This keeps it, clean, legal and yes.....it may keep you tied up for a while, but it will keep you and this organization from any liability...MOST IMPORTANTLY...PROTECT THE CHILD the best we can.

We know every situation may be different, but the bottom line is that we cannot negotiate, nor take it upon ourselves to decide where the minor(s) are placed. This agency has experienced issues with officers placing minors with family members, and then that minor has gone “missing,” for several weeks because the family was hiding the child from police and CFS. SMALL panic for our agency as you can imagine. There have also been cases where a minor was placed with an estranged bio-logical father, at the request of the mother, who ended up being the suspect in a prior PC288, involving that same minor, from a different county. These are just some of the reasons we are re-iterating the proper procedures for the release of minor(s) who were taken into protective custody. The laws and procedures are in place to avoid these occurrences.

Juveniles in need of medical treatment:

When minors are in need of medical treatment and their parents cannot be located to give counsel, the following shall apply:

1. Ambulance will transport to nearest contract hospital.
2. Advise the examining doctor there is no medical consent available and the reason. In cases of life or death dependent on treatment, the doctor may give treatment as necessary to save life.
3. Officer can take minor into custody under W&I 625 and authorize treatment in emergency situations.

Notes:

- ⇒ The hospital may request your assistance in contacting CPS.
- ⇒ Minor’s name, age, birth date, parent’s name, home address, and phone (if available).
- ⇒ Minor’s condition as diagnosed by doctor.
- ⇒ Treatment recommended by doctor.
- ⇒ Reason as to why no medical consent was signed (parents not located, or parents refuse to sign).
- ⇒ The investigating officer shall make every effort to locate the parents or legal guardian, and secure permission for any emergency that arises (627 WIC).
- ⇒ Respond to hospital requests to locate and notify a parent or guardian, even though not involved in the initial referral of the minor to the hospital.
- ⇒ When a juvenile is taken into temporary custody, as per 625(c) WIC, the investigating officer shall complete, as much as possible, a Juvenile Report form, indicating the charges of 300 WIC. If placement is necessary, arrangements for it shall be made through the CPS Hotline.

601 WIC incorrigible Juveniles:

In 1977, the laws changed in how the police in California deal with juveniles who fall under 601 WIC, commonly known as incorrigible juveniles. Juveniles who are runaways fall under 601 WIC. Law enforcement agencies can no longer keep runaways or 601s detained in jail facilities except for very short periods of time. Our department police is to keep runaways and other 601s no longer than five hours. 601 juveniles cannot be detained in secure detentions (jail).

- ◇ **Runaway 601s:** If an officer becomes involved with a reported Fontana runaway, every effort should be to return that juvenile to his/her parents., If parent refused to take custody of child, officer should document the refusal and if the juvenile can safely be released, allow minor to leave. If minor is from out of the area, every effort should be made to try to arrange transportation for the minor to return home.

The paperwork involved with a runaway 601 is the following:

- * If a Fontana reported runaway, a Return Person report and removal from computer.

- ◇ **Incorrigible 601s:** Prior to 1977, if a parent had a child who was out of control and a major discipline problem, it was possible to have the child arrested for 601 WIC. As discussed above, this is no longer so.

It is very rare today that an incorrigible is detained, and the current law should be explained to any parent requesting this.

Juvenile Detention Procedure:

Whenever an officer detains a minor (juvenile) for a violation of Welfare and Institution Code section 602, the officer shall first determine under the definitions listed below what type of detention it is and proceed, following the guidelines set forth according to department policy.

Policy Definitions:

- ◆ **Temporary Custody:** Means the minor is not at liberty to leave the law enforcement facility.
- ◆ **Secure Detention:** Means a minor is being held in temporary custody, is locked in a room or enclosure and/or is physically secured by restraining devices.
- ◆ **Non-Secure Custody:** Means a minor's freedom of movement is controlled by the use of physical barriers and/or by personnel of the department, and the minor is under constant visual observation and supervision by personnel of the department. The minor is not locked in a room or enclosure and the minor is not physically secured to a cuffing rail or other stationary object.

A minor cannot be detained within the adult holding cell area. If a minor must be securely detained, he shall be secured in the juvenile detention rooms located adjacent to the watch commander's office. Minors securely detained as described above shall be within visual observation of a department employee. An entry will be made into the juvenile detention log.

Fingerprinting and photographs shall be obtained in the Juvenile Detention room located next to the Watch Commanders office.

In order to assist personnel in understanding the law and how it will apply to this department, a list of guidelines is set forth below and will be considered an integral part of this department's policy.

1. Minors will not be held in "Secure Detention" or "Non-Secure Detention" within the police facility for more than six (6) hours. W&I 207.1(d).
2. The following shall be made available to all minors held in secure and non-secure detention.
 - a. Reasonable access to a toilet and washing facilities (restroom).

- a. Food, if the minor has not eaten within four (4) hours. (Watch Commanders will be provided money for these food purchases).
 - b. Reasonable access to drinking water and/or other beverage.
 - c. Privacy during visits with family, guardian and/or lawyer.
 - d. A means for activity by the minor, such as reading.
 - e. Reasonable access to a telephone (W&I 627 a&b).
3. There will be no sight or sound contact between minors in custody and adult prisoners detained in the police facility.
 4. All minors held in secure detention must meet the following criteria:
 - a. Minor must be fourteen (14) years of age or older.
 - b. There are facts or circumstances present that would lead a prudent peace officer to conclude that further criminal activity against persons or self-destructive acts on the part of the minor are likely, or that the minor may be at risk of harm if released.
 - c. A brief time is required to investigate the case, facilitate release of the minor to a parent or guardian, or arrange for the transfer of the minor to an appropriate juvenile facility.
 5. Minors will not be placed in a locked room unless under direct supervision of a department employee. They shall be provided blankets or clothing if necessary to assure the comfort of the minor.
 6. Minors held in secure detention are not secured to a stationary object for more than thirty (30) minutes and only then when a department employee is present. This is not to say a minor who is violent or deemed an escape risk cannot be restrained as necessary, provided a department employee is present at all times to provide appropriate supervision.
 7. Minors held in secure detention are supplied the following information at the time they are securely detained.
 - a. The purpose of placement in secure detention.
 - b. The expected duration of secure detention.
 - c. Advised concerning the maximum six (6) hours total time relative to secure detention and non-secure detention.

Medical Services for Minors:

Minors held in Secure Detention and in need of emergency medical attention shall be transported to the Arrowhead Regional Medical Center for treatment. Emergency medical services for minors held in Non-Secure Temporary Custody will be the responsibility of the parent or guardian. If this is not possible, officers will transport the juvenile to the Arrowhead Regional Medical Center for treatment.

Juvenile Arrestees/Juvenile Hall Detainees:

Juveniles arrested by Fontana Police Department personnel and who warrant detention at the Probation Department's Juvenile Hall Facility, should be immediately transported from the location of arrest to the Fontana Police Department. Detention petitions, mug shots, and livescan prints should be completed there and clearance for booking obtained.

Under all circumstances when a juvenile is officially detained, the arresting officer shall notify the juvenile's parent/guardian as soon as possible. If notification is not possible, the arresting officer shall advise the on-duty

watch commander. Arrested juveniles, who do not require booking into Juvenile Hall, should, if possible, be released to their parent, guardian, or responsible adult. When transporting female juvenile arrestees or suspects, the same precautions should be exercised by male officers as designated for female adult prisoners or suspects.

Expedited Youth Accountability Program:

Use the following guidelines when handling cases involving a juvenile who has committed offenses relating to 602 WIC and are not complaint refusals. (Arrested/Detained for felony or misdemeanor crimes).

1. If the minor is admitted to juvenile hall, complete a juvenile application and probable cause declaration.
2. If the minor is not accepted into juvenile hall, issue a citation (“Notice to appear”) to the minor for the offense committed. Issue a second citation to the parent/guardian for **660.5 WIC**. Next complete a juvenile application and fill out the heading portion of a probable cause declaration and write “SEE REPORT” in the narrative section.

Citations must be correctly filled out; they cannot be amended.

Named Suspect of a Crime:

1. If an officer investigates a misdemeanor or felony crime that does not get cited into Juvenile Traffic Court he/she shall follow the guidelines listed below. It does not matter if the minor was detained and released or never detained at all.
 - a. The same steps as listed above for Non-Detained (#2)
2. The San Bernardino County District Attorney will not review your case without a citation to the parent/guardian and minor attached. The only exception to this would be when there have been repeated attempts to contact and issue the citation to the minor and/or parents. Document your efforts to make contact.

Notice to Appear Information:

1. The citation should be issued to show the location of appearance as being 900 E. Gilbert Street, San Bernardino, California. They should be for any weekday, excluding holidays within 60 days of issuance at 08:30 hours. The officer shall use the same appearance date on both citations. If a subject refuses to sign the citation write, “REFUSED TO SIGN” on the citation and document what happened in the report. It would be advisable to tape record the refusal and always verbally notify subjects of the court date and appearance time.

Cases for Juvenile DA Review:

The Juvenile DA will not review cases without a petition or citation. If you have a case where you have a not cited the juvenile and/or have not arrested the juvenile, the Juvenile DA will not review your case. Do not notate in you narrative for Records to “forward to DA” and do not mark the green sheet to go to the DA. If you have a case that you have not cited or arrested the juvenile that you want the Juvenile DA to review, you must call the Juvenile DA at (909) 387-6989 and speak directly with an attorney. They will advise you how to proceed.

**CITY OF FONTANA
POLICE DEPARTMENT
Office of the Chief**

SO12-13

MEMORANDUM

To: All Personnel
From: Rodney G. Jones, Chief of Police 
Date: June 28, 2012
Subject: Expedited Youth Accountability Program

The San Bernardino County Probation Department has asked that all law enforcement agencies filing juvenile cases using the Expedited Youth Accountability Program to update the process and use **W&I 660.5**, instead of W&I 661 which was previously accepted. Citations not complying with this request will be returned to the officer, and a new citation indicating **W&I 660.5** will need to be re-issued. This policy will not change how juveniles who are detained at Juvenile Hall are handled or processed, nor does it alter the present policy for citing juveniles into traffic court for traffic related offenses.

POLICY

The following policy has been developed to ensure compliance with the San Bernardino County Expedited Youth Accountability Program. This policy will become effective on July 1, 2012.

1. Juveniles who are detained for a violation which is not heard by the Traffic Court and will not be processed or held at Juvenile Hall will be issued a "Notice to Appear" (Fontana Police Department Citation, FPD form #91). The citation will list the offenses(s) the juvenile was arrested for. Both felony and misdemeanor offenses are to be listed on the citation. Court appearances will be listed at the Juvenile Superior Court, located at 900 E. Gilbert St. San Bernardino on any weekday, excluding holidays, and within 60 calendar days of the date of issue. Time of appearance will be 08:00 a.m.

An application of petition, the "Juvy App", will still need to be completed by officers. Under the Probable Cause Declaration, Officers will write "See report", and must sign the declaration. Officers are still required to obtain the fingerprints and photographs of the juvenile.

2. The parent/guardian who takes custody of the juvenile will be issued a citation as well. Every effort should be made to verify the identity of the person taking custody of the juvenile through a valid photo ID. The parent/guardian's citation will list **W&I 660.5** in the violation section. The juveniles' relationship to the parent guardian (son, daughter, niece, nephew etc.), will be listed with the juveniles name and date of birth, the appearance location, date and time will be the same as listed on the juvenile's notice to appear.

The parent/guardian citation does not need to be issued on the same day as the juveniles, but the appearance dates and location must be the same, however; both juvenile and parent/guardian must be attached to the Juvenile Application for Petition and reports. Officers must make reasonable efforts to locate the parent/guardian to issue the citation.

- . In cases where the officer is unable to issue a citation to the parent/guardian for any reason, the officer will document the efforts made in the report.
- . If either party refuses to sign the citation, officers shall verbally advise the party/parties of the appearance date and time. Every effort to record this conversation using a digital audio recorder (DAR) should be attempted. The DAR recording should be downloaded to the FPD system for future access. A notation in the signature box of the citation stating "Refused to sign, advised of court date and time" should be indicated. Both parties will still be obligated to appear if the citation has complete information.
- . The completed report, including citations, and a signed Juvenile Application, must be processed by records and ready for delivery to the Juvenile Probation Department within 7 calendar days of the detention.
- . The Superior Court **will not** accept amended citations. Officers will be required to re-issue new citations if any changes or additions are needed.

**CITY OF FONTANA
POLICE DEPARTMENT
Chief's Office**

MEMORANDUM

SO13-04A

TO: All Personnel
FROM: Rodney G. Jones, Chief of Police *RG*
DATE: March 19, 2013
SUBJECT: Handling of Juvenile Misdemeanor Cases- Updated

Effective March 1, 2013, the Superior Court will no longer be handling Informal Juvenile matters (those **misdemeanor** citations issued pursuant to W&I 256). These cases must now be filed with the Probation Department. These matters will also be heard by the San Bernardino County Probation Department.

Procedurally, these cases will now require a parental notice citation pursuant to W&I 660.5 (Expedited Youth Accountability) and a Juvenile Application for Petition. If a minor receives a citation for a combination W&I 256 Misdemeanor and an Infraction, the misdemeanor will take priority and will be forwarded to the Probation Department with the aforementioned documents. The minor and parent should be cited to appear at the Probation Department office located at 150 West 5th Street, San Bernardino, CA 92415.

Nothing has changed concerning Infractions, Misdemeanors that do not fall under W&I 256, or Felonies.

Although the aforementioned procedures will apply to the Probation Department on March 1, 2013, our department will adhere to the procedure immediately. This is due to the routine time delay in processing these cases.

Some of the more common offenses listed in W&I 256 are as follows: **(To clarify- Only misdemeanors are impacted by the procedural change)** (added 3/19/13)

- Any violation of the Vehicle Code, except Sections 23136, 23140, 23152, or 23153 of that code, not declared a felony.
- PC 602(m)
- Any violation of the Fish and Game Code that is not a felony.

- A violation of any provision of state or local law relating to traffic offenses, loitering or curfew, or evasion of fares on a public transportation system.
- PC 640 or PC 640(a)
- B&P 25658, B&P 25658.5, B&P 25661, and B&P 25662
- PC 647(f)
- Misdemeanor violation of PC 594, involving defacing property with paint or any other liquid.
- PC 594.1 (b), (d), or (e)
- H&S 11357(b)
- Any infraction
- PC 660.5(f)

Refer to the attached San Bernardino County Memorandum and reference data. If you have any questions, contact your immediate supervisor.

Matrix added March 19, 2013:

Type of crime	Court of Jurisdiction	Requirement
Traffic and non-traffic infractions	San Bernardino Superior Court 17780 Arrow Road San Bernardino, Ca. 92335	Cite juvenile to Adult Traffic Court. Citation date and time same as adults.
W&I 256 Misdemeanors	Juvenile Probation 150 West 5 th Street San Bernardino, CA 92415	Both juvenile and parent cited 60 days from violation. Juvie App required
Non W&I 256 Misdemeanors and Felonies	Juvenile Delinquency Court 900 East Gilbert San Bernardino, CA 92415	Juvenile Cited for violation and Parent Cited per W&I 660.5. Cite 60 days from violation. Juvie App required



MICHELLE SCRAY BROWN
Chief Probation Officer

CYNDI FUZIE
Assistant Chief Probation Officer

January 14, 2013

To: All San Bernardino County Law Enforcement Agencies

From: Eric Raley, Division Director I, Central Juvenile Services

RE: Informal Juvenile Court Misdemeanor matters (listed in W&I 256)

On December 28, 2012, the Superior Court of San Bernardino County posted a notice (www.sb-court.org) informing the public that effective March 1, 2013, the Superior Court will no longer be handling Informal Juvenile matters and all Informal Juvenile matters (those misdemeanor citations issued pursuant to Welfare and Institutions Code 256) must be filed with the Probation Department. It was also noted that Informal Juvenile matters would now be heard by the San Bernardino County Probation Department, with a given address of 150 West 5th Street, San Bernardino, California, 92415.

Informal Juvenile matters filed with the Probation Department will be picked up from your agencies in the same manner as other misdemeanor and felony reports and come to the Probation Department for a hearing. They will now require a parent notice citation pursuant to W&I 660.5 and a Juvenile Application for Petition (aka: a Juvy App). If a minor receives a citation for a combination W&I 256 Misdemeanor and an Infraction, the misdemeanor takes priority and it should be forwarded to the Probation Department with the parent notice and Juvy App.

At this time, minors and parents should be cited to appear at the Probation Department office at 150 West 5th Street, San Bernardino, California, 92415, using the same court date guidelines previously used for Informal Juvenile matters that were sent to the court. It is the intent of the Probation Department to hold these hearings in their local area prior to that date, but use this address as a central location in the event a local hearing did not occur.

Nothing has changed in the process concerning Infractions, Misdemeanors that do not fall under W&I 256, or Felonies. They will continue to be processed in the same way they have been. Your agency can begin to send Informal Juvenile matters to probation now, but they must go to probation effective March 1, 2013. If you have any questions about these changes please do not hesitate to call or email Supervising Probation Officer Kim Wills at: Office: (909) 383-2914 Mobile: (760) 403-0009 E-mail: kwills@prob.sbcounty.gov

Sincerely,

Eric Raley
Division Director I

Juvenile Citations (Informal Juvenile Matters)

Authority: Welfare and Institutions Code 256 (W&I 256)

Most common Codes used in Informal Juvenile Matters

PENAL CODE	DESCRIPTION
308b	Minor in possession of tobacco/tobacco product
374.4	Littering
490.1	Petty Theft
502(c), (6), (7), (8)	Unauthorized computer access, computer contamination
594	Defacing property with paint/liquid
594.1(b), (d), (e)	Sale, purchase, possess aerosol container of paint
594.2(a)	Possession of graffiti tool
602(m)	Trespassing
602.7	Sell/Peddling on San Francisco/Southern CA Rapid District Property
626.2	Trespass on school facility
640(b)(1)	Fare evasion
640(b)(2)	Misuse of fare
640a	Use of slugs in coin machine
640.5	Graffiti of personal property
647(f)	Under the influence in public
653(i)	Leaving the scene of ski accident
MAY BE TREATED	AS AN INFRACTION AT THE COURTS DISCRETION PER PC17/19.8
330	Gaming
415	Fighting, noise, offensive words
415.5	Disturb peace on school grounds
485	Keeping lost property
555	Trespass on posted property
853.7	Written promise to appear
BP	BUSINESS AND PROFESSIONS CODE DESCRIPTION
25608	Possess alcohol on school grounds
25658	Minor consuming alcohol
25658.5	Minor attempt to purchase alcohol
25661	Use of false ID
25662	Minor in possession of alcohol
HS	HEALTH AND SAFETY DESCRIPTION
11357b	Possession of less than 1oz of marijuana
11357e	Possession of Marijuana on school grounds
11364	Possession of drug paraphernalia
VC	VEHICLE CODE VIOLATIONS DESCRIPTION
ALL VC VIOLATIONS	ALL Vehicle Code VIOLATIONS EXCEPT FELONIES, except: 23136, 23140, 23152, 23153, infractions
F&G	FISH AND GAME
All F&G Violations	ALL Fish and Game Violations EXCEPT FELONIES
H&G	HARBOR AND NAVIGATION CODE
Equipment Violations	Equipment Violations related to Harbor and Navigation Code
Registration Violations	Registration Violations related to Harbor and Navigation Code
S&H Code	STREETS AND HIGHWAY CODE
27176	District Traffic Control Rules and Regulations violations
PR	PUBLIC RESOURCES CODE
5003	Park and Recreation Department Rules and Regulations
5008	Park and Recreation Department Rules and Regulations
33211.6	Dumping, Injuring, defacing, or destroying at the Santa Ana Conservancy

File these matters with a citation to the minor, parent notice to appear and a juvenile app for a hearing to: Probation, 150 W. 5th Street, San Bernardino, CA 92415 at approximately 45 days out from date of citation

JUVENILE LAWS ARE CONSTANTLY CHANGING ATTACHED IS THE MOST RECENT UPDATE

CITY OF FONTANA POLICE DEPARTMENT **652339**

NOTICE TO APPEAR TRAFFIC NON-TRAFFIC MISDEMEANOR

DATE **XX-XX-XXXX** TIME **0000** AM PM DAY OF WEEK **S M T W T F S**

NAME (FIRST, MIDDLE, LAST)

RESIDENCE ADDRESS **Complete Juvenile Information** STATE ZIP CODE

CITY

DRIVERS LICENSE NO. STATE CLASS COMMERCIAL AGE BIRTH DATE

SEX HAIR EYES HEIGHT WEIGHT OTHER DES PASSENGERS

M F

VEHICLE LICENSE PLATE OR VIN NUMBER **Vehicle Information if Applicable** STATE

YR. OF VEH. MAKE MODEL BODY STYLE COLOR

REGISTERED OWNER OR LESSEE (FIRST, MIDDLE, LAST) SAME AS DRIVER

ADDRESS OF OWNER OR LESSEE SAME AS DRIVER

EVIDENCE OF FINANCIAL RESPONSIBILITY

COMM. VEH. (V.C. 15210b) HAZ. MAT. (V.C. 353) BOOKING REQUIRED

CORRECTABLE VIO. (V.C. 46810) Description (CIRCLE ONE)

Yes No **PC 459 - Residential Burglary** M I

M I

M I

M I

APPROX. SPEED PF/MAX SPD SPEED LIMIT SAFE SPEED RADAR YES NO UNIT #

LOCATION OF VIOLATION(S) **17005 Upland Ave. (location of incident)** CITY OF FONTANA

WEATHER CONDITIONS ROADWAY TRAFFIC CONDITIONS ACCIDENT

CLEAR CLOUDY FOG RAIN DRY WET LIGHT MODERATE HEAVY FAT INJ PFD

Violations Not Committed in my presence, declared on information and belief. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Officer Signature **P#** **ID #** **W E**

Arresting or Issuing Officer

Name of Arresting, if different from Issuing Officer

WITHOUT ADMITTING GUILTY, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW

Signature

BEFORE A JUDGE OR A CLERK OF THE FONTANA SUPERIOR COURT - 17760 ARROW RD., FONTANA CA 92335
PHONE (909) 304-6222

BANCHE CALIFORNIA JUVENILE COURT - 4853 MARKET STREET, BAKERSFIELD, CALIFORNIA CA 93309-2500
PHONE (805) 834-6000 Parent or Guardian

900 E. Gilbert St. #35 San Bernardino CA 92415

DATE **XX-XX-XXXX** TIME **8:00 am** AM PM

Judicial Council of California Form **SEE REVERSE SIDE**
Rev. 08/10 (Rev. Code #1402000), 4051346, 405000, 40000, Pen. Code, # 853.9
FPO 081

COURT COPY

Complete both citations with as much information as possible. Parent / Guardian information should be verified by ID

Parent/Guardian citation must include:

- W&I 660.5
- Complete ID info
- Relationship to the Juvy.

Juvenile's name and DOB - Charge and cite number

Juvenile citation must include:

- Complete ID info
- Charge and case number

Line out the 8303 Haven address, and write in:

**900 East Gilbert St. #35
San Bernardino CA 92415
(909) 269-8840**

CITY OF FONTANA POLICE DEPARTMENT **652338**

NOTICE TO APPEAR TRAFFIC NON-TRAFFIC MISDEMEANOR

DATE **XX-XX-XXXX** TIME **0000** AM PM DAY OF WEEK **S M T W T F S**

NAME (FIRST, MIDDLE, LAST)

RESIDENCE ADDRESS **Complete Parent/Guardian Information** STATE ZIP CODE

CITY

DRIVERS LICENSE NO. STATE CLASS COMMERCIAL AGE BIRTH DATE

SEX HAIR EYES HEIGHT WEIGHT OTHER DES PASSENGERS

M F

VEHICLE LICENSE PLATE OR VIN NUMBER

YR. OF VEH. MAKE MODEL BODY STYLE COLOR

REGISTERED OWNER OR LESSEE (FIRST, MIDDLE, LAST) SAME AS DRIVER

ADDRESS OF OWNER OR LESSEE SAME AS DRIVER

EVIDENCE OF FINANCIAL RESPONSIBILITY

COMM. VEH. (V.C. 15210b) HAZ. MAT. (V.C. 353) BOOKING REQUIRED

CORRECTABLE VIO. (V.C. 46810) Description (CIRCLE ONE)

Yes No **W&I 660.5** M I

Son: John Doe - 01/01/2009 M I

PC 459 - Cite # 652339 M I

Case # 12-1234567 M I

APPROX. SPEED PF/MAX SPD SPEED LIMIT SAFE SPEED RADAR YES NO UNIT #

LOCATION OF VIOLATION(S) **17005 Upland Ave. (location of incident)** CITY OF FONTANA

WEATHER CONDITIONS ROADWAY TRAFFIC CONDITIONS ACCIDENT

CLEAR CLOUDY FOG RAIN DRY WET LIGHT MODERATE HEAVY FAT INJ PFD

Violations Not Committed in my presence, declared on information and belief. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Officer Signature **P#** **ID #** **N W E**

Arresting or Issuing Officer

Name of Arresting, if different from Issuing Officer

WITHOUT ADMITTING GUILTY, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW

Signature

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900 E. Gilbert St. #35 San Bernardino CA 92415

DATE **XX-XX-XXXX** TIME **8:00 am** AM PM

Judicial Council of California Form **SEE REVERSE SIDE**
Rev. 08/10 (Rev. Code #1402000), 4051346, 405000, 40000, Pen. Code, # 853.9
FPO 08

COURT COPY

Juvenile Traffic Court Offenses:

Refer to current Department Memorandum regarding the issuance of traffic infraction citations to juveniles.

Juvenile Cited for HS 11357(b)

Refer to current Department Memorandum regarding the issuance of HS 11357(b) citations to juveniles.

Petty Theft from a Merchant

Refer to current Department Memorandum regarding the issuance of PC 490.1 citations to juveniles.

PC 490.1 applies to all juveniles arrested for petty theft under \$50.00

PC 488/490.5 (Must be written exactly like this on the cite) and applies to all juveniles arrested for shoplifting where the value is **\$50.00 or more**.

- * Cite parent for 660.5 WIC (required)
- * Complete a Juvenile Petition Form (both sides)
- * Requires livescan prints
- * Remember to use PC488/490.5 for juveniles **and not 484a/490.5 which is for adults**.

Petty Theft (other cases)

PC488 applies to all juveniles arrested for petty theft under \$950.00

- * Cite to Youth Court (900 E. Gilbert St, San Bernardino)
- * Cite parent for 660.5 WIC (required)
- * Complete a Juvenile Petition form (both sides)
- * Complete livescan prints
- * All juveniles must be advised for their Miranda Rights (FPD form 008). Additionally, if the juvenile is **under** 14 years of age, a Gladys's R Questionnaire must be completed. The courts will dismiss the case if these are not completed.

Cite Amendments

If a citation is kicked back, then the cite needs to be corrected. Juvenile cites can be corrected in two ways.

- * Complete another citation with the corrected information. Personally serve the juvenile and parent/guardian and have them sign the citation.

OR

- * Complete a citation amendment form. Personally serve the juvenile and parent/guardian and have them sign the cite amendment. Mark an "X" and draw a line on the amendment form and have them sign it.

Keep the same court date unless the date of amendment and the original court date are within three weeks of each other. If the court date is too close or is past, then cite the juvenile/guardian to the next court date as scheduled on the calendar.

FLIP

The Fontana Leadership Intervention Program (FLIP) is founded upon a partnership between the City of Fontana Police Department, Fontana School Police, and Fontana Unified School District.

The 16 week program offers "at-risk" teenagers an opportunity to experience a unique educational environment which will positively impact the rest of their lives.

Mission Statement

The mission of the Fontana Leadership Intervention Program is to bring about a lasting, life-altering, and positive change in the attitude and behavior of participants.

The mission will be accomplished via the success triad of education, leadership, and self-actualization.

The Fontana Police Department, Fontana Unified School District, and Corporate Partners will provide an education rich environment dedicated to building the next generation of community leaders.

**SIGN OFF
JUVENILE LAW AND PROCEDURE**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. WIC 300 Dependent Children							
B. WIC 601 Incurrigible Juveniles							
C. WIC 602 Law Violators							
D. Juvenile Petition							
E. Child Abuse Report Policy							
F. Admonishment of Rights							
G. Gladys R							
H. Juveniles in need of Medical Treatment							
I. Juvenile Detention Procedures							
J. Admission to Juvenile Hall							
K. Expedited Youth Accountability Program							
L. Juvenile Traffic Court Offenses							
M. FLIP							

COMMENTS:

ADDITIONAL LAWS (ABC/PROBATION/PAROLE)

ABC (The Department of Alcoholic Beverage Control)

The mission of the Department of Alcoholic Beverage Control (ABC) is to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare and economic wellbeing of the people of the State.

Minor Decoy Program

The Fontana Police Department along with The Department of Alcoholic Beverage Control and other allied agencies conduct Minor Decoy Programs throughout the year. The goals of the Minor Decoy Program are to reduce the number of licensees who sell alcohol to minors and reduce youth access to alcohol.

By statute, minor decoys used by local law enforcement are immune from prosecution, and police agencies must notify licensees of program results. Rule 141, California Code of Regulation, sets forth further decoy program requirements.

California Code of Regulations/Title 4, Division 1 (Section 141. Minor Decoy Requirements)

- a) A law enforcement agency may only use a person under the age of 21 years to attempt to purchase alcoholic beverages to apprehend licensees, or employees or agents of licensees who sell alcoholic beverages to minors (persons under the age of 21) and to reduce sales of alcoholic beverages in a fashion that promotes fairness.
- b) The following minimum standards shall apply to actions filed pursuant to Business and Professions Code Section 25658 in which it is alleged that a minor decoy has purchased an alcoholic beverage.
 - 1) At the time of the operation, the decoy shall be less than 20 years of age.
 - 2) The decoy shall display the appearance which could generally be expected of a person under 21 years of age, under the actual circumstances presented to the seller of alcoholic beverages at the time of the alleged offense.
 - 3) A decoy shall either carry his or her own identification showing the decoy's correct date of birth or shall carry no identification; a decoy who carries identification shall present it upon request to any seller of alcoholic beverages.
 - 4) A decoy shall answer truthfully any questions about his or her age.
 - 5) Following any completed sale, but not later than the time a citation, if any, is issued, the peace officer directing the decoy shall make a reasonable attempt to enter the licensed premises and have the minor decoy who purchased alcoholic beverages make a face-to-face identification of the alleged seller of the alcoholic beverages.

ABC Related Violations

- ⇒ B&P 25661-Possession of false I.D. by Minor
- ⇒ B&P 25616-Refuse to permit inspection
- ⇒ B&P 25658(d)-Licensee allows minor to consume
- ⇒ B&P 25608-Possession of A/B on school grounds
- ⇒ B&P 25658(a)-Sell/Furnish to Minor
- ⇒ PC308(b)-Possession of tobacco product by minor

Probation/Parole

PC 3056-Prisoners on parole shall remain under the legal custody of the department and shall be subject at any time to be taken back within the closure of the prison.

Any individual that you come into contact with that you determine is on parole, either through their admission or through a record check is subject to a search of their person and/or property. A person who is on parole, and they are not a “NRP” parolee, can be arrested for PC 3056. Generally, if you arrest a parolee for a criminal charge and that charge is a felony, you would book the parolee on the felony charge as well as PC 3056. In order to arrest and book a parolee for PC 3056, you would need to do one of three things:

- 1) Contact CDCR/Sacramento and give the operator the name, DOB, and CDCR # of the parolee, advise them of the felony charge that the parolee has been arrested for, and request that a PC 3056 parole hold be placed on this individual. A parole hold will then be faxed to WVDC.
- 2) You can contact the parolee’s agent or parole agent supervisor and request a parole hold. The agent would then fax a copy of the parole hold to either WVDC or FPD.
- 3) If you detain/arrest a parolee for a misdemeanor crime and/or non-criminal parole violation and you want to place a PC 3056 hold on them (i.e. associating with fellow gang members), you **must** get authorization from a parole agent or parole agent supervisor. **DO NOT CALL** CDCR/Sacramento seeking a PC 3056 hold for a parolee that committed a misdemeanor crime and/or violated a term of their parole-you will not get one.

NOTE: Often times., it is difficult to reach a parolee’s agent or agent supervisor for the purpose of obtaining a parole hold. Members of the Fontana Police Department’s Gang Unit, Narcotics Unit, or RRT will have contact information for parole agents, and they might be able to assist you in obtaining a parole hold.

NON-REVOCABLE PAROLE (NRP)

On October 11, 2009, Section 3000.03 of the California Penal Code was enacted. The new law, which goes into effect on January 25, 2010, authorizes the placement of paroles onto Non-Revocable Parole (NRP).

Eligibility Criteria

To be eligible for Non-Revocable Parole, the offender must meet the following criteria:

- a) The person is not required to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290 of Title 9 of Part 1).
- b) The person was not committed to prison for a serious felony as defined in Sections 1192.7 and 1192.8, or a violent felony, as defined in Section 667.5, and does not have a prior conviction for a serious felony, as defined in Section 1192.7 and 1192.8, or a violent felony, as defined in Section 667.5
- c) The person was not committed to prison for a sexually violent offense as defined in subdivision (b) of Section 6600 of the Welfare & Institutions Code and does not have a prior conviction for a sexually violent offense as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code.
- d) The person was not found guilty of a serious disciplinary offense, as defined in regulation by the department, during his or her current term of imprisonment.

- e) The person is not a validated prison gang member or associate, as defined in regulation by the department.
- f) The person did not refuse to sign any written notification of parole requirements of conditions, including, but not limited to, the written notification of requirements pursuant to Section 3067.
- g) The person was evaluated by the department using a validated risk assessment tool and was not determined to pose a high risk to reoffend.

Benefits of Non-Revocable Parole

- ⇒ Removes low-level offenders from parole supervision
- ⇒ Allows CDCR to focus parole supervision on the most serious and violent offenders
- ⇒ Allow law enforcement to continue to conduct warrantless searches on these paroles.
- ⇒ Reduces the number of parolees returned to custody for parole violations.
- ⇒ Reduces the need for bed space in county jails and prisons.

PC 1203.2(a)-Probation Violation

During probationary period, a peace officer or probation officer with probable cause may re-arrest a person on probation and bring him/her before the court, or the court may, in its discretion, issue a warrant for the person for violating a probation condition, for associating with improper persons or a corrupt life, or later commit other offenses, regardless of prosecution for such offenses. Only the court can revoke probation for failure to make restitution. *Misdemeanor or Felony depending on convicted charge before probation.*

PC 3455-PRCS Violation

AB109-The Public Safety Realignment Act-Under AB109, county probation departments have been forced to assume supervision responsibility for thousands of “low-risk” offenders who were previously under the jurisdiction of State Parole Agents.

PRCS-Post Release Community Supervision

Low-risk offenders sentenced after October 1, 2011, also spend their incarceration time in local jails as opposed to state prison. The state defines low-risk offenders as those convicted of “non-serious, non-violent, or non-sexual” crimes. However, the law only considers the most recent conviction, not an offender’s past criminal history. These offenders fall under PRCS.

The Probation Department has created a fugitive apprehension team and placed 25 Probation Officers at police and Sheriff’s stations throughout the county to directly assist other law enforcement agencies.

SIGN OFF

ADDITIONAL LAWS (ABC/PROBATION/PAROLE)

Glossary: FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. PC 3056							
B. PC 1203.2(a)							
C. PRCS							
D. ABC							
E. PC 3455							

COMMENTS:



FTP

Search and Seizure

SEARCH/SEIZURE CONCEPTS

This instruction guide will discuss **stop and frisk, as well as detention/release issues**. It will be an overview of terms and laws that are common for this topic. This discussion is merely a guide for officers to study and should only be used to gain a basic understanding of your responsibilities. However, it is still the individual officer's responsibility to review more in depth case laws and build individual expertise.

To be a police officer in today's society is a very difficult learning process. There are certainly more responsibilities and legal issues surrounding many of today's cases. More and more responsibilities are being shouldered on today's police officer. **Stop and frisk and detention/release issues** alone are mind boggling. No one can just read a book and become an expert. You have to get out and apply what you learn to everyday life scenarios. Yes, this includes making mistakes. Instructors need to emphasize the importance of this area of law enforcement because this is the one area officers deal with frequently in the field. Having an understanding of some key issues will save new officers a lot of headaches and possible legal problems.

Fourth Amendment

Both the United States and California Constitutions prohibit “unreasonable” searches and seizures of people, houses, and personal property.

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

A “**search**” occurs when an expectation of privacy that society is prepared to consider reasonable is infringed.

A “**seizure**” of property occurs when there is some meaningful interference with an individual’s possessory interest in that property.

A “**seizure**” of a person occurs (1) when a peace officer physically applies force; or (2) when a person voluntarily submits to a peace officer’s authority.

The Exclusionary Rule

The Exclusionary Rule comes into play when a court determines that a search or seizure was unreasonable. Under the “rule” (which was judicially created to encourage **proper** police conduct) evidence, which results from an illegal (unreasonable) search or seizure, is “**excluded**” at trial. It is “**suppressed**” (ruled inadmissible) and therefore cannot be brought to the jury's attention.

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 confession will be suppressed.

Proposition 8:

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 United States Constitution afforded.

Proposition 8 was an effort to change that 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, it was admissible in court.

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 is admissible, the officer could still be subject to civil sanctions for violating state constitutional rights.

Consensual Encounters

When you deal with a member of the public, the law will classify it as either a "**consensual encounter**," a "**detention**," or an "**arrest**." A "consensual encounter" is the least intrusive of these.

Definition:

The key element to a "**consensual encounter**" is that the person remains totally free to leave or not to cooperate with you. You must not restrain the person or exert any authority over him. Conversely, you do not need any objective reason or justification for initiating this type of contact.

Contacting Suspects:

Generally, no problem arises if you are dealing with a non-suspect (e.g., informing relatives about a death; warning persons partying in a parked van that it's illegal to spend the night there; interviewing a witness). However, when you are dealing with a suspect, it is often more difficult to convince a court that there was only a consensual encounter, i.e., that the person was truly free to leave.

Merely approaching someone is not a "**detention**." Neither is, without more: inquiring about identity or *requesting* identification; shining your spotlight on someone and *asking* him to remove his hands from his pockets; or merely asking if the person will step to the side to talk to you.

In other words, a "police officer may approach an individual in public, identify himself as a law enforcement officer, and, in a non-coercive manner, ask the individual a few questions, without converting the encounter into a "**seizure**," i.e., into a "**detention**."

The manner and mode of your questioning may also be critical. Therefore, to preserve the consensual aspect of the "**encounter**," it is better to ask for the person's cooperation, rather than to demand it. And—even though you don't have to—it's usually a good idea to actually tell the person what his status is, i.e., that you are not detaining him and that he is free to leave or to not cooperate.

Although you have no power to conduct any kind of frisk or other search during a "**consensual encounter**" remember that any contraband you see in plain view may be seized and/or provide probable cause for arrest. And the probable cause to arrest then will justify a search incident to the arrest.

**SIGN OFF
SEARCH/SEIZURE CONCEPTS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Fourth Amendment							
B. Exclusionary Rule							
C. Consensual Encounters							
D. Reasonable Suspicion							
E. Probable Cause							

VEHICLE SEARCHES AND INVENTORIES

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Officer Safety							
B. Probable Cause							
C. Consent Search							
D. Vehicle Inventory Search							
E. Search Incident to Arrest							
F. Areas of Search for Contraband							
G. Documentation of Inventory							
H. Arizona v. Gant							

COMMENTS:

WARRANTS

1. SERVICE OF ARREST WARRANTS/PROCEDURES CRIMINAL LAW

Probable Cause for Arrest:

The purpose behind this arrest warrant requirement (which exists under federal law also) is the same as the purpose behind a search warrant. “A man’s home is his castle,” and police simply are not permitted inside **without** judicial authorization (arrest warrant or search warrant), an emergency (exigent circumstances), or valid permission from the occupant (consent).

Example: Officer with two-misdemeanor arrest warrants for Albrektsen knocked on motel room where he was staying. Albrektsen answered the door and identified himself. However, instead of arresting him there at the threshold, the officer brushed past and entered the room, where he obtained consent to search. HELD: The entry was not authorized by the warrant, thus tainting the subsequent consent to search. (Albrektsen (9th Cir. 1998) 151 F.3d 951.) (Note that this decision did not treat the alternate justifications of entering “incident to arrest” or as a “protective sweep.”)

As a general rule, unless you have consent or exigent circumstances or search warrant, you must have an arrest warrant in order to arrest someone inside his home. (Payton (1980) 445 U.S. 573, 576; Marquez (1992) 1 Cal.4th 553, 566; Jacobs (1987) 43 Cal.3d 472, 477-478.)

Additionally, (1) you must normally comply with the “knock and notice” provisions of Penal Code section 844 (Wilkins (1993) 14 Cal.App.4th 761, 769; see discussion, para. V of Ch. 3); and (2) you need “probable cause” to believe that the suspect is inside (Jacobs (1987) 43 Cal.3d 472, 478-479.)

“Home” or “dwelling” can mean any place the suspect resides, such as his tent, motel room, boat, van, etc. (Williams (1988) 45 Cal.3d 1268; Ortiz (1995) 32 Cal.App.4th 286, 291; LeBlanc (1997) 60 Cal.App.4th 157, 164.)

Identification of Suspect:

- a. Physical Description.
- b. Distinguishing Marks, I.E. Tattoos.
- c. Other Persons Present.
- d. Personal Knowledge.
- e. Inconsistent Statements by Suspect and or Other Persons Present.
- f. Photographs, I.E. Booking Photo, H&S Registration, Book’em and Soundex.

How Warrant was Obtained:

- a. Briefing Folder
- b. Informant
- c. Course/Scope of Investigation
- d. Outside Agency
- e. Other Source
- f. Always confirm validity

Validity of Warrant:

- a. Confirm through Dispatch

- a. Confirm through S.B.S.O. Records-S.A.W.
- b. Confirm through inputting agency
- c. Hard Copy
- d. Confirmation should be made prior to service of warrant

PC 840 (Time of Arrest):

For a felony, you may make an arrest—with or without a warrant—at any time of the day or night. (Pen. Code, 840.)

However, for a misdemeanor or infraction, there is a time limitation. You must make the arrest—with or without a warrant—between 6:00 a.m. and 10:00 p.m. unless:

- The misdemeanor or infraction occurred in your presence (see Welsch (1984) 151 Cal.App.3d 1038; Lee (1984) 157 Cal.App.3d Supp.9; Hamilton (1986) 191 Cal.App.3d Supp. 13); or
- The arrest is made in a public place; or
- You have a warrant which is endorsed for nighttime service; or
- The arrestee is already in custody on another charge, or is taken into custody on a citizen’s arrest; or
- You make the arrest for violation of a domestic violence protective order, even though it did not occur in your presence. (Pen. Code, 836, 840.)

Example: If you responded to a domestic dispute call at 02:00 a.m., entered the home with valid consent, but observed nothing out of the ordinary. No one wanted to press charges or make a private person’s arrest, and you were unable to obtain probable cause to arrest for violation of a domestic violence protective order. You would not be able to lawfully arrest the husband inside even though you discovered, while there, that he had valid misdemeanor arrest warrant outstanding.

Note: If you make an “illegal” arrest by failing to comply with these or other purely statutory arrest requirements (such as the “in your presence” requirement for most misdemeanor arrests under Pen. Code, 836.1), any evidence you obtain does not necessarily have to be suppressed, as long as the constitutional requirements, such as probable cause for the arrest, were fulfilled. (Trapani (1991) 1 Cal.App.4th Supp. 10; see also Watkins (1994) 26 Cal.App.4th 19, 29-30, and Blardony (1996) 66 Cal.App.4th 791, 795.)

PC 843 (Arrest Under Warrant; Force Permissible):

You may use reasonable force to affect the arrest, overcome resistance, or prevent escape, (Pen. Code, 835a, 843.)

A suspect has a duty to submit and may not resist an arrest, even if the arrest is unlawful. (Pen Code, 834a.) However, if you use excessive force in making the arrest, the suspect may lawfully resist with enough force to resist the excessive force.

Normally, you must tell the arrestee (1) you intend to arrest him, (2) the reason for the arrest, and (3) your authority (i.e., that you are a peace officer). (Pen. Code, 841.) You are excused from giving any of these advisements if they are completely obvious from the circumstances (e.g., catching the suspect red-handed would make it unnecessary to tell him what the arrest is for; making the arrest in uniform would make it

unnecessary to advise him of your authority). However, if the suspect asks you about any of these matters, you must answer his questions.

PC 844 (Breaking Open Door or Window to Effect Arrest and Demand for Admittance; Explanation of Purpose):

As a general rule, unless you have consent or exigent circumstances, you must have an arrest warrant in order to arrest someone inside his home. (Payton (1980) 445 U.S. 573, 576; Marquez (1992) 1 Cal.4th 553, 566; Jacobs (1987) 43 Cal.3d 472-478.)

Additionally, (1) you must normally comply with the “knock and notice” provisions of Penal Code section 844 (Wilkins (1993) 14 Cal.App.4th 761, 769; see discussion, para. V of Ch.3); and (2) you need “probable cause” to believe that the suspect is inside (Jacobs (1987) 43 Cal.3d 472, 478-479.)

“Home” or “dwelling” can mean any place the suspect resides, such as his tent, motel room, boat, van, etc. (Williams (1988) 45 Cal.3d 1268; Ortiz (1995) 32 Cal.App.4th 286, 291; LeBlanc (1997) 60 Cal.App.4th 157, 164.)

An arrest warrant is also required for an arrest in those portions of a business or office, which are not open to the general public.

If the person you seek turns out to be visiting or temporarily at someone else’s house, you will need a search warrant (for the suspect’s person) unless one of the exceptions, such as consent or exigent circumstances, applies. (Steagald (1981) 451 U.S. 204; Dyke (1990) 224 Cal.App.3d 648, 658.)

Ramey:

“Ramey” warrants—arrest warrants, which are obtained before a complaint has been filed—as an alternative to the usual complaint/warrant procedure. Named after the California Supreme Court case that requires warrants for in-home arrests, “Ramey” arrest warrants are issued based on affidavits establishing probable cause. The magistrate evaluates the information in the affidavit to assess whether probable cause to arrest exists. On finding probable cause, an arrest warrant is issued, even though no criminal complaint has been filed. (This procedure was specifically approved in Bittaker (1989) 48 Cal.3d 1046, and then was codified as Penal Code section 817 in 1996). After the suspect named in the “Ramey” warrant has been arrested, a criminal complaint must be filed pursuant to Penal Code section 849.

Note: As used in this discussion, the term “Ramey” warrant means nothing more than a pre-complaint arrest warrant that is an arrest warrant, which magistrate issues before a criminal complaint or “case” has been filed and it makes no difference whether the “case” is or turns out to be a felony or misdemeanor.

Jurisdictions using pre-complaint (“Ramey”) warrants have found numerous advantages in the procedure, including:

- ◇ **Burden of Proof.** If an officer arrests a defendant based on his assessment of probable cause without first obtaining a pre-complaint (“Ramey”) arrest warrant, the people bear the burden of proving the legality of the arrest at any subsequent suppression hearing. However, if the officer obtains a pre-complaint (“Ramey”) arrest warrant, the burden is shifted to the defendant to prove that the warrant was inadequate. Furthermore, thanks to the Leon “good faith” exception, use of a

pre-complaint (“Ramey”) warrant may also preclude the defense from being able to attack the adequacy of probable cause.

- ◇ **Efficiency.** Obtaining a pre-complaint (“Ramey”) warrant can save a significant amount of court time. For example, the few hours it may take to prepare such a warrant may save the many hours required to defend suppression motions and other challenges to warrant-less arrests.
- ◇ **Confidentiality.** If a pre-complaint (“Ramey”) warrant is used, it is less likely that the defense will be able to discover the identity of a confidential informant.
- ◇ **Aid in Apprehension.** Obtaining a pre-complaint (“Ramey”) warrant helps persuade other jurisdictions to look for the person named in the warrant. A “Ramey” warrant may be entered in C.L.E.T.S./W.P.S. either as a “permanent” warrant or as a “temporary” warrant.

Note: A “temporary” warrant will stay in the W.P.S. for 48-72 hours, depending upon when it was entered. It will automatically be purged unless it is modified to a “permanent” want. In order to become a “permanent” warrant or “want”, the record in W.P.S. must simply have a number in the warrant-number field, for example, the police report number. Do not enter a warrant into the system unless your agency is prepared to bear the cost of going to interview the suspect, or of bringing him back to your jurisdiction, if and when he is arrested. Also, as either the arresting agency or the entering agency, you should make an effort to ensure that the warrant has been deleted from the system after the suspect has been arrested.

Note: Which system a pre-complaint (“Ramey”) warrant gets entered into and/or how long it remains active in a system is strictly an agency or administrative decision. However, the “duration” of a pre-complaint warrant is exactly the same as any other arrest warrants would be. In other words, the probable cause to arrest set forth in a pre-complaint (“Ramey”) warrant remains valid for as long as it would in a “regular”, post-complaint warrant, which is pretty much indefinitely. (Pen. Code, 817(a)(2), 813.)

- ◇ **Case Strategy-**Obtaining a pre-complaint (“Ramey”) warrant prior to arrest sets up the case for further warrants. It provides a basis for future search warrants and arrest warrants for codefendants. The probable cause contained in the pre-complaint (“Ramey”) warrant is merely updated in person or telephonically.
- ◇ **Bail Setting-**A pre-complaint (“Ramey”) warrant can specify the amount of bail. After arrest, the burden shifts to the defense to show why bail should be reduced. The procedure for obtaining a pre-complaint (“Ramey”) arrest warrant is spelled out in Penal Code section 817, which took effect in 1996. This statute includes a suggested form for a “warrant of probable cause for arrest” and provides that such a warrant (1) shall not begin the complaint process, (2) has the same authority for service as set forth in section 840, and the same time limitations as a post-complaint arrest warrant issued pursuant to section 813, and (3) shall issue if, and only if the magistrate is satisfied, based on a declaration of probable cause made by a peace officer, that there is probable cause that the described offense has been committed and that the described defendant committed it.

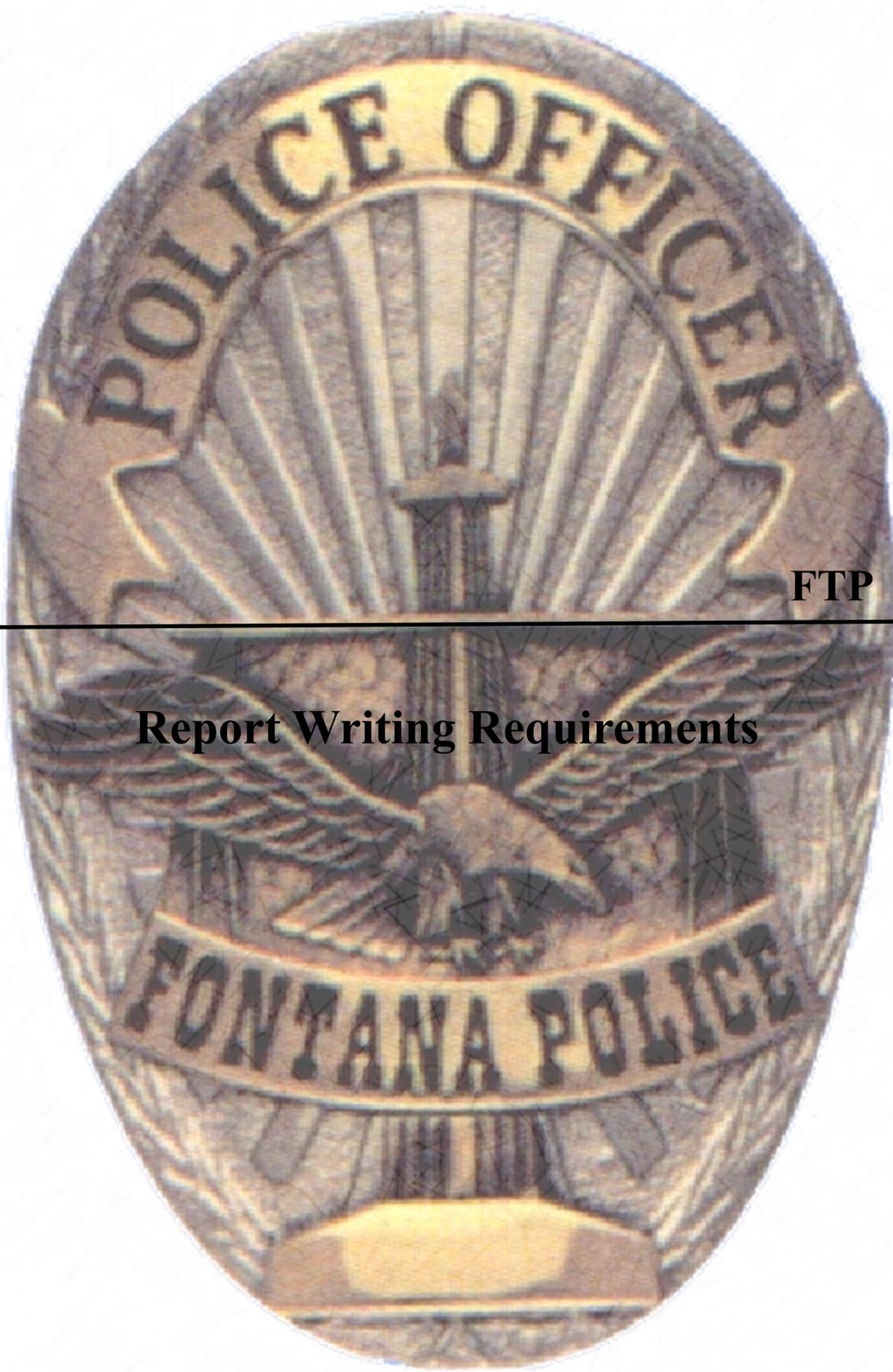
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**SIGN OFF
WARRANTS**

Glossary: *FP= Field Performance* *RP= Role Playing* *WT= Written Test* *VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Probable Cause for Arrest							
B. Identification of Suspect							
C. How Warrant was Obtained							
D. Validity of Warrant							
E. PC 840 (Time of Arrest)							
F. PC 843 (Use of Force)							
G. PC 844 (Knock and Notice)							
H. Ramey							
I. Officer Safety							

COMMENTS:



FTP

Report Writing Requirements

FIELD NOTES / NOTEBOOK

Taking Notes of Your Interview:

This is the next step in preparing your Crime Report and relies on your ability to take notes in such a manner that you can fill out the report accurately and in an understandable man-ner.

Your notebook should be used to give you a record of what you have done. It should be organized in such a manner that you can find what you are looking for and in such a manner that when you look at it, you recognize what you see. Hopefully, the following format will aid you in accomplishing this:

#	WHO?	#	HOW?
#	WHAT?	#	WHY?
#	WHEN?	#	VEHICLE?
#	WHERE?	#	PROPERTY?

If you can assemble your notes in this manner, you will have what you need to complete a report and to help you recall incidents at a later date. The best of memories can use a little help. If you have taken proper notes, your memory will be much better served than someone who takes haphazard notes or none at all.

Note taking will also include recording things other than conversations. Such things as diagrams and personal observations will be in order here. Notes should be kept in some order and keep in mind the objectives of taking notes (namely, compiling information so that it may be shared and reported). Whatever you deem important should be written in your notebook.

Interviewing/Interrogation:

1. As soon as possible, separate subjects being interviewed or interrogated.
2. There are two considerations when interviewing or in-terrogating relating to advising of Miranda Rights.
 - a. Is the field officer conducting a field investigation to determine if a detained person is a suspect of a known or suspected crime?
3. Is the field officer or investigator conducting an interrogation following a suspect's arrest, seeking a confession, an admission, or any other information to establish the suspect's involvement?

Field Investigation:

You may ask investigative type questions of detained persons WITHOUT advising them of their Miranda Rights, unless they are taken into custody.

REDACTED

REDACTED

Miranda Advisement:

1. You have the right to remain silent. **2.** Anything you say can be used against you in a court of law. **3.** You have the right to have an attorney present now and during any future questioning. **4.** If you cannot afford an attorney, one will be appointed to you free of charge if you wish.

2. Do you understand these rights and desire to give a statement? (Expressed waiver)

Or;

2a. The suspect engages in conversation and begins to speak openly and answer questions following Miranda Advisement. (Implied waiver)

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. Date, day, time, vehicle number
- B. Name of partner or supervisor
- C. Type of incident
- D. Pertinent information
- E. Names of suspects, victims, witnesses, and reporting persons

The trainee shall recognize that the contents of field notes and notebooks are discoverable in court proceeding.

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

Given an incident, the trainee shall properly use field notes or a note book to record pertinent information.

The trainee shall exhibit an appropriate knowledge of the flow of completed reports and the relative importance of the information that they contain.

The trainee shall give the location of the report depository.

The trainee shall describe the function for the records unit in the reporting process.

The trainee shall describe the functions of the investigative unit(s) and the District Attorney's Office in the reporting process.

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

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

The trainee shall identify the proper report forms to be utilized in given situations (i.e. missing persons, DUI, found property, etc.).

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.

The trainee shall prepare a report that minimally includes:

- A. Organizing facts in chronological order
- B. Relating facts in appropriate sentence form
- C. Correctly filing in all appropriate boxes
- D. Properly establishing who, what
- E. Properly establishing the elements of the crime(s), when appropriate

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 responsible/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

344.2.7 USE OF CAD SEQUENCE NUMBERS

(a) CAD Sequence Numbers / Incident Numbers will be used in place of officer generated reports when there is no workable suspect information for the following types of cases:

1. Misdemeanor thefts: PC 488/PC 490.5.
2. Misdemeanor vandalism: PC 594(a)(1) with less than \$1000 damage with the exception of cases involving graffiti.
3. Grand theft: PC 487.1 total loss less than \$1000.
4. Trespass and unlawful entry: PC 602 / PC 603.
5. Prowling: PC 647(i).
6. Obscene or annoying phone calls: PC 653m
7. Bomb threats: PC 148.1

(b) For purposes of this policy, no workable suspect information means the victim and/or witnesses involved in the case are unable to supply information that would allow an officer to identify a suspect through follow-up investigation. For purposes of this policy, a valid California license plate number is considered workable suspect information.

(c) Officers will take case numbers and not use Sequence Numbers in any of the following situations:

1. All felonies with the exception of those felonies already indicated.
2. Any crime of violence.
3. Any crime with workable suspect information.
4. Any burglary.
5. Any property crime where one or more of the items taken has serial numbers that can be entered into the Department's NCIC computer system.
6. Any domestic violence situation.
7. Any 594 PC involving graffiti.
8. Any reports of lost items that are serialized or that has a unique inscription which can be entered into the Department of Justice Automated Property System (PC 11108).

(d) When dispatch receives a report of a call not in-progress, the dispatcher should ask the victim whether they want to talk to an officer or would like a phone report.

1. If the victim advises that a phone report is satisfactory, the dispatcher should obtain the necessary information from the victim and issue them a Sequence Number / Incident Number.
2. If the victim has suffered some type of property loss, for example, a theft or vandalism loss, the dispatcher should include the victim's estimate of loss and what was stolen or damaged in the CAD report.

1. It is not necessary for the dispatcher to obtain any additional information from the victim that is not presently required before dispatching an officer.

(e) If a victim reports that a crime is in-progress or requests that an officer respond, the dispatcher should dispatch the call per existing policy.

**SIGN OFF
FIELD NOTES / NOTEBOOK**

Glossary: *FP= Field Performance* *RP= Role Playing* *WT= Written Test* *VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Field Notes and Note Taking							
B. Issuing Incident #'s							

COMMENTS:

REPORT WRITING

Definition of a Report

A report is a permanent written record which communicates facts related to events which can be described through that report in the future.

Definition of a Police Report

A police report is a permanent written record which communicates police related information to authorized readers.

Police Report Application

Police reports are used for a variety of reasons. The primary uses are outlined as follows.

1. **Arrest Reports**: Arrest reports present facts which justify the lawful arrest of an individual and the disposition of that individual within the criminal justice system.
2. **Crime Reports**: Crime reports present facts showing that a crime was committed. It may include a description of a suspect, statement of a witness, a statement of an officer's opinion as to the kinds of evidence found at the scene of the crime or other important information.
3. **As Permanent Reports**: Reports are an index and an aid to an officer's memory of past events which may be described through his or her testimony in court. Reports may be read by appellate court judges' years after they have been written.
4. **As Management Tools**: Reports coordinate law enforcement activities and are used to plan for special events and other law enforcement services.
5. **As Investigative Tools**: Reports preserve essential facts of a case, provide information to serve as a basis for continuations of an investigation, supply information to other officers and agencies who become involved in the case, and they provide for the coordination of activities of the department's investigation of an incident or crime.
6. **As a Quality Control Tool**: Reports evaluate how well a case is handled. Reports evaluate the performance of departmental employees, and they compile statistics on crimes and arrests.

Types of Reports

Police reports are classified into two major groups:

1. **Administrative**: Administrative reports deal with the routine day-to-day functioning of a police agency. These reports deal with staffing, supply, internal affairs investigations, facility maintenance, uniform and equipment specifications, grievance procedures, and policy.
2. **Operational**: These reports deal with crime, arrest, investigative and tactical functions of a law enforcement agency. Typical operation reports are:
 - A. Crime Reports
 - B. Arrest Reports
 - C. Investigation Reports
 - D. Evidence Reports
 - E. Traffic Collision Reports
 - F. Miscellaneous Incident Reports

This text is primarily concerned with operational kinds of reports and the development of skills in writing these reports.

Uses of Operational Reports

Each law enforcement agency has its own forms, procedures and policies for reporting and investigating crimes and arrests, but most law enforcement agencies have some things in common. For example, the 14th amendment of the Constitution of the United States requires that each state treats all citizens with “due process of the law.” Arrests and searches and seizures of persons or property are mostly uniform throughout the United States. Here, a distinction will be made between each of the most basic of operational reports. Each of the following reports has a special use as it applies to the criminal justice process.

1. The Arrest Report: An arrest report is completed by an arresting officer when an individual is taken into custody to answer to charges placed against him should the prosecutor elect to charge the accused with a violation of the law. Oftentimes, an arrest report is written even though the arrestee is released in the field after he or she has signed a promise to appear before a judge. (Section 853.7 PC)
2. The Crime Report: A crime report is used by the preliminary investigating officer to report the occurrence of a crime or more than one crime. This, of course, depends upon the reporting policies of individual law enforcement agencies.

Who Reads These Reports?

Operational kinds of police reports may be distributed to places other than the records section file. Depending upon whether or not the offender is a juvenile or an adult, crime, arrest, evidence, and follow-up kinds of reports are read by many different people within and outside the Criminal Justice System. The authorized release of juvenile offender related information is generally more restricted than is the release of adult offender information.

1. Offender report readers include:
 - A. The arresting officer(s) to refresh his or her memory of the related incident prior to testifying as a witness in court.
 - B. The arresting officer’s supervisor who reviews the report(s) for accuracy, completeness, clarity, and conformity to legal and agency requirements. This function provides the writer’s supervisor with an excellent training tool should the officer be deficient in either arrest or report writing procedures.
 - C. The crime analyst who accumulates arrest and crime information for use in determining future personnel and logistical needs for the agency. Crime trends can be plotted from information provided from crime reports.
 - D. Prosecuting attorneys who decide to file a criminal complaint or not to file, to prepare or not to prepare a search warrant or whether to request a magistrate to issue an arrest warrant.
 - E. Defense attorneys who, upon lawful discovery, use many of these reports to build a defense against charges facing his or her client(s). The defense attorney is eager to discover the strength of the people’s or plaintiff’s case, the names and number of the prosecution or plaintiff’s witnesses, and the amount and quality of physical evidence confronting his or her client.
 - F. Other city agencies when city property is either involved or damaged.

- G. Arraignment, trial, and appellate court judges will read crime, arrest, and evidence reports in order for them to learn the circumstances of the crime and arrest, to determine if legal and constitutional requirements were followed, whether evidence is admissible, to determine guilt or innocence, and whether to hear and rule on an appeal.
- H. Both trial jurors and grand jurors in order to judge the facts of the case or to weigh evidence when considering the possible indictment of a suspect.
- I. Reporters have limited access to certain crime and traffic collision information involving adults. Agency policy and statutory restrictions vary among departments and jurisdictions.

The importance of Well-Written Reports

Common characteristics of bad reports are as follows:

- Too long
- Too short
- Confusing or stilted language
- Too many conclusions and not enough facts
- Difficult to read or understand
- Fails to communicate facts effectively to the reader

Because they are sometimes difficult to read and understand, police reports can slow down the complaint-issuing process; they make it more difficult for the prosecutor to determine who should be subpoenaed to trial; and they give the defense attorney something to use to try to confuse an officer's testimony.

Common characteristics of good reports are:

1. **Completeness**: Reports must contain all necessary details of the event or subject reported upon. A complete picture must be reported to the reader. Incomplete facts may create an incomplete or false picture. Unnecessary information must be omitted. This includes the omission of information already mentioned in sufficient detail in the same report.

Report both positive and negative information as it relates to the crime or arrest. The reader is looking for facts and answers to the facts. Unanswered questions cause the reader to question the completeness or lawfulness of the arrest or investigation. An incomplete report could escape the inspection of a supervisor, filing prosecutor, and the courtroom district attorney to be later discovered by an alert defense attorney. The defendant's counsel could properly make good use of the deficient report to both embarrass the reporting officer and to attack the officer's credibility as a witness and an investigator.

2. **Accuracy**: The necessity for absolute accuracy cannot be stressed enough. The lives of victims or witnesses may be jeopardized if a defendant charged with a vicious crime is allowed to walk out of court if a vital fact in the case is omitted from the crime or arrest report. An innocent person may be sent to prison if false information is written as fact in the same kinds of reports.
3. **Conciseness**: Reports should be long enough to provide the necessary information without being overly lengthy. The length of a report should be consistent with the depth of the investigation or event. Avoid long and confusing sentences and paragraphs. Stay away from general terms and descriptions. Be precise.

4. **Clearness:** A report must be clear to the reader. A reader must see through the reporter's eyes, feel through the reporter's touch, and hear through the reporter's ears. A reader must understand the reporter's perceptions. Much emphasis has been placed upon exactness of investigations by the courts. Search and seizure guidelines rendered by the judiciary must be complied with. Constitutional rights for the accused must be provided by the police.

Never leave the reader in doubt that any of these guidelines or rights were ignored. You must be clear in your reporting. Clarity is best accomplished by the use of good sentence structure; correct word usage, punctuation, spelling and capitalization, proper paragraph arrangement, and other rules of good language.

Remember that it is not enough to make a good arrest or an investigation of a crime or incident. The best police "street" work is useless unless it is reported completely, accurately, concisely, and clearly.

GENERAL PROCEDURES AND REPORTING REQUIREMENTS

REPORT CLASSIFICATIONS/REQUIREMENTS

1. Crime Report is required when:
 - A. A felony has been committed, or believed to have been committed.
 - B. A misdemeanor has been committed, or believed to have been committed.
 - C. A violation of a municipal statute has occurred.
2. Arrest Report is required when:
 - A. A person has been arrested.
 - B. A person has been arrested and released based upon legal authority. (Includes 849b PC and 40304.5 CVC warrant detentions)
3. Supplemental Report is required when documenting information regarding any previously reported offence, including Vehicle Code violations when further details are requested by the D.A.'s office.
4. Non-investigative Report is required when:
 - A. Reporting criminal offenses where the suspect is unknown.
 - B. Reporting criminal offenses for insurance purposes (documentation) only.
5. Traffic Collision Report is required when reporting traffic collisions in accordance with existing Collision Investigation Manual (CIM) requirements and department police.
6. Missing Persons/Runaway Report required when reporting missing juveniles or adults where there is no evidence of a criminal offense.
7. Damage to District Property Report is required when district property has been damaged accidentally, maliciously or otherwise. This damage may include, but not be limited to, vehicles, radios, shrubbery, buildings, etc.
8. Courtesy Report is required when a person is a victim of a crime which occurred in another jurisdiction, at the discretion of supervision, and after contacting the involved jurisdiction to advise them of the reported incident.
9. Vehicle Storage Report is required when a vehicle is impounded, stored, or recovered.

10. Juvenile Citation is required when a juvenile is to be charged with a violation of the Vehicle Code that is not a felony, all infractions regardless of which code or statute and all violations of local ordinances such as curfew, loitering, etc. A juvenile citation may also be required when a juvenile is to be charged with certain other criminal violations which are approved by the court.

REPORTING OFFICER'S RESPONSIBILITIES

The reporting officer shall be responsible for:

1. Accuracy of report contents, field notes or notebook.
2. Legibility which includes proper spelling, grammar, and punctuation.
3. Proper format structure.
4. Completeness of report details.
5. Completing and submitting report within the required time period.
6. Completing all reports necessary to the efficient performance of his duties.

SUPERVISING OFFICER'S RESPONSIBILITIES

The supervising officers shall be responsible for:

1. Approving or rejecting all reports turned in by their watch and those turned in by the previous watch after the end of their assigned tour of duty. (Do not leave completed reports which were turned in on your watch for the on-coming supervisor unless previously coordinated.)
2. Checking reports for:
 - A. Legibility
 - B. Content
 - C. Clarity
 - D. Applicability
 - E. Elements of the crime
 - F. Proper form usage and completeness
3. Signing approved reports with complete signatures. DO NOT USE INITIALS.
4. Initialing the report audit sheet when a report has been completed and approved.
5. Insuring that completed reports are properly routed.

COMPLETION OF REPORTS – GENERAL

The reporting officer shall:

1. Complete the applicable report form with all the required information.
2. Write in the first person active voice.
3. Complete all arrest reports and have them approved prior to going off duty.
4. Complete all non-arrest reports prior to going off duty, unless otherwise approved by supervision. (If entire report is not completed, the reporting officer shall complete the face sheet.)

REPORT DISPOSITIONS

The reporting officer shall include the disposition of a reported offense or incident when required. The following are some examples:

1. General Use
 - A. Case to file.

- B. Case to file, forward to [day-shift, swing-shift, or investigations] for further follow up.
 - C. Case to file, pending suspect(s) information or further leads.
2. Adult Arrest
- A. Cleared by arrest, forward case to the Fontana Superior Court District Attorney for review and filing.
3. Juvenile Arrest
- A. Cleared by arrest, forward case to the Rancho Cucamonga Juvenile Traffic Court for review and filing.
 - B. Cleared by arrest, forward case to the Rancho Cucamonga Juvenile District Attorney for review and filing.

CONTENT CHECKLIST

When you file an arrest or crime report, remember that it serves different purposes – for the detectives who will continue the investigation; for the prosecutors (who can't usually call and discuss the case before deciding whether to issue a complaint and who to subpoena); for the defense, who will use it to try to get a charge reduced in negotiations, or to impeach you or other prosecution's witnesses at trial; for the judge or jury when the report is in evidence; for you yourself, when attempting to refresh your recollection for trial; and for the department, when someone complains or files a lawsuit.

As appropriate to the particular kind of case, check your reports for the following:

ELEMENTS OF THE OFFENSE

Obviously, you'll have to be familiar with the elements of each crime. If you're in doubt, read the section and ask your supervisor. If you fail to include the facts which show a necessary element, and if that missing element can't reasonably be inferred, the District Attorney may be unable to issue a complaint.

Example: Although you may state your opinion about drunkenness, you should include your observations to support that opinion : demeanor, speech, gait, etc.

PENALTY-ENHANCING CIRCUMSTANCES

If the particular crime can be punished more severely under specified conditions (e.g. armed with deadly weapon, in the night, against a peace officer, etc.) be sure to include the facts which will support the increased penalty, whenever present. Don't wait to bring them out on trial – they must be alleged at the time complaint is filed!

PROBABLE CAUSE FOR STOP/DETENTION/ARREST

As you know, even an obviously guilty felon can get a free crime if we have serious problems here. GO INTO THE GREATEST POSSIBLE DETAIL ANYTIME YOU REPORT FACTS ABOUT A SEARCH AND SEIZURE ISSUE.

Instead of making a statement that "he understood and waived his rights," write down what he did and said: "When I asked if he understood, he said, "I've heard 'em dozen times... I probably know 'em better than you do... I know all that stuff. Ask me anything you want to... I ain't got nothing to hide, and I don't need no stupid lawyer, neither."

Particularly if you suspect is young, intoxicated, emotionally upset, or interviewed soon after a trauma or serious crime, you must anticipate that even after an admission, he or she may claim there was no intelligent waiver. Be sure you report contains every detail of you advisement and waiver.

STATEMENTS BY SUSPECT

Do not say: “The suspect admitted to the crime.” Use their words: “Larson said, ‘I ran up behind her and grabbed her purse before she knew what happened. Then she started yellin’ and everything, so I jumped on my moped and split.’”

Report everything the suspect says in explanation of their actions; if it is inculpatory, it may be admissible as a spontaneous utterance, an operable fact, etc., even without an advisement and waiver. If it is exculpatory, it is probably hastily fabricated and can be exposed at trial more easily than a story contrived between booking and trial. Don’t make the mistake of including only inculpatory statements – sometimes a blurted out excuse or alibi can do as much to convict a criminal as an admission.

STATEMENTS BY WITNESSES

These fall into two categories and should be viewed somewhat differently. If the witness seems friendly to the suspect, report their exact words, in detail, whenever possible. The witness’s statements may be used to impeach the witness at trial if their testimony is inconsistent with the suspect.

For all other witnesses, including the victim, be cautious about reporting direct quotes and minute details of their statements. At trial, you will not be able to testify as to what a witness told you (hearsay), except for limited purposes, such as impeachment. If your report shows the victim said something that conflicts with their testimony, you may be called as a defense witness to prove that a prosecution witness made a “prior inconsistent statement.” Therefore, you should be very sure you are correctly attributing a precise detail to the right witness – double check it with the witness before leaving the scene, and be sure your notes are clear.

When reporting from memory, don’t guess at which of several witnesses made a particular comment, and don’t put something down just because you think that’s what the witness meant. Your recitation of witnesses’ statements must be accurate.

Instead of simply saying: “I stopped the car for a traffic violation,” say: “I stopped the car because Lucas made a right turn from a lane marked “left turn only,” going from northbound first onto eastbound Cherokee.”

The cases hold that you must be able to state “articulable facts” to show your probable cause each step of the way. Mention every observation, any report you had, any radio dispatch, any bulletin you’d seen, and any prior experience which contributed to your suspicions about the arrestee. And don’t be general and conclusionary. Instead of saying, “It was a high crime area,” say, “The area for a radius of approximately one-half mile from the scene of the arrest had experienced 21 burglaries, 2 armed robberies, and 8 cases of malicious mischief within the past 12 weeks; making it one of the highest crime areas in the city. Most of the crimes had occurred at night.”

When discussing “furtive movements,” “suspicious actions,” and people or cars which “fit the description,” get specific and spare no detail! Who made the furtive movement? How did he fit the description? What was it? Where did you get it? What was similar? How?

I have seen many reports with too little information on probable cause. I have never seen one with too much.

BASIS FOR SEARCH AND SEIZURE OF THE PERSON/VEHICLE
BASIS FOR ENTRY INTO PRIVATE DWELLING

Unless your report shows that you took evidence on authority of a search warrant, include all facts which show you legal basis; consent, incident to a lawful arrest, contraband in plain view, imminent destruction of evidence, crime in progress, exigent circumstances, etc. Again, be as specific and detailed as possible. If two or more bases exist, cover them all completely.

“MIRANDA” ADVISEMENT AND WAIVER

Unbelievable as it may be, police reports occasionally contain details of an interview and full admissions without saying a word about advisement and waiver. Your discussion of these topics should show where and when the advisement occurred, who was present, what representations were made, the absence of threats and promises, your method of explaining suspect’s rights, and his method of acknowledgment and waiver.

SUSPECT Demeanor

In cases of serious crimes where it is reasonable to anticipate that the suspect may advance a defense of “diminished capacity,” you should carefully record your observations of his demeanor. You may note, for example, that he did not show any signs of intoxication, that he gave you a detailed statement of everything that happened, that he knew where he was, what time and day it was, and what he had been doing, or that he made statements or asked questions (specify what they were), which tend to show his awareness of the situation.

CLIFF-HANGERS

Perhaps nothing is more frustrating to those who read your reports that to be given enough facts to show an issue or question, and then be left hanging, wondering about the resolution.

For instance, if your report describes a crime occurring in January, with a known suspect, and an arrest in July, with no mention of the reasons for the six-month delay in making the arrest, readers can only guess and wonder. The defense attorney in such a case would file a motion to dismiss for lack of a speedy trial, and the prosecutor would be on the defensive, without sufficient information to respond. In cases of delayed arrests, you reports should show what efforts you made to effect an early arrest, and why these efforts were unsuccessful.

In cases involving scientific analysis, be sure to include the results in your report, or attach a copy of the criminalist’s report to yours, if available. Before submitting reports to the District Attorney for complaints, check to be sure you are forwarding all the reports needed for a full account of what happened.

1. As you write each report, keep in mind the different purposes it serves for the various people who use it. From their points of view, check it to insure that it will communicate accurately and completely.

REPORT HEADERS

Some officers writing their report will utilize headers to keep the report chronological or sequential order. Others choose not to use headers. In either case, the report must be written to reflect the events as they unfolded.

Example of Report Headers:

Assignment:

On [date], I was assigned to uniform patrol for the Fontana Police Department. I was wearing a distinct Fontana Police uniform and driving a marked black and white police vehicle.

Details/Scene Description:

At [time], I was dispatched to Acne Business located at 1111 First Avenue in reference to a theft investigation.

Upon arrival, I contacted John Doe in front of the business.

Reporting Party Interview:

John Doe

On [date, at time], I spoke with Doe at Acne Business. The following is a summary of his statement.

[Statement]

Witness Interview:

Jane Doe

On [date, at time], I spoke with Jane Doe at Acne Business. The following is a summary of her statement.

[Statement]

Continued Details:

[Information]

Miranda Rights/Suspect Interview:

Ima Bad

On [date, at time], I spoke with Bad at Acne Business. I read Bad had Miranda Rights per my department issued Miranda Rights Card. Bad told me, "I understand my rights" and agreed to talk with me about what happened. The following is a summary of her statement.

[Statement]

Bad had no additional information, at which time I concluded my interview.

Arrest/Transport/Booking:

At [time], I placed Ima Bad under arrest for violation of PC 459 – Burglary and transported her to the West Valley Detention Center in Rancho Cucamonga for booking.

Cite/Release:

I issued citation # XXXXXX to Ima Bad for violation of PC 459 – Burglary and she was released to his parent upon his signed promise to appear.

I issued citation # XXXXXX to John Bad in accordance with WIC 660.5 – Youth Accountability and he was release upon his signed promise to appear.

Charges:

P.C. 459 – Burglary

[Explain charges; include elements, and any additional charges to be filed.]

Evidence:

I conducted an area check of Acne Business and located [evidence items]. I took digital photographs of the items and later booked them into evidence at the Fontana Police Department.

Item	Qty	Description
1	1	CD Disk containing digital photographs

The above listed item was booked into evidence at the Fontana Police Department under Property Control Report # XXXXX.

Property Damaged:

Item	Qty	Description
1		

Stolen/Recovered Property:

Item	Qty	Description	Value
1			
Total value of property stolen:			\$ XX.XX

Attachments:

1. [item 1]
2. [item 2]

Disposition:

(General)

- Case to file.
- Case to file, forward today-shift for further follow-up.
- Case to file, pending suspect(s) information or further leads.

(Adult Arrested)

Cleared by arrest, forward case to the West Valley Superior Court District Attorney for review and filing.

(Juvenile Arrested)

- Cleared by arrest, forward case to the Rancho Cucamonga Juvenile Traffic Court for review and filing.
- Cleared by arrest, forward case to the Rancho Cucamonga Juvenile District Attorney for review and filing.

Common Report Writing Issues:

1. Not listing a detailed reason for contact or detention. What was the reason listed for the service call, traffic stop or pedestrian check in the first place. What is the background information on the people involved? Were there prior incidents involving the same subjects? Were they aggressive, belligerent, under the influence, assaultive, armed, have access to weapons etc.? If you or other officers have had prior contacts that are relevant to your state of mind, then list them. This includes incident #'s, case #'s and so forth.

1. Not listing enough details in use of force reports. Saying the suspect was “uncooperative” or “non-compliant” are code words that may mean very different things to different people. List specific details about the suspects’ appearance, objective symptoms of intoxications or signs of being under the influence of drugs, threatening comments, profanity etc....
2. List case laws that support your actions as well if appropriate, or refer to their principles.
3. Document suspect’s size, number of suspects nearby, access to weapons, unsearched or searched status, ability to see area suspect is reaching toward or trying to retreat into etc. What type of crime is suspect wanted for?
4. Report does not follow in chronological order. Remember, you are telling a story of what happened to the DA, jury, civil attorneys, judge and your supervisors. Read your report aloud and see if it would make sense and paint a clear picture of what happened. If you were not at the scene, would the report give you a good idea of the important facts of the case, or is there something left out that should be included?
5. Spelling, punctuation, too many abbreviations. Abbreviations are necessary, but shouldn’t be excessive. Remember, most of the people reading your report are not in law enforcement. If your report is peppered with law enforcement slang or jargon, they won’t understand it and will be confused by it.

COMMON TYPES OF REPORT TEMPLATES AND NEEDED FORMS:

Passing Domestic Violence: (Felony)

PC273.5: Willfully inflict corporal injury on Spouse/ or co-habitant (different sex) resulting in traumatic condition. *Any visible injury/ cuts/ scrapes/ bruise*****

- ⇒ Green case inspection sheet
- ⇒ Victim confidential form. Victim to be checked as “9” in ARS
- ⇒ PC Declaration/ Booking App (Be sure to complete Meagan's Law info at bottom of Booking app.)
- ⇒ Domestic violence supplemental form
- ⇒ Miranda form
- ⇒ Domestic violence hand out with case number/ officer name/ number for FPD
- ⇒ Photos of victim and suspect (Attach color photos to report) Digital photos to DRI
- ⇒ AFS check. If there are guns take them if they are in possession or accessible.
- ⇒ Digital recorder of victim/ suspect downloads.

Report must include what type of relationship, how long, children in common, witness of incident, statement of witnesses, any prior history of DV, AFS check, and evidence. Record all statements. Photos of victim and suspect with injuries or lack of injuries. Color photo attached to report.

Misdemeanor:

PC 243(e)(1) This section will cover any physical contact where there is no visible injury or traumatic condition.

- ⇒ Green case inspection sheet
- ⇒ PC Declaration/ Booking app
- ⇒ Domestic violence supplemental form
- ⇒ Miranda Form
- ⇒ AFS Check
- ⇒ Domestic Violence handout form for victim
- ⇒ Take photos of suspect/victim to prove no visible injuries. Attach color copies to report.

- ⇒ If Juvenile consider a later interview with the Children's Assessment Center
- ⇒ Miranda Form
- ⇒ Pre-text phone call to suspect and recorded. (Must generally have this for the case to get filed)
If no pre-text, generally 2 victim statements will be needed to get a filing.

PC 242 (Battery Report)

- ⇒ Green inspection sheet
- ⇒ If prosecution desired suspect needs to be cited and booked at FPO jail or WVDC (If present)
Booking application if taken to WVOC
- ⇒ Miranda form
- ⇒ Photos, Digital recorder download

PC 647(F) Public Intoxication/or under influence of drugs

- ⇒ Green inspection sheet
- ⇒ FPO 647(f) check the box form
- ⇒ Citation for PC 647(f) and attach to green inspection sheet. No ARS entry property is booked.

Warrant Arrest

- ⇒ Green inspection
- ⇒ Booking application for WVOC
- ⇒ Officer typed written report attached to Green sheet with booking app.

*If cite released in the field include the citation with case and warrant#, bail amount.

*** Must get supervisor approval to cite release***

Be sure make photo copy of the citation and FAX it immediately to the agency it was issued thru, FPO dispatch will be able to get the phone# for you. If in county warrant the FAX# is on the warrant and also next to fax machine in report writing. Persons must also be cited into the required county court with address included.

Their date to court if in-county warrant will be taken off our court calendar. If out of county warrant their date to court will be 30 days out for 8am Mon-Thur .

MIR Report

- ⇒ Green inspection sheet
- ⇒ MIR report is generally used to document a non-criminal incident; however it can also be used to make a referral to another agency for a major crime that happened in their jurisdiction. An M IR report must also be entered into ARS and the involved party's information.

GTA Arrest

- ⇒ Green inspection form
- ⇒ Booking Application/ PC declaration Miranda form
- ⇒ Pursuit form if needed.
- ⇒ Photos/ Evidence, Digital recorder download.
- ⇒ Pro 115 interview with victim if not sure on questions to ask victim. If victim cannot be reached at time of recovery forward the case to DA or investigations for victim statement.
- ⇒ The 180 form for the recovery will be the "Original" portion of the report and checked off as so on the Green Case Inspection sheet. Attach copy of CHP180 face sheet to report.

Court Order Violation Report (Domestic Violence)

** This is a generally a misdemeanor arrest but is treated like a felony domestic violence arrest due to the suspect violating the terms of the R.O.

- ⇒ Green inspection sheet
- ⇒ Booking application/ PC declaration. PC Deck will describe how the terms were violated.
- ⇒ Attach or book into evidence a copy of RO printout showing the protected persons and the suspect. This form will also show the terms of the order. The suspect will generally say in jail until they see a judge. They may also stay in custody if the violation could continue.

**** (Standard Restraining Order or Stay Away Order) ****

- ⇒ If suspect is present when officers arrive on scene they MUST be arrested. Report will include.
- ⇒ Green Inspection Form
- ⇒ Citation issued to suspect and can be released from FPD jail.
- ⇒ Include a copy of the RO in the report.
- ⇒ Victim/Suspect statement recording, download to evidence.

Identity Theft Reports:

- ⇒ ID theft form can be used only if the case is for documentation and going "Case to file"
- ⇒ If victim wants prosecution, it will require a written narrative along with the form used by detectives for getting onto the victims bank info.

H&S Arrest

- ⇒ Green case inspection sheet
- ⇒ FPO citation
- ⇒ Nik test kit results/Quantity booked
- ⇒ Property/Evidence
- ⇒ SBSO request for analysis (Original green form with property in locker/attach copy to report)
- ⇒ Miranda
- ⇒ If possible take a photo copy of the narcotics and attach to report.

Marijuana Arrest

- ⇒ Green case inspection sheet
- ⇒ FPO citation. The citation is the report.
- ⇒ Property/Evidence
- ⇒ Marijuana "Kit", marijuana to be booked loosely in this package and evidence tag attached.

Residential/Commercial Burglary Report:

- ⇒ Green case inspection sheet Burglary report narrative in ARS
- ⇒ Check for evidence, latent prints, security surveillance cameras and articulate in report. Area canvas, speak with neighbors and ask if anything suspicious was seen/ heard. Get their Name for the report with address and phone numbers.
- ⇒ If there is workable suspect info pass it on to detectives after you cannot work anymore leads.

Vehicle Burglary Reports:

- ⇒ Green case inspection form Burglary report narrative in ARS
- ⇒ Check for any evidence or workable suspect information. Prints/ Video surveillance/ Witnesses Area canvas if possible
- ⇒ Obtain all the victims HP for the report
- ⇒ If the vehicle was broken into by force. Pull a case and write a report.
- ⇒ If the vehicle was left unlocked and there is serialized stolen items. Pull a case and write a report.
- ⇒ If vehicle was left unlocked and no serialized items were taken or can be identified. Incident number.

CHP 180 Forms:

Reports being sent to the traffic unit for review do not include GTA reports. These reports are criminal and go thru patrol Sgt. for approval. As a rule of thumb: 180 reports should include printouts for the vehicle (Registration & SVS entry). SVS entry will also show if a vehicle has been taken by repo or any PD impound.

- ⇒ Vehicle impound:
 - * Vehicle impound s must include the above printouts along with license status of the driver if taken for VC 12500.
- ⇒ GTA Report/ Recovery
- ⇒ License Plate Stolen/Recovery
- ⇒ Evidence Hold

PROP 47 Updates/Changes:

Many of the updates with the implementation of proposition 47 has increased the value of a theft, loss, embezzlement etc. from \$400 to \$950. All in-custody shoplifting arrests must exceed \$950 to make it a felony. If they enter with intent to commit the burglary, the value must still exceed \$950 to make it a felony

**SIGN OFF
REPORT WRITING**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Report Writing							

COMMENTS:



FTP

**Control of Persons/ Prisoners/
Mentally Ill**

CONTROL / SEARCHING OF PERSONS

Several things must be considered when controlling and searching persons. The items below are some of the concerns we have when controlling and searching:

1. Verbal control
2. Physical control
3. Safety tactics for one or more suspects
4. Searching male/female suspects
5. Constant alertness, including keeping hands in view
6. Maintaining control and position of advantage
7. Standing, kneeling, and prone position searches
8. Safeguarding weapons, Officer's, Suspect's
9. Policy concerning searches of the opposite sex.

See patrol procedures and arrest and control sections for specific details.

SEARCHING OF PERSONS

Searching of Prisoners:

All prisoners shall be given a thorough pat down prior to transportation. When at the jail, the following searches will be conducted:

SEARCHING ARRESTEES IN BOOKING AREA

SEARCHING OF ARRESTEES—DEFINITIONS:

1. **“Pat Down Search”**—A thorough search where clothing is not removed. The search is to include wallets, purses, backpacks, etc.
2. **“Strip Search”**—A search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person. Persons arrested for infractions and minor misdemeanor offenses shall not be subjected to strip search, except as authorized by Penal Code Section 4030.
3. **“Skin Search”**—A search where all clothing is removed and a visual body cavity search is conducted. No intrusions or touching arrestee's breasts, buttocks, or genitalia is allowed. Persons arrested for infractions and minor misdemeanor offenses shall not be subjected to skin searches, except as authorized by Penal Code Section 4030.
4. **“Physical Body Cavity Search”**—means physical intrusion into a body cavity. This search shall not be performed except under the authority of a search warrant issued by a magistrate specifically authorizing such a search, and if so authorized, shall accomplished only by a medical doctor in an appropriate location.

(Reference FPD Policy # 902)

Searching Policy:

For the protection of arrestees, officers, and jail personnel, and to prevent the introduction of weapons or contraband into the Jail, the following shall be policy for searches conducted within the Jail area. The policies described herein apply equally to minors as well as adults.

1. After explaining the process, purpose of the search (above), and what is expected of the arrestee, all searches shall be conducted without undue force, in such a manner so as not to unnecessarily cause embarrassment or indignity to the arrestee. Employees shall refrain from making any degrading or humiliating comments to or about the arrestee.
2. All arrestees shall have, at minimum; a thorough “Pat Down Search” (even if previously done in the field) conducted by the arresting/transporting officer.
3. The officer shall also conduct a “Pat Down Search” when the arrestee is brought to the booking area.
4. “Strip Searches” of pre-arraigned infraction and misdemeanor arrestees are authorized only when:
 - A. The charges involved weapons, controlled substances or violence, and prior written authorization of the Watch Commander is obtained; or
 - B. A peace officer has determined there is a reasonable suspicion based on specific and articulate facts to believe such a person is concealing a weapon or contraband and prior written authorization of the Watch Commander is obtain; or
 - C. A determination has been made that the arrestee will be placed in the general jail population and all of the following are true:
 - The person is not cited and released
 - The person is not released O.R.
 - The person is not able to post bail within a reasonable time, or less than three hours; or
 - D. A “documented emergency” exists and there is no reasonable alternative to placing the arrestee in the general jail population, and prior written authorization of the Watch Commander is obtained.
5. Written authorization of the Watch Commander is to be obtained. Upon completion of the authorized search, the following information shall be included in the written authorization:
 - A. Time of the search
 - B. Date of the search
 - C. Place search was conducted
 - D. Name and sex of person searched
 - E. Name and sex of person conducting the search
 - F. A statement of the results of the search including a list of any items removed from the person
 - G. Signature of authorizing Watch Commander
 - H. Signature of searching officer

The written authorization shall be included in the arrestee’s report package and made available upon request to the person or his or her authorized representative.

6. “Strip Searches” of felony arrestee’s are authorized only when:
 - A. The charges involve weapons, controlled substance or violence and prior authorization of the Watch Commander is obtained and documented by notation and initialing on the Booking Data Form; or
 - B. An officer has determined there is reasonable suspicion based on specific and articulate facts to believe such a person is concealing a weapon or contraband and prior authorization of the Watch Commander is obtained and documented by notation and initialing on the Booking Data Form; or

- A. A determination has been made that the arrestee will be placed in the general jail population and/or will not post immediate bail.
7. The Watch Commander may authorize a “Skin Search.” Authorization guidelines shall conform to those for the “Strip Search.” Such authorization shall also consider:
 - A. Offense (vehicle code warrant or misdemeanor arrests require exceptional circumstances).
 - B. Age (juveniles require exceptional circumstances)
 - C. Total circumstances of the arrest
 - D. Background/record of the arrestee

Searching Locations and Responsibilities:

1. All persons conducting or otherwise present during a “Strip Search,” “Skin Search,” or “Physical Body Cavity Search,” shall be of the same sex as the person being searched, except for medical doctors or licensed medical personnel.
2. Responsibility for a search of a female arrestee shall be with a female police officer or female services officer on duty. However, the arresting/transporting officer shall remain in close proximity to the search location.
3. The arresting/transporting officer shall use jail-booking rooms to conduct thorough “Pat-Down Searches,” complete Booking Data Reports and removal/recording of property taken from arrestee.

Prisoners Money:

1. All money must be separated from other property.
2. Searching officer shall count the money in front of the prisoner and affix his/her signature and serial number to the money inventory slip.
3. A witnessing officer shall verify the amount of money and also sign the money inventory slip.
4. The prisoner shall then sign the slip if he/she verifies the amount of money and is capable of signing. If the prisoner refuses to sign, enter “Refused to sign” in the box.
5. Seal the money and slip inside the clear bag provided in the jail and place red evidence tape across the sealed opening. Sign your name and serial on the tape.
6. Place the sealed bag in the prisoner’s property container.
7. If money seized as evidence, indicate on booking form.

The trainee shall be able to safely and effectively control (verbally and physically), one or more suspects, applying all officer safety tactics.

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. Standing, kneeling, and prone position searches
- D. Safeguarding of weapons

The trainee shall review and explain agency policy regarding searching individuals of the opposite sex.

SIGN OFF

CONTROL OF PERSONS / PRISONERS/ MENTALL ILL

Glossary: *FP= Field Performance* *RP= Role Playing* *WT= Written Test* *VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Control/Searching of Persons							

COMMENTS:

HANDCUFFING

Department Handcuffing Policy:

See Arrest and Control Techniques section for specific details and sign off; page 35

HANDCUFFING

The trainee shall identify the purposes for handcuffing. These purposes shall minimally include the temporary of a suspect to prevent:

- A. Attack
- B. Escape
- C. The destruction or concealment of evidence or contraband

The trainee shall discuss various handcuffing principles which should be met in order 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

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.

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/REQUIREMENTS WITH PRISONERS -DETAINEES

A prisoner is anyone who is deprived of personal liberty against his or her will following conviction of a crime. Although not afforded all the privileges of a free citizen, a prisoner is assured certain minimal rights by the U.S. Constitution and the moral standards of the community.

Detainees are individuals who are kept in jail even though they have not yet been convicted of a crime. A majority of detainees are individuals who are unable to obtain sufficient funds to post bail and therefore cannot be released from jail pending a trial on the criminal charges.

Prisoners are entitled to minimum rights, federal courts have deemed free from Cruel and Unusual Punishment and the right to Due Process of the Law.

Title 15 – CDCR Administers all

The Fontana City Jail is equipped with a current Operations Manual for the proper handling, booking, retention and release of prisoners. All prisoners in the City Jail are considered Detainees under the aforementioned definition and are to be afforded all rights as such.

REDACTED

The trainee shall review and explain the legal responsibilities for protecting prisoners.

The trainee shall discuss the legal responsibilities for providing prisoners with shelter, food, and medical care.

The trainee shall review and explain prisoner's rights to telephone calls.

The trainee shall explain the requirements for issuing property receipts.

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.

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.

The trainee shall identify the provisions of Penal Code Section 149 pertaining to assaulting a prisoner "under color of authority."

SIGN OFF

LEGAL RESONSIBILITIES / REQUIREMENTS WITH PRISONERS – DETAINEES

Glossary: FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Legal Responsibilities/ Requirements with Prisoners-Detainees							

COMMENTS:

TRANSPORTATION OF PRISONERS

The Department policy regarding transportation of prisoners relates to transporting prisoners of the opposite sex, the following are additional concerns when transporting prisoner(s):

- A. Prisoner(s) restrained with special devices (i.e. hobble, expectorant shields, etc.).
- B. Sick, injured, mentally ill, physically challenged, or pregnant prisoners.
- C. Juveniles with/without adults.
- D. Females
- E. Use of seatbelts.
- F. Searching the area prisoner will occupy during transportation.
- G. Searching the same area after transporting.
- H. Proper position of officer(s) and prisoner(s) in vehicle while transporting.
- I. Close and constant observation of the prisoner(s).
- J. Safe placement and transport of prisoner(s) in vehicle.
- K. Medical clearance requirements, legal, Policy, facility requirements.

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.)
- B. Sick, injured, mentally ill, physically challenged, or pregnant prisoners
- C. Juveniles with/without adults
- D. Females
- E. Use of seat belts
- 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. The proper positioning the officer(s) and the prisoner(s) within the vehicle
- H. Close and constant observation of the prisoner(s)

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.

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.

Hospitalized or Injured Suspects

During the course of making arrests, you will occasionally en-counter a suspect who is injured or who became injured during the arrest. You are required to see that the suspect receives medical treatment.

Minor Injuries:

1. If suspect sustained a minor injury, he/she must be transported to Arrowhead Regional Medical Center, for treatment prior to booking.
2. Obtain a medical release, with the name of the doctor who treated the suspect and then book the suspect like any other suspect, except that this booking form should indicate the suspect's injury, treatment, and release for booking.

3. While at Arrowhead Regional Medical Center, the officer should stay with suspect at all times and monitor his/her movements even during treatment. Take care that the suspect does not:
 - A. Escape, or
 - B. Assault officers or medical staff, or
 - C. Secrete evidence or narcotics
4. It is possible to cite release a suspect at the hospital and in many misdemeanors this procedure should be followed.

Serious Injuries:

If the suspect is more seriously injured and the hospital orders the suspect to be hospitalized, the procedure is somewhat different. However, your concern for officer safety and the safety of others should not be lessened. If it is at all possible, the suspect should be searched and you should maintain as close an observation as possible while the suspect is still in your custody.

If the suspect is going to be held, he/she will be transported to Arrowhead Regional Medical Center Jail Ward. The Sheriff's Office guards hospitalized prisoners. However, prior to accepting custody of the suspect, the suspect must have been formerly admitted to the hospital and absentee booked at County Jail.

When making out your report, you should be sure to obtain information needed by Jailer plus:

1. The injuries sustained by the suspect.
2. The doctor treating the suspect.
3. The treatment given.
4. The location of the suspect (what hospital, room number, etc.).

**SIGN OFF
TRANSPORTATION OF PRISONERS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Transportation of Prisoners							

COMMENTS:

BOOKING PRISONERS:

The following are some of the procedures that should be considered along with the department policies when booking prisoner(s).

A. Juveniles

1. Miranda
2. Phone calls
3. Notifications
4. Secure/Non-secure detention
5. Strip search
6. Requirements pertaining to the confinement of a child under 16 confined with an adult accused or convicted of crime.
7. Custody alternatives

B. Booking general information

1. Jail facility tour.
2. Jail facility function.
3. Jail facility layout.
4. Jail facility staffing.
5. Securing Officer's weapons prior to entering jail.

C. Booking procedure

1. Booking sheet.
2. Probable cause statement.
3. Confirm arrestee is adult.
4. Valid court and/or warrant paperwork.
5. Inmate is medically screened or cleared for booking.
6. Injuries or medical problems of prisoner documented.
7. Release of prisoner(s).

D. Notification and procedure for:

1. Alcoholics
2. Narcotics/Drug users
3. Mentally ill
4. Sex offenders
5. Escape risks
6. Non-conformists
7. Civil bookings

E. Special Consideration Prisoners:

1. Injured or sick
2. Females (including pregnant females)
3. Elderly
4. Gang Members or police officers, judges, etc.

5. High-profile prisoners
6. Any other prisoner(s) who may need special housing.

F. Classification of inmates:

1. Sex
2. Age
3. Criminal sophistication.
4. Seriousness of offense.
5. Assaultive behavior.
6. Medical disabilities.
7. Gang affiliation.
8. Overt sexual behavior.

G. Searching prisoner(s)

1. Search by same sex.
2. Clothed search.
3. Strip or skin search, including documentation.

H. Custody emergency response for:

1. Fire
2. Earthquake
3. Civil disorder
4. Escape

CITE RELEASES (Refer to Policy #420)

What is a Cite Release?

1. An alternative method to physical arrest of adults in misdemeanor cases.
2. Defined as the release after arrest of a defendant by obtaining his written promise to appear.

Why Cite Release?

1. Serves to save police officer's and jailer's time.
2. Releases minor violators without confining them.

When Should a Suspect be Cite Released?

It is mandatory that all adults arrested for any non-traffic misdemeanors be cited for the crime with the following exceptions:

1. If the offense is punishable as a felony.
2. The person arrested demands immediate appearance before a court.
3. The person refuses to sign a cite and is arrested. (A supervisor must first be called to the scene before the person is taken into custody.)
4. There exists a reasonable cause to believe the person will fail to appear (no local address, prior record for failure to appear on a promise to).
5. The identity of the suspect cannot be properly verified.

6. There is reasonable cause to believe that the violation will continue. (Subjective decision on the part of the ar-resting officer.) Would include nearly ALL domestic violence cases, with very few exceptions.
7. There is a resistance to law enforcement person-nel or a threat of danger to any person or property.
8. When prosecution of the offense, or another offense, would be jeopardized (such as the individual being questioned regarding crime or the suspect destroying evidence of this or another crime).

How to Cite the Suspect:

1. After verifying the identity of the suspect, check the background through all available sources. Question the suspect to help decide whether he/she is reliable enough to be considered for a cite release.
2. Utilize the Identix system to fingerprint and photograph suspect.
3. Fill out the form entirely.
4. Inform the suspect of what you are doing. Suspect must realize that even though he/she is not being incarcerated, he/she is still liable for prosecution and is obligated, by the signature, to appear in court.
5. Obtain Watch Commander's approval for booking of misdemeanor rather than cite release if necessary.

Effectiveness

The cite release is a useful tool in doing your job. It permits the officer to avoid transporting and booking a suspect if circumstances warrant such a handling of a case.

The trainee shall explain how to properly book a juvenile prisoner in conformance with agency policy, legal codes, and minimum jail standards, including:

- A. Miranda advisement
- B. Right to phone calls
- C. What notifications are required
- D. Secure/Non-secure detention of juveniles
- E. Strip search of juveniles
- F. Requirements pertaining to the confinement of a child under 16 years of age with an adult accused or convicted of a crime.
- G. Custody alternatives

Reference: 625 W&I; 206 W&I; 207.1-2 W&I; 4030 PC; 273b PC; 626 W&I; 626.5 W&I

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.

The trainee shall review and explain reason and procedures for securing his/her weapon prior to enter any custody facility.

The trainee shall explain his/her responsibilities to provide proper documentation to book an inmate into a facility, including:

- A. Complete and accurate Pre-booking form, Receiving Sheet, and/or Probable Cause Statement to include charges and sub-sections
- B. Confirm arrestee is adult versus juvenile
- C. Valid court and/or warrant paperwork
- D. Inmate is medically screened and has medical clearance/approval form
- E. Physical condition as to injuries and/or current medical problems (DT's heart problems, etc.)

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. 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

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

The trainee shall review and explain the legalities of prisoner/inmate searches, including:

- A. Search by sex
- B. Clothed search
- C. Strip or skin search, including documentation

The trainee shall review and explain methods and procedures for releasing a prisoner per 849(b) P.C.

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

**SIGN OFF
BOOKING PRISONERS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Booking Prisoners							
B. Cite/ Release							
C. Cite Release (out of county and in-county warrants)							

COMMENTS:

PERSONS WITH DISABILITIES

American's With Disabilities Act (A.D.A.):

The A.D.A. relates to people with developmental and mental impairments as follows:

- A. Requires reasonable adjustments and modifications in policies, practices, and procedures on a case-by-case basis.
- B. Prohibits arresting individuals for behavioral manifestations of a disability that is not criminal in nature.
- C. Requires the safety and civil rights of those with disabilities be protected during transport and while detained.
- D. Requires Officer's make accommodations for persons with disabilities, except where safety is compromised.

(NOTE: SOME DISABILITIES INCLUDING MENTAL RETARDATION, CEREBAL PALSY, EPILEPSY, AUTISM, AND OTHER NEUROLOGICAL CONDITIONS THAT ARE NOT READILY APPARENT. SOMETIMES PEOPLE WITH DEVELOPMENTAL OR COGNITIVE DISABILITIES MAY HAVE LITTLE OR NO CONSCIOUS ABILITY TO CONTROL THEIR BEHAVIOR.)

- 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 sec. repeat).
- c. Avoid questions that tell the person the answer you expect (yes/no questions).
- 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.
- g. Consider the possibility that non-compliance indicates the person needs time to mentally grasp and respond to what is being said or asked of them. It may be due to fear, confusion, auditory hallucinations, etc., and possibly not defiance.
- h. Suicidal or a morbid interest in tools of destruction like guns or knives.

Safety concerns:

It is imperative that proper safety concerns are addressed for the officer, public, and the subject in crisis. This is the top priority when dealing with impaired individuals and standard tactical assessments as well as safeguards should be considered including:

- A. His/hers own abilities to physically control the person.
- B. Escape routes.
- C. Use of cover.
- D. Call for assistance.
- E. The T.A.C.T. model appears below:
 - ◆ Tone (present a calm and firm demeanor with respect and dignity)
 - ◆ Atmosphere (reduce distractions/Respect personal space)
 - ◆ Communication (establish contact/Develop rapport)
 - ◆ Time (Slow down/Reassess)
- F. Get information (changes in medication, recent release from hospital, treatment)

- G. Use as little force as possible, restrain and calm person.
- H. Disperse crowds.

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.

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.

The trainee shall recognize and demonstrate effective communications for person 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 question with yes/no answers).
- D. Repeat questions from a slightly different perspective, if necessary.
- E. Avoid question about time, complex sequences, or reasons for behavior.
- F. Use concrete terms and ideas. Avoid jargon or figures of speech.

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.

ALSO SEE MENTAL ILLNESS

**SIGN OFF
PERSONS WITH DISABILITIES**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Persons with Disabilities							

COMMENTS:

MENTAL ILLNESS

As a police officer you must be able to recognize the danger signals of the mentally ill person so you can provide medical attention, which may be required. Severe mental illness is defined as psychosis, which usually can be detected by a sudden behavioral change or gradual deterioration of the personality and an alteration in the behavioral pattern of a person.

Mentally ill cases:

It is vital that we understand department policy and state law when dealing with these cases. At least the following considerations should be made when involved with mentally ill or emotionally disturbed person.

- A. Ignoring verbal abuse
- B. Avoiding excitement
- C. Avoiding unnecessary deception
- D. Requesting assistance to minimize resistance
- E. Requesting ambulance prior to confronting subject
- F. Keeping the disturbed person in sight constantly
- G. Continual alertness
- H. Seizing firearms for safekeeping/other deadly weapons (W.I.C. 8102)
- I. Where is subject going to be evaluated or sent for counseling
- J. The W.I.C. regarding 72-hour holds
- K. Danger to self, others, gravely disabled

The rights of a subject detained for W.I.C. 5150 must be safeguarded by the officer, this includes:

- A. Must record what the person did and observations giving probable cause for detention on 72-hour evaluation application.
- B. Advise of Miranda rights when appropriate (criminal action involved).
- C. Reasonable caution to protect property in person's possession or on premises occupied by person.
- D. Inform person of officer's name and agency along with reason for detention.
- E. If taken from residence advise person of items that can be taken with them upon approval. Right to phone call, right to leave note for friends or family.

Other alternatives should be considered if detention for evaluation or 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.

Understanding the warrant process for mentally ill persons should include:

- A. Affidavit (who makes it, where, to whom).
- B. Notice to appear papers.
- C. Commitment papers (warrant).
- D. Reports involved with and without a warrant when arresting mentally ill persons.
- E. The Department of Mental Health Application for 72-Hour Detention for Evaluation and Treatment form.
- F. Name and position of person who subject is left with for evaluation.

Stigma:

1. **Defined**-Stigma is defined as a mark of disgrace associated with a particular circumstance, quality or person. Our understanding of mental illness, intellectual disabilities and substance use disorder can be based on:
 - a. First-hand knowledge
 - b. The media
 - i. The media, through movies, news and other sources, depicts persons suffering from mental illness, intellectual disabilities and substance use disorder as evil, uncontrollable, unpredictable, weak unintelligent and/or helpless.
 - c. Hearsay and/or rumor.
2. **Reactions - Due to the stigmas, the public:**
 - a. Tends to be in fear,
 - b. Mistrusts,
 - c. Isolates,
 - d. Discriminates,
 - e. Becomes violent toward,
 - f. Shows prejudice toward those suffering from mental illness, intellectual disabilities and substance use disorders.
3. **Historically - people with mental illness, intellectual disabilities and substance use disorder were:**
 - a. Locked away,
 - b. Became outcasts,
 - c. Were treated like animals
 - d. Were killed.
4. **Changed Views** - Society's views have changed towards persons suffering from mental illness, intellectual disabilities and substance use disorders. There is a general sense that someone should help them, but few want to take on the responsibility or even admit if it has affected members of the family or friends.
5. **Advancements** - Understanding and treatment for persons suffering from mental illness, intellectual disabilities and substance use disorder have advanced. Historically, people with mental illness, intellectual disabilities and substance use disorder were a mystery. Doctors would conduct experiments on how to cure these illnesses but did not understand that some illnesses could not be cured, only managed. Lobotomies, electric shock, leeches, strange concoctions and even religious ceremonies were performed to cure their patients. Now doctors understand that through a series of medications, treatments and support people with mental illness, intellectual disabilities and substance use disorder can be understood and managed.
6. **Media influence** - Dramatizations by the news and entertainment industries influence our opinions about people with mental illness, intellectual disabilities and substance use disorder and cause society to act accordingly. Very little effort is made to change the stigmas society has held for eons.
7. **Cultural differences** – Stigma varies among cultures. It seems to be less evident among Asian and African cultures and almost non-existent in Islamic societies, especially when compared to Western cultures. A possible lack of differentiation between psychiatric and non-psychiatric illnesses in non-Western cultures adds to a lesser stigmatization but also hinders treatments for persons suffering from mental illness, intellectual disabilities and substance use disorder. Because of stigmas families can also be burdened with having to support family members suffering from mental illness, intellectual disabilities and substance use disorder since they are less likely to obtain or hold down jobs.

Stigma Reduction:

1. **Education**-Personal bias against persons suffering from mental illness, intellectual disabilities and substance use disorder can be reduced through education. There are resources and assistance available through social service organizations and medical facilities. Another great resource is working with those who have personal experience dealing with persons suffering from mental illness, intellectual disabilities and substance use disorder.
2. **Mechanisms**– There are mechanisms to reduce stigmatism against persons suffering from mental illness intellectual disabilities and substance use disorder.
 - a. Everyone can speak out against stereotypes and false beliefs, and when we do, the cycles and stigmas and biases fade.
 - b. Do not use stereotypes and false beliefs in your speech and be aware when others do it.
 - c. Do not condone or perpetuate conversations regarding stereotypes or false beliefs.
 - d. When people speak about their own personal experiences stigmas are reduced.
 - e. Clarify with others the differences between your own experiences and rumors and what types of humor are inappropriate.
 - f. Discuss family, friends, co-workers or anyone else you know who is or has been affected.
 - g. The goal is to get others to stop discriminating judging or stereotyping.
 - h. Understand and control your own person biases, discriminating beliefs or stereotypes.
 - i. Treat others with respect and dignity, regardless of who they are and what they are dealing with.

Mental Illness

1. **Cause and Nature** - Mental illness can develop from:
 - a. a traumatic experience,
 - b. a severe head trauma,
 - c. medical condition,
 - d. drug use,
 - e. or it can be passed on from family members if there is a mental health history of depression, schizophrenia, bi-polar disorder, etc.
2. **Indicators:**
 - a. Relational problems due to behavior. Change of attitude towards friends and relatives.
 - b. Social problems. Unusual or bizarre mannerisms. Argumentative or uncooperative.
 - c. Educational problems. Disorganized thinking.
 - d. Housing problems
 - e. Problems related to access to health care.
 - f. Frequent encounters with law enforcement.
 - g. Development of hostility to suggestions and growing hostility and distrust.
 - h. Other psychosocial and environmental problems. An increase or decrease in efficiency.
 - i. Disorganized thinking and morbid interest in such potential tools of destruction as guns and knives.
 - j. Subject to hallucinations and delusions.
 - k. Suicidal
3. **Appropriate language and rapport building strategies:**
 - a. Be empathetic
 - b. Show patience

- c. Be careful to not discredit a person's delusions, false beliefs or hallucinations.
 - ⇒ Show the person you understand what they might be going through, even if you don't believe it.
 - ⇒ Be aware of non-verbal cues.

Intellectual Disabilities

1. Cause and Nature:

- a. Genetic
 - ⇒ Down Syndrome, Rhetts Syndrome
- b. Brain Malformations during pregnancy
- c. Maternal diseases during pregnancy
- d. Environmental influences
 - ⇒ Alcohol
 - ⇒ Drugs
 - ⇒ Toxins
 - ⇒ Teratogens (an agent or factor that cause malformation of an embryo)
- e. Onset of developmental disabilities is normally seen during the developmental period (infancy, early childhood, elementary aged.)

2. Indicators:

- a. Intellectual developmental disorders are characterized by deficits in general mental abilities such as reasoning, problem solving, planning, judgment, academic learning, etc.
- b. Sometimes this is shown by deficits in the person's ability to perform tasks independently, (preparing Meals or showering) in one or more aspects of daily life such as communication, social participation, academic or occupational functioning and personal independence at home or in the community.

3. Appropriate language and rapport building strategies:

- a. Use simple language. Speak in black and white.
- b. Repeat messages
- c. Progress slowly
- d. Check for comprehension often
- e. Give choices but avoid yes/no whenever possible.
- f. Build rapport.
- g. Try different approaches and settings.

Substance Use Disorders

1. Indicators:

- a. The need for increased amounts of the substance to achieve intoxication, or significant diminished effect with continued use of the same amount of the substance.
- b. The individual suffers withdrawal symptoms within several hours to a few days after a reduction in the amount of the substance taken over a prolonged period of time. Symptoms include:
 - ⇒ Sweating
 - ⇒ Hand/body tremors
 - ⇒ Nausea or vomiting

- ⇒ Agitation
- ⇒ Insomnia
- ⇒ Anxiety
- ⇒ Hallucinations or illusions
- ⇒ Seizures

2. Appropriate language and rapport building strategies:

- a. Use simple language. Speak in black and white.
- b. Repeat messages
- c. Progress slowly
- d. Check for comprehension often
- e. Build rapport.

Severe Mental Illness Symptoms:

- 1. Change of attitude towards friends and relatives.
- 2. Unusual or bizarre mannerisms.
- 3. An increase or decrease in efficiency.
- 4. Argumentative or uncooperative.
- 5. Development of hostility to suggestions and growing hostility and distrust.
- 6. Disorganized thinking and morbid interest in such potential tools of destruction as guns and knives.
- 7. Subjected to hallucinations and delusions.
- 8. Suicidal.

Identifying and Utilizing Resources: Details available in CAD or through Dispatch

1. Community

- a. CAP-Community Assistance Program
- b. Cedar House
- c. Local churches
- d. Low income housing (HUD)

2. County Services and Resources

- a. Department of Behavioral Health
 - ⇒ Arrowhead Regional Medical Center
 - ⇒ Canyon Ridge
 - ⇒ Clubhouse
 - ⇒ Drop-Off Program
 - ⇒ Loma Linda University Medical Center
 - ⇒ CCRT-Community Crisis Response Team
 - 1. Triage Engagement & Support Team-Representatives at Fontana PD
 - 2. Rialto Behavioral Health, East and West End Units
 - 3. Children's Crisis Response Team
- b. 211

3. Non-Profit Organizations
 - a. Pacific Clinic
 - b. South Coast Community Counseling
 - c. Salvation Army
 - d. Habitat for Humanity
 - e. Meals on Wheels
4. Local Government Resources
 - a. Inland Regional Center (IRC)
5. State
 - a. SAMHSA (substance abuse and mental health services administration)
 - b. CDC (Centers for Disease Control and Prevention)
 - c. National Institute of Mental Health (NIMH)
 - d. Department of Health Care Services (DHCS)
 - e. Veterans Administration
 - f. National Alliance on Mental Illness (NAMI)

Handling the Disturbed Person/De-Escalation:

1. Find out what you can about the person:
 - A. Recent change in medication.
 - B. Recent release from hospital.
 - C. Undergoing treatment.
2. Call for assistance.
3. Delay of time will serve a double purpose:
 - A. Passage of time may calm them down.
 - B. Allows time to formulate a plan of action.
 - C. How will person be removed?
 - D. Who will enter?
 - E. All escape routes covered
4. Force
 - A. Use as little as possible
 - B. Force or harsh words may only make matters worse.
 - C. Attempt to assure person you will not harm them.
5. Ignore verbal abuses; remember this person is sick, confused, and frightened
6. Avoid excitement.
7. Disperse large crowds
8. Do not deceive.
9. Restrain and calm the person down.
10. While the form of assistance may differ, always bear in mind that the help you give to a mentally ill person is just as vital as administering first aid to an injured person.
11. Assess individual's mental, physical and emotional state.
12. Build rapport and encourage to cooperate.

5150 W.I.C.:

Reasonable Cause

1. Danger to himself/herself or others.
2. Or is gravely disabled as a result of a mental disorder.
 - a. They are gravely disabled when, as a result of a mental disorder, they are unable to provide for their basic personal needs of food, clothing and shelter.
3. Take to Arrowhead Regional Medical Center - Ward B for 72-hour hold or evaluation. They will not accept someone who has been drinking.
 - a. Officer will assist designated professional persons with transportation of subject if that person is un-ruly or violent.
 - b. If need arises, subject will be transported in police unit or in ambulance with restraints.
 - c. Officer shall accompany subject in ambulance if needed.

Reports:

Hospital Forms

1. State circumstances of incident.
2. Name and position of person who subject is left with for evaluation.
3. No arrest is necessary.
4. Retain and attach all hospital forms.
5. Complete Department of Mental Health Application for 72-Hour Detention for Evaluation and Treatment form.

Police Holds:

1. Minor Crimes.
 - A. Issue citation and leave at hospital.
2. Felonies
 - A. Subject evaluated and requires psychiatric care.
 - B. Transport to San Bernardino County Hospital.
 - C. Place police hold on subject.
 - D. Complete booking application and place in briefing so subject can be picked up and booked when released from hospital.

Non-emergency Situations:

1. If there is no immediate need for police action under W.I.C. 5150.
 - A. Advise to contact mental health clinic for assistance.
 - B. Firearm confiscation and required forms.
 - C. Receipt left with subject or at scene.
 - D. Notify appropriate staff.

Firearm Confiscation:

1. W.I.C. 8102.

- A. Firearms, other deadly weapons.
- B. Confiscate when subject taken 5150.
- C. Receipt left with subject or at scene.
- D. Notification made to appropriate staff.

Other Laws to consider:

- 1. Lanterman-Petris-Short (LPS) Act Welfare and Institutions Code 5000 et seq. involuntary commitments.
- 2. Case law – The Tarasoff decision 17 Cal. 3d 425, 551 P.2d 334, 131 Cal Rptr. 14 (Cal. 1976 Notifications)
- 3. California Penal Code 5150, 5150(e), 5150(f)(1), and 5150.2 involuntary psychiatric hold.
- 4. California Welfare and Institutions Code 5585 – Children’s Civil Commitment and Mental Health Act of 1988
- 5. Health Insurance Portability and Accountability Act (HIPPA)
- 6. California Welfare and Institutions Code Section 8102 Confiscation of deadly weapons.

The trainee shall review and explain state law and agency policy regarding mental illness cases.

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

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.

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

The trainee shall explain in 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 person property in the possession of or on the premises occupied by the person.

- A. The person must be informed of the officer's name and agency and the reason the person is being detained.
- B. 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.

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

The trainee shall explain in the warrant process for mentally ill persons. This discussion shall minimally include:

- A. Affidavit (who makes it. Where, and to whom)
- B. Notice to Appear papers
- C. Commitment papers (warrant)

The trainee shall identify the agency and mental health (if required) reports involved in a manual illness arrest both with and without a warrant.

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.

ALSO SEE PERSONS WITH DISABILITIES

**SIGN OFF
MENTAL ILLNESS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. W&I 5150/ Mental Illness							
B. W&I 8102							
C. Stigma							
D. De-escalation							
E. Resources							

COMMENTS:



FTP

Patrol Procedures

POLICE PATROL TECHNIQUES

Patrol is defined by police authorities as the, "eyes and ears of the Police Department." It is generally the initial contact between the police and the public, affording an excellent opportunity for good public relations.

Self-initiated activity is pro-active based and not re-active based. Most of an officer's pro-active patrolling occurs when not responding to calls for service. The need to ensure a crime-free community and a safer environment is accomplished not only by responding to the communities calls for assistance, but also by an officer's ability to enforce and investigate statutes, ordinances, and suspicious activity that might otherwise not be called in by the community. This is accomplished through:

- ⇒ Traffic stops
- ⇒ Pedestrian stops
- ⇒ Directed patrol
- ⇒ Arrests
- ⇒ Other suspicious activity

Officers need to manage their free time effectively and appropriately, using all of the above forms of self-initiated activity.

The types of patrol are defined as:

- A. Foot & bicycle/discuss advantages including increased contact between police and citizens, increased observation, and increased ability to gather information.
- B. Auto
- C. Fixed or stationary
- D. Stakeouts
- E. Special (motorcycle, bicycle, air, mounted, etc.)

The trainee shall explain the principal types of police patrol (preventive, directed enforcement, etc.) and their impacts on community relations.

Direct Patrol

Direct patrol is patrolling based on a continual problem that could be occurring in the city. This could include patrolling high gang areas or areas of increased gang activity, or areas high in narcotics activity. It would also include DUI enforcement, illegal vendors, and high crime areas. Other specific areas could include COPS projects and school programs.

Other self-initiated activity should include bar checks and curfew violations. Field Interview (FI) cards should be completed for any suspicious activity or persons that may not warrant an arrest or may not be a crime at the time. This information should be maintained and catalogued by the department for future reference.

The purpose of police patrol is as follows:

- A. Prevention of crime.
- B. Enforcement of laws and ordinances.
- C. Preservation of the peace.
- D. Apprehension of offenders
- E. Miscellaneous services-provide information, etc.

Preparation for patrol begins at briefing. In briefings, wanted bulletins, teletypes, departmental orders, special instructions, and some in-service training, are covered.

The appearance and demeanor of a police officer is all important. If he/she looks and acts like he/she knows what he/she is doing, he/she will be generally accepted at face value by the public.

Before going on patrol, the interior and exterior of the police vehicle shall be thoroughly inspected. The mechanical condition of lights, brakes, tires and signaling devices should be tested, along with a check of red lights. The trunk compartment should be checked for flares, blanket, first-aid kit, etc. Any vehicle defects, shall be reported, and the unit taken out of service if the condition is serious. If contraband is located, it shall be handled in accordance with department policy.

Immediately after going in service, the officer should first check out his entire beat. Attention should be directed toward special problems and hazards such as new road construction and potential trouble spots.

Officers shall be available for radio calls at all times when in service. When out of the unit on normal patrol duties, the portable radio should be on and monitored for emergency calls.

The trainee shall review and explain basic preventive patrol methods utilized by an officer.

- A. Frequent checks and contacts with school 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.

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.

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. hospitals, high crime areas etc.).
- E. "Hot Spots", locations on campus where gangs claim territory.

The trainee shall explain and demonstrate what an officer on night patrol should be looking for:

- A. Broken glass
- B. Open doors/windows
- C. Pry marks
- D. Suspicious vehicles/persons

- A. Unusual sounds
- B. Access to roof tops
- C. Set alarms, secure open gates etc.

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.

The trainee shall explain and or demonstrate how to react to uniformed officers if the trainee makes a plain-clothes or off-duty arrest.

The trainee shall explain and /or demonstrate ways to avoid the hazards of “silhouetting” themselves.

The trainee shall explain and/or demonstrate how to avoid making telltale “police noises” as:

- A. Vehicle(s)
- B. Radio noises
- C. Keys/whistle noises.

The trainee shall explain the importance of keeping a subject’s hands in view; additionally, explain the tactics for initiating a foot pursuit of a fleeing suspect.

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.

Beat Knowledge/Map Orientation

The trainee is expected to utilize the map book properly, understand the numbering system for the city, as well as respond to calls for service in a timely manner by using the shortest possible route.

1. **Map Book**-A city map book is provided for each officer. The map book is similar to a Thomas Guide. The first page of the book is an overview of the city. It is broken down into grids that provide page numbers where that portion of the city can be located. The following pages in the map book contain street names listed in alphabetical order, including the hundred blocks. Next to each street there is a page number and grid coordinate which indicates where each street is located by page, and where on the page it can be found.
2. **Direction of Travel and Landmarks**-It is very important for the officer to be familiar with his or her direction of travel at all times. The use of landmarks, roadways and neighborhoods can assist in determining direction of travel.
3. **Numbering System**-Each officer must be familiar with the city street numbering system. All even numbered addresses are located on the north or west of the street. All odd numbered addresses are located on the south or east side of the street. The officer must know the location of all major streets, and cross streets, and must be able to determine the hundred block of the major streets.

The trainee shall know the jurisdictional boundaries and beats utilized by the Fontana Police Department. The trainee shall know the following street names and block numbers.

BEAT ONE–North of IS 210 freeway and to the east and west city limits.

BEAT TWO–North of Foothill Blvd (SR66) to the city limits and to the east and west city limits.

BEAT THREE –South of Foothill Blvd (SR66)/ north of IS 10 freeway and to the east and west city limits.

BEAT FOUR– South of IS 10 freeway to the city limits and to the east and west city limits.

Hospital and Medical Centers

- Kaiser Hospital 9961 Sierra Ave., Fontana
- Arrowhead Regional Medical Center 400 N. Pepper Ave., Colton
- Loma Linda Behavioral Medicine 1710 Barton Rd, Redlands

Firehouses

- Central Valley Fire (county area) 15380 San Bernardino Ave.
- Station 74 11500 Live Oak
- Station 71 17400 Arrow Blvd.
- Station 78 7110 Citrus Ave.
- Station 73 14360 Arrow Blvd.
- Station 77 17459 Slover Ave.

Schools

- AB Miller High School 6821 Oleander Ave.
- Alder Middle School 7555 Alder Ave.
- Almeria Middle School 7723 Almeria Ave.
- Almond Elementary 8172 Almond Ave.
- Beech Elementary 9206 Beech Ave.
- (Kathy) Binks Elementary 7358 Cypress Ave.
- (Eric) Birch High School 7930 Locust Ave.
- Canyon Crest Elementary 11851 Cherry Ave.
- Chaparral Elementary 14000 Shadow Drive
- Citrus Elementary 16041 Randall Ave.
- Citrus High School 9820 Citrus Ave.
- Cypress Elementary 9751 Cypress Ave.
- Date Elementary 9011 Oleander Ave.
- Dolores Huerta International Academy 17777 Merrill Ave.
- Fontana High School 9453 Citrus Ave.
- Fontana Middle School 8425 Mango Ave.
- (Dorothy) Grant Elementary 7069 Isabel Lane
- Hemlock Elementary 15080 Miller Ave.
- Juniper Elementary 7655 Juniper Ave.
- Jurupa Hills High School 10700 Oleander Ave.
- (Henry J) Kaiser High School 11155 Almond Ave.
- Live Oak Elementary 9522 Live Oak Ave.
- Locust Elementary 7420 Locust Ave.
- Mango Elementary 7450 Mango Ave.

- Maple Elementary 751 S. Maple Ave.
- North Tamarind Elementary 7961 Tamarind Ave.
- Oak Park Elementary 14200 Live Oak Ave.
- Oleander Elementary 8560 Oleander Ave.
- Palmetto Elementary 9325 Palmetto Ave.
- Poplar Elementary 9937 Poplar Ave.
- (Ted J.) Porter Elementary 8330 Locust Ave.
- (Virginia) Primrose Elementary 751 N. Maple Ave.
- Randall-Pepper Elementary 16613 Randall Ave.
- Redwood Elementary 8570 Redwood Ave.
- (Wayne) Ruble Middle School 6762 Juniper Ave.
- Sequoia Middle School 9452 Hemlock Ave.
- Shadow Hills Elementary 14300 Shadow Drive
- Sierra Lakes Elementary 5740 Avenal Place
- South Tamarind Elementary 8561 Tamarind Ave.
- Southridge Middle School 14500 Live Oak Ave.
- Summit High School 15551 Summit Ave.
- Tokay Elementary 7846 Tokay Ave.
- (Harry S) Truman Middle School 16224 Mallory Drive
- Wayne Ruble Middle School 6762 Juniper Ave.
- West Randall Elementary 15620 Randall Ave.

Community service organizations

- Cultural Arts Center 9420 Sierra Ave.
- Cypress Community Center 8380 Cypress Ave.
- Don Day Community Center 14501 Live Oak
- Fontana Community Services 9460 Sierra Ave.
- Fontana Performing Arts Center 9460 Sierra Ave.
- Head Start 6361 Catawba Ave.
- Jesse Turner Center 15556 Summit Ave.
- Juniper Community Center 16581 Filbert St.
- Miller Community Center 17004 Arrow Blvd.

Park and Recreation areas

- Chaparral Park 14145 Rancherias Drive
- Cypress Park 7881 Juniper Ave.
- Heritage Village Park 7210 W. Liberty Parkway
- Heritage Circle Park 7555 Caryn Circle
- Jack Bulik Park 16581 Filbert St.
- Koehler Park 6871 Beech Ave.
- Martin Tudor Regional Park 11660 Sierra Ave.
- McDermott Park 7350 E. Liberty Parkway
- Nature Center 11501 Cypress Ave.
- North Fontana Park 6396 Citrus Ave.
- North Heritage Park 7236 N. Heritage Circle
- North Tamarind Park 8025 Tamarind Ave.
- Northgate Park 7800 Celeste Ave.

Fontana Police Department

- Oak Park 14180 Live Oak Ave.
- Village Park 9460 Sierra Ave.
- Miller Park 17400 Arrow Hwy
- Sierra Lakes Soccer Park 6122 Citrus Ave.
- Santa Fe Park 16807 Orange Way
- Science and Nature Center 11501 Cypress Ave.
- Seville Park 16601 Seville Ave.
- Shadow Park 14250 Shadow Drive
- Southridge Park 14501 Live Oak Ave.
- San Sevine Park 5444 Cherry Ave.
- Tokay Park 7846 Tokay Ave.
- Veterans Park 17255 Merrill Ave.
- Veterans Park West 9055 Mango Ave.
- Village Park 11381 Poplar Ave.

North and South Streets and Block Numbers

East and West Streets and Block Numbers	Street Names	100 Blocks
	Rocco's	3500
AM/PM	3900	
IS-15	4100	
Riverside Ave.	4300	
Duncan Canyon	4900	
Summit	5700	
Highland	6500	
Walnut	6900	
Baseline Rd.	7300	
Miller	7700	
Foothill Blvd. (SR66)	8100	
Upland	8300	
Arrow Blvd.	8500	
Orange	8700	
Merrill	8900	
Athol	9100	
Randall	9300	
Hawthorne	9500	
San Bernardino	9700	
Marygold	9900	
Valley Blvd.	10100	
Slover	10500	
Santa Ana	10900	
Jurupa	11300	
Marlay	11700	
Philadelphia	12100	
Etiwanda	12900	
East Ave.	13300	
Mulberry	13700	
Calabash	13900	

Street Names	100 Blocks
Banana	14100
Almond	14300
Cherry	14500
Redwood	14700
Live Oak	14900
Hemlock	15100
Beech	15300
Elm	15500
Poplar	15700
Catawba	15900
Citrus	16100
Oleander	16300
Cypress	16500
Juniper	16700
Sierra	16900
Mango	17100
Palmetto	17300
Tamarind	17500
Alder	17700
Laurel	17900
Locust	18100
Linden	18400

The trainee is expected to understand and utilize the map book properly, understand the numbering system for the city, as well as respond to calls for service in a timely manner by using the shortest possible route. Maps depicting all elementary, middle and high schools in the City of Fontana are shown below in case of an emergency or active shooter at one of the schools.

**SIGN OFF
POLICE PATROL TECHNIQUES**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Map Book							
B. Direction of Travel and Landmarks							
C. Street Numbering System							
D. Beat Boundaries							
E. Hundred Blocks							
F. Methods of Vehicle Patrol							
G. Types of Patrol Techniques							
H. Purposes of Patrol							
I. Preparation for Patrol							
J. Appearance & Demeanor							
K. Shift Summary Log							
L. Briefing Folder							

COMMENTS:

PEDESTRIAN STOPS

Pedestrian stops are usually contacts made on pedestrian for the purpose of **traffic enforcement**, contacting **suspicious persons**, or during **consensual encounters**. Pedestrian are often the cause of accidents, and often result in severe or fatal injuries. Traffic enforcement on pedestrian should include bicyclist, skateboarders, and other non-vehicle type contacts. After the commission of a crime, many criminals often flee the scene on foot. Narcotics trafficking by criminals is often done while on foot. When an officer makes a contact on a suspicious person, the officer should be able to articulate in court the reasonable suspicion based on specific facts. A consensual encounter is less intrusive than an arrest or detention. No objective reason or justification for initiating this type of contact is needed. However, you must not restrain the person or exert any authority over that person. Basically, that person is free to leave or not cooperate with you, until probable cause can be established to affect an arrest or detention. **An example of this is listed below:**

You see a subject you want to talk to, but there is no vehicle code, penal code or city code violation that is or has been committed. He/she has not done anything to give you probable cause to detain them yet, but you suspect from the subjects mannerisms, appearance and behavior that he/she is worth talking to.

You approach the subject and say hello. The subject looks at you and begins talking. He/she either tells you they don't want to talk to you, or begins making small talk. You notice the subject's pupils are dilated and their speech is very rapid. They quickly turn their head from side to side and scratch or pick at their skin and clothing repeatedly. Their movements are rapid and jerky. You believe based on your training and experience that they are showing objective symptoms of being under the influence of a central nervous system stimulant such as methamphetamine or cocaine.

Prior to these observations, if the subject told you he/she did not want to talk to you and began walking away, you would have not had probable cause to detain them. Now that you have noticed these objective symptoms of being under the influence, you do have probable cause to detain them whether they like it or not and may use reasonable force to prevent them from escaping or resisting a lawful detention.

At this point, if the suspect runs away or tries to physically resist, you can detain them for investigation of 11550 (a) H&S and 148(a) (1) PC. You then would conduct field tests to confirm your observations such as having the subject estimate 30 seconds by counting to themselves, checking their pulse, checking their pupillary reactions in direct and indirect lighting and having them close their eyes to determine eyelid fluttering. You can also ask them stick their tongue out to see if it is coated.

A normal heart rate or pulse is 60-90 beats per minute. To check the pulse, you can check at the wrist, or brachial artery on the inside of the subject's biceps. If the results of your field tests confirm your suspicions that the person is under the influence of an illegal central nervous system stimulant, you can then arrest them for H&S 11550(a).

Once they have been placed under arrest for the misdemeanor charge of being under the influence, you are now able to do a search incident to arrest. You may then search inside the subjects' pockets, backpack, shoes, wallet, purse etc. during this search, you may discover narcotics or stolen property, firearms, stolen identification, credit cards and so forth.

As a result of knowing the law and the legal requirements of the how to conduct lawful consensual contacts, you have turned a consensual contact into a quality felony arrest that will hold up in court because you complied with the 4th amendment. Refer to more examples of pedestrian stops at the back of the FTO manual

under the section titled: **See accompanying CD containing Legal Sourcebook Search and Seizure Persons Chapter for further examples and supporting case law. See additional chapters on Search and Seizure Vehicles and Premises for additional information and important case laws.**

The trainee shall explain the concepts of consensual encounters vs. detention/reasonable cause to stop and detain. This explanation should minimally include:

- A. The existence of suspicious activity.
- B. The time day/night
- C. Reasonable suspicion to believe that the person being stopped may be involved in criminal activity.
- D. Case law and statutes regarding on campus searches.

The trainee shall identify and discuss those tactics 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).

How do you turn a consensual contact into a lawful arrest that will hold up in court? **See above example on page 245.**

SEARCHING PERSONS/VEHICLES/BUILDINGS

The trainee shall identify and explain the basic degrees of searches of person(s). These shall minimally include:

- A. Visual/cursory search
- B. Pat-down
- C. Field search (standing, kneeling, prone)
- D. Strip search.
- E. Body cavity search.

The trainee shall explain the common principals of the search of an individual. These principals shall minimally include:

- A. Constant alertness.
- B. Maintain control and position of advantage (contact/cover).
- C. Thoroughness of the search.
- D. Safeguarding weapons.

The trainee shall discuss a situation involving one or more suspicious persons on foot, the trainee shall, having assessed sufficient cause, safely and effectively approach, contact, interview, and complete an F.I./gang card.

The trainee shall properly and legibly complete the F.I./gang card.

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.

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.

The trainee shall safely and effectively serve as a back-up officer while another officer conducts a search of one or more suspect(s).

A patrol officer makes numerous contacts of persons in vehicles. The officer will either initiate a traffic stop on the vehicle or will possibly be dispatched to a call for service in reference to a suspicious occupied vehicle. In either case, this instruction guide is designed to give the patrol officer a basic understanding of when and how a vehicle search can be conducted. This discussion is merely a guide for officers to study and should only be used to gain a basic understanding.

Probable Cause:

Definition: “Probable Cause” to search or arrest exists when the totality of 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 a crime.

Vehicle Searches:

Reference: *Arizona V. Gant*

Officers should remember that with either a verbal consent or probable cause search, they should be able to document why he/she believed a search of the vehicle was necessary in performance of their duties.

The trainee shall identify and explain principals of a safe and effective search of a vehicle. These principals shall minimally include:

- A. Proper removal and control of occupants.
- B. A systematic method of search.

What is a Verbal Consent Search?

Verbal consent is obtained by simply asking the driver or occupant of the vehicle if the vehicle can be searched. A technique used by patrol officers is to ask the driver if he/she have any weapons or narcotics in the vehicle. The driver almost always replies to the question with, “No.” The Officer can then ask the driver for permission to search the vehicle.

The driver may or may not grant consent to search the vehicle. If the driver gives the officer permission to search the vehicle, the officer should have the driver step out of the vehicle. The driver cannot be detained in the rear of the patrol unit during the search, due to the fact that the driver may revoke his/her permission to search at any time. A technique to use is to have the driver and other occupants (if any) sit on the curb with your backing officer watching them. A search of the vehicle can then be conducted with reasonable safety. The backing officer should remember to watch the occupants of the vehicle and try not to be anxious to search the vehicle too.

What is a Probable Cause Search?

What if the driver refuses to give consent? The officer should keep in mind the definition of Probable Cause. Did the driver or other occupants of the vehicle make any movements in the vehicle that may have caught their attention prior to the contact? If so, then the officer may search the portion of the vehicle that the action was observed in.

A common error made by officers in a Probable Cause type search is the officer's definition of the Probable Cause in the report. The officer may say he/she observed the driver or occupant place something under their seat, but then the officer looks in the trunk and finds narcotics for example. In court trial the defense will want to clarify with the officer just how he/she found the driver acting suspicious in the front seat made them check the trunk. This is something the officer should keep in mind.

Conducting building searches

A. The trainee shall identify and explain the principals of a safe and effective search of a building that may contain a suspect. These principals shall minimally include:

- 1) Containment of the building.
- 2) Containment of the area(s) already searched.
- 3) Utilization of a systematic method.
- 4) Safe searching techniques.
- 5) Appropriate use of canine or specialized assistance.

B. Without the use of a canine unit:

- 1) Perimeter has already been established, set up a command post.
- 2) Organize a search team.
- 3) Enter the building from only one point.
 - a) Officer may request Ten 33.
- 4) Search from the bottom up or the top down, depending on the perimeter security.
 - a) Bring all elevators to the top or bottom floor and shut them off.
 - b) Search all stairways simultaneously.
- 5) Search all hiding places.
- 6) Be cautious and safety conscious.
 - a) Do not allow yourself or other officers to come into a cross-fire situation.
 - b) If necessary to use flashlight, hold it away from your body - do not illuminate other officers.

C. Requesting a canine unit:

- 1) Secure the perimeter and notify all units.
- 2) Request Ten 33.
- 3) Enter the building only at the request of the canine unit.
- 4) Accept custody of prisoners from canine unit so that the search may continue for other suspects.
- 5) Notify all units when canine unit has finished.

Code Four as soon as possible

- A. When it has been determined that there is no merit to call.
- B. When it has been determined that suspect(s) are GOA.
- C. When it has been determined that all suspects are in custody.

The investigation - the assigned unit to conduct

- A. Locate POE and secure for possible follow-up.
- B. Locate tools/evidence.
- C. Prove Corpus Delicti - was it a 459, 594, etc.
- D. Determine the property loss.
 - 1) If closed business, locate owner (through Dispatch).
- E. Determine all possible suspects.
 - 1) **Notifications to be made when necessary**
 - A. Field Sergeant
 - B. Investigations
 - 2) **Securing the premises prior to leaving the scene**
 - A. Have owner/responsible person respond.
 - B. Leave alarm response card (door hanger).
 - C. Have dispatch contact city yards to board up broken windows (fee may apply to responsible party so try to get consent from owner).
 - D. Reset alarm and lock any open doors

REMEMBER: In the case of a good burglary, you may now have a trapped felon - USE CAUTION. A canine unit can complete the search more effectively and with less risk. Use them if available.

STOP AND FRISK/DETENTION AND RELEASE

Introduction

This instruction guide will discuss **stop and frisk, as well as detention/release issues**. It will be an overview of terms and laws that are common for this topic. This discussion is merely a guide for officers to study and should only be used to gain a basic understanding of your responsibilities. However, it is still the individual officer's responsibility to review more in depth case laws and build individual expertise.

To be a police officer in today's society is a very difficult learning process. There are certainly more responsibilities and legal issues surrounding many of today's cases. More and more responsibilities are being shouldered on today's police officer. **Stop and frisk and detention/release issues** alone are mind boggling. No one can just read a book and become an expert. You have to get out and apply what you learn to everyday life scenarios. Yes, this includes making mistakes. Instructors need to emphasize the importance of this area of law enforcement because this is the one area officers deal with frequently in the field. Having an understanding of some key issues will save new officers a lot of headaches and possible legal problems.

Fourth Amendment

Both the United States and California Constitutions prohibit “unreasonable” searches and seizures of people, houses, and personal property.

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

A “**search**” occurs when an expectation of privacy that society is prepared to consider reasonable is infringed.

A “**seizure**” of property occurs when there is some meaningful interference with an individual’s possessory interest in that property.

A “**seizure**” of a person occurs (1) when a peace officer physically applies force; or (2) when a person voluntarily submits to a peace officer’s authority.

The Exclusionary Rule

The Exclusionary Rule comes into play when a court determines that a search or seizure was unreasonable. Under the “rule” (which was judicially created to encourage **proper** police conduct) evidence, which results from an illegal (unreasonable) search or seizure, is “**excluded**” at trial. It is “**suppressed**” (ruled inadmissible) and therefore cannot be brought to the jury’s attention.

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 confession will be suppressed.

Proposition 8:

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 United States Constitution afforded.

Proposition 8 was an effort to change that 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, it was admissible in court.

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), as long as the United States Constitution had not also been violated. But although the evidence is admissible, the officer could still be subject to civil sanctions for violating state constitutional rights.

**SIGN OFF
PEDESTRIAN STOPS/SEARCHING PERSONS/VEHICLES/BUILDINGS**

Glossary: FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Pedestrian Stop							
B. Consent vs. Detention							
C. Contact/Cover (Pedestrian)							
D. Contact/Cover (Vehicle)							
E. FI/Gang Card							
F. Vehicle Search (including areas of contraband)							
G. Building Search							
H. Use of K9 for search							
I. Officer Safety							
J. Search Incident to Arrest (Pedestrian)							
K. Search Incident to Arrest (Vehicle)							
L. Degrees of Searches (Person)							
M. Body Cavity/Strip Search Policies							

COMMENTS:

VEHICLE STOPS/FELONY/HIGH RISK

Traffic stops are usually made for **traffic enforcement** or as **investigative stops**. Traffic enforcement is necessary to reduce the number of accidents and for driver's safety. Investigative stops are stops made to investigate possible criminal activity. 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.

Traffic Stops:

1. The trainee shall explain various types of vehicle stops to minimally include:
 - A. Traffic violations.
 - B. Investigative.
 - C. High risk.
 - D. Wall
- (Be aware of the possibility that all vehicles you stop may contain a fleeing and armed felon).
2. The trainee shall identify and discuss the following elements to be considered when selecting the proper location for a vehicle stop.
 - A. If possible, pick a spot near a store or building in a well-lighted area, which will block avenues of escape. Time is on your side.
 - B. Consideration should be given to making the stop out of heavy traffic flow. This reduces the chances of causing accidents and increases officer safety from a traffic collision standpoint.
 3. The trainee shall explain the advantages of recording the license number and description of the vehicle prior to the stop.
 - A. Make sure Communications knows your location, and a description of the vehicle, if the vehicle does not have a plate. Watch the actions of the driver and passengers while the vehicle is coming to a stop. Any furtive actions may indicate an attempt to hide contraband, arm him/herself, or destroy evidence.
 4. 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 the occupants(s).
 - D. Maintain a safe distance behind the vehicle when you use your red lights and/or siren, as they often panic a driver. Be alert for quick stops, and do not pull alongside the vehicle. Use PA system if necessary.
 5. 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/takedown lights.
 - C. Use of siren/horn.

- D. Use of hand signals/public address system (PA).
- E. Proper use of spotlights 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.
- 6. 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. Visibility.
 - F. After the vehicle is stopped, the police unit should be 8-16 feet to the rear, with the left front fender 2 feet to the left of the left rear fender of the stopped vehicle. (NOTE: Distances are different for known felony stops of suspect vehicle...See FELONY STOPS). Use spotlights and take down lights to illuminate the interior of the vehicle. Driver spotlight is directed to driver side mirror. Passenger spotlight is directed to the rearview mirror. Overhead emergency lights should be shut down except for rear flashing amber lights.
- 7. 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.
- 8. The trainee shall explain the advantages, disadvantages, and legal aspects of directing the occupants to remain in or exit the vehicle during a traffic stop.
- 9. The trainee shall explain and/or safely demonstrate how to safely stop and approach vehicles. This should also include:
 - A. Motorcycles
 - B. Campers/vans
 - C. Buses
 - D. Trucks/Semi-trucks
 - E. The officer (driver) should approach the driver's side of the vehicle with caution, noting the actions of the occupants and giving special attention to the position of the occupants' hands. Observe the rear seat and floorboards for possible weapons and other objects, etc. Upon reaching the left rear corner, check trunk deck to see if locked. Officer should feel fender for motion within vehicle.
 - F. The officer (passenger) should position himself to the right rear of the vehicle and observe the occupants. Never cross between the vehicle and the police unit. Never stand directly behind the vehicle. The passenger officer should be in a position where he has quick access to the radio. (NOTE: If a solo unit, the passenger officer would be the backup).
- 10. 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 the violation
 - E. Refusal to sign the citation. 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.
 - F. The trainee shall explain why an officer should not argue with a violator.
11. The trainee shall explain discretion in a car stop situation by giving examples of traffic situations in which an officer would feel that a warning would be warranted.
 12. 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 the driver's license.
 - C. Checking the signature of the violator on the citation.
 - D. Issuing the proper copy to the violator.
 13. If a search of the vehicle is necessary, remove the occupants one at a time out the right side of the vehicle. This prevents them from stepping into traffic or running into traffic as an escape route. This also allows the passenger officer to maintain control.
 14. The occupants should be given a pat-down search for weapons by the unit officers immediately upon exiting, if the circumstances allow a search to be conducted.
 15. The driver-officer conducts the search of the vehicle. It should be systematic and thorough; giving special attention to small recesses and places that may be used to secrete contraband (e.g., under the dashboard, heater vents, etc.). Any evidence found should be placed in the police unit and out of the reach of suspects. Do not stop the search when an article of contraband or evidence is recovered as a complete search may reveal evidence of another crime, or the same crime.

FELONY STOPS

1. 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.
 - B. Availability of back-up.
 - C. Location at which to make the stop.
 - D. Tactics to be used after making the stop
 - E. Number of suspects involved.
2. Communicate continued updates including:
 - A. Vehicle description and license plate.
 - B. Occupants, location and description.
 - C. Reason for the stop.
3. Once a secondary unit arrives to assist the handling officer, state your possible intended location for the stop.
4. Evaluate the potential risk when picking your location to include the following:
 - A. Possible pedestrians in the area.
 - B. Schools or populated shopping centers.
 - C. Heavy traffic or congested intersections.
 - D. Occupant control.

5. Evaluate the need for additional assistance:
 - A. Air support.
 - B. K-9
 - C. Street closure.
6. Once the felony traffic stop is initiated:
 - A. Ask for a clear channel (Code 33).
 - B. Advise Dispatch and assisting officers of the final stop location.
7. The trainee shall discuss the advantages of verbally ordering the removal of the suspect(s) from the vehicle prior to approaching on foot.
8. 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.
9. The trainee shall explain the advantages of waiting for additional back-up before approaching the vehicle or the occupants.
10. Primary handling officers' responsibility:
 - A. Have public address system ready.
 - B. Have passenger doors unlocked.
 - C. Have handcuffs readily available.
 - D. Use all available forward lights to your advantage during the day or night.
 - E. Advise and confirm each arriving officer's location and position at the felony car stop scene.
11. The trainee shall explain the roles of both the primary and the 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/long gun/less lethal.
 - C. Communicates to the occupants.
 - D. Searches the occupants and/ or the vehicle.

Verbal Direction

- a. Once all officers gain a position of cover, the occupants should be advised the following by a selected officer (most likely will be the handling officer): *"This is the Fontana Police Department, place your hands behind your head and interlace your fingers."*
- b. Officers continuing to arrive should be directed via a safe area of approach and should consider vehicle lighting.
- c. Direct additional units to close off the street, both above and below the location of the stop for the safety of passing motorists.
- d. The driver should be instructed to place the keys on the roof of the vehicle via the driver's side window.
- e. The driver of the vehicle should be instructed to exit the vehicle via the driver's door and told to face away from handling officers.
- f. The driver is directed to expose his clothing and turn 360 degrees as to allow officers to see any potential concealed weapons.

- g. The driver is directed to walk backwards toward the primary handling unit.
- h. The driver is told to take side steps to a position in front of and between the two lead police cars.
- i. The primary unit will decide when to give control of the driver to the cuffing and searching officers.
- j. The primary officer and assisting officer will maintain continued observation of the suspect vehicle.

Cuffing & Searching Officers' Responsibilities:

- 1. The two cuffing and searching officers will decide who will take control and custody of the driver once the suspect is directed between the two most forward police units.
- 2. Once in-custody and searched, the driver should be placed into one of the additional arriving units; this will keep the driver from distracting the primary handling officer.
- 3. Once the driver is safely contained in a unit, the primary officer should be notified, and the remaining occupants in the vehicle should be removed by the same process.

Vehicle Clearance:

- 1. Once the vehicle is cleared of all known occupants, an additional announcement should be made to give one last opportunity for any concealed suspects to surrender.
- 2. Once the officers are ready to approach the suspect vehicle, the K-9 should be used, if available, to avoid any injuries to any officers.
- 3. If the K-9 officers are not available, the forward officers should decide who will approach and clear the vehicle.

Post Felony Car Stop:

- 1. Once the vehicle and trunk are confirmed clear, Dispatch should be advised the officers are "Code 4" and the channel will be returned to normal radio traffic.
- 2. Clear the roadway as soon as practical to return the area to its normal flow of traffic.

Van Stops:

- 1. The stopping of vans, positioning of units and removal of suspect is basically the same as felony stops. It is suggested on a traffic stop that the driver be called back to the unit, and that occupants exit the right side of the van in the event a search becomes necessary.
- 2. Officers should be constantly aware of the windows and curtains in a van, especially any type of rear door movement when approaching a van type vehicle. Officers should have the driver of the van open all doors, while maintaining a position of cover.
- 3. On a felony van stop, the driver of the primary unit will order the occupants out as previously described. As the driver of the suspect vehicle backs towards the units, he is ordered to open the van doors, and then proceed to the units. If the van has side doors, this procedure is optional. Primary unit officers will check the interior of the van until they are satisfied that the portion that can be seen is clear. Either the driver of the primary or secondary unit will approach, staying to the left side, opening the driver door, checking the interior and enter the van through the driver's door, completing the search of the interior of the van.

NOTE - Officers must be flexible during felony car stops. Number of unit's available, position of the suspect vehicle, and number of suspects all have a bearing on how the stop plays out. Communication between the officer who made the stop and his/her backing officers is crucial.

**SIGN OFF
VEHICLE STOPS/FELONY/HIGH-RISK**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Unit Position (traffic stop)							
B. Unit Position (felony/high-risk)							
C. Vehicle Approach (driver/passenger side)							
D. Radio Communication (run plates/VIN/Persons/R/O)							
E. P.A. System							
F. Detaining Occupants							
G. Use of lights/siren							
H. Violator Contact							
I. Use of MDC							
J. Contact/Cover							
K. Silhouetting							

COMMENTS:

HANDLING CRIMES IN PROGRESS

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

The objectives of responding to a crime in progress are to protect life, property, and identify and apprehend any perpetrators. In order to successfully accomplish these objectives, and to do it safely, communication with other law enforcement personnel including dispatch is crucial. An officer responding to a crime in progress, or any call for that matter, should always apply the following actions:

THE 4 Cs':

- 1) Communicate
- 2) Coordinate
- 3) Contain
- 4) Control

Notification of a burglary in progress

- A. Silent alarm – Communications receives alarm, which in turn dispatches appropriate unit(s).
- B. Audible alarm - a neighbor or passer-by calls or a patrol unit observes the alarm.
- C. Radio alarm - broadcast directly to units.
- D. An eyewitness or victim notifies police.
- E. A passing patrol unit observes a burglary in progress.

REMEMBER: A burglary in progress call represents a potential hazard to responding officers. There may be an armed suspect or suspects that you trap at the scene, or other suspects are providing counter surveillance.

Response and arrival

- A. Acknowledge that you received the call and give your 10-20 (all units that are responding).
- B. When responding:

REDACTED

REDACTED

REDACTED

Example:

UNIT#2p22 ADVISING OF A 211 THAT OCCURRED 10 ago
At Burger King-Foothill/Sierra. THE SUSPECT(S) WERE LAST
SEEN DRIVING WEST ON FOOTHILL FROM LOCATION.
SUSPECT VEHICLE IS A: COLOR BLUE YR OLDER/NEWER/90'S/ETC.
MAKE/MODEL HONDA/ACCORD 2DR/4DR
OTHER VEHICLE INFO BUMPER STICKER/TINTED WINDOWS/VEH DAMAGE
SUSPECT#1: SEX MALE RACE WHITE AGE 18-25 HT 510
WT 150 HAIR SHORT BROWN/LONG BLACK/SHAVED HEAD
CLOTHING WORN: JACKET/SHIRT WHITE SWEATSHIRT
PANTS BLUE JEANS SHOES RED TENNIS SHOES HAT
OTHER DESCRIPTION
WEAPON USED BLK SEMI-AUTO HANDGUN/KNIFE/NO WEAPON SEEN/ETC.
STOLEN WAS \$100 DOLLARS/PURSE/ETC.

Field Show-Up:

1. This is a very critical phase in any crime investigation. Some precautions must be followed so as not to jeopardize the case in court.
 - A. **AVOID TRANSPORTING DETAINED PERSONS TO THE VICTIM OR WITNESS IF AT ALL POSSIBLE.**
 - B. Proper admonishments (Simmons Warning).
 - C. Victim/witness should view suspect(s) separately.

**SIGN OFF
HANDLING CRIMES IN PROGRESS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Burglary/Robbery Calls

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Silent and Audible Alarms							
B. Response and Arrival							
C. In Progress or Time Delay							
D. Coordinate Additional Units (Set up Containment)							
E. Secure Building							
F. K9 Unit/Residence-Commercial							
G. Building Search (Interior/Exterior)							
H. Residence Search (Interior/Exterior)							
I. Roof Access (Fire Dept. Assistance)							
J. False Alarm-Policy							
K. Panic Alarm Response							
L. Investigation and Report							
M. I.D. Tech							
N. Scene Preservation							
O. Attempt Contact with Residence/Business (obtain land line #)							

Additional Crimes in Progress/Just Occurred

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Crime Broadcast							
B. Set-up Perimeter							
C. In-Field Show-up							
D. Barricaded Subject							
E. Yard to Yard Search							
F. Evacuations							
G. Command Post							

COMMENTS:

DOMESTIC VIOLENCE

FAMILY DISPUTES

1. Penal Code 415 provides in part that, "Every person who maliciously and willfully disturbs another person by loud and unusual noises," is guilty of disturbing the peace.
2. The following procedure shall be followed:
 - A. Proceed to the scene normally unless otherwise notified by the dispatcher. As two officers should always be sent on this type of call, one-officer units should arrange to meet and work as a team. When one two-officer unit is dispatched, officers should have prearranged plans as to who will interview who, and when to separate parties. (Officers should attempt to remain within hearing distance in case a problem arises).
 - B. Use caution on such calls as **more officers are killed or wounded on this type of call than on any other.**
 - C. Upon arrival at the scene, attempt to determine the nature of the call before entering. Remember that a primary function of the police is to protect the lives of those who might be endangered.
 - D. Note the condition of the room and surroundings to substantiate the possibility of a crime.
 - E. Calm the persons involved by separating them and talking to them one at a time, advising them as to points of law. If not an emergency, suggest that one of them leave for the night, or sleep in a separate room.
 - F. During the course of the interviews, avoid allowing either party to leave the officer's immediate presence. Many people feel threatened by officer's presence and might try to arm themselves. **Don't forget to interview witnesses, neighbors and especially children, or other residents of the home.**

NOTE: Parents **DO NOT** have a legal right to prevent you from interviewing their children as witnesses to a crime such as domestic violence or child abuse, so do not let them intimidate you or the child, by interfering, or trying to prevent a child witnesses from being interviewed.

- A. Do not reveal informant's name or address. If possible, determine the primary aggressor. The primary aggressor is not necessarily the one who struck the first blow, but the one whose level of violence was the most egregious and unwarranted. For example: A man or woman pushes or slaps their spouse then walks away from the confrontation entirely. The spouse who was slapped arms themselves and chases the other party down before hitting them with a weapon several times.
- B. In some cases you will be unable to determine who the "Primary Aggressor" is. For example there are no witnesses or conflicting witness statements, both parties have comparable injuries, and both refuse to talk, or each blame the other. In this instance arresting both combatants would be the best course of action.
- C. If a private person's arrest is made, the complainant witness must sign a Misdemeanor Complaint Form before the violator can be booked. If possible, avoid taking a complaint from a person who has been drinking.

- D.** Do not forget to seize firearms that are in plain view or with consent of the owners on a domestic violence crime. If the occupants have guns at the location and they are not in plain view, they may not give consent for you to seize them. In this case, you would need to write a search warrant pursuant to **penal code 18250(a)** and seize the guns. **All the guns must be seized, regardless of how many the occupants own!!**

DOMESTIC VIOLENCE

The purpose of this policy is to provide guidelines for law enforcement officers in training while enforcing the law pertaining to incidents of domestic violence.

This guide stresses the importance of officers enforcing and documenting incidents of domestic violence for the purpose of fulfilling the requirements of California Penal Code Section 13701. It is paramount for officers to enforce domestic violence laws in order to protect victims and dissuade perpetrators from committing future offenses. Enforcement pertaining to incidents of domestic violence shall be investigated and pursued as a serious crime.

It is not the intent of this policy or guide to remove an officer's right to use reasonable discretion while investigating alleged incidents of domestic violence. The purpose of this guide is to provide officers with standard operating procedures when investigating incidents of domestic violence.

Fontana Police Department Policy describes and defines department policy for investigation and documentation of domestic violence incidents. All officers shall be familiar with this section and should review it frequently for the purpose of keeping up to date with any changes.

Enforcement of Laws:

All incidents of domestic violence shall be documented by investigating officers. Officers shall conduct detailed investigations and should arrest suspects when possible. Officers should not allow any of the following factors to dissuade them from making arrests:

1. Marital status
2. Cohabitation of victim and suspect
3. Existence or nonexistence of restraining orders
4. Occupation, community or political status
5. Potential financial consequences of arrest
6. Complainant's history or prior incidents
7. Complainant's emotional state
8. Non-visible injury
9. Location of incident
10. Speculation of prior history of a complainant not following through with prosecution
11. Victim's reluctance to pursue arrest
12. The fact the victim and suspect are of the same gender
13. Violation of restraining orders

Arrests:

Felony Arrest

1. Officers shall arrest when there is reasonable cause to believe a felony has occurred.
2. Officers shall arrest when there is reasonable cause to believe a misdemeanor has occurred in the

officer's presence absent exigent circumstances. Officers may also arrest in misdemeanor cases not occurring in their presence when:

- A. Crime committed by a juvenile (W&I 625).
- B. DUI (accident, vehicle blocking roadway, etc.).
- C. Loaded firearm (on person or in vehicle).
- D. Assault or battery on school grounds/firefighter/EMT, etc.
- E. Domestic violence situations (restraining orders or battery).
- F. PC 171.5 Airports and Passenger Vessel Terminal

Private Person's Arrest

1. Officers should inform victims of the right to make a private person's arrest when a crime has been committed outside the officer's presence, which does not meet requirements for a felony arrest.
2. Officers will accept a private person's arrest and should not dissuade victims from making a lawful private person's arrest.

Reference Policy #320

Marsy's Law

Material extracted from <http://oag.ca.gov/victimservices/marsy>

Victims' Bill of Rights Act of 2008: Marsy's Law

On November 4, 2008, the voters of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law, a measure to provide all victims with rights and due process.

Statement of Purpose and Intent

The expressed purpose of Marsy's Law is to:

1. Provide victims with rights to justice and due process.
2. Eliminate parole hearings in which there is no likelihood a murderer will be paroled, and to provide that a convicted murderer can receive a parole hearing no more frequently than every three years, and can be denied a follow-up parole hearing for as long as 15 years.

Victims' Bill of Rights

Marsy's Law significantly expands the rights of victims in California. Under Marsy's Law, the California Constitution article I, § 28, section (b) now provides victims with the following enumerated rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, **upon request**, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, **upon request**, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, **upon request**, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, **upon request**, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in

- which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
 10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
 11. To receive, **upon request**, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
 12. To be informed, **upon request**, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
 13. To restitution
 - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
 14. To the prompt return of property when no longer needed as evidence.
 15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, **upon request**, of the parole or other release of the offender.
 16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
 17. To be informed of the rights enumerated in paragraphs (1) through (16).

For more information, go to http://oag.ca.gov/victimservices/marsys_law. This website is for informational purposes only and is an overview of some of the key sections of Marsy's Law. A full copy of the text of the Victim's Bill of Rights Act of 2008: Marsy's Law (Proposition 9) is available from the California Secretary of State.



California Attorney General's Office



Contact Name: _____

Phone No.: _____

Police Report / Case No.: _____

Notes: _____

Marsy's Card and Resources

The California Constitution, Article 1, Section 28(b), confers certain rights to victims of crime. Those rights include:

1. **Fairness and Respect** – To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. **Protection from the Defendant** – To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. **Victim Safety Considerations in Setting Bail and Release Conditions** – To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. **The Prevention of the Disclosure of Confidential Information** – To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. **Refusal to be Interviewed by the Defense** – To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. **Conference with the Prosecution and Notice of Pretrial Disposition** – To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. **Notice of and Presence at Public Proceedings** – To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. **Appearance at Court Proceedings and Expression of Views** – To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. **Speedy Trial and Prompt Conclusion of the Case** – To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. **Provision of Information to the Probation Department** – To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. **Receipt of Pre-Sentence Report** – To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. **Information About Conviction, Sentence, Incarceration, Release, and Escape** – To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. **Restitution**
 - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

14. **The Prompt Return of Property** – To the prompt return of property when no longer needed as evidence.
15. **Notice of Parole Procedures and Release on Parole** – To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
16. **Safety of Victim and Public are Factors in Parole Release** – To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. **Information About These 16 Rights** – To be informed of the rights enumerated in paragraphs (1) through (16).

Additional Resources

The Attorney General does not endorse, have any responsibility for, or exercise control over these organizations' and agencies' views, services, and information.

Victim Compensation Board – Can help victims pay for: mental health counseling, funeral costs, loss of income, crime scene cleanup, relocation, medical and dental bills. 1-800-777-3229 www.victims.ca.gov

CA Dept. of Corrections and Rehabilitation, OVSRS – Provides information on offender release, restitution, parole conditions and parole hearings when the offender is incarcerated in prison. 1-877-256-6877 www.cdcr.ca.gov/victim_services

McGeorge School of Law – Victims of Crime Resource Center - Provides resources for victims by their geographic area along with information on victims' rights. 1-800-Victims (1-800-842-8467) www.1800victims.org

National Domestic Violence Hotline – 1-800-799-7233 www.thehotline.org

Adult Protective Services County Information – (Elder abuse) 24 hour hotline numbers by county in California. www.cdss.ca.gov/inforesources/County-APS-Offices

National Child Abuse Hotline – Treatment and prevention of child abuse. 1-800-422-4453 www.childhelp.org

Rape, Abuse & Incest National Network – 1-800-656-4673 www.rainn.org

National Human Trafficking Resource Center Hotline – 24-hour hotline: 1-888-373-7888 www.humantraffickinghotline.org

The California Relay Service: For speech impaired, deaf or hard-of-hearing callers: Dial 711. TTY/HCO/VCO to Voice for English: 1-800-735-2929 and for Spanish: 1-800-855-3000. Voice to TTY/VCO/HCO for English: 1-800-735-2922 and for Spanish: 1-800-855-3000. Speech to Speech – English and Spanish: 1-800-854-7784.

Attorney General's Victims' Services Unit – Provides local victim/witness information, geographic resource information and appeal status to victims of crime. For more information, call 1-877-433-9069 or visit: www.oag.ca.gov/victimservices For local Human Trafficking Information, visit: www.oag.ca.gov/human-trafficking

A 'victim' is defined under the California Constitution as 'a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.' (Cal. Const., art. I, § 28(e).)

A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the above rights in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request. (Cal. Const., art. I, § 28(c)(1).)

Funding is made possible through the United States Department of Justice, Victims of Crime Act, 2016-VA-GX-0057



**SIGN OFF
DOMESTIC VIOLENCE**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. PC 243(e)(1)							
B. PC 273.5(a)							
C. PC 422							
D. Mandatory Reporting/ Arrest Laws							
E. TRO's/Restraining Orders (PC 273.6)							
F. Emergency Protective Order (EPO)							
G. Complaint Refusal Procedure							
H. PC 591							
I. PC 591.5							
J. PC 646.9(a)							
K. PC 646.9(b)							
L. PC 18250							

COMMENTS:

HATE CRIMES

This Fontana Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. The Department's policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

Hate crimes occur when a perpetrator targets a victim because of his or her perceived membership in a certain social group, usually defined by racial group, religion, sexual orientation, disability, class, ethnicity, nationality, age, gender, gender identity, social status or political affiliation. The California Penal Code 422.6 further defines Hate Crimes and penalties "Hate crime" generally refers to criminal acts that are seen to have been motivated by bias against one or more of the types above or of their derivatives. Incidents may involve physical assault, damage to property, bullying, harassment, verbal abuse or insults or offensive graffiti or letters hate mail.

Reference Policy #338

**SIGN OFF
HATE CRIMES**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. PC 422.6							
B. Hate Crime Policy Review							

COMMENTS:

GANG AWARENESS

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

**SIGN OFF
GANG AWARENESS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. PC 186.22							
B. Graffiti Report							
C. Gang Card							
D. Mandatory Reporting/ Arrest Laws							

COMMENTS:

MISSING PERSONS

Missing Persons Policy

1. Purpose:

- A. The purpose of this procedure is to set forth guidelines in compliance with Penal Code Sections 14205 and 14210 relative to missing persons reporting laws.

2. Policy:

- A. It shall be the policy of the Fontana Police Department to accept any reports including any telephonic report of a missing person and runaways without delay.
- B. The department is required by state law to initiate a missing persons report from any person who seeks to report another person missing, no matter how long the person has been missing, and no matter where the missing person lives or was last seen.
- C. If the reported missing is missing from another jurisdiction, the department employee accepting the information and initiating a case shall notify the responsible jurisdiction and specify to department records personnel that a copy of the report is to be forwarded to the responsible jurisdiction.
- D. Missing persons cases taken, whereby the missing person is missing from our jurisdiction, shall be investigated by our department.

3. Requirement for Dental Record Release Authorization:

- A. At the time a department employee accepts a missing person report that will be followed up and investigated by our department, they should furnish the reporting party with a Department of Justice Form DLE 140, "Request to Release Dental Records." The form should be completed by the reporting party at the time the initial report is taken. The completed form is retained by the department employee taking the report and attached to the report.

4. Photograph of Missing Minor:

- A. When an employee initiates a missing person's report involving a minor under the age of 18 years, the employee shall, when possible, obtain a photograph of the missing person, and a signed "Authorization to Release Photograph" form from the reporting party (Penal Code Sections 14205 and 14210). Social Security Number is required on report.

5. Supplemental Information:

- A. Whenever an officer or other employee receives supplemental information relative to the original missing person report, that information shall be documented on a supplemental report form and forwarded to records.

6. "LOCATE" on Adult – Release of Information:

- A. When an adult missing person is located, his or her whereabouts will not be revealed unless he or she approves the release of that information or circumstances reveal the missing person to be incapacitated and unable to rationally make that decision.
- B. The person originally initiating the missing person report shall be notified of the "locate", the person's condition and the fact the missing person does not want his/her location revealed.

7. Teletype Entry:

- A. Once an officer or other employee of the department receives a missing person report, it is that employee's responsibility to immediately direct the report to dispatch. The on-duty dispatcher shall appropriately enter the missing person information into N.C.I.C. The printout of the entry shall be attached to the report.

8. Critical Missing:

- A. Under certain circumstances it will be necessary to immediately initiate an area search of the location where a missing person was last seen. The decision to conduct a search will be made by the field supervisor and shall be based on specific facts of the person's disappearance.

- * Circumstances warranting an area search would include incidents involving:
 - a. A child of youthful and tender age.
 - b. An aged person incapable of caring for him/herself.
 - c. A mentally retarded subject believed to still be in the immediate area and incapable of caring for him/herself.
- * The foregoing examples are not intended to be all inclusive of circumstances that may warrant an area search.
- * If the initial search efforts fail and it becomes necessary to call in additional personnel to assist, the watch commander shall notify a command level staff officer and advise of the circumstances. A decision regarding the necessity for establishing a command post may be made at that time.

- 9. **Amber Alert** empowers law enforcement, the media and the public to combat abduction by sending out immediate, up-to-date information that aids in the child's safe recovery. Using radio, television, the internet, highway information signs, and even cell phone networks, **Amber Alert** gives the public the information needed to locate abducted children.

- ⇒ **Amber Alert** may be activated only by law enforcement agencies.
- ⇒ **Amber Alert** is intended only for the most serious, time-critical child abduction cases.
- ⇒ **Amber Alert** is not intended for cases involving runaways or parental abduction, except in life-threatening situations.

Criteria for activating an Amber Alert

- * The investigating law enforcement agency confirms an abduction has occurred.
- * The victim is 17 years of age or younger, or has a proven mental or physical disability.
- * The victim is in imminent danger of serious injury or death.
- * There is information available that, if provided to the public, could assist in the child's safe recovery.

Reference Policy #332 and #334

**SIGN OFF
MISSING PERSONS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. General Info (Mandatory Reporting)							
B. Suspicious Circumstances							
C. Critical Missing (Policy)							
D. Missing Person Locate							
E. RAJ							
F. RAJ/Locate							
G. Persons with Disabilities							

COMMENTS:

CROWD CONTROL/RIOTS/PROTESTS/DEMONSTRATIONS

CROWD CONTROL

The Fontana Police Department has established procedures regarding crowd management and crowd control for protests, demonstrations and other disturbances. Although every event is different this procedure is a guideline.

Apply the appropriate level of direction and control to protect life, property, and vital facilities; maintain public peace and order; and uphold constitutional rights of free speech and assembly while relying on the minimum use of physical force and authority required to address a crowd management or crowd control issue.

Crowd Management

Crowd management is defined as techniques used to manage lawful public assemblies before, during, and after an event for the purpose of maintaining the event's lawful status. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

Crowd Control

Crowd control is defined as those techniques used to address unlawful public assemblies, including a display of formidable numbers of police officers, crowd containment, dispersal tactics, and arrest procedures.

First Amendment Activities

First Amendment activities include all forms of speech and expressive conduct used to convey ideas or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression.

Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, and distribution of literature, displaying banners or signs, use of puppets to convey a message, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution (First Amendment) and the California Constitution (Article 1, Sections 2 & 3).

All persons have the right to march, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution and the California Constitution. The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

DEMONSTRATION

Demonstration is used generically to include a wide range of First Amendment activities which require, or which may require, police traffic control, crowd management, crowd control, crowd dispersal, or enforcement actions in a crowd situation.

The term demonstration means a public display of a group's or individual's feeling(s) toward a person(s), idea, cause, etc. and includes, but is not limited to, marches, protests, student walk-outs, assemblies, and sit-ins. Such events and activities usually attract a crowd of persons including participants, onlookers, observers, media, and other persons who may disagree with the point of view of the activity.

When an Unlawful Assembly May Be Declared

1. The definition of an unlawful assembly has been set forth in Penal Code Section 407 and interpreted by court decisions. The terms, “boisterous” and “tumultuous,” as written in Penal Code Section 407, have been interpreted as “conduct that poses a clear and present danger of imminent violence” or when the demonstration or crowd event is for the purpose of committing a criminal act.

The police may not disperse a demonstration or crowd event before demonstrators have acted illegally or before the demonstrators pose a clear and present danger of imminent violence.

2. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly. There must be criminal activity or a clear and present danger of imminent violence.
3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
4. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques shall not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease and the First Amendment activity can continue.
5. If after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly and the required official declaration has been adequately given.

Non Hand–Held Crowd Control Chemical Agents

- a. Crowd control chemical agents are those chemical agents designed and intended to move or stop large numbers of individuals in a crowd situation and administered in the form of a delivery system which emits the chemical agent diffusely without targeting a specific individual or individuals.
- b. Chemical agents can produce serious injuries or even death. The elderly person or infant in the crowd or the individual with asthma or other breathing disorder may have a fatal reaction to chemical agents even when those chemical agents are used in accordance with the manufacturer’s recommendations and the Department’s training. Thus, crowd control chemical agents shall be used only if other techniques, such as encirclement and multiple simultaneous arrest or police formations have failed or will not accomplish the policing goal as determined by the Incident Commander.
- c. Members shall use the minimum amount of chemical agent necessary to obtain compliance.
- d. Indirect delivery or crowd dispersal spray or discharge of a chemical agent shall not be used in demonstrations or other crowd events without the approval of a supervisor or command officer. Chemical agents shall not be used for crowd control or dispersal without first giving audible warning of their imminent use and giving reasonable time to the crowd, media, and observers to disperse.
- f. If chemical agents are contemplated in crowd situations, the Fontana Police Department shall have medical personnel on site prior to their use and shall make provision for decontamination and medical screening to those persons affected by the chemical agent(s).

1. Hand-thrown chemical agents or pyrotechnic gas dispersal devices
 - a. Hand-thrown chemical agents or pyrotechnic gas dispersal devices shall not be used for crowd control or crowd dispersal without the approval of a supervisor or command officer.
 - b. The use of hand-thrown chemical agents or pyrotechnic gas dispersal devices may present a risk of permanent loss of hearing or serious bodily injury from shrapnel. Said devices shall be deployed to explode at a safe distance from the crowd to minimize the risk of personal injury and to move the crowd in the direction that will accomplish the policing objective.
 - c. Hand-thrown chemical agents or pyrotechnic gas dispersal devices shall not be used for crowd control without first giving audible warnings to the crowd and additional reasonable time to disperse.
 - d. Hand-thrown chemical agents or pyrotechnic gas dispersal devices shall be used only if other techniques such as encirclement and mass arrest or police formations have failed or will not accomplish the policing goal as determined by the Incident Commander.

CROWD DISPERSAL

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.

CLARITE OF PURPOSE, OBJECTIVE, MISSION, AND POLICY

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.

RIOT CONTROL

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:

1. Specific operational tactics/formations
2. Additional resources, equipment, and personnel that may be required for a response
3. Assignment of specific tasks
4. Agency policies and procedures for mounting a quick, effective response to violence or violations of the law.
5. Dispersal orders
6. Clarity on agency policies and guidelines for the use of less-lethal force (i.e. chemical agents, baton, bean-bag rounds, taser, etc.)
7. Clarity on the agency policy for the use of deadly force.

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:

1. Containment
 - a. Flexible outer perimeter controlling ingress and egress of the crowd.
 - b. Denying access and preventing others from joining the existing crowd.
2. Isolation
 - a. Developing an inner perimeter so officers can focus on gaining control and rioters may feel vulnerable and more likely to disperse.
3. Dispersal
 - a. 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.
4. Restoration of order
 - a. Medical aid
 - b. Detention, arrest, cite and release, transportation
 - c. Criminal investigation
 - d. Authorized/designated law enforcement personnel interacting with the media

LAW ENFORCEMENT CONDUCT IN RESPONSE TO CROWD SITUATIONS

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.

PC 404/RIOT 1. ANY USE OF FORCE OR VIOLENCE, OR DISTURBANCE OF PEACE OR THREAT TO USE SUCH FORCE IF ACCOMPLISHED

PC 404.6/ INCITE RIOT 1. COMMITS AN ACT WHICH URGES A RIOT, OR
2. URGES OTHERS TO ACTS OF FORCE OR VIOLENCE
3. WITH INTENT TO CAUSE RIOT
4. UNDER CONDITIONS PRODUCING IMMEDIATE DANGER

PC 405a/ LYNCHING 1. TAKING ANY PERSON
2. FROM LAWFUL CUSTODY OF PEACE OFFICER
3. BY MEANS OF A RIOT

PC 406/ ROUT 1. TWO OR MORE PERSONS
2. ASSEMBLED AND ACTING TOGETHER
3. MAKE ANY ATTEMPT OR ADVANCE TOWARD THE COMMISSION OF AN ACT
4. WHICH WOULD BE A RIOT IF ACTUALLY COMMITTED
5. SUCH ASSEMBLY IS A ROUT

PC 407/ UNLAWFUL ASSEMBLY 1. TWO OR MORE PERSONS
2. ASSEMBLE TOGETHER TO DO AN UNLAWFUL ACT
3. OR DO A LAWFUL ACT IN A VIOLENT, BOISTEROUS, OR TUMULTUOUS MANNER

- PC 409**
1. EVERY PERSON REMAINING PRESENT AT THE PLACE OF
 2. ANY RIOT, ROUT, OR UNLAWFUL ASSEMBLY
 3. AFTER THE SAME HAS BEEN LAWFULLY WARNED TO DISPERSE

- PC 416/
FAIL TO
DISPERSE**
1. ASSEMBLY BY TWO OR MORE PERSONS
 2. WITH INTENT TO DISTURB THE PEACE OR COMMIT UNLAWFUL ACT
 3. FAIL TO DISPERSE ON LAWFUL COMMAND OF PUBLIC OFFICER

Unruly Gathering Response Procedure:

**FCC 16-19 (d) Social Host & FCC 16-19) Unruly Gathering
Briefing Training**

Purpose of Ordinance

This ordinance was created to assist officers to eliminate habitual party or nuisance houses, not to prohibit occasional parties or gathering.

ECC 16-19(d) - Social Host

Hosting, permitting, allowing, a gathering where minors are consuming alcoholic beverages, marijuana, and/or other controlled substances.

- * May issue citation to hosting adult (homeowner, tenant, etc.) on first visit.
 1. Pull a case number, include all IP's and persons cited in report. Narrative a detailed description of scene and of minors consuming on-site.
 2. Cite into City Hall with date and time TBA.

FCC 16-19(e) - Unruly Gathering

Unlawful and a public nuisance to host, permit / or allow a gathering on any private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property resulting from conduct constituting a violation of law. Lawful conduct may include, but not limited to: excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, fights, disturbance of the peace, vandalism, litter, and/or the service of alcoholic beverages to minors.

- o Citation may not be issued on first visit. Must post yellow sticker and pull case number: Attach IP's information to call card. Citation may be issued on second visit after yellow sticker has been posted. May issue citation if yellow sticker is removed within 90 days.

	<u>Social Host</u>	<u>Unruly Gathering</u>
1st Offense	\$500.00	\$750.000 (2nd response)
2nd Offense	\$1,000.00	\$1,500.00 (3rd response)
3rd Offense	\$1,500.00	\$2,500.00 (all subsequent responses)

- Host Fines-Fee schedule is based on violations by the same person with 1 year of first violation.
- Unruly Gathering fines- Fee is biased on violations within 90 days of yellow sticker posting.

Report Guidelines

1. Include prior responses to location (incident numbers, dates, times, & complaints)
2. Details about the scene:
 - a. **# of Party goers and General Age** (high school/ college aged, etc.),
 - b. **Debris** (beer cans, red cups, NOZ tanks, balloons, etc.),
 - c. **Parking Violations** (blocking driveways, fire hydrants, double parked, facing wrong way, more than 18" from curb, etc.),
 - d. **Loud Music** (Disc-Jockey, distance music can be heard from, etc.), and/or
 - e. **Nuisances** (loitering in neighborhood, fights, open containers, littering, etc.).
3. Explain the reason for posting sticker and that you explain its requirements to the IPs. If pamphlet is given to IPs –document in report.
4. Take pictures of debris, parking violations, crowds, Disc-Jockey, etc.
5. Recommendations-Forward report to Wendy Ratcliffe. Do not hold reports during days off. Wendy has to mail the Homeowner/Landlord notice within 10 days of incident.

Tips & Advice

- You can post a FCC 16-19(e) Unruly Gathering yellow sticker and issue a FCC 16-19(d) social host citation on the first visit. Do not issue a FCC 16-19(e) Unruly Gathering citation on first visit, can only issue on second visit after yellow sticker has been posted.
- If the person responsible is a minor, use discretion. For alcohol, under 21 is a minor. If under 18 and no parents are present, it is recommend you post yellow sticker and do not issue social host citation. This is a gray area in the code per Wendy Ratcliffe.

Social Host/Unruly Gathering

Violation Sections

Social Host-FCC 16-19(d)

Unruly Gathering – FCC 16-19(e)

Remove or Deface Notice Posting – FCC 16-19 (g)(1)

(Notice remains posted for 90 days)

City to City Hall with date as TBA (like fireworks cites)

Unruly Gathering:

1. 1st response – Post yellow warning sticker, pull DR and write a descriptive narrative.
2. 2nd response – Cite and supplemental narrative
3. 3rd response – city and supplemental narrative

Pull a case number for original Notice Posting. Include IP's in your case. Narrative elements should include original call/complaint (loud music, noise, etc.), number of people causing the disturbance, where on the property the disturbance is occurring, what the disturbance is, and how it affects the neighborhood (loitering, traffic, debris, etc.). Case must be forwarded to Wendy Ratcliffe for further handling. Call card should include names of persons contacted.

Supplemental Report – Issuing Citations

Following posting of the Notice, citations can be issued. Include all persons cited in the supp. Narrative should include the same elements as the original. Call cards should include names of persons contacted. Case must be forwarded to Wendy Ratcliffe for further handling.

Any citation under the Unruly Gathering requires a supplemental report. Because the fines increase with each subsequent response, citee's must be listed in each supp.

Social Host -Pull a case number, include all IP's and persons cited. Narrative should include original complaint, description of the scene, a detailed description of minors consuming on-site and the reason how or why minors were consuming.

****Zero Tolerance – Immediate Citation**

B&P 25662(a) – Minor in Possession of Alcoholic Beverage

B&P 25658(b) – Minor Consuming Alcoholic Beverage

SAMPLE

CITY OF MONTANA POLICE DEPARTMENT 588910
NOTICE TO APPEAR TRAFFIC NON-TRAFFIC MISDEMEANOR

CITY OF FONTANA POLICE DEPARTMENT 588911
NOTICE TO APPEAR TRAFFIC NON-TRAFFIC MISDEMEANOR

DATE 02/13/70 TIME 2330 AM DAY OF WEEK S M T W T F S

DATE 02/13/70 TIME 2330 AM DAY OF WEEK S M T W T F S

NAME OF OFFENSEE JOHN DOE
RESIDENTIAL ADDRESS 16705 UPLAND AVE

NAME OF OFFENSEE JOHN DOE
RESIDENTIAL ADDRESS 16705 UPLAND AVE

CITY OF FONTANA STATE OF MONTANA ZIP CODE 59701
OFFENSE CODE 003427 CLASS C COMMERCIAL LICENSE 23
SEX M HT 5'8" WT 150 HAIR BRN EYES BRN

CITY OF FONTANA STATE OF CALIFORNIA ZIP CODE 92326
OFFENSE CODE 003427 CLASS C COMMERCIAL LICENSE 23
SEX M HT 5'8" WT 150 HAIR BRN EYES BRN

VEHICLE MAKE MODEL BODY STYLE COLOR
REGISTERED OWNER OR LESSEE (LAST)
ADDRESS OF OWNER OR LESSEE

VEHICLE MAKE MODEL BODY STYLE COLOR
REGISTERED OWNER OR LESSEE (LAST)
ADDRESS OF OWNER OR LESSEE

TYPE OF FINANCIAL RESPONSIBILITY SAME AS DRIVER

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SOV. VEH. (V.C. 16210) HAZ. MAT. (V.C. 853) BOOKING REQUIRED

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Table with 5 columns: No, Violation(s), Description, (CIRCLE ONE), and M I. Row 1: 12, V.C. 16-19(c), VNRULY OBTAINING, M I.

Table with 5 columns: No, Violation(s), Description, (CIRCLE ONE), and M I. Row 1: 12, V.C. 16-19(d), SOCIAL HOST, M I.

APPROX. SPEED, FLOOR AND, CROSSWIND, WIND SPEED, ROAD, UNIT #
N/A, F-28

APPROX. SPEED, FLOOR AND, CROSSWIND, WIND SPEED, ROAD, UNIT #
N/A, F-28

LOCATION OF VIOLATION(S) ON 16705 UPLAND AVE CITY OF FONTANA

LOCATION OF VIOLATION(S) ON 16705 UPLAND AVE CITY OF FONTANA

VIOLATIONS NOT COMMITTED IN MY PRESENCE, DECLARED ON INFORMATION AND BELIEF...

VIOLATIONS NOT COMMITTED IN MY PRESENCE, DECLARED ON INFORMATION AND BELIEF...

Signature of Issuing Officer N. Rossiter 736

Signature of Issuing Officer N. Rossiter 736

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW

Signature of Offensee John Doe

Signature of Offensee John Doe

DATE 02/13/70 TIME 2330 AM DAY OF WEEK S M T W T F S

DATE 02/13/70 TIME 2330 AM DAY OF WEEK S M T W T F S

COURT COPY

COURT COPY



City of Fontana POLICE DEPARTMENT

NOTICE OF PUBLIC NUISANCE

(Property owner
Address
City, Street, Zip)

NOTICE IS HEREBY GIVEN THAT, pursuant to City of Fontana Municipal Code, Section 16-19, on:

Date: _____, at _____ a.m./p.m.,

The City of Fontana Police Department found that a gathering, at the below-listed premises caused a public nuisance as defined by Section 16-19, of the City of Fontana Municipal Code (e.g., disturbance of the peace, threat to public safety, etc.):

Address: _____

WARNING

IF THE POLICE RESPOND TO ANOTHER DISTURBANCE CONSTITUTING A PUBLIC NUISANCE AT THE ABOVE PREMISES WITHIN 90 DAYS OF THIS NOTICE, INCLUDING BUT NOT LIMITED TO A DISTURBANCE LATER THE SAME DAY OR NIGHT, CIVIL PENALTIES WILL BE IMPOSED UPON:

1. ALL GUESTS CAUSING THE NUISANCE
2. ALL SPONSORS OF THE GATHERING
3. ALL RESIDENTS OF THE PREMISES
4. ALL PERSONS IN CONTROL OF THE PREMISES
5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT TO THE PREMISES, OR ARE PRESENT AT THE PREMISES WHEN THIS NOTICE IS FIRST POSTED.

Property owners who do not reside on or adjacent to the above premises, and who are not present when this Notice is first posted, are also jointly and severally liable for said civil penalty, if the next disturbance occurs ten (10) days after this Notice is mailed to said property owner.

A Notice of Public Nuisance was posted at said premise at said date and time.

**SAID NOTICE MUST REMAIN POSTED ON THE PREMISES FOR 90 DAYS
\$500 FINE FOR UNAUTHORIZED REMOVAL OF SAID NOTICE**

Name and Id of Officer Issuing this Notice

Date

Case Number

(FPD 389 02/16)

17005 Upland Avenue, Fontana, CA 92335
(909) 350-7740 www.Fontanapd.org

FONTANA POLICE DEPARTMENT

NOTICE OF UNRULY GATHERING

PURSUANT TO FONTANA MUNICIPAL CODE SECTION 16-19, AS A RESULT OF AN UNRULY GATHERING AT THESE PREMISES, ANY UNRULY GATHERING WITHIN THE NEXT 90 DAYS WILL RESULT IN CIVIL PENALTIES IMPOSED UPON ALL PARTICIPANTS AND SPONSORS OF THE EVENT, AND ALL PROPERTY OWNERS OF THE PREMISES AND THEIR AGENTS.

NOTICE IS HEREBY GIVEN THAT, pursuant to Fontana Municipal Code Section 16-19, on _____ 20____ at _____ a.m./p.m., the Fontana Police Department found a public nuisance was caused by a loud or unruly gathering at the premises located at _____.

If there is a subsequent unruly gathering on these premises which constitutes such a public nuisance and necessitates the intervention of the Police Department on or before _____ (90 days from the date of this Notice) every participant in, and sponsor of such event, and any owner, occupant or tenant of the premises, shall be jointly and severally liable for the civil penalties connected with this response as set forth in Fontana Municipal Code, Section 16-19.

(Officer Name and Id. Issuing Notice)

_____, 20____
(Date Notice Posted)

Case Number

THIS NOTICE MUST REMAIN POSTED FOR 90 DAYS

THE REMOVAL, DEFACTING OR CONCEALMENT OF THIS NOTICE IS A CIVIL INFRACTION AND WILL RESULT IN A \$500.00 FINE.

AVISO DE MOLESTIA PÚBLICA

DE ACUERDO CON EL CÓDIGO MUNICIPAL DE FONTANA, SECCIÓN 16-19, COMO RESULTADO DE UNA REUNIÓN RUIDOSA EN ESTE LOCAL, LA PROXIMA REUNION RUIDOSA, DENTRO LOS PROXIMOS 90 DIAS RESULTARA EN UNA PENA CIVIL IMPUESTA SOBRE TODOS LOS PARTICIPANTES Y PATROCINADORES DEL EVENTO, Y TODOS LOS DUEÑOS DE LA PROPIEDAD DEL LOCAL Y SUS AGENTES.

SE PRESENTA ESTE AVISO de acuerdo con el Código Municipal de Fontana, Sección 16-19, el _____ de _____ de 20____ a las _____ a.m./p.m., el Departamento de Policía de Fontana encontró que una molestia pública causada por una reunión ruidosa en las premisas localizadas en _____.

Si hay otro acontecimiento subsiguiente en estas premisas que constituya otra molestia pública y requiera la intervención del departamento de policía en o antes de _____ (90 días de la fecha de esta nota) todos los participantes y patrocinadores de tal evento, y dueño del local, y sus agentes serán conjuntamente responsables y tendrán responsabilidad solidaria por las penas civiles asociadas con la intervención policíaca como es estipulado en el Código Municipal de Fontana, Sección 16-19.

(Firma del oficial que presento esta nota)

_____, 20____
(Fecha en que se presento esta nota)

(Número de Caso)

ESTA NOTA DEBE DE PERMANECER ANUNCIADO POR 90 DÍAS

EL QUITAR, DESFIGURAR E OCULTAR ESTA NOTA ES UNA INFRACCIÓN CIVIL Y RESULTARA EN UNA MULTA DE \$500.00.

070.37.0720

**SIGN OFF
CROWD CONTROL/RIOTS/PROTESTS/DEMONSTRATIONS**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Labor Strikes							
B. Public Protests							
C. PC 407							
D. Social Host/Unruly Gathering Ordinance							

(Refer to California Legal Sourcebook)

COMMENTS:



FTP

Investigations/Evidence

INTERVIEWING/INVESTIGATIONS

As Patrol Officers, we all realize the importance of the Crime Report. It is the basis for which all investigations are followed-up, the basis by which court cases are built (or disregarded). It is the source of information and descriptions for our fellow officers. It is the Department's permanent record of incidents, which the Department has handled. It is also essential that it be accurate and understandable. To accomplish this, you must be able to discover what took place and be able to relate to others what took place by using the Crime Report. Those two activities should dictate your technique in interviewing and taking notes of these interviews.

What took place?

If you have been given an assignment with a specific code from Communications, you may already have a direction to proceed with your interview. However, you shouldn't presume that the information you have been given is completely accurate. After all, the dispatcher is receiving the information from a second party and the dispatcher may not have the whole idea as to what has happened. Therefore, you should keep an open and inquisitive attitude to all assignments. Your first objective in your interview is:

1. **WHO** are you to speak to, to interview, and to interrogate? Who is the victim, the witness, and the suspect?
2. **WHAT** took place? Is there a crime? What crime? To discover this, isn't as easy as it sounds. You must not only ask the right questions of the right people you must also listen! **PAY ATTENTION.**
3. **WHEN** did this take place?
4. **WHERE** did the incident take place? Where are the individuals involved and where can they be reached?
5. **HOW** did this take place? This might take a bit of investigation on your part. Asking questions, making observations and evaluating the information you can compile.
6. **WHY?** This question is frequently overlooked, as being so obvious that it need not be asked.

The answer to these questions might be the way to solving who did what.

You should seek all of this information during your interview(s). The progression may not follow this exactly (it most likely won't), and you may not always have each and every one of these questions answered to your full satisfaction, but you certainly should attempt to obtain what is available.

Obtaining this isn't always easy and it will not always be obtained in the same way. You are dealing with people, and every person is somewhat different than the other. They see the same incidents differently, and they all react differently to police officers and will, therefore, need to be approached in a manner, which best suits, them and you. We are all different too, which necessitates that there is no single best approach.

There are, however, some approaches that must be avoided:

1. **Talking constantly.** You, of course, must be curious and ask questions but you will never learn anything if you don't stop talking and asking questions and LISTEN. Don't just hear the words and wait for your turn to talk but actively listen and try to learn what your victim, witness or suspect is really saying.

2. **Talking too little or without sufficient self-confidence.** If you don't assert yourself, as the police officer that you are, and control the conversation, there are numerous people who will control it for you and talk about anything and everything. This situation has to be avoided if you are to complete your report.
3. **Being overly aggressive.** Remember that you are speaking to human beings. Your effectiveness as a report taker, and for that matter as an officer in every way, is not measured by the number of complaints you com-pile. Most people, even criminals, want to be treated with dignity. They want to believe you care about what they are telling you. What's the best way to let them know you are paying attention and care about what they are telling you? **Make eye contact!**
4. **Being meek.** If you aren't confident and positive, your effectiveness will be completely lost. You must give an impression that will give the person to whom you are speaking confidence in your ability.

Interviewing/Interrogation:

1. As soon as possible, separate subjects being interviewed or interrogated.
2. There are two considerations when interviewing or in-terrogating relating to advising of Miranda Rights.
 - a. Is the field officer conducting a field investigation to determine if a detained person is a suspect of a known or suspected crime?
 - b. Is the field officer or investigator conducting an interrogation following a suspect's arrest, seeking a confession, an admission, or any other information to establish the suspect's involvement?

Field Investigation:

You may ask investigative type questions of detained persons WITHOUT advising them of their Miranda Rights, unless they are taken into custody.

ARRESTED JUVENILES MUST ALWAYS BE ADVISED OF THEIR RIGHTS—WHETHER QUESTIONED OR NOT...

1. Interrogation is a basic part of most police work. It is most important to know the difference between an admission and a confession, as well as what conversation may be used as admissible evidence.
 - a. **CONFESSION** – an acknowledgment by the defendant of his guilt of the crime for which he is being tried.
 - b. **ADMISSION** - a statement of the accused in which he admits acts pertinent to the crime and which tend to prove his guilt.
2. Questions should always be kept on a practical basis and related to the point at issue. In most instances, courtesy will bring forth more than a rough attitude. Use the "logical approach" in dealing with appropriate groups, sympathy with individuals such as in sex cases, flattery such as in cases involving the "SHOW OFF TYPE."
3. Do not make use of the notebook until the basic part of the interrogation is completed, as it tends to create a psychological deterrent possibly resulting in the lack of cooperation on the part of the person being interrogated. When the interrogation is complete, then record all pertinent information. In major felony cases, a written and taped statement should be obtained.
4. Be alert for the suspect who tells a "TOO PERFECT" story (preplanned). Be suspicious of all suspects, never taking anyone's word for anything. Seek specifics, not generalities. The interrogator should not "ROAM" but should stick to the case being investigated.

REDACTED

- ◆ **Suspect:** A person thought to be guilty of a crime or offense

Miranda Rights:

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to have an attorney present now and during any future questioning.
4. If you cannot afford an attorney, one will be appointed to you free of charge if you wish.

**SIGN OFF
INTERVIEWING/INVESTIGATIONS**

Glossary: *FP= Field Performance* *RP= Role Playing* *WT= Written Test* *VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Interviewing Witnesses							
B. Interrogating Suspects							

COMMENTS:

EVIDENCE COLLECTION/PRESERVATION

One of the most important considerations in any investigation is the protection of the crime scene. This job is the responsibility of the first officer on the scene of the crime.

Failure of the first officer to secure the scene could result in the disturbance or loss of valuable evidence. This could lead to the dismissal of a case in court.

In order to effectively secure a crime scene, it is necessary to remove all unnecessary persons including unnecessary police officers and members of the press.

After securing a scene, make sure that all entrances and exits are secured. At the scene of a major crime (e.g., murder), it is the responsibility of the first on-scene officer to make sure a *Major Crime Scene Check List/Entry Log* is started and maintained as soon as possible.

There are three basic sources of physical evidence:

1. The Crime Scene
2. The Victim
3. The Suspect

Your preliminary investigation of a crime scene is an important element in solving a crime. You need to look for evidence that proves or disproves a crime.

Physical evidence helps to corroborate a victim or witness statement. In court, the prosecutor would like to have as much evidence as possible.

Collecting Evidence:

An Evidence Technician is there to assist in the processing of evidence when available. Your investigation should determine if the Evidence Technician is really required and should not be used merely to collect property that is normally your responsibility to book. The unit will only be called to process evidence such as fingerprints or photographs, where the expertise of the Crime Scene Investigator is an asset. It is possible to leave evidence (such as items to be printed) at a scene and clear the call and have the IDA unit respond when available and process the evidence.

Most of evidence collection is “common sense:”

1. Look for evidence that helps to prove a crime or helps to identify the suspect(s).
2. Photograph items, as they are located (before they are moved).
3. If the Evidence Technician is unavailable, recover the evidence and **HOLD FOR PRINTS.**
4. Use gloves when possible and/or pick up objects in an area suspects most likely would not have handled. Normally, evidence should be placed into paper bags, evidence envelopes or sheet protectors.
5. If you think the item needs printing, print.
6. Diagram scenes if there is a lot of evidence.

When to Call for Investigations Personnel:

Investigations personnel should not be called merely for Public Relations (PR) purposes.

When should you call Investigations or is Investigations really necessary at the crime scene? Consider the following examples: (If you feel Investigations is needed, request a Sergeant to your location and advise why, and let the Sergeant make the determination.)

Common Crime Scenes:

459 PC Auto/10851 VC Recovery/10851 Attempts

1. Car window smash, T-tops removed, doors still locked. Using oblique lighting from your flashlight, you can view the dust around the area of the T-tops.
2. Car window smashed and the pull out stereo is taken. Oblique lighting on the side of the vehicle reveals the imprint of the suspect's legs on the door. The door is still locked when the victim discovers the crime. This indicates the suspect smashed the window, leaned inside and removed the stereo.
3. An out of jurisdiction-stolen vehicle is recovered. It is normally the responsibility of the originating agency to process the vehicle unless it relates to a crime that occurred in our City. This type of request needs to be cleared through Investigations Unit.

(Normally, we cannot get a prosecution filing for prints located only on the outside of a vehicle unless these prints could only have been made by person(s) who were inside the vehicle at the time).

4. If you are impounding a vehicle that you want held for processing, mark the impound "**HOLD FOR PRINTS,**" store the vehicle in the garage, and advise Investigations Detectives of the request.

459 PC Residential /459 Commercial/487.1 Grand Theft:

1. Preserve the scene especially the point of entry.
2. Although many scenes have extensive ransacking, you cannot obtain prints from clothing, most wooden surfaces, or most types of furniture.
3. If it is not possible to totally secure the scene (i.e., a business that is already open), secure small printable items in a safe area where they will not be contaminated. Such items include small metallic or glass items, papers, check boxes, etc. If in doubt, preserve the item.
4. Think how the suspect(s) may have entered or what surfaces may have been touched. Don't tell the victim that there are prints in a particular location.

211 PC, Robbery: Banks and Convenience Stores:

1. If the suspect touched the counter top, make sure it is protected. Most banks will usually cover any counters involved in a robbery.
2. If possible, protect the point of exit.
3. Collect loose evidence, HOLD FOR PRINTS and cause same to be transported. This includes demand notes, the top and bottom bills of die packs, which were exploded and then recovered.
4. Due to video cameras at banks, the Federal Bureau of Investigation (FBI) will usually process the video. Additionally, composites are not usually done if a business surveillance camera has the suspect(s) on videotape.
5. If a composite is done, it is not always necessary that it be done immediately at the scene. As the composite completion takes a substantial amount of time, it is best to complete it in a secure location when the victim or witness is calm.

Evidence Collection and Preservation Methods:

Any employee, who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence. Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form (FPD 007) must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- a) Complete the property ARS entry describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- b) All packages must be sealed with evidence tape and initialed half on and half off the seal.
- c) All items must be marked with the officer's name and identification number, case number, item number, and description (ARS). Write the information directly on the package. If the item is not packaged, write directly on the item if feasible, or use self-stick labels.
- d) Each item booked into the Fontana Police Department Property Unit will have a bar code label attached in a location which is clearly visible. Instructions for proper location of bar code labels on packaging are located in a notebook on the Property counter in the report writing room.
- e) It is the officer's responsibility to complete the appropriate San Bernardino County Sheriff's Department Lab forms for any item to be sent to the Crime Lab. Instructions for filling out each form are in a notebook on the Property counter in the Report Writing Room.
 1. The San Bernardino Sheriff's Crime Lab requires only one Blue bar code label for each narcotic investigation (affixed by Property Control Clerk). Therefore, if numerous narcotics are obtained during an investigation, they shall be packaged separately, but all packages shall be placed in one envelope. It is this envelope that shall have a bar code label affixed.
 2. This section does not apply to narcotics booked for destruction. Any narcotic booked to be destroyed, shall be packaged separately and each package shall have a bar code label.

NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health & Safety Code § 11364.1 shall also be booked separately.

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated Property locker, along with the Green Request for Analysis Form. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

- a) Marijuana citation evidence should be packaged in a marijuana kit. Follow the instructions on the kit. Place a copy of the citation in the Property locker with the evidence.
- b) Marijuana (other than citation evidence) must be DRY and must be packaged in a manila envelope or a paper bag. NEVER put marijuana or any other vegetable matter in plastic (it will mold and decay). Complete the green "Request for Analysis" crime lab form, and staple it to the back of the manila envelope. Label the envelope as outlined above.

- c) All other drugs must be packaged in KPac (tm) heat sealed pouches. If feasible, seal the container that the drugs were found in (i.e. a small plastic bag) inside the KPac (tm) pouch. Do not include containers other than KPac (tm) or baggies. Place film canisters, syringes, etc., in a separate envelope. Place the sealed KPac (tm) pouch inside a manila envelope. Complete the green "Request for Analysis" crime lab form, and staple it to the back of the manila envelope. Label the envelope as outlined above.
- d) Large amounts of controlled substances (in excess of 10 pounds gross weight) shall, unless otherwise authorized by the Chief of Police, be handled in accordance with Health and Safety Code 11479 which details the process for random sampling, photographing, weighing, and destruction of large amounts of controlled substances.

Property Control is responsible for destruction of controlled substances.

REDACTED

PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- a) Narcotics and dangerous drugs
- b) Firearms (ensure they are unloaded and booked separately from ammunition)
- c) Property with more than one known owner
- d) Paraphernalia as described in Health & Safety Code § 11364.1
- e) Fireworks
- f) Contraband
- g) Cash
- h) Serialized Property

PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size.

- a) Knives with sharp, exposed blades should be double packaged or have the blades wrapped (with paper or cardboard and tape) if possible.
- b) Needles, syringes, and razor blades are to be packaged in the syringe tubes provided for that purpose.
- c) Guns shall be unloaded. Place ammunition removed from the gun in a cushioned manila envelope and label it as outlined above. Enter the ammunition as a separate item.
 1. Place the unloaded gun, secured with a non-removable cable tie in an evidence locker with cylinder open or the ammunition magazine removed. Do not package any gun unless it needs special handling (i.e. blood comparison, latent prints, etc.)
- d) Sex crime evidence.
 1. It is important that clothing be packaged properly at the scene or place where it is collected. Each item of clothing must be packaged in a separate paper bag or envelope at the time of collection to prevent contamination. Underwear must be packaged in a 6 1/2" x 9 1/2" manila envelope. Mark each package as outlined above.
 2. All sex kits or any item containing biological fluid samples shall be refrigerated. The refrigerator is located in the Sergeant's office. All sex kits need to be sent to the Crime Lab. Items being submitted to the crime lab must have the appropriate lab forms completed.

OTHER RELEASE OF PROPERTY OR EVIDENCE

a) Items checked out for court

1. Items may be checked out of Property Control by department personnel to take to court, DMV hearings, parole hearings, etc. At the time the employee takes possession of the property they will sign an Evidence CheckOut Form (FPD 243).
2. The employee will maintain the white copy of the Evidence CheckOut Form until the evidence is returned to property control or released to another party. The property clerk will maintain the yellow copy in a tickler file until the white copy is returned. If the evidence and/or the form is not returned within a reasonable period of time, the property clerk will refer the matter to the employee's supervisor.
3. If employees release evidence, they shall so indicate on the Evidence Check-Out Form and obtain the signature of the person to whom they releases the evidence.

If the evidence is returned to Property Control, the employee will so indicate on the form and return it with the evidence to Property Control.

b) Evidence in shoplifting cases

1. Evidence (merchandise) in shoplifting cases where the suspect is cite released may be retained by the retail establishment if it is photographed and the merchant agrees to hold the evidence for presentation in court. The photograph will be retained by Property Control until there is a disposition on the case, and then destroyed.

c) Items for destruction only

1. Items of property or evidence, which are turned in to Property Control for destruction only must have a case number. Property Control clerks shall dispose of such items in a manner consistent with the laws of the state and this policy.

DISPOSITION OF EVIDENCE ON INFRACTION CITATIONS

When an officer takes evidence from a person who is cited for an infraction, the officer shall attempt to obtain the name of the owner of the property. If the owner is different from the person who was cited, the owner's name and address shall be written included in the report.

A copy of the citation needs to be attached to the property or placed in an evidence locker.

Any and all perishable items shall be photographed and disposed of immediately by the officer. In no case shall officers put perishable items in property lockers or leave them in food carts or containers. Photograph(s) shall be placed in evidence.

After the court date for the citation has passed, the property control clerk will mail a notification to the owner, or to the violator if the owner's name is unknown, advising them the property is ready for release. The notification shall state that in order to claim the property, they must produce proof a disposition was made on the citation, or show that a new court date has been set. The notification will also include a notice that the property will be disposed of if not claimed within three months.

If the cite has been dispositioned by the court, the property will be released pursuant to department policy. If a new court date has been set, the property will be held until the new court date, and then another notification will be sent.

If the violator does not respond to the notification, property control clerks will hold the property for three months after the date of advisal, photograph and dispose of it.

Reference Policy #804

BIOLOGICAL EVIDENCE COLLECTION

The best way is to collect the object on which the evidence is located.

The item should be packaged in a paper envelope, bag, or box to allow the fluid to dry if wet and prevents the stain from deteriorating. Biological fluids should NEVER be packaged in plastic or other nonporous containers.

When collecting biological evidence always wear gloves, try not to cough, sneeze, sweat, or breathe directly on the stained area.

If collecting the object is not possible or practical, a swabbed sample should be collected.

Photograph stain prior to collection if possible.

When obtaining a swabbed sample, a control standard of the surface on which the evidence is located must also be taken. The control standard should be taken in a close proximity to the stain, but not from the stain itself.

Use the provided “sterile swabs” to collect both the control standard and the stain sample. If the swab packaging is damaged, or contaminated in any way, do not use. It is recommended to collect your control standard prior to your stain sample to avoid chance of cross contamination.

Direction for collection:

1. Put on Gloves.
2. Un-wrap and un-cap “the sterile swab”. Push swab end out of cap using the wooden handle, be careful not to touch the cotton tip.
3. Moisten cotton tip using sterile water from vial provided. Do not touch water vial to cotton tip. The same sterile water vial is used to collect both your control standard and your stain sample.
4. Collect control standard from area in close proximity to the biological stain by rubbing the moistened cotton tip on the surface.
5. Retract the swab back into the cap using the wood handle to re-cap.
6. Place swab in 3 ½” x 5 ½” envelope and label it “standard”. You will need to break off a portion of the wooden handle to fit the swab in the envelope.
7. Repeat above steps this time collecting from your biological stain. Be sure to label this 3 ½” x 5 ½” envelope “Sample”.
8. Both sealed 3 ½” x 5 ½” envelopes labeled “Standard” and “Sample” can now be placed in one standard 6 ½” x 9 ½” envelope and labeled with the case number, location from which the sample was collected, date and time, and your initials and badge number. This item is then submitted onto evidence according to policy.

Collecting Reference Samples (aka Buccal Swabs)

Known samples of victim’s and involved parties in your DNA cases are now needed by the SBSO Crime Lab for processing your DNA Evidence. This means you as the patrol officer, need to collect these sample swabs while you are in the field collecting your evidence. This means the bloodstains you collect on the gear shifter to a stolen car are no longer enough. For DNA to be performed on that sample of blood, you must also take reference sample from all persons that drive that vehicle routinely.

reference sample from all persons that drive that vehicle routinely.

These reference cheek samples (called Buccal swabs) are taken only as an elimination sample. They will not be entered into any criminal database. They are only to eliminate what other sample (s) may have been found in your evidence swabs.

STEPS TO COLLECT:

1. **Put on the gloves provided in the package.** Do not wear your patrol gloves because they could have your sweat, skin cells or anyone else you have come into contact with.
2. **Carefully un-package the capped sterile swabs provided** (there will be two). Uncap the end of the swab and push the swab up and away from the cap.
3. **DO NOT COUGH, SNEEZE, SWEAT, or TOUCH the provided swabs as they are exposed.** The equipment used to test these swabs can detect up to a single atom of DNA. You do not want YOUR DNA in the reference or sample swabs, EVER. If you think you have somehow cross contaminated your sample, you can either start over with another kit or complete a kit on yourself to have your DNA excluded from the samples.
4. **Have the subject open his or her mouth.** You want to drag the exposed cotton swabs along the subject's cheek (between their teeth and gums and their cheek. You want to turn the swabs as you firmly rub the swabs along the subject's cheek. Do this several times.
5. **Immediately recap the swabs to dry and place the swabs into the coin envelope provided.** You may have to break off the bottom portion of the swab to get it to fit in the small envelope.
6. **Make sure you have the Subject's name, DOB and the time and date you collected the sample on this coin envelope.** Don't forget to seal this small envelope.
7. **Place this small sealed coin envelope into the larger 6 ½ X 9 ½ envelope for Property submission.**
8. **Complete the proper General Request for all swabs taken and the necessary DNA forms for the Investigations Sgt's approval.** There are three DNA Request for Analysis forms located on the PD Intranet. They are specific to the type of crime: major crimes, property crimes, and sex crimes. On the appropriate DNA Request for Analysis Form (FPD Form 433), mark the box that indicates you collected reference samples from all victims and involved parties. Attach this form and your completed SBSO General Request form to the top of your Green Sheet.

**SIGN OFF
EVIDENCE COLLECTION/PRESERVATION**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Methods of Preservation							
B. Packaging (bags, envelopes, etc.)							
C. Use of Evidence Tech							
D. Protecting the Crime Scene							
E. When, Where & How to Mark Evidence							
F. Special Handling (PCP, firearms, narcotics-syringes)							
G. Special Handling-Currency (PC 1412, arrestee's receipt)							
H. HAZMAT							
I. Explosives (SBSO Bomb Squad)							
J. Buccal Kits/DNA Collections							

COMMENTS:

SUBPOENAS/COURTROOM TESTIMONY

COURT PROCEDURES/ORIENTATION

Purpose:

The purpose of this procedure is to explain the reimbursement schedule for employees responding to a court appearance, as well as employees remaining on an “on call” status away from the court.

Employee Subpoena/Court—Off Duty Status:

Any employee required to respond to court while in an off-duty status will be compensated according to the current MOU requirements.

The employee should prepare by securing reports or copies of citations prior to their date of appearance.

If while at court the employee’s regular shift commences, the court time reimbursement to be claimed ceases at that time and the remaining time spent in court is considered part of the regular shift tour.

On-Call

When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

COURT STAND-BY OR ONCALL

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby (on-call) changes his/her location or contact information during the day, the employee shall notify the subpoena clerk and/or the Deputy District Attorney of how he/she can be reached by telephone. Employees are required to remain on standby (on-call) as directed by the Deputy District Attorney. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

Mandatory Appearance

Subpoenas marked as mandatory appearance require an employee’s physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

Subpoena—On Duty:

When an employee is on duty and is called to appear in court and his appearance extends past his regular “end of shift,” the overtime is treated as regular overtime, at time and one-half hourly wage.

Employee Re-subpoena:

When an employee has been subpoenaed under any of the foregoing circumstances for which compensation will be paid and the employee is re-subpoenaed to appear again on another day, the new appearance date and subpoena instructions will be treated like any other subpoena.

Reference Policy #348

Courtroom Testimony

During direct testimony, the officer's responsibility is to present the facts of the case. *Keep in mind—the officer saw and smelled it and the judge and jury did not. The officer must paint a mental picture for the judge and jury.* In order to do that, the officer should:

1. Testify to what he observed using language geared for the lay person – in other words, don't use jargon, acronyms, or abbreviations;
2. Never guess at an answer – it's okay to say, "I don't know" if you don't know; and
3. Provide specific descriptive details concerning exactly what the suspect did or was not able to do and explain what these actions mean.
4. **Always tell the truth. If you Lie you can be criminally and civilly prosecuted and your word in court will no longer be credible.** (Brady list – *Brady v. Maryland* 373 U.S. 83 (1963))

An officer's testimony should NOT include:

1. Testimony or evidence that has been excluded;
2. Exaggerated testimony; or
3. Testimony that can appear biased for or against the defendant.

Professional conduct during a trial is very important. Jurors focus on an officer's demeanor as well as the content of the testimony. Avoid becoming agitated or taking personal issue with defense tactics – just stick to the facts. *Remember: the minute you lose your temper, you lose your audience.* Personal appearance also matters.

Courtroom Protocol, Preparation for Testimony, Courtroom Attire and Courthouse Decorum

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed. Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court. Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks. Employees shall observe all rules of the court in which they are appearing. Listed below is an example of traffic court testimony.

**SIGN OFF
SUBPOENAS/COURTROOM TESTIMONY**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Subpoena Book							
B. On-Call Procedure							
C. Traffic Court							
D. Juvenile Court							
E. D.A. Office							
F. Testifying-(1) Criminal (2) Traffic (Adult/Juvi)							
G. Appearance							
H. Demeanor							
I. Obtaining Reports & Evidence							
J. Overtime Procedure							

COMMENTS:



FTP

**Tactical Communication/Conflict
Resolution**

TACTICAL COMMUNICATION

Tactical Communication used to de-escalate hostile situations or conflicts involves using both professional demeanor and words, or verbal and non-verbal cues.

Professional Demeanor (non-verbal)

Non-verbal communication is that communication which is translated from body language, body positioning and the overall physical demeanor of an officer. Studies have shown that during a face-to-face encounter, non-verbal communication counts for between 65% and 93% of the total communication.

Non-verbal communication covers many areas. Some of the primary areas include:

1. A subject who talks and uses their hands at the same time.
2. The distance a person stands from another subject.
3. The way they stand.
4. Do you make eye contact or not.
5. Sarcasm
6. The way you stand, act, and/or facial gestures made during a conversation.

Command presence is an area in law enforcement which is extremely important, especially when dealing with communication. Command presence balances the confidence and fairness with the power that comes with the job. Command presence is also the first line of defense for officer safety. A strong command presence indicates that an officer who is in control of his own mental, emotional and physical abilities is capable of communicating with others. This communication also allows others to know that the officer is in charge and expects compliance from all persons that the officer is directing.

Words (verbal)

When using tactical communication, an officer may at times, find the need to use deflecting phrases. Deflectors are generally short, simple phrases that can be used to keep us from reacting to insults. They will often tell the abuser that you are going to remain calm in your demeanor, and not going to let the abuser's statements bother you.

An officer who is properly deflecting an abusive subject in the area of communication, projects a calm confidence, despite receiving verbal abuse, and is able to re-direct the subject to the goal at hand. Remember, that you are not deflecting when you tell a subject that it is time to return to the subject at hand.

In response to verbal abuse, officers need to use professional language that is goal directed, such as phrases that follow the word "but." For example:

1. "I appreciate that, but I need to see your driver's license."
2. "I understand that, but I need you to sign the citation."

Benefits of Tactical Communication

1. Enhanced safety.
2. Reduces likelihood of physical confrontation, thus reducing the likelihood of injuries.
3. Enhances professionalism.
4. Decreases citizen complaints, thus reducing civil liability, personal and professional stress.

Technique

When defusing a situation, officers should always allow a subject who is very agitated to vent or talk. Officers should ask very short and specific questions, and use questions that only require a short answer. The officer should allow a subject to pace, while at the same time, try to talk a person down or persuade them to be calm. Officers can often attain this by using rational conversation.

When faced with a highly emotional situation, it is almost always necessary to defuse the subject before you can begin useful questioning. Defusing is used to bring down the intensity of the situation and to help the subject focus on the solution, instead of the problem. Effective defusing techniques include maintaining eye contact, using “focus on me” gestures, and asking simple questions.

When involved with an uncooperative subject with whom you are trying to get voluntary compliance, officers can use a 5-step process:

1. Ask (ethical appeal) – The subject is given an opportunity to voluntarily comply by simply being asked to comply. Officers should tell the subject what compliance they are looking for and ask the subject to comply.
2. Set Context (reasonable appeal) – Subjects often don’t understand why we take appropriate actions. Situations can often be resolved by taking the time to professionally explain to a subject why you are doing what you are doing. The “why” questions are answered by the identification or explanation of the law, policy, or rationale that applies to the situation.
3. Present Options (personal appeal) – After explaining why you are taking action, explain the possible options. This should include what will happen if the person complies and what will happen if he doesn’t comply.
4. Confirm (practical appeal) – Provide one last opportunity for voluntary compliance, like “Is there anything I can say to earn your cooperation at this time.
5. Act – Finally the officer must take appropriate action, whether the subject complies or doesn’t comply.

**SIGN OFF
TACTICAL COMMUNICATION**

Glossary: *FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test*

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Professional Demeanor (non-verbal communication)							
B. Words (verbal communication)							
C. Benefits (safety & professionalism)							
D. De-escalating Conflicts in a Calm Professional Demeanor							
E. Deflection Techniques against Verbal Abuse							
F. Gaining Voluntary Compliance (5-step process)							

COMMENTS:

HANDLING DISPUTES (GENERAL)/CIVIL (LANDLORD-TENANT, LABOR, AND REPOSSESSION

On a daily basis, law enforcement officers respond to many disputes. Some of the calls could be a neighbor, civil or custody dispute. Police officers must remember not to take sides when trying to resolve disputes. Officers must listen to both sides of the story and then work on creating a solution that will satisfy both parties. While working on solutions, officers must be aware of their officer safety and that the dispute may result escalate into a physical assault. It is always to have at least two officers present on every dispute regardless of the call for services.

Civil Disputes, Protests and Disturbances

Police officers are often called to handle tenant/landlord disputes, labor protests and other disturbances. The primary responsibility of police officers responding to these events is to maintain order and proceed to peaceful resolutions. However, during the course of finding a resolution, it may be necessary to take law enforcement action.

Police officers managing conflicts should understand a person's needs and triggers. It is not easy to defuse conflicts. The following are some helpful skills in maintaining a positive resolution.

Practice active listening. Try to understand what the other person is really saying. Listen carefully, instead of thinking about what you're going to say next. Active listening demands concentration and body language that clearly shows you are paying attention.

Create options for resolving a conflict. Many people can only think of two ways to manage conflict- fighting or avoiding the problem. Get the facts straight, brainstorm all the ideas that might help resolve the argument, then discuss the pros, cons, and consequences of those ideas.

Clearly define the problem. Talk directly. Talk about the issues without insulting or blaming the other involved parties. Discuss together various ways of meeting the needs of the parties or solving the problem. Be flexible and open-minded. Talk it through and work on a solution together.

When officers are present our duty is only to ensure the personal safety of everyone present, not referee who can take property or prevent property from being removed under a landlord/tenant dispute or any other event. Even with a civil court order, police officers cannot make anyone give or allow someone to receive property.

Notify a supervisor whenever the situation escalates and potential danger is present. Officers should prepare to implement a Crowd Control response.

LABOR DISPUTES

Upon Arrival:

1. Keep the peace
2. Assess the activity and determine the need for additional personnel and equipment.

Upon Contact:

1. Contact picket captain and management representative and encourage both to control their respective groups.

2. Remain neutral. Accept no food, literature or gifts of any kind from either side.
3. Maintain a professional and impartial demeanor not fraternizing with either party in the dispute.
4. Do not park radio cars on disputed property unless officially necessary.
5. Warnings should precede any enforcement if possible

Minor unlawful acts should be referred to the picket captain or management for resolution at the officer's discretion. Monitor sites for alcohol use and other hazardous conditions.

NOTE: Certain specified penal code sections do not apply to conduct arising during an otherwise lawful labor dispute. Prior to arrest, you should contact a supervisor.

LANDLORD TENANT DISPUTES

Disputes between landlords and tenants are “civil” in nature unless a crime has been committed in connection with the dispute.

Upon Arrival:

- 1) Keep the peace at a landlord tenant dispute

Upon Contact:

- 1) May only explain lawful alternative solutions
- 2) Determine if there are any existing court orders in the possession of either party.
- 3) Advise both parties to contact their lawyers
- 4) If landlord wishes to have a tenant removed from a rental unit, advise that he/she may seek legal advice about filing a lawsuit known as an “unlawful detainer,” commonly known as an eviction

Arrests

Arrest the violator if there is probable cause that an offense has been committed

REPOSESSIONS

- 1) Repossessors must conduct themselves in a peaceful manner, may not use force and cannot violate the law in conducting a repossession
- 2) A reposessor may repossess goods from private property, “open to the public” such as a driveway or open porch
- 3) A reposessor may not enter any building or enclosure without permission
- 4) If the vehicle is not yet removed from private property and in transit, it must be released to the buyer upon request of the owner or owner's agent. (VC 22658(g)(1)(B))

NOTE: Repossession disputes between the buyer and seller are “civil” in nature unless a crime is committed in connection with the dispute.

The trainee shall explain the general rules that pertain to the repossession of items. These rules shall minimally include:

- A. What property is subject to repossession
- B. Who may make a repossession
- C. To what lengths a reposessor may go
- D. When a repossession is complete

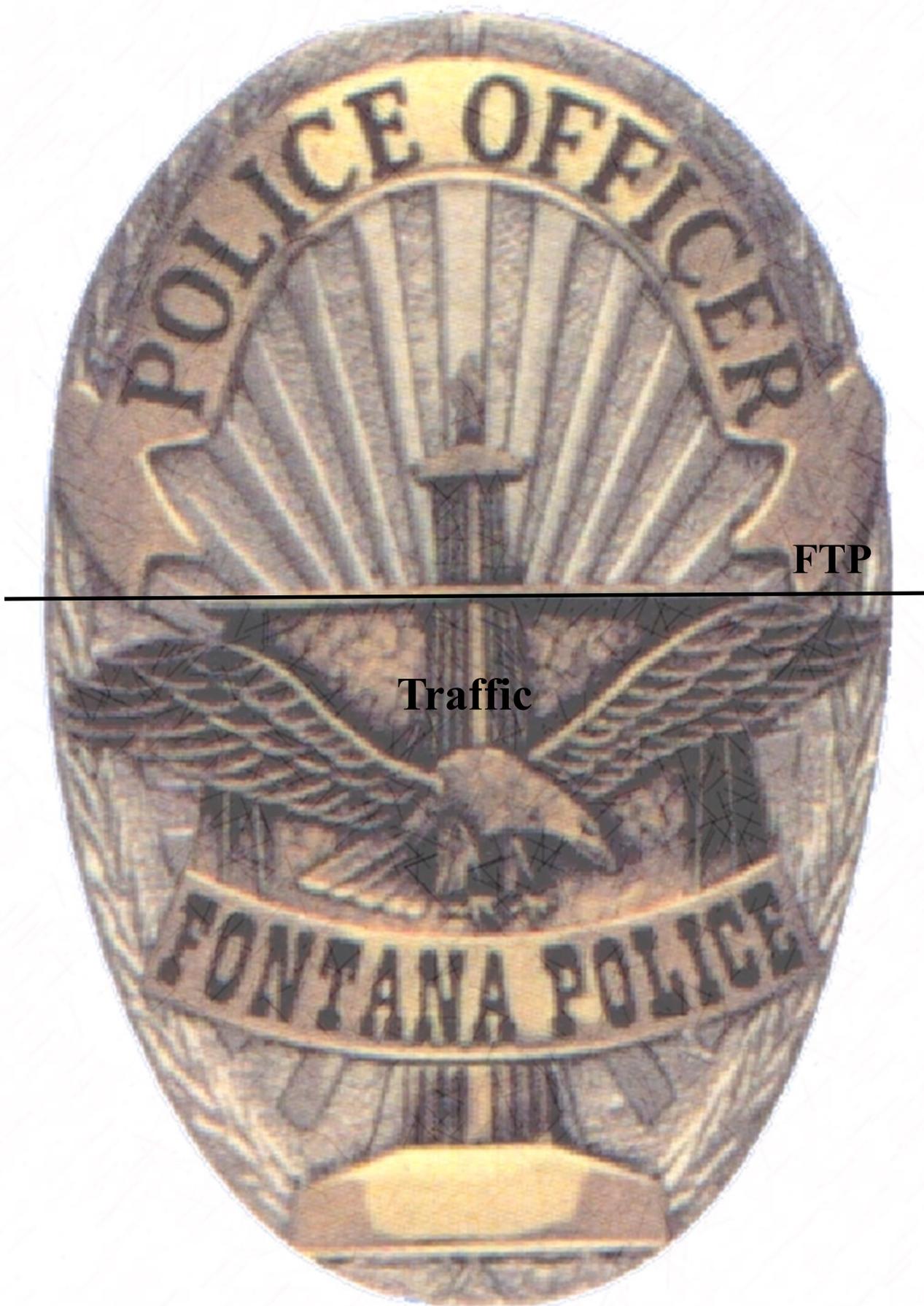
*See the California Peace Officers Legal Sourcebook for details and examples of civil disputes. The Alameda County District Attorney's Office website-Alcoda.org, is also a good resource. Click on the publications link for LE and read the Point of View quarterly bulletin.

**SIGN OFF
HANDLING DISPUTES (GENERAL)/CIVIL (LANDLORD-TENANT, LABOR, AND
REPOSSESSION**

Glossary: FP= Field Performance RP= Role Playing WT= Written Test VT= Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Landlord-Tenant							
B. Repossession							
C. General Civil Matters							

COMMENTS:



FTP

Traffic

VEHICLE CODE

	Initial and Date Demonstrated	Initial and Date Performed	Initial and Date Competent
10751(a) CVC			
10851(a) CVC			
2800.1(a) CVC			
2800.2 CVC			
40001(b) CVC			
40300.5 CVC			
40300.6 CVC			
40302 CVC			
40302.5 CVC			
40305 CVC			
40508 CVC			
Re-evaluation Forms-DMV			
Cite Corrections			
Citation Books			
Parking Citation Books			
Citation Continuation Book			
Citation Dismissal Forms			
Private Property Tow Forms			

CALIFORNIA VEHICLE CODE ENFORCEMENT

Division 6, Division 10, and Division 17 (reviewed) will be covered. Also, selective enforcement problems as they relate to accidents or other hazards and major violations within the City will be covered.

	Initial and Date Demonstrated	Initial and Date Performed	Initial and Date Competent
31 CVC vs. 148 PC			
4000(a)(1) CVC			
4152.5 CVC			
4462(b) CVC			
12500(a) CVC			
14601.1(a) CVC			
14601.2(a) CVC			
DL 310 form			
14603 CVC			
16028(a) CVC			
21212(a) CVC			
21367(b) CVC			
21453(a) CVC			
21457(a) CVC			
21460.5(c) CVC			
21461(a) CVC			

	Initial and Date Demonstrated	Initial and Date Performed	Initial and Date Competent
21650 CVC			
21658(a) CVC			
21703 CVC			
21801(a) CVC			
21802(a) CVC			
21804(a) CVC			
21806(a)(1) CVC			
22106 CVC			
22348(c) CVC			
22349(a) CVC			
22350 CVC			
22400(a) CVC			
22406(a) (1) (2) CVC			
22450(a) CVC			
23103(a) CVC			
23109(a) CVC			
23114(a) CVC			
23123.5 CVC			
23123 (a) CVC			
23116(a)(b) CVC			
24002(a) CVC			
24003 CVC			

	Initial and Date Demonstrated	Initial and Date Performed	Initial and Date Competent
24004 CVC			
24008 CVC			
24250 CVC			
24252(a) CVC			
26710 CVC			
27315(d)(1) CVC			
27360(a) CVC			
27360.5(a) CVC			
27501(b) CVC 1085(d) title 13			
27465(b) CVC			
29004(a)(1) CVC			
Driver Re-evaluation			
Freeway Stops			
21451(c)(d) CVC			
21453(a) CVC			
21453(c) CVC			
21456(a)(b) CVC			
21461.5 CVC			
21950(a) CVC			
21954(a) CVC			

	Initial and Date Demonstrated	Initial and Date Performed	Initial and Date Competent
21955 CVC			
21957 CVC			
22651(a-p) CVC			
22653(a)(b)(c) CVC			
22655(a) CVC			
22669(a)(d) CVC			
CHP 180 Complete Knowledge			

Impounding/Storing Vehicles

Vehicles that Should be Towed:

1. Vehicles in a serious crime
2. Investigation Hold
 - A. Reasonable cause to believe the vehicle has been involved in a Hit and Run and the driver failed to comply with provisions VC 20002 through and including VC 20006.
 - B. Vehicle involved in a crime and needed for evidence processing, VC 22655.5. (Check with field supervisor prior to towing as evidence).
3. Arrest Tow - VC 22651(h)1. Due to case law (Miranda v Cornelius), should only be done at owners request, or under the Community Caretaking Doctrine. E.g, unable to secure vehicle, vehicle is parked in a high crime area which creates a likelihood of theft or vandalism etc..
4. Recovered/Stolen Auto if unable to contact owner
 - A. Confirm with Communications license plates and/or VIN number is listed as stolen.
5. Hazard Tow
 - A. VC 22669(a) - Abandoned vehicle on highway.
6. Overtime parking
 - A. Standing 72 hours or more on street or highway. (F.C.C. 17-144(C))
 - B. Must be marked on tire-time, date and street mark.
 - C. Check status of vehicle through communications.
 - D. Place notice on vehicle - warning.
 - E. Before towing make final status check with Communications.
7. Parking prohibited
 - A. Check to see if signs are properly posted.
 - B. Issue parking citation.
8. Incapacitated Driver Tow
 - A. Driver unable to move vehicle due to involvement in Traffic Collision or other injuries. (Owners request whenever possible).
 - B. Attempt to move off highway.
9. Tow-away Zone
 - A. Stopping-Standing or Parking Prohibited.
 - B. Also issue a citation.
10. Private Property Tow
 - A. Vehicle used in crime.
 - B. Embezzled vehicle in which warrant has been issued.
 - C. Property Owners request
 - D. Recovered stolen vehicle.

Vehicles that May be Towed:

- Driveway Blocking or Parking - Cite VC 22500c
 - Fire Hydrant Parking - Cite VC 22514
 - Blocking Railroad Tracks - Cite VC 22521
 - Parking more than 18 inches from curb - Cite VC 22502
1. Ordering a Tow:
 - A. Request a tow from dispatch.
 - B. Give location and reason for tow.
 - C. Give License Number and vehicle description if necessary.
 - D. Advise of special towing problems (dollies, if a flatbed is needed, etc.).
 - E. Auto Club requests - get card number - give location.
 2. Canceling a Tow:
 - A. Advise Dispatch as soon as possible to cancel if tow has not arrived.
 - B. If tow has arrived and vehicle is picked up, the driver must deal with tow truck driver for his fee.
 3. Completing the CHP 180 form:
 - A. Fill in the blanks.
 - B. Accurately record damages.
 - C. Indicate reason for tow (court).
 - D. Visible property inventory.
 - E. Attach registration and SVS entries required.

NOTE: *MOPEDS require a tow and CHP 180*

Vehicle Inventory Searches:

Vehicle inventory searches are defined in the Department Policy. Officers should be familiar with the contents of this policy and should be able to document the contents of a vehicle. A vehicle inventory search is conducted when the vehicle is being stored or impounded. **The officer must document all property of value.**

Example:

A vehicle is stopped for vehicle code violations and the driver has been taken into custody, Vehicle code section 22651(h)(1), states that the vehicle can be stored. The officer must then complete a CHP 180 with the storage information. At the bottom of the CHP 180 there is a space provided for a narrative, that space will be used for an inventory of property.

Inventory Guideline:

Department Policy states that an inventory shall include an inventory of property contained in the vehicle's passenger compartment, glove compartment, console and trunk. All property located in these areas should be listed in the remarks section (bottom narrative section) of the CHP 180 form.

1. An inventory that simply states, "Miscellaneous Property" is not a sufficient inventory.

1. **The officer and the Department could be held liable for an incomplete inventory.**
2. All property located in the vehicle will be documented on the CHP 180.
3. All locked containers will not be forced open, but will be documented as such in the inventory.
4. If the driver or occupants remove property from the vehicle, document what was taken.

Department Policy allows that any items of evidence or contraband that are discovered during the inventory shall be seized and stored in the appropriate property/evidence locker. **Currency should also be seized and placed in the appropriate locker.** A description of the item(s) seized, as well as its original location, should be noted in the remarks section of the CHP 180 form.

Example:

During an inventory search, an officer discovers a wallet containing \$100. There are no other documents inside the wallet relating ownership to the driver or occupants. The officer should seize the wallet and money and store it in the evidence locker at the Department. Simply leaving the money and wallet inside the vehicle may cause unwanted suit against the Department.

Check List:

1. Document all items with serial numbers, for example, radios, cell phones, televisions...etc.
2. All paper money located in the vehicle should be seized and stored in evidence for safekeeping.
3. Any box or container in vehicle that is not locked should be checked to inventory its contents.
4. Do not force open locked containers or compartments in vehicles, for example, a glove compartment or toolbox. Document these types of items and the reason for no inventory.

Considerations and Legalities Associated with CHP 180 forms

CHP 180 form explained

- ◇ Documentation
- ◇ What vehicles should be towed
 - *Vehicles involved in serious crime*
 - *Investigation hold*
 - *Arrest (Miranda v City of Cornelius)*
 - *Recovered/Stolen*
 - *Hazard (Community Caretaking)*
 - *Overtime or Parking prohibited*
 - *Incapacitated Driver*
 - *Tow away or private property*

- ◇ What vehicles may be towed
 - *Driveway blocking/parking*
 - *Fire Hydrant Parking*
 - *Blocking Railroad Tracks*
 - *More than 18" from curb*
- ◇ Stolen Vehicle System entry
- ◇ Requesting/Canceling a tow
 - Why Fontana Police Department utilizes CHP 180 forms
 - Proper documentation of vehicles impounded/stored
 - Proper documentation of vehicles stolen/recovered
 - Proper documentation of license plates lost/stolen
 - Liability & Records
 - Towing Authority Explained
 - California Vehicle Code sections 22650 - 22711
 - Impound hearings & notice of stored vehicle (CVC 14602.66/ CVC 22852)
 - California Vehicle Code 22651
 - * *A police officer (defined Section 830) or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county or state jurisdiction in which a vehicle is located, may remove a vehicle located within the territorial limits in which officer or employee may act.*
 - Vehicle Search and Inventory Search
 - 4th Amendment
 - Fontana Police Department Policy
 - * *Department Policy states that an inventory shall include an inventory of property contained in the vehicle's passenger compartment, glove compartment, console and trunk. All property located in these areas should be listed in the remarks section (bottom narrative section) of the CHP 180 form.*
 - People v Williams
 - Documenting property, taken property, and locked containers

IMPOUND HEARINGS/30 DAY IMPOUND

California Vehicle Code Section 14602.6 provides that an officer may impound a vehicle when the driver either has a **suspended driver's license**, or has **never been issued a license**. A vehicle that has been so impounded shall be impounded for 30 days.

The registered owner of an impounded vehicle is entitled to have an impound hearing to determine if the vehicle is eligible to be released earlier than the mandatory 30 days. **An impounded vehicle is eligible for early release to the registered owner under the following circumstances.**

- 1) If the person who was driving at the time of the impoundment obtains a driver's license or gets their suspended license reinstated, and there is proof of insurance for the driver or vehicle.
- 2) If the vehicle was being driven by an unlicensed employee of a business establishment, such as a parking garage or repair garage, and they did not have permission to drive the vehicle.
- 3) If the vehicle was stolen. In this case the registered owner will be required to bring the perpetrator to the station, sign a citizen's arrest form, and sign a promise to appear in court. The perpetrator will be arrested and booked into jail. In the event the registered owner does not appear in court when subpoenaed, they can face criminal charges for contempt of court, and may incur liability for costs, district attorney costs, and police costs.

If your situation meets any of these circumstances, you may attend an impound hearing within 10 days to see if your vehicle is eligible for release. Bring all of the documentation and evidence to prove your case. **Impound hearings are held every Tuesday from 1pm to 3pm, and every Thursday from 10am to 11am.** Impound hearings will not be discussed over the phone. **The driver who was cited and the registered owner are required to be at the impound hearings.**

The lien holder, or finance company, of an impounded vehicle may pick up the vehicle directly from the tow yard. They must sign a promise not to release the vehicle to the registered owner for the same 30 day period for which the vehicle was impounded. Lien holders are still liable for all fees and storage charges except for the police department release fee. Lien holders must bring all documentation showing that they are the legal owner and repossession paperwork. Car rental agencies do not need repossession paperwork.

SIGN OFF IMPOUNDING/STORING VEHICLES

Glossary: *FP= Field Performance* *RP= Role Playing* *WT= Written Test* *VT= Verbal Test*

Towing Procedures

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Requesting a Tow							
B. From Where and When to Tow							
C. Private Property							
D. Parking Enforcement Detail							
E. Resulting from an Arrest							
F. Impounds-Evidence Holds							
G. Storage-Safekeeping							
H. Abandoned Vehicle Policy							
I. Private Property Tow Policy							
J. Tow Mask on MDC							

Recognition of Stolen & Abandoned Vehicles

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Ignition (steering column condition)							
B. How and Where Parked							
C. Exterior and Interior Condition (dirt/debris/windows)							
D. Locating VIN							

Issuing Parking & Traffic Citations

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
A. Violator Contact							
B. Proper Violations							
C. Proper Completion of Citation							
D. Information on Back of Violator's Copy							
E. Policy for Handling a Driver with Suspended/ Revoked License							
F. Procedure for Refusal to Sign							
G. Voiding Citation							
H. Citation Errors- Before Violator Leaves and After							
I. Court Appearance Dates-County Seat Cite							

COMMENTS:

VEHICLE COLLISIONS

1. Responding to the Traffic Accident Scene

- A. Determine the best route to the scene – consider certain routes may be blocked by traffic.
- B. Be aware of other emergency vehicles responding to same scene.

2. Arrival at the Scene

- A. Position the police unit for maximum safety of persons in traffic. Take into consideration that the police unit may be used as a traffic control device.
- B. Determine if you need additional units for traffic control (CSOs and Administrators can be used for this).
- C. Determine what assistance is required (tow truck, motors, etc.) and request the same as soon as possible. If electrical pole is down, give dispatch the pole # and have them contact Southern California Edison repair team to respond and repair the damaged pole.
- D. If hit and run, or a possible fatality, advise Communications.
- E. Set flare pattern; first check for gasoline spillage or other inflammables, i.e., butane, propane in campers, etc.

3. Flare Pattern

The following are basic rules for setting out flare patterns at traffic accident scenes:

- A. Estimate speed of the traffic flow and allow sufficient distance for adequate warning of motorists.
- B. Don't use too many flares (may blind oncoming drivers or fumes may overcome officers).
- C. Make flare patterns understandable. Do not require vehicles to make sudden turns or lane changes.
- D. If necessary to block off the entire street, be certain that a detour is available.
- E. If the problem will take a long period of time, stack flares.
- F. When problem is complete, do NOT extinguish flares. The flares must be allowed to burn out.

4. Working with Fire Department Paramedics

- A. In most cases, Fire Department Paramedics will be dispatched on injury accidents, as well as an ambulance.
- B. Work as a team with paramedics. They will handle the injured, and FSPD will handle the reports, traffic control, and the investigation.
- C. Assist paramedics if you are needed or asked.

5. Locating Witnesses

- A. Witnesses are often reluctant to come forward and give statements to officers. Listen to conversations of onlookers many witnesses have been found in this way.

6. Taking the accident Report (Briefly covered, look at Accident Investigation Manual for more detailed information).

Traffic Accident Report (CHP FORM 555 AND FORM 556, PAGES 1-4)

Four pages shall be taken when the accident occurs on a highway or on any property which is publicly maintained and open for use by the public for vehicular traffic, when all or part of the following circumstances exist:

- A. Fatalities involved.
- B. An injury is suffered which requires immediate medical treatment to the injured party.
- C. A hit and run collision occurs, and witnesses or physical evidence is available to establish information or follow-up investigation.
- D. Witnesses or physical evidence are available to establish a violation on the part of any of the involved parties.

Traffic Information Report – shall be taken on the following, when a collision occurs on a highway (private property for some special instances) and none of the conditions exist that require completion of an investigation:

- A. At least one vehicle is unable to be driven from scene.
- B. When a physical arrest is made, or a citation issued at the scene, as a result of the accident (public or private property).
- C. There is potential public liability.
- D. There is an injury suffered that does not require immediate medical treatment.
- E. The accident involves property owned by a governmental agency and suffers damage (public or private property).
- F. Hit and run accident occurs on private property and witnesses or physical evidence are available to establish information for follow-up investigation **AND** the victim desires prosecution.
- G. There is doubt or confusion as to whether or not to take the report.

7. **Property Damage Only (PDO)**

- A. *A Property Damage Only* report should be taken in all traffic collisions. A simple rule of thumb to use is when:
 - 1) No injuries to parties involved.
 - 2) No witnesses to the accident.
 - 3) No follow-up investigation necessary.

The purpose of this phase is to make you (the trainee) aware of traffic enforcement, safety, policy and all related codes.

8. **Handouts**

- A. Fontana Police Department accident investigation policy
- B. City Code cheat sheets
- C. Current Quikcode Vehicle Code
- D. Copies of any previously completed accident investigations non-injury, injury, property damage only, etc.
- E. CHP Ringleman Chart a.k.a. Smoke Chart
- F. Current DMV driver's handbook
- G. Truck routes

9. **Accident Investigation Review**

In this phase, the training officer will review the trainee's basic traffic accident investigation skills and assist the trainee in any problem areas. Since basic traffic accident investigation skills are taught in other phases of the training program, in this phase the training officer should concentrate on giving the trainee an overview of accident reconstruction theory, with emphasis on teaching the new trainee what type of evidence or information needs to be collected in order to assist in later accident reconstruction.

- A. **Approach** – evaluate need for tow, additional units to secure access or re-route traffic.
- B. **Arrival** – need for ambulance, fire department for gas wash, rescue equipment to extricate trapped passenger, flares, lighting, pattern placement, extinguishing.
- C. **Investigation** – control and interview of witnesses; determine V-1, 2, 3; prepare accurate diagram and report (pacing, roll-a-tape, skid marks, need for evidentiary photographs), violation involved or accident causation factors.
- D. **Disposition** – private or police impound reports, accident citation procedure.
- E. **Accident reconstruction** – evaluate need for reconstruction, collection of needed evidence and statements.
- F. **Fontana Police Department policy** – as to traffic collisions involving City vehicles/ Government vehicles with injury or without injury.
- G. **Fontana Police Department policy** – as to traffic collisions involving District property (buildings, trees, signs, etc.).

10. **Fixed Point Traffic Control**

- A. Mechanics
 - 1) Hand Signal
 - 2) Use of flashlight
 - 3) Officer Position
- B. Signalized Intersection
- C. Uncontrolled Intersection
- D. Portable Signals
- E. Flares and Cones
- F. City Call-outs (traffic control devices)

SKETCH SYMBOLS

Vehicle (not parked) or bicycle	
Pedestrian or animal	
Train	
Parked vehicle	
Head-on	
Head-on sideswipe	
Rear end	
Overtaking sideswipe	
Approach turn	
Broadside	
Overtaking turn	
Out-of-control spinout	
Overturned (Maximum 2 loops regardless of the number of overturns)	
Vehicle backing	

4-B-1

ANNEX B
HPM 110.5

PRIMARY COLLISION FACTORS (Most Commonly Used)

VC 22107	Unsafe turning movement
VC 22106	Starting or backing when unsafe
VC 21755	Passing on right, when unsafe, or on shoulder
VC 21800(a)	Uncontrolled intersection, yield to first vehicle within
VC 21800(b)	Uncontrolled intersection, yield to vehicle on right
VC 21800(c)	Intersection with 4-way stop, yield to vehicle on right
VC 21800(d)(1)	Inoperative traffic-signals, stop and proceed when safe
VC 21801(a)	Left turns or U-turns, yield until reasonable safe
VC 21802(a)	Entering through hwy, yield until reasonable safe
VC 21803(a)	Yield signs, yield until reasonable safe
VC 21804(a)	Public or Private property, yield to approaching traffic
VC 21950(a)	Crosswalks, failure to yield to pedestrians within
VC 22350	Unsafe speed
VC 22100(a)	Right turn at intersection, improper position
VC 22100(b)	Left turn at intersection, improper position
VC 22101(d)	Required or prohibited turn, failure to obey regulatory provisions
VC 21461(a)	Traffic control sign, failure to obey regulatory provisions
VC 21650	Right half of roadway, failure to drive on
VC 21650.1	Bicycle on roadway, failure to drive on
VC 22450(a)	Stop sign, failure to stop behind limit line
VC 21453(a)	Red light, failure to stop at limit line
VC 21453(c)	Red arrow, failure to stop
VC 21954(a)	Pedestrian yield, upon roadway outside crosswalk
VC 22451(a)	Railroad crossing, failure to stop for signal device or closely approaching train
VC 21658(a)	Unsafe lane change
VC 22103	U-turn in residence district, veh approaching within 200 ft
VC 22105	U-turn, vision obstructed within 200 ft.

FONTANA POLICE DEPARTMENT

Considerations and Legalities Associated with CHP 180 forms

- **CHP 180 form explained**
 - Documentation
 - What vehicles should be towed
 - * *Vehicles involved in serious crime*
 - * *Investigation hold*
 - * *Arrest (Miranda v City of Cornelius)*
 - * *Recovered/Stolen*
 - * *Hazard (Community Caretaking)*
 - * *Overtime or Parking prohibited*
 - * *Incapacitated Driver*
 - * *Tow away or private property*
 - What vehicles may be towed
 - * *Driveway blocking/parking*
 - * *Fire Hydrant Parking*
 - * *Blocking Railroad Tracks*
 - * *More than 18" from curb*
 - Stolen Vehicle System entry
 - Requesting/Canceling a tow
- Why Fontana Police Department utilizes CHP 180 forms
 - Proper documentation of vehicles impounded/stored
 - Proper documentation of vehicles stolen/recovered
 - Proper documentation of license plates lost/stolen
 - Liability & Records
- Towing Authority Explained
 - California Vehicle Code sections 22650-22711
 - Impound hearings & notice of stored vehicle (CVC 14602.6b/CVC 22852)
 - California Vehicle Code 22651
 - * *A police officer (defined section 830) or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or state jurisdiction in which a vehicle is located, may remove a vehicle located within the territorial limits in which officer or employee may act.*
- Vehicle Search and Inventory Search
 - 4th Amendment
 - Fontana Police Department Policy
 - * *Department Policy states that an inventory shall include an inventory of property contained in the vehicle's passenger compartment, glove compartment, console and trunk. All property located in these areas should be listed in the remarks section (bottom narrative section) of the CHP 180 form.*
 - People v Williams
 - Documenting property, taken property, and locked containers.

CHP 180 LEGEND

1. The date and time the call/traffic stop/traffic collision was initiated
2. Check and initial next to it if you provided the registered owner or the legal owner notice of the storage (half sheets on the CHP 180).
3. Check YES if the VIN and license plates return clear. Check NO if they return as stolen.
4. The date and time dispatch calls the tow company to respond.
5. Leave blank. CHP use only
6. Check 1 or 2 for the number of license plates (attached or not) Write "NO PLATES" if there are none.
7. Registration expiration month and year
8. Write the entire VIN. Stagger numbers from letters to minimize confusion between the two.
9. If unable to read the CIN, enter the ENGINE NUMBER. Call National Insurance Crime Bureau, provide them with the engine number and they can find the correct VIN.
10. Ask the owner the value of the vehicle and then check the corresponding box. Otherwise, select OFFICER and check the box you would estimate the value to be. If the value is between \$0-\$500, complete "junk slip" per 22851.2/22851.3 CVC.
11. Using the registration slip or the DMV return on your computer, write the registered owners name and address. If there is a release of liability on file, use that name and address.
12. Same as #11 however; write down the legal owner's name from the return on your computer or check SAME AS R/O.
13. Check STORED if the vehicle is not being withheld from the registered owner. A stored vehicle is usually towed for 22651(b), (h), or (o). If towed for 22651(o) CVC, also check box #28.
14. Check IMPOUNDED if you are seizing the vehicle because the driver is 12500(a) or 14601 CVC.
15. Check RELEASED if you are releasing a recovered stolen vehicle to the registered owner..
16. Check RECOVERED-VEHICLE/COMPONENT if you are removing a vehicle or component from the stolen vehicle system.
17. Write the name, address and phone number of the tow company towing the vehicle.
18. Write the storage authority authorizing you to tow the vehicle.
19. Write the reason for the traffic stop or why you responded to the scene: CVC section/traffic collision/ stolen vehicle/ abandoned vehicle.
20. Check JUNK if it is not capable of operating on public roads, and has no value other than a source of scrap. Complete "junk slip" .
21. Make sure the public VIN on the dash or door is the correct VIN for the vehicle.
22. Check WRECKED if the vehicle has significant damage.
23. 431(c) CVC-A completely burned vehicle that has been burned to the extent that there are no more usable or repairable body or interior components, tires and wheels, or drive train components, and which the owner designates as having no resale value other than it's worth in scrap metal.
24. 431(b) CVC-A completely stripped vehicle (a surgical strip) recovered from theft, missing all of the bolt on sheet metal body panels, all of the doors and hatches, substantially all of the interior components, and all of the grill and light assemblies or that the owner designates has no resale value other than it's worth in scrap.
25. Check VESSEL AS LOAD if you are towing a vehicle or trailer which is carrying a boat. You would also check #35 YES-CARGO/TYPE.
26. Check R/O OR AGENT if the vehicle is not being towed but is being released to the registered owner. Usually when releasing a recovered stolen vehicle.
27. Check AGENCY HOLD for a 30 day hold or EVIDENCE HOLD.
28. 22850.3(a) CVC-The vehicle will only be released to the registered owner only if they furnish satisfactory proof of current registration. This box is often checked when the vehicle being towed has expired registration.
29. Signature of the tow truck driver towing the vehicle.
30. Printed name of the officer authorizing the release of the vehicle to the registered owner. Usually when completing the CHP180 for a recovered stolen vehicle and releasing it to the R/O
31. Signature of the officer authorizing the release
32. Signature of the person taking possession of the recovered vehicle you are releasing. Usually the registered owner.
33. Check the box that applies along with the sections below if taking a stolen vehicle or stolen license plate(s) report.
34. Write the driver's CDL # along with their DOB above the box DRIVER'S NAME.
35. Check YES if cargo was loaded in or on the vehicle. Usually applies to commercial vehicles. A boat loaded on a trailer is cargo.
36. List the value of the cargo and attach the BILL OF LADING (shipping papers).

37. Write the word INVENTORY and then list property that is staying inside the vehicle when towed away.
38. It is a good idea to have the driver of the vehicle review the items you inventoried and then have them sign their name near the items you listed.
39. Shade in areas with damage on vehicles being stored/ impounded/ released.
40. Do not check either box, records handles this. 22852 CVC-When an officer directs the storage of a vehicle, the officer's department shall provide the R/O and the L/O with the opportunity for a post-storage hearing (impound hearing) to determine the validity of the storage. A notice of the storage shall be mailed or personally delivered to the registered and legal owners within 48 hours. Records will notify the R/O and L/O whether you personally served the notice or not.

STORAGE AUTHORITY

- 22651(b)-Vehicle parked or left standing
22651(c)-Recovered stolen vehicle on a highway or public land
22651 (d)-Vehicle which is illegally parked so as to prevent access by firefighting equipment to a fire hydrant.
22651(e)-Vehicle which is illegally parked and is blocking the entrance to a private driveway, preventing other vehicles from entering/exiting the driveway.
22651(g)-The person in charge of a vehicle upon a highway or public land is incapacitated to be unable to provide for its custody or removal
22651(h)-When an officer arrests a person driving a vehicle for an alleged offense and the officer is permitted to take and does take, the person into custody.
22651(h)(2)-When an officer serves a notice of an order of suspension or revocation pursuant to Section 13388 CVC or 13389 CVC.
22651(k)-When a vehicle is parked or left standing upon a highway, public land, or an off-street parking facility with a registration expiration date in excess of six months.
22651(o)-When a vehicle is found or operated upon a highway, public land, or an off-street parking facility with a registration expiration date in excess of six months.
22651 (p)-When the driver of a vehicle is in violation of 12500, 14601 or 14604 CVC.
22655.5(b)-When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle is itself evidence which tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed. **Complete evidence hold form/email investigations secretary/ write "Evidence Hold" across the top of the 180.**

TOW COMPANIES

Armada Towing-8623 Carob St., Fontana, CA 92335 909-428-1115
Hadley Towing-15176 Whittram Ave, Fontana, CA 92335 909-355-9282
Pepe's Towing-8828 Beech Ave, Fontana, CA 92335 909-857-3452
Southstate Towing-14816 Valley Blvd., Fontana, CA 92335 909-357-3666
United Towing-14949 Valley Blvd., Fontana, CA 92335 909-350-3211

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
TRAFFIC COLLISION REPORT
CHP 805 Page 1 (Rev. 4-11) OF 050

Page 1 of 2

SPECIAL CODE/PHONE		MARKET ALBERTA D	STANFORD ALBERTA 0	CITY FONTANA	REPORTING DISTRICT VASUP	LOCAL REPORT NUMBER 14-20257
TRAFFIC COLLISION INFORMATION		DATE/TIME 11/3/16	TIME OF DAY 2110	OFFICER ID 3604	OFFICER ID 907	
LOCATION		STREET ADDRESS 780 MULBERRY AVE		CITY/STATE/ZIP FONTANA, CA 92335		
PARTY 1		DRIVER'S LICENSE NUMBER UNKNOWN	STATE CA	CLASS B	SAFETY EQUIP B	VEHICLE TYPE BLACK
DRIVER'S NAME (FIRST, MIDDLE, LAST)		STREET ADDRESS 20002(A) VC		CITY/STATE/ZIP FONTANA, CA 92335		
PARTY 2		DRIVER'S LICENSE NUMBER 2008	STATE CA	CLASS 5	SAFETY EQUIP 5	VEHICLE TYPE 22
DRIVER'S NAME (FIRST, MIDDLE, LAST)		STREET ADDRESS 1037 LAUREL, UPLAND, CA 91784		CITY/STATE/ZIP UPLAND, CA 91784		
PARTY 3		DRIVER'S LICENSE NUMBER UNKNOWN	STATE CA	CLASS 5	SAFETY EQUIP 5	VEHICLE TYPE 07
DRIVER'S NAME (FIRST, MIDDLE, LAST)		STREET ADDRESS CLIPPER		CITY/STATE/ZIP FONTANA, CA 92335		

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Chp805_0411.pdf

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
TRAFFIC COLLISION CODING
CHP 555 Page 2 (Rev. 4-11) CPY 030

Page 2 of 2

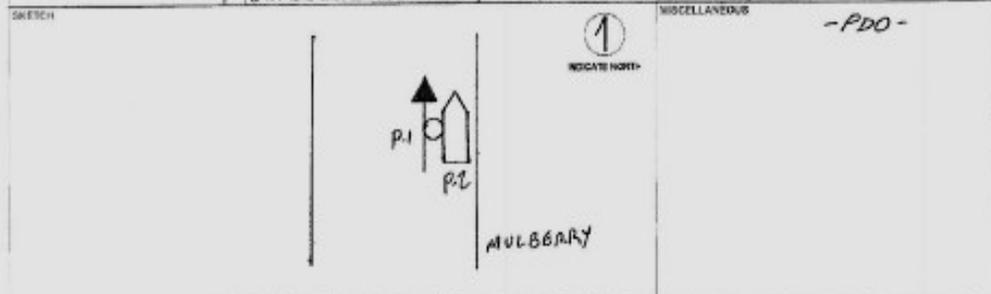
DATE OF COLLISION: 11-3-16 TIME: 2:10 LOCATION: 3604 OFFICER: 907 NUMBER: 16-20257

PROPERTY DAMAGE: YES NO

SEATING POSITION	SAFETY EQUIPMENT	AIR BAG	INATTENTION CODES
A 1- DRIVER 2 TO 4 - PASSENGERS 5 - STATION SEATER REAR 6 - REAR OCC. TRK. DR. VEH. 7 - POSITION UNKNOWN 8 - OTHER	OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED L - NOT REQUIRED	CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE SEPARATED USED U - NONE IN VEHICLE W/C BICYCLE HELMET V - NO X - NO Y - YES Z - YES	G - UNKNOWN L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED EJECTED FROM VEHICLE 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

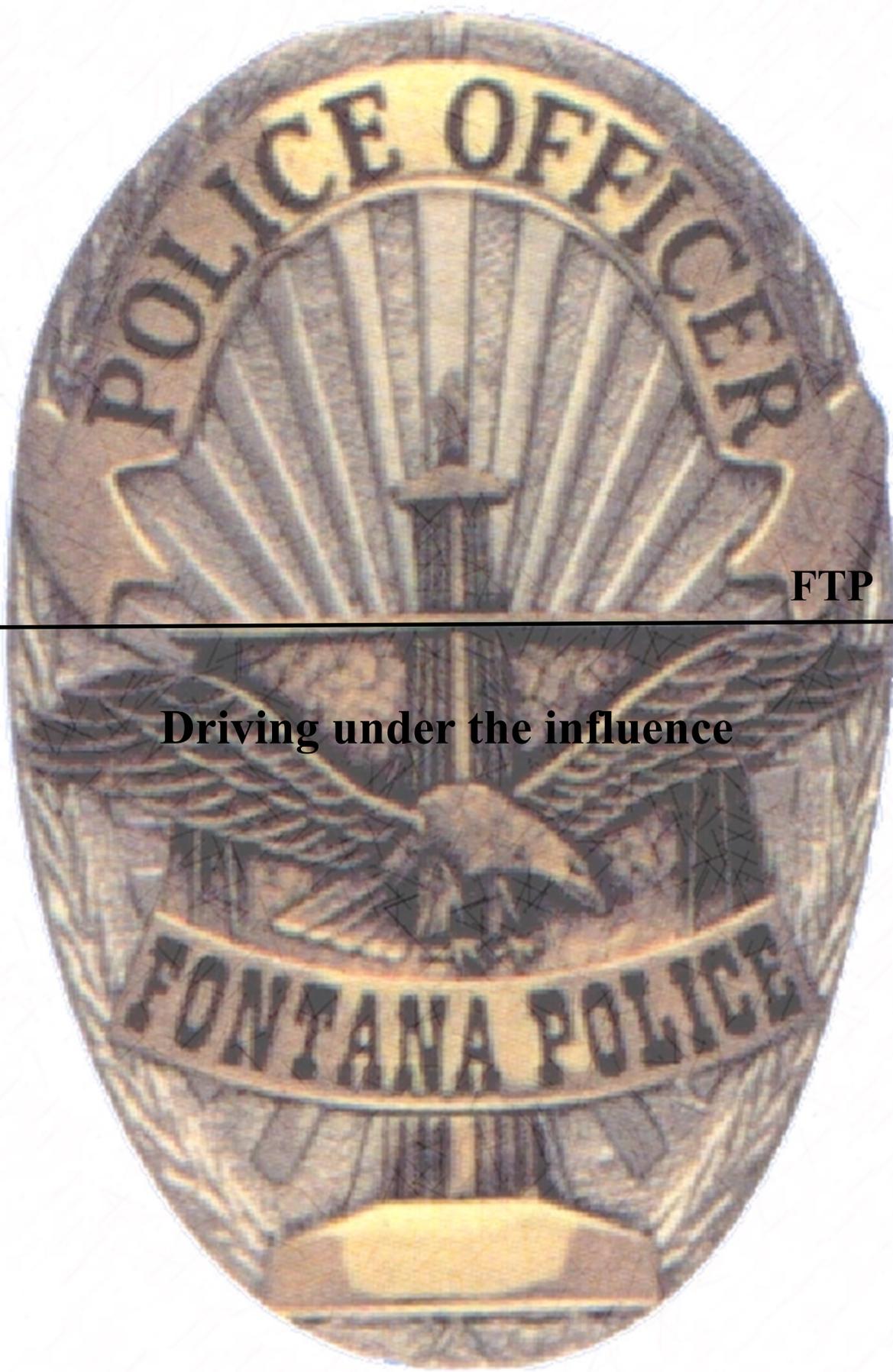
PRIMARY COLLISION FACTOR	TRAFFIC CONTROL DEVICES	SPECIAL INFORMATION	WARRANT PRECEDING COLLISION
A - CONTROL FUNCTIONING B - CONTROL NOT FUNCTIONING C - CONTROL OBSCURED D - NO CONTROL PRESENT / FACTOR*	1 2 3 A HEAD ON B SIDE SWIPE C REAR END D BROADSIDE E HIT OBJECT F OVERTURNED G VEHICLE / PEDESTRIAN H OTHER*	1 2 3 A HAZARDOUS MATERIAL B CELL PHONE HANDHELD IN USE C CELL PHONE HANDSFREE IN USE D CELL PHONE NOT IN USE E SCHOOL BUS RELATED F 15 FT MOTOR TRUCK COMBO G 10 FT TRAILER COMBO H I J K L M N O	1 2 3 A STOPPED B PROCEEDING STRAIGHT C RAN OFF ROAD D MAKING RIGHT TURN E MAKING LEFT TURN F MAKING U TURN G BACKING H SLOWING TO STOPPING I PASSING OTHER VEHICLE J CHANGING LANES K PARALLEL WAVE PASS L ENTERING TRAFFIC M OTHER UNSAFE TURNING N XING INTO OPPOSING LANE O PARKED P MISC. NG Q TRAVELING FROM T/WAY R OTHER*
WEATHER (MARK 1 TO 2 ITEMS) A CLEAR B CLOUDY C RAINING D SNOWING E FOG / VISIBILITY F OTHER* G WIND	LIGHTING A DAYLIGHT B DUSK - DAWN C DARK - STREET LIGHTS D DARK - NO STREET LIGHTS E DARK - STREET LIGHTS NOT FUNCTIONING	OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS) A VISION OBSCURED B WATER/SLUSH C WEATHER RELATED D VISION OBSCUREMENT E WATER/SLUSH F STOP & GO TRAFFIC H ENTERING / LEAVING RAMP I PREVIOUS COLLISION J UNFAMILIAR WITH ROAD K DEPARTURE VEH. EQUIP. L UNINVOLVED VEHICLE M OTHER* N NONE APPARENT O RUNAWAY VEHICLE	SOBERETY / DRUG / PHYSICAL (MARK 1 TO 2 ITEMS) A HAD NOT BEEN DRIVING B HAD - UNDER THE INFLUENCE C HAD - NOT UNDER INFLUENCE D HAD - APPARENTLY UNINVOLVED E UNDER DRUGS INFLUENCE F EQUIPMENT - PHYSICAL G ENVIRONMENT NOT KNOWN H NOT APPLICABLE I SLEEPY / FATIGUED
ROADWAY SURFACE A DRY B WET C SNOWY - IY D SLIPPERY (GLUDDY, OIL, ETC.)	ROADWAY CONDITIONS (MARK 1 TO 2 ITEMS) A HOLES, DEEP SUTS B LOGS, MATERIAL ON ROADWAY C OBSTRUCTION ON ROADWAY D CONTROLLED OR REVER. ZONE E REDUCED ROADWAY WIDTH F FLOODED G OTHER* H NO USUAL CONDITIONS	PEDESTRIANS ACROSS A NO PEDESTRIANS IN COLLISION B CROSSING IN CROSSWALK - AT INTERSECTION C CROSSING IN CROSSWALK - NOT AT INTERSECTION D CROSSING - NOT IN CROSSWALK E IN ROAD - INCLUDES SHOULDER F NOT IN ROAD G APPROACHING / LEAVING SCHOOL BUS	



**SIGN OFF
VEHICLE COLLISIONS**

ACCIDENT INVESTIGATION SIGN OFF SHEET

	Initial and Date Demonstrated	Initial and Date Performed	Initial and Date Competent
Major Injury TC			
Injury TC			
Non-Injury TC PDO			
Late TC Report Pkg.			
Reconstruction Procedures			
Hit and Run (No suspect Info)			
Hit and Run (Suspect Info)			
Hit and Run (Suspect Info) Victim wants no further action			



FTP

Driving under the influence

DRIVING UNDER THE INFLUENCE

Some years ago, the National Highway Traffic Safety Administration (NHTSA) estimated that approximately half of all fatal traffic collisions involve the use of alcohol and / or drugs. There is a DUI problem in this city. Officers should be aggressive in locating and arresting DUI drivers.

FPD Policy # 514 covers impaired driving and evidence collection.

DEFINITIONS

Driving Under the Influence Defined:

A person is “under the influence” within the meaning of section VC 23152 when the liquor, drug, or combination of liquor and drugs, has impaired their physical **or** mental abilities “to such a degree that he or she no longer has the ability to drive their vehicle with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances.”

Vehicle Defined:

A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved exclusively by human power or used exclusively upon stationary rails or tracks (VC 670).

Note: This includes a bulldozer, forklift, go-cart, moped, snowmobile, etc.

Although bicycles are not vehicles under this definition, VC 21200.5 makes it illegal to ride a bicycle while under the influence. The same is true for motorized scooters under section VC 21221.5.

Driver / Driving Defined:

A “driver” is a person who drives or is in actual physical control of a vehicle (VC 305). The person steering or controlling a vehicle is a “driver” even if the car is pushed or towed by others. It is not necessary for the “driver” to be in the driver’s seat.

Example: An intoxicated juvenile riding in the front passenger seat grabbed the steering wheel and caused the car to crash. The juvenile was “driving” the car while intoxicated and could be arrested for DUI had impairment been proven.

Where Applicable:

VC sections 23152 and 23153 applies to highways “and elsewhere” (VC 23100). It is not limited to “public highways” but applies anywhere and everywhere a vehicle can be driven.

DUI CONTACTS

There are several situations in which an officer will encounter a DUI driver. These situations include but are not limited to: a traffic stop, a vehicle collision, a response to a citizen’s report of a drunk driver.

Traffic Stops:

While on patrol, you will undoubtedly observe vehicles being driven erratically. Often times, this driving behavior is a result of driving under the influence. It is important to stop these vehicles to investigate. Indicators of impaired driving include:

- ◆ Drifting within, or outside of a lane
- ◆ Stopping over the limit line or way behind it (impaired depth perception)
- ◆ Driving unusually slow or varying speed repeatedly
- ◆ Difficulty negotiating turns
- ◆ Braking for no apparent reason
- ◆ Slow reaction to signals, traffic conditions, etc.
- ◆ Driving without headlights at night

You should mentally record any erratic driving actions so you can later accurately describe them in your arrest report. You should list any and all violations (moving or equipment) that you observe in your report.

You will also discover impaired drivers during routine traffic stop for other violations and / or equipment violations. It is important to be aware of the symptoms of alcohol and drug intoxication so you can recognize an impaired driver when you contact one.

To arrest someone for VC 23152 or 23153, sections: (a), (f) or (g), you must prove the driver was “driving under the influence” of an alcoholic beverage and / or a drug. This can be proven by several different ways. A big factor is the driving behavior of the individual. For any DUI arrest which is the result of a traffic stop for a violation, it is always better for the probable cause for the stop to be a moving violation or some other indication of impaired driving. It is perfectly legal to stop a vehicle for an equipment violation and arrest the driver for DUI. That being said, it can (in some cases, greatly) help your case if you stop the vehicle for any reason which can be the result of impaired driving (i.e. a moving violation including but not limited to the above listed examples).

It is also important to note how the driver reacts after you activate your emergency lights. The driver’s actions may be indicators of impaired driving. Indicators include:

- ◆ Failing to yield or attempting to flee
- ◆ A slow response to your emergency lights
- ◆ Stopping suddenly
- ◆ Striking the curb while attempting to pull over

Any of these actions can be used to help prove impairment and should be documented in your arrest report.

Traffic Collisions:

Traffic collisions are often caused by drunk drivers. When investigating a collision, it is important to contact all of the involved drivers and determine if they are impaired due to alcohol and / or drugs. You will find that a great number of solo vehicle collisions at nighttime are the result of impaired driving.

Citizen’s Report of a Drunk Driver:

Citizens will often call police to report drunk drivers. Dispatch will encourage the reporting party to follow the drunk driver if they can do so safely without disobeying traffic laws. These potentially hazardous drunk drivers should be stopped as quickly as possible.

It is important to contact the reporting party to obtain their statement of their observations for your arrest report. Often times, the reporting party will chose to remain anonymous and refuse to give their information to dispatch. The California courts have approved investigatory traffic stops based on anonymous reports of suspected drunk driving. Your observations of as many corroborating facts as possible (vehicle description, direction of travel, timing, locations, etc.) will justify a brief investigatory stop even if you do not observe a violation. While you are legally permitted to stop a vehicle based on an anonymous tip, it is always better to try and obtain your own probable cause (i.e. a moving violation and / or equipment violation that **you** observe).

In some situations, the reporting party will lose or choose not to follow the suspected drunk driving vehicle. In these cases, an area check where the suspected drunk driver was last seen shall be conducted. If the reporting party is able to provide a license plate for the vehicle, check the registration to see if the registered address is local. Often times, you can intercept a suspected DUI driver before they make it home.

If you drive to the registered address and find the suspect vehicle parked out front and unoccupied, you **can** attempt to make contact at the residence in an attempt to locate the driver. If you chose to do this, use caution. Once a suspect makes it inside the residence, their best defense is telling you that he or she drank alcohol after they got home and not before or during any driving. That is **if** the suspect chooses to open the door and speak with you. Also keep in mind that you have to somehow prove that person was driving by using evidence or a witness to identify that person as the driver. It is not recommended to make this type of arrest unless you have absolute proof that the suspect was driving under the influence. However, if the registered vehicle was involved in a collision and someone was injured or killed, you should exhaust all efforts to locate and arrest the driver if that person is in fact DUI.

VC 40300.5

DUI is an exception to the misdemeanor committed in your presence rule which is covered under VC 40300.5. Even if you or a witness did not observe the suspect driving, you can legally arrest someone for DUI when you have reasonable cause to believe that the person is DUI and any of the following conditions exists:

- a) The person is involved in a traffic accident
- b) The person is observed in or about a vehicle that is obstructing the roadway
- c) The person will not be apprehended unless immediately arrested
- d) The person may cause injury to him/herself or damage property unless immediately
- e) The person may destroy or conceal evidence of a crime unless immediately arrested

Note: You only need one of these sections to apply. Section (e) is a catchall because it will apply in any DUI arrest situation. Section (e) is referring to the suspect's blood which contains evidence of the crime (the alcohol and / or drugs). We are permitted to arrest the suspect because a chemical test is needed to determine the alcohol and / or drug content of their blood. Without a chemical test, the evidence will dissipate over time. Because DUI is an exception to the misdemeanor committed in your presence rule, there is no need to do a private person's arrest if a witness identified the suspect as the driver because you could not.

It is important to note that you can legally arrest someone for DUI if you or another witness did not observe a suspect driving. However, to arrest someone for DUI, you must have some articulable reason that the suspect **was** driving or **did** drive a vehicle. For example, you respond to a call of a man down inside a vehicle. Upon arrival, you observe a male passed out in the driver's seat of his vehicle which is legally parked in front of his house. You wake him up and discover he is under the influence of an alcoholic beverage. Just because the subject is in the driver's seat and "in control" of the vehicle does not mean you have enough probable cause to arrest him for DUI based on these facts alone. You need to articulate additional details that you observe to ensure the subject does not drive a vehicle.

IDENTIFICATION OF THE DRIVER

To arrest someone for DUI, you must have probable cause. Part of your probable cause is how you established the suspected impaired individual was driving a vehicle. This can be simple if you or another officer contact an impaired driver after conducting a traffic stop. This can be more complicated in other situations such as a traffic collision.

If you respond to a traffic collision and suspect one of the involved drivers of being DUI, you need to establish (be able to prove in court) that the suspect was driving a vehicle. This can be done if you arrive on scene and the driver is still seated in the vehicle. If the driver is out of the vehicle, you should try to find a witness who saw the person driving and /or the collision. A useable witness can be:

- ◆ The driver of another vehicle involved in the collision
- ◆ A passenger of another vehicle involved in the collision
- ◆ A passing motorist or pedestrian
- ◆ A passenger in the suspected impaired driver's vehicle if they are willing to cooperate (This type of witness should be used only as a last resort and you should record this person's statement)

Once you locate a witness, that person needs to identify the suspected impaired driver. This can be done by conducting an infield show-up. Read the witness an infield show-up admonishment and have the witness view the suspect. If they positively identify the suspect as the person they saw driving and /or crash, you now have probable cause to arrest (assuming you also have probable cause to believe the driver is impaired). This process should be thoroughly documented in your arrest report.

A witness is not required to arrest someone for DUI; however it is highly encouraged if available. You can also utilize other evidence to identify someone as a driver. In the above used example of a traffic collision, if you arrive on scene and did not observe the suspect driving and you are unable to locate a witness who saw the suspect driving, you can utilize other evidence to establish probable cause to arrest. These evidentiary factors can be:

- ◆ Did the driver admit to driving and / or crashing?
- ◆ Is the driver the registered owner of the crashed vehicle?
- ◆ Where are the keys to the crashed vehicle? Are they in the ignition or in the driver's pocket?
- ◆ Does the driver have injuries? Are they consistent with being the driver of the crashed vehicle? A seatbelt mark on the driver's chest can indicate the suspect was driving. Does the suspect have airbag burns and / or residue on their body?
- ◆ What is the position of the driver's seat of the vehicle? Does it match the height of the driver?
- ◆ Is the hood of the vehicle warm (which can indicate it was recently driven)?
- ◆ Are there surveillance cameras in the area?

It is not necessary to have all or any particular one of these factors to arrest, but the more the better. Your decision to arrest should be based on the TOTALITY of the circumstances. These factors in connection with an eye witness can build a solid case.

It should be noted that some of the above listed factors are specific to traffic collisions; however many of them can be used in other situations such as a call of a drunk driver with the reporting party following. For example, a reporting party calls in a drunk driver but loses the vehicle before officers can locate it being driven. While conducting an area check, you locate the matching vehicle stopped in a liquor store parking lot. You contact a person inside the liquor store who matches the description of the driver given by the reporting party.

Obviously this alone is not probable cause to arrest, but you can utilize some of the above listed factors to help you determine if the suspect was driving. You can also consider having the reporting party respond to the scene for an infield show-up to identify the driver if they are willing to do so.

REPORTING PARTY AND WITNESS STATEMENTS

When obtaining a reporting party or witness statement, several important questions must be asked. Their name and contact information should be obtained and listed in your report. You must obtain a detailed statement of their observations. Depending on the circumstances in which they observe the impaired driver, your questions can vary. In the case of a traffic collision your questions should include (if applicable):

- ◆ How did the collision occur? Whose fault do you think the collision was?
- ◆ Did you see the (DUI) driver? Can you identify that person?
- ◆ What did the driver do after the collision?
- ◆ Did you maintain continuous observation of the driver or did you ever lose sight?
- ◆ Did you see the driver drink anything after the collision?
- ◆ Did you ever contact the driver? Did the driver tell you anything?
- ◆ If so, did the driver appear to be intoxicated? What led you to believe this?

In the case of a reporting party following a suspected DUI driver, your questions should include (if applicable):

- ◆ When and where did you first observe the vehicle?
- ◆ What erratic driving did you observe?
- ◆ Did you maintain continuous observation of the vehicle until police stopped it?
- ◆ Did the police stop the correct vehicle that you were following?
- ◆ Did you see the driver drink anything while driving?
- ◆ Did you ever see the driver? Can you identify that person?

It is important to document (if applicable) that the witness or reporting party maintained continuous observation of the driver until he or she was contacted by police and was not seen drinking anything.

OBSERVATIONS OF THE DRIVER

Once you establish probable cause to believe the driver was driving, you can continue with your DUI investigation. Use your senses when observing the driver's behavior, attitude and physical condition. Look for evidence of alcohol and / or drug use. It is important to record these signs and symptoms of impairment in your arrest report. These signs and symptoms are also known as "objective symptoms." Examples include, but are not limited to:

- ◆ The odor of an alcoholic beverage emitting from the driver's breath and / or person
- ◆ Bloodshot and / or watery eyes
- ◆ Slurred speech
- ◆ Unsteady gait
- ◆ Slow responses to commands or questions
- ◆ Difficulty understanding commands or questions
- ◆ Fumbling movements while getting driver's license or registration
- ◆ Mood swings or sudden emotional changes
- ◆ Agitated or combative behavior
- ◆ Non-responsive or blank stare

In a situation such as a traffic stop you should also observe how the driver exits their vehicle. Does the driver leave the vehicle in gear or use the vehicle for balance? Any of these actions can be used to prove impairment and should be documented in your arrest report.

INVESTIGATORY QUESTIONS

Ask the driver questions to ascertain if there are personal or medical causes for symptoms of impairment you see. You also need to establish the driver's abilities and condition so you can fairly evaluate their performance of the field sobriety tests. You are also asking the driver questions to see if he or she makes any admissions of alcohol and / or drug use. Questions should include:

- ◆ Have you been drinking alcohol?
- ◆ What have you been drinking? (Be specific as to the type of alcohol and brand name)
- ◆ How much have you had to drink? (Be specific as to how many drinks and the size of each drink)
- ◆ What time did you start drinking?
- ◆ What time was your last drink?
- ◆ Do you have any medical problems? (If so, explain)
- ◆ Do you have any physical impairments? (If so, explain)
- ◆ Are you sick or injured right now? (If so, explain)
- ◆ Have you taken any medication or illegal drugs? What? When? How much?
- ◆ Are there any mechanical problems with your vehicle? (If so, explain)
- ◆ When did you last sleep? How long?
- ◆ What did you eat today? What time?

If a person was involved in a traffic collision, you should include the following questions:

- ◆ Are you injured?
- ◆ Do you need medical attention?
- ◆ Did you bump your head?
- ◆ Did you have anything to drink after you crashed?

You should **record** your entire DUI investigation, including the interview and sobriety tests.

Field investigation prior to arrest need not be preceded by Miranda warnings. You may ask the suspect questions for your DUI investigation without a Miranda admonition. This is assuming that the driver has not been arrested or detained for another offense.

For example: As an officer, you initiate a vehicle pursuit. The vehicle pursuit terminates and the suspect is taken into custody. The suspect is now under arrest for evading or at the very least detained pending your investigation. During the apprehension, you smell the odor of an alcoholic beverage on the driver's breath which leads you to believe the driver may be DUI. Before you can proceed with any questioning, the driver must be advised of their Miranda rights.

FIELD SOBRIETY TESTS

Field sobriety tests or "FSTs" are used by police officers to determine the impairment of a person's driving due to alcohol and / or drug influence. The performance of the person of those field sobriety tests is used by the officer to develop probable cause to arrest and as evidence in court.

Certain field sobriety tests are “psychophysical” tests because they are used as a method of assessing a suspect’s mental and physical impairment due to alcohol and / or drug influence. Certain field sobriety tests are also known as “divided attention tests” because they require the suspect to concentrate on two things at once. We administer “divided attention tests” because safe driving requires the ability to divide one’s attention on several different tasks at once. Alcohol and certain drugs can reduce a person’s ability to divide their attention and is therefore, unsafe. The field sobriety tests should be simple in nature and easy to complete for a non-impaired person.

A wide variety of field sobriety tests exist and anyone of them can be administered to show impairment. In the 1970s and 1980s, the National Highway Traffic Safety Administration (NHTSA) conducted extensive scientific research to determine which field sobriety tests were most accurate. Their research indicated that three of these tests, when administered in a standardized manner, were a highly accurate and reliable battery of tests for distinguishing BACs above .10%.

Note: .10% was the legal limit when the research was conducted. The legal limit is now .08% which gives the benefit of the doubt to the suspect.

The three tests which were found to be most accurate are: the horizontal gaze nystagmus, the walk and turn and the one leg stand. These three tests are referred to as the “standardized” field sobriety tests or “SFSTs.”

For each of the three standardized field sobriety tests, there are a certain number of “clues” that you can observe which can help you to determine if the suspect is impaired. Take the walk and turn test for example; there are 8 total clues which can be observed (loses balance during instructions, starts too soon, stops while walking, steps off line, wrong number of steps, misses heel-to-toe, improper turn or loses balance, uses arms to balance). If you observe the suspect display 2 or more clues during the test, the research indicated a 68% reliability rate that the suspect’s blood alcohol concentration is .10% or above. If a suspect were to display 2 or more clues during a walk a turn test, it can be used as evidence against the suspect to prove he or she is impaired. To arrest someone for DUI, it is not required that the suspect display 2 or more clues during the walk and turn test. The same rule applies for any FST you administer.

Be consistent when administering the FSTs. The instructions for the FSTs are listed later in this manual. Follow the instructions as closely as practical to ensure accuracy. If your suspect does not speak English, you should utilize a translator to give the proper instructions.

Environmental Considerations:

Before administering the FSTs, select a safe location keeping in mind officer safety. Use caution when administering the tests in a lane of traffic or in front of a suspect’s house. The FSTs should be administered on a reasonably dry, level, non-slippery surface which is free of debris. An ideal location would be a cement sidewalk or an asphalt parking lot with the above listed conditions. Ensure the area is properly illuminated. You can utilize several different sources of lighting including: sunlight (if applicable), streetlights, headlights or spotlights of police cars and your handheld flashlight. It is also important to consider the weather conditions. The wind and / or rain can certainly affect a suspect’s performance of the FSTs. If necessary, try to utilize areas which provide shelter from the wind and / or rain (e. g. the side of a building or underneath a gas station overhang). You should also document the suspect’s footwear. If a female is wearing high heels, give her the option to take them off to perform the tests; allow her to make the decision. These conditions should be thoroughly documented in your arrest report.

Moving a Suspect:

You will not always have an adequate location to conduct the FSTs. It is sometimes necessary to move the suspect to a different location. The suspect has already shown some evidence of DUI so don't allow the person to drive. Careful consideration must be given when moving a person so as not to violate their rights. To ensure a lawful detention when moving the person, one or both of the following must occur:

- ◆ The driver consents to be moved.
- ◆ If reasonable suspicion exists the driver may be DUI, you may move him or her to a safe location and conduct the FSTs. This is a lawful investigative detention as long as you act in a manner to quickly confirm or dispel your suspicions. FSTs are investigative in nature.

Is the Suspect Too Intoxicated to Perform the Field Sobriety Tests?

Some of the DUI drivers you encounter will be so intoxicated to the point that it would be unsafe to have the person perform the field sobriety tests which require the person to balance. If a suspect is performing a field sobriety test and you observe the suspect struggling to maintain their balance and believe that their safety is in jeopardy (i.e. the suspect could fall and hurt him or herself if you let the test continue) then you should stop the suspect for their safety. Have the suspect sit down on a nearby curb or something similar in order to ensure their safety. If you do stop a suspect for their safety, you should thoroughly document why in your arrest report. Give details explaining exactly how the test became unsafe and why the suspect could have hurt him or herself if you let the suspect continue. Clearly indicate that you stopped the tests for the safety of the suspect.

Field sobriety tests which require the suspect to balance are the walk and turn, the one leg stand and the modified Rhomberg. If it becomes unsafe to have a suspect perform any of these tests, you should stop that person. You can still however, have the suspect perform an HGN test or a finger to nose test. Neither of these tests requires the suspect to be standing and can be performed while the suspect is seated.

Are the Field Sobriety Tests Mandatory?

A suspect is not required to perform field sobriety tests. If a suspect refuses to attempt the tests, you should explain to the suspect that this is their chance to prove to you that they are okay to drive. You should explain that you cannot let him or her drive away until you know they are capable of driving safely. You should encourage the suspect to perform the tests but also remind him or her that they are not mandatory. If a suspect still refuses to perform field sobriety tests, it is still perfectly legal for you to arrest the person for DUI. Your decision to arrest the driver for DUI should be based on the TOTALITY of the circumstances. The field sobriety tests can be excellent evidence against the suspect in court, however they are not required to arrest. Without field sobriety tests, you can still rely on other evidence to prove the driver was driving impaired. Other evidence includes: your observations of poor driving, your observations of the suspect's objective symptoms of DUI, any admissions of alcohol or drug use by the suspect, etc.

Situations will arise in which the suspect is unable to perform field sobriety tests. If a suspect is injured during a traffic collision, they may not be able to perform field sobriety tests. Again, just because a suspect chooses not to or cannot perform field sobriety tests doesn't mean you can't arrest the person for DUI. If a DUI suspect crashes their vehicle and is found at fault, they are obviously driving impaired because they caused a traffic collision. An at fault traffic collision is excellent evidence of impaired driving.

THE THREE STANDARDIZED FIELD SOBRIETY TESTS

Below are the instructions and clues for the three standardized field sobriety tests. Included in this manual is a guide for the three SFSTs. You are not required to administer the tests in any particular order; however you should always give the tests in the same order to ensure consistency. The most commonly used order of the tests is the (1) horizontal gaze nystagmus (2) walk and turn (3) one leg stand.

Horizontal Gaze Nystagmus:

Horizontal gaze nystagmus or "HGN" is defined as involuntary jerking of the eyes as they gaze to one side. HGN can be caused by alcohol, certain drugs and / or pathological disorders. There are numerous medical conditions which can cause HGN. It is important to note that just because you see HGN, it does not necessarily mean the suspect is intoxicated. HGN is the most reliable FST because a person is powerless to control it.

Instructions:

- 1) Stand with your feet together and keep your arms at your side.
- 2) Have the subject remove eye glasses and ask about contact lenses.
- 3) Position stimulus 12 to 15 inches in front of the nose and slightly elevated.
- 4) Follow the tip of the stimulus with your eyes only, do not move your head.
- 5) Check pupils for equal size and resting nystagmus.
- 6) Check for equal tracking (eyes moving together) by moving stimulus rapidly from center to far right, to far left and back to center (approximately 2 seconds total). Repeat.
- 7) Check for lack of smooth pursuit (2 second pass from center to far right and 2 second pass from far right back to center). Repeat going left. Check each eye twice.
- 8) Hold stimulus at maximum deviation for minimum 4 seconds, checking for distinct, sustained nystagmus in each eye. Check each eye twice.
- 9) Check for distinct nystagmus prior to a 45 degree angle in each eye (4 second pass from center to 45 degree angle). Check each eye twice.
- 10) Hold stimulus at maximum elevation for minimum 4 seconds, checking for vertical gaze nystagmus (not a validated clue). Repeat.

Clues:

There are 6 total clues for the HGN test, 3 for each eye totaling 6 clues. **4** or more clues indicates a 77% reliability rate that the person has a BAC of .10% or greater. The 3 clues are as follows:

- 1) **Lack of smooth pursuit.** The eyes can be observed to jerk or bounce as they follow a smoothly moving stimulus, such as a pen. Generally, the eyes of an unimpaired person will follow smoothly.
- 2) **Distinct, sustained nystagmus at maximum deviation.** Distinct and sustained nystagmus will be evident when the eye is held at maximum deviation for a minimum of 4 seconds. Even when unimpaired, people will exhibit slight jerking of the eye at maximum deviation, but this will not be evident or sustained for more than a few seconds. Generally, when impaired by alcohol, the jerking will be larger, more pronounced and sustained for more than 4 seconds and easily observable.
- 3) **Distinct nystagmus prior to a 45 degree angle.** The point at which the eye is first seen jerking. If the jerking begins prior to 45 degrees it is evident that the person has a BAC above .10% as shown by research.

The HGN test is by far the most difficult test to administer and interpret. It is recommended that you solicit training from an officer with expertise in this area. Field practice and training with intoxicated individuals will allow you to become proficient with this FST.

Walk and Turn:

The walk and turn test employs the concept of divided attention meaning it requires the suspect to concentrate on two things at once. We administer divided attention tests because driving requires the ability to divide one's attention.

Instructions:

- 1) Put your left foot on the line.
- 2) Put your right foot in front of your left foot, touching heel-to-toe.
- 3) Stay in that position with your arms at your side until told to begin.
- 4) Do not begin walking until told to do so. Do you understand?
- 5) When told to begin, take 9 heel-to-toe steps on the line. On your 9th step, keep your front foot on the line and turn by making several small steps with the other foot. Then return taking 9 additional heel-to-toe steps (officer demonstrates).
- 6) While walking, watch your feet, keep your arms at your side at all times, count your steps out loud and do not stop walking until the test is complete.
- 7) Do you understand?

Clues:

There are 8 total clues for the walk and turn test. 2 or more clues indicates a 68% reliability rate that the person has a BAC of .10% or greater. The 8 clues are as follows:

- 1) **Loses balance during instructions.** Record this clue if the suspect does not maintain the heel-to-toe position throughout the instructions. The feet must actually break apart. Do not record this clue if the suspect sways or uses the arms to balance but maintains the heel-to-toe position.
- 2) **Starts too soon.** Record this clue if the suspect starts the test before you instruct him or her to begin. Do not count this clue if the suspect starts the test before you specifically instruct him or her not to begin until told to do so.
- 3) **Stops while walking.** Record this clue if the suspect pauses for several seconds. Do not record this clue if the suspect is merely walking slowly.
- 4) **Steps off line.** Record this clue if the suspect steps so that one foot is entirely off the line.
- 5) **Wrong number of steps.** Record this clue if the suspect takes more or fewer than 9 steps in either direction.
- 6) **Misses heel-to-toe.** Record this clue if the suspect leaves a space of more than one-half inch between the heel and the toe on any step.
- 7) **Uses arms to balance.** Record this clue if the suspect raises one or both arms more than 6" away from the sides in order to maintain balance.
- 8) **Improper turn or loses balance.** Record this clue if the suspect removes the front foot from the line while turning. Also record this clue if the suspect has not followed directions as demonstrated (e.g. spins or pivots around).

For this test, you should try to find a straight line on the ground such as a painted parking lot stall line. If you can't find such a line, tell the suspect to imagine a straight line on the ground which is approximately 1" wide.

You should terminate this test if the suspect breaks the starting position three or more times or nearly falls during the test. Indicate why you stopped the test in your arrest report and explain why it was for the safety of the suspect.

The original research indicated that individuals over 65 years of age and individuals with back, leg or inner ear problems had difficulty performing this test. That's not to say you shouldn't administer the test to these individuals. You should decide on a case-by-case basis.

One Leg Stand:

Like the walk and turn test, the one leg stand test employs the concept of divided attention.

Instructions:

- 1) Stand with your feet together and keep your arms at your side.
- 2) Maintain this position until told otherwise. Do you understand?
- 3) When told to do so, raise one leg (either leg) approximately 6" off the ground, keeping your raised foot parallel to the ground (officer demonstrate).
- 4) Keep both legs straight and arms at your side.
- 5) While holding that position, look at your raised foot and count out loud in the following manner: 1001, 1002, 1003 and so on until told to stop (time the subject for 30 seconds).
- 6) Do you understand?

Clues:

There are 4 total clues for the walk and turn test. **2** or more clues indicates a 65% reliability rate that the person has a BAC of .10% or greater. The 4 clues are as follows:

- 1) **Puts foot down.** Record this clue if the suspect is not able to maintain the one leg stand position, putting the foot down one or more times during the 30 second count.
- 2) **Uses arms to balance.** Record this clue if the suspect raises one or both arms more than 6" away from the sides in order to maintain balance.
- 3) **Sways while balancing.** Record this clue if the suspect sways side to side or back and forth while attempting to maintain a one leg stand position.
- 4) **Hopping.** Record this clue if the suspect is able to keep one foot off the ground, but resorts to hopping in order to maintain balance.

It is important that you time the suspect for 30 seconds. Do not tell the suspect to count to 30. Often, suspects will count very quickly in order for the test to be over sooner. Also, during the test instructions, do not tell the suspect to lift their foot back up and continue counting should it happen to drop. If the suspect's foot does drop during the test and they fails to continue, tell the suspect to lift their foot back up and continue counting from where they left off.

You should terminate this test if the suspect puts their foot down 3 or more times or nearly falls during the test. Indicate why you stopped the test in your arrest report and explain why it was for the safety of the suspect.

The original research indicated that individuals over 65 years of age, individuals with back, leg or inner ear problems or individuals who are overweight by 50 or more pounds had difficulty performing this test. That's not to say you shouldn't administer the test to these individuals. You should decide on a case-by-case basis.

ADDITIONAL FIELD SOBRIETY TESTS

There are other commonly used field sobriety tests which exist such as the modified Romberg and finger-to-nose test. These tests are not validated by NHTSA; however they can still be used to show impairment. HGN is not typically caused by marijuana and most other drugs. When you suspect a driver is driving under the influence of a drug, you should still conduct an HGN test to rule out the presence of alcohol. Because you only have two remaining SFSTs to demonstrate impairment, it is a good practice to include a third non-validated test such as a modified Romberg or a finger-to-nose test. As mentioned above, the finger-to-nose test can also be utilized when it would be unsafe to have a suspect attempt or continue with a test requiring him or her to balance. The finger-to-nose test can be conducted while the suspect is seated.

Modified Romberg:

Instructions:

- 1) Stand with your feet together and keep your arms at your side.
- 2) Maintain this position until told otherwise. Do you understand?
- 3) When told to do so, tilt your head back, close your eyes and estimate 30 seconds.
- 4) Stand as still as possible.
- 5) When 30 seconds has elapsed, open your eyes and look at me.
- 6) Do you understand?
- 7) Tilt your head back, close your eyes and begin (time the subject for 30 seconds).
- 8) Once the subject finishes the test ask, "How long was that?"

Because the modified Romberg is not a validated test, there is no set number of clues to look for in order to distinguish impairment. The indicators of impairment are as follows:

- 1) Cannot follow or doesn't understand instructions
- 2) Sways considerably back and forth or side-to-side
- 3) Uses arms to maintain balance
- 4) Loses balance
- 5) Estimates 30 seconds at less than 25 seconds or more than 35 seconds

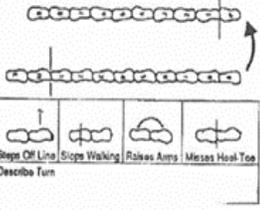
Finger-to-Nose:

Instructions:

1. Stand with your feet together and keep your arms at your side.
2. Make a fist with both hands and point your index fingers outward with your hands at your sides (officer demonstrate).
3. Demonstrate both the tip of the index finger and the tip of the nose, showing the difference between the tip of the finger and the pad of the finger.
4. I will direct you to touch the tip of your nose with the tip of your index finger. It is important that you touch only the tip of your nose with the tip of your index finger and not the pad (officer demonstrates).
5. As soon as you touch your nose put your hand back down at your side.
6. I will direct you to touch your nose several times with each finger, listen to my directions carefully.
7. Do you understand?
8. Tilt your head back and close your eyes.
9. Give the subject the following commands: left, right, left, right, right, left.

Like the modified Romberg, the finger-to-nose is not a validated test; therefore there is no set number of clues to look for in order to distinguish impairment. The indicators of impairment are as follows:

- 1) Cannot follow or doesn't understand instructions
- 2) Cannot touch the tip of the finger to the tip of the nose
- 3) Does not bring hand down on own after touching nose
- 4) Use the wrong hand contrary to direction
- 5) Opens eyes during test

DR #		Fontana Police Dept. DUI Evaluation		Field Sobriety Tests		
Date:	Sick or Injured?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	Finger to Nose 
Time:	Medical problems?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	
Name:	Taking medicine or drugs?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	
DOB:	Any physical defects?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	
Vehicle Lic:	Bump your head?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	
PAS Device:	Eaten today?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	
Serial #:	What did you eat?					
Result 1:	Been drinking?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	
Result 2:	How much?					
Rhomberg: (30 seconds)	What?					
Time est. at:	Time started/end?					
HGN: <input type="checkbox"/> Y <input type="checkbox"/> N	Hours slept?					
Lack of Smooth Pursuit	L/R In a crash?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	
Max. Deviation	Drinking since the crash?	<input type="checkbox"/>	Y	<input type="checkbox"/>	N	
Angle of Onset	How much?					
	What did you drink?					
		One Leg Stand Left Right Sways while balancing Uses arms for balance Hopping Puts foot down				
		Walk and Turn  Describe Turn Steps Off Line Stops Walking Raises Arms Messes Heel/Toe				
		Cannot keep balance <input type="checkbox"/> Y <input type="checkbox"/> N Starts to soon <input type="checkbox"/> Y <input type="checkbox"/> N 1st Nine 2nd Nine Stops Walking Missed Heel to Toe Steps off Line Actual Steps Taken 1st 2nd 3rd Time Pulse Pupil Size				
		Pupils React to Light <input type="checkbox"/> Y <input type="checkbox"/> N				

DUI NOTE TAKING CARD

The Department has DUI evaluation note cards which can be utilized to take field notes during your DUI investigations. The note card contains the DUI investigatory questions along with the three standardized field sobriety tests, the Modified Rhomberg test, the Finger to Nose test and the PAS test. Realize that it is

important to take field notes so you can accurately describe the suspect's performance of the field sobriety tests in your arrest report.

PRELIMINARY ALCOHOL SCREENING DEVICES

A preliminary alcohol screening or PAS device is a handheld device used in the field before an arrest is made. A PAS device is a tool used by officers to corroborate all other evidence to confirm your judgment as to the driver being under the influence of alcohol. It should never be the only basis for the arrest. Whenever you use a PAS device, you should record the serial number and list it in your arrest report.

A PAS test is NOT required to make a DUI arrest. A PAS device can give you an indication as to the suspect's BAC. It does NOT tell you if the suspect is impaired. Impairment varies widely among individuals with the same BAC level.

A PAS test should be administered after the questioning and FSTs are performed. The use of a PAS device is considered a field sobriety test and should be conducted after all other field sobriety tests.

The PAS test is voluntary under most circumstances and an admonishment must be given to the driver before it's administered. The admonishment should explain to the driver that the test is voluntary and they can refuse to take it. A PAS test is mandatory if the driver is under 21 years of age or the driver is on DUI probation. In these cases, no admonishment is needed.

To use the device, insert a new previously wrapped mouthpiece into the device. Once the mouthpiece is inserted, it will turn on; there is no “on” or “off” button. The device will conduct a self-check and then display “SET”. Once you see this, press the black “SET” button. A few seconds later, the device will flash “TEST.” Give the subject instructions on how to complete the test. Something to the effect of: “Form a tight seal on the mouthpiece with your lips and blow into the device as hard as you can until I tell you to stop.” allow the subject to blow into the device until it makes an audible click. You do not have to press any buttons; once enough air is obtained, the device will click and test the sample. It will display the indicated BAC a few seconds later.

The PAS device is designed to test the alveolar breath which is the air in the deepest part of the lungs. The test requires the subject to blow until all the air is expelled from their lungs. As you administer PAS tests, you will find that some subjects fail to blow enough air into the machine, whether intentional or unintentional. If the subject fails to blow enough air into the machine, it will read “NOGO” meaning it did not obtain a sufficient sample for testing. You can hit the “manual” button while the subject is blowing which will test the air that they have blown. This will give you a BAC reading which is almost always lower than the true BAC of the subject. Unless the subject blows enough air for the machine to click on its own, the sample blown is not a sufficient sample for true testing. A manual sample reading is not a sufficient sample of breath to be tested and this reading should not be included in your arrest report. If the subject is unable to provide enough air for a sufficient sample, you would note in your report that the subject is unable to blow enough air into the machine to provide a sufficient sample for testing.

When administering a PAS test, you should always take 2 breath samples to ensure accuracy. You should document the time of each sample in your report. The device displays the indicated BAC of the subject after each test is performed. Be sure to write down the BAC reading.

After a person takes a drink, some of the alcohol will remain in the mouth tissues. If a PAS device is used soon after a person drinks alcohol, the device can pick up some of this left-over mouth alcohol. In this case, the breath sample will contain an additional amount of alcohol and the test result will be higher than the true BAC. You should continuously observe the driver for 15 minutes prior to administering the PAS test. This is to ensure the driver does not ingest any alcoholic beverages or other fluids, regurgitate, vomit, eat or smoke.

ARREST DECISION

Your decision to arrest a driver for DUI is based on the TOTALITY of the circumstances. Factors that should influence your arrest decision include (if applicable):

- ◆ Do you have probable cause to believe the suspect was driving? Whether you or another officer saw the suspect driving, a witness saw the suspect driving, or you have other evidence identifying the suspect as the driver.
- ◆ Any observations or indications of poor driving (actions observed by officers / witnesses or suspect involved in a traffic collision).
- ◆ Any objective symptoms of DUI you observe.
- ◆ Any admissions of alcohol and / or drug use made by the suspect.
- ◆ The performance of the field sobriety tests.
- ◆ The results of the PAS test.
- ◆ Any other unusual actions made by the suspect which tends to indicate impairment.

All of these factors should be taken into consideration when deciding whether or not to arrest a driver for DUI.

DUI LAWS

Misdemeanors:

- ◆ VC 23152(a) - “It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle.”
- ◆ VC 23152(b) - “It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.”
- ◆ VC 23152(d) - “It is unlawful for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle, as defined in Section 15210.”
- ◆ VC 23152(f) - “It is unlawful for a person who is under the influence of any drug to drive a vehicle.”
- ◆ VC 23152(g) - “It is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle.”
- ◆ VC 21200.5 - “Notwithstanding Section 21200, it is unlawful for any person to ride a bicycle upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug...”

Felonies:

- ◆ VC 23153(a) - “It is unlawful for a person, while under the influence of any alcoholic beverage 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 a 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.”
- ◆ VC 23153(d) - “It is unlawful for a person, while having 0.04 percent or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle, as defined in Section 15210, and concurrently to 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(f) - “It is unlawful for a person, while under the influence of any 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(g) - “It is unlawful for a person, while 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 23550(a) - “If a person is convicted of a violation of Section 23152 and the offense occurred within 10 years of three or more separate violations of Section 23103, as specified in Section 23103.5, or Section 23152 or 23153, or any combination thereof, that resulted in convictions, that person shall be punished by imprisonment...”

Note: VC 23550(a) states: “If a person is convicted...” You are only arresting them for DUI, not convicting them; therefore you shall **not** arrest for this section. You can check their criminal history (RAPS) to see if they have prior DUI convictions. You can then recommend this charge to the District Attorney’s Office in your report. The District Attorney’s Office will also have access to the suspect’s criminal history.

ARREST CHARGE EXAMPLES

For you to arrest someone for VC 23152 or 23153, sections: (a), (f) or (g), you must prove the driver was “driving under the influence” of an alcohol beverage and / or a drug(s). For VC 23152 and VC 23153, section (b), you only have to prove the driver was driving with a BAC of .08% or above. Impairment has nothing to do with the (b) section. You can arrest someone for VC 23152(a) alone if you have cause to believe the driver was driving impaired. If you have cause to believe the driver was also driving with a BAC of .08% or more, you can **also** arrest the driver for the additional separate charge of VC 23152(b).

For example, you stop a vehicle because the driver ran a stop sign. Upon contact with him, you observe he displays the objective symptoms of DUI. He admits to you that he has been drinking. You administer field sobriety tests and he performs poorly. He completes a PAS test with a result of .07% BAC. If you believe the driver was driving IMPAIRED due to alcohol you can lawfully arrest him for VC 23152(a) – driving under the influence of alcohol. For you to arrest someone for DUI alcohol, it is not necessary that their BAC be .08% or above. As long as you believe they are driving impaired due to alcohol, it doesn't matter what their BAC is.

Take the above example and change only the PAS result of the driver. If for example, he completes a PAS test with a result of .12% BAC, you can arrest the driver for VC 23152(a) and VC 23152(b) because you have probable cause to believe he was driving impaired and driving with a BAC of .08% or more.

Note: If no PAS device is available or the driver refuses to take a PAS test, you must determine without a PAS device if you believe the driver's BAC is .08% or above. If you believe the driver's BAC is at or above .08%, then include the charge of VC 23152(b). If the chemical test later determines the suspect's BAC was below .08%, then the charge will be dismissed.

DUI DRUGS

Just like with alcohol, it is unlawful to drive under the influence of a drug. You can arrest someone for driving under the influence of ANY drug including but not limited to marijuana, methamphetamine, cocaine, heroin, PCP, etc. It also includes any type of over-the-counter or prescription medications such as Vicodin, oxycodone, NyQuil, cough syrup, Tylenol, sleeping pills, etc. If it impairs the ability to drive, it is unlawful.

The procedures for a DUI drug arrest are very similar to a DUI alcohol arrest. Be sure to include in your arrest report any objective symptoms you observe which may have been caused by a drug. If the driver was driving under the influence of a drug or drugs alone you can arrest the driver for VC 23152(f). If the driver was driving under the influence of a combination of alcohol and a drug(s), you can arrest the driver for VC 23152 (g). If in addition to the drug, the driver's BAC is .08% or above, you can also arrest the driver for VC 23152 (b).

There is no statutory limit for which a person can legally drive with a drug in their system. It is up to you (the officer) to determine if the driver is driving **impaired** due to the drug.

YOUTH ACCOUNTABILITY

If you determine a juvenile driver (under age 18) is driving under the influence and / or their BAC is .08% or more, then youth accountability procedures apply. The same DUI charges apply to adults and juveniles. Follow the same investigation and arrest procedures which are listed above.

Note: A juvenile is required to submit to a chemical test when arrested for DUI, just like an adult. Do NOT bring intoxicated juveniles into the station. You can call LEMS to the scene to perform a blood draw or utilize a portable evidentiary breath machine if available.

DRIVER UNDER 21 YEARS OF AGE AND HBD BUT NOT DUI

If you encounter a driver who is under 21 years of age and suspect they been drinking, you should conduct a DUI investigation. Remember, a person under 21 years of age cannot refuse a PAS test. If you determine the driver is NOT impaired due to alcohol and / or drugs and a PAS test reveals the driver's BAC is below .08%, then you can cite the driver for one of the following infraction sections: .

- ◆ VC 23136(a) – Under 21 years of age and driving with BAC .01% - .049% as measured by a PAS device
- ◆ VC 23140(a) – Under 21 years of age and driving with BAC .05% - .079% as measured by a PAS device

Remember, this is only if you determine the driver is NOT impaired due to alcohol and / or drugs. If you determine, the driver is impaired then handle as a normal DUI arrest. If one of these sections does apply, take the following steps:

- 1) Issue the driver an infraction citation for the applicable section and include the charge of the probable cause for the traffic stop, if applicable (example: VC 22350, VC 22450(a), VC 24252(a), etc.).
- 2) Pull a case number and write it on the citation.
- 3) Complete the green under 21 Admin Per Se form and give the pink copy to the driver.
- 4) You can tow the vehicle per VC 22651(h)(2) which is optional.
- 5) For these sections, you do not need to arrest the driver or transport him or her to the station for a chemical test. It is a cite release in the field. Use caution when releasing a person in the field when you know they've been drinking. It's a good practice to release the person to a responsible party.

For these sections, you do not need to complete an arrest report. Make a copy of the 1st and 2nd page of the completed Admin Per Se, attach the copies to a green sheet and it will serve as your report. Turn in the citation, report and the Admin Per Se separately (not attached).

DUI PROBATION

VC 23154(a) – “It is unlawful for a person who is on probation for a violation of Section 23152 or 23153 to operate a motor vehicle at any time with a blood-alcohol concentration of 0.01 percent or greater, as measured by a preliminary alcohol screening test or other chemical test.”

A violation of this section is an infraction. After being arrested for DUI, a driver can be placed on DUI probation. To find out if someone is on DUI probation, look at the bottom of their California driver's license return from CLETS. If the driver is on probation, it will say “Court Probation” and give a date which it is valid until. Then it will read: “Shall not commit criminal offense, refuse BAC test, or drive with alcohol in blood.” Follow these procedures:

- 1) Determine if driver is on DUI probation.
- 2) Determine if the driver is DUI by conducting a DUI investigation. If driver blows .01% or more on a PAS device and you determine they are NOT DUI, you can still cite for this infraction section. If

you determine they are DUI, you can recommend (long form) this additional charge in your arrest report.

- 2) Issue the driver an infraction citation for VC 23154(a) and include the charge of the probable cause for the traffic stop, if applicable (example: VC 22350, VC 22450(a), VC 24252(a), etc.).
- 3) Pull a case number and write it on the citation.
- 4) Complete applicable Admin Per Se form and give the pink copy to the driver.
- 5) You can tow the vehicle per VC 22651(h)(2) which is optional.
- 6) For this section, you do not need to arrest the driver or transport him or her to the station for a chemical test. It is a cite release in the field. Use caution when releasing a person in the field when you know they've been drinking. It's a good practice to release the person to a responsible party.

For this section, you do not need to complete an arrest report. Make a copy of the 1st and 2nd page of the completed Admin Per Se, attach the copies to a green sheet and it will serve as your report. Turn in the citation, report and the Admin Per Se separately (not attached).

THE ADMIN PER SE

The Admin Per Se is a sworn report completed by the arresting officer when a person is arrested for driving under the influence. This form will later be read by a DMV Hearing Officer who will determine if there is probable cause to suspend the person's driver's license per state law. You may be subpoenaed to the DMV Hearing Office and have to testify regarding the arrest.

There are two different types of Admin Per Se forms: driver over 21 years old and driver under 21 years old. There are English and Spanish versions for both. An Admin Per Se is not required for every DUI arrest. It is only issued under certain circumstances.

Admin Per Se Required:

- ◆ The driver's BAC is .08% or more
- ◆ The driver's BAC is .04% or more and they were driving a commercial vehicle
- ◆ The driver's BAC is .01% or more and they are under 21 years of age
- ◆ The driver's BAC is .01% or more and they are on DUI probation
- ◆ The driver refused a chemical test after being arrested for DUI (alcohol and / or drugs)
- ◆ The driver refused a PAS test and they are under 21 years of age
- ◆ The driver refused a PAS test and they are on DUI probation

Admin Per Se Not Required:

- ◆ The driver is DUI alcohol but their BAC is below .08% and they are not under 21 or on DUI probation
- ◆ The driver is DUI drugs and alcohol and their BAC is below .08% and they are not under 21 or on DUI probation
- ◆ The driver is DUI drugs only
- ◆ The driver is DUI on a bicycle or motorized scooter

VC 13380 states that an Admin Per Se shall be completed for every DUI arrest, however the Fontana Police Department's local DMV office in San Bernardino has requested an Admin Per Se only be completed for the above listed circumstances.

Probable Cause Summary:

You are required to write a probable cause summary which describes the facts and circumstances that led to the stop or contact. This is not an arrest report; the DMV Hearing Officer wants to know how you determined the suspect was driving and how you determined they were DUI. You do not need to include vehicle code sections or specific locations of occurrence (street names). If you did not observe the suspect driving, complete the shaded area on the second page with the witness information. You have the option of typing the probable cause summary, printing it and taping it onto the narrative section. If you chose to do this, the DMV requests that you sign and date the printed page.

Other Relevant Information:

When filling out the Admin Per Se, ensure the times coincide with your arrest report and the CAD call card. Defense attorneys will often review the Admin Per Se in an attempt to find errors or inconsistencies.

The last page of the Admin Per Se (the pink copy) shall be given to the arrestee. The pink copy serves as the arrestee's temporary driver's license. It is valid for 30 days from the date of the arrest. A driver can read the pink copy of the Admin Per Se to understand the sanctions which are imposed after being arrested for DUI.

If your arrestee has a California driver's license, confiscate it and staple it to the Admin Per Se. Do not take identification cards or out-of-state licenses. The Admin Per Se must be forwarded to the nearest DMV Driver Safety office within 5 business days of the arrest. Turn in the Admin Per Se with your arrest report and the Traffic Division will mail it to the DMV.

CHEMICAL TEST

Laws and procedures regarding DUI and specifically the chemical test are rapidly evolving. There are several different case laws which dictate the appropriate admonishment for a chemical test an officer must make to a suspect after he or she is arrested for DUI. You should consult a DUI Enforcement Officer for the up to date procedures.

Driving Under the Influence of Alcohol:

If you arrest someone for driving under the influence of alcohol, you are required to give the person a choice of taking either a blood test or a breath test as the chemical test.

Driving Under the Influence of Alcohol and / or a Drug:

If you arrest someone for driving under the influence of alcohol and / or a drug, you are required to give the person a choice of taking either a blood test or a breath test as the chemical test. A breath test will only reveal alcoholic content, not drug content. If you arrest someone for driving under the influence of a drug, the person still has the right to take a breath test as their chemical test. However, a person who chooses to take a breath test will also be required to submit to a blood test if you, the arresting officer have reasonable cause to believe the person was driving under the influence of any drug or the combination of drugs and alcohol and you have a clear indication that a blood test will reveal evidence of being under the influence (drugs in their system).

Blood Test:

A blood sample must be drawn by a medically qualified person. The Fontana Police Department utilizes Law Enforcement Medical Services (LEMS) which provides certified individuals who are medically qualified to draw blood. If LEMS is needed, have dispatch request them to respond. LEMS will respond wherever the

blood draw is needed including the scene, the jail (FPD jail or WVDC) or a hospital. LEMS will provide all the paperwork and equipment necessary for the draw. It is your responsibility to fill out the required paperwork which includes a triplicate receipt, vial label and an envelope. The officer shall direct the blood draw nurse to draw for either alcohol and / or drugs. Depending on what the blood is being tested for – alcohol or drugs, it will be sent to different labs for analysis. If you believe the suspect was driving under the influence of a combination of alcohol and drugs, tell the nurse you suspect both. If this is the case, two separate vials of blood will be obtained and sent to different labs for analysis. The alcohol envelopes are white while the drug envelopes are manila. The alcohol kits are labeled with a serial number. There is no serial number for drug kits. The serial number of the alcohol kit should be documented in the narrative of your arrest report.

The officer shall witness the blood draw to ensure it was drawn from the correct person and to ensure the integrity of the chain of custody. You should be nearby as the draw is being conducted to ensure the safety of the nurse. The nurse will usually draw blood from one of the suspect's arms. Prior to drawing blood, the nurse will first clean the puncture site with an antiseptic towelette which contains benzalkonium chloride which is non-alcoholic. While the draw is being conducted, the nurse will ask you for a time. This is the time of the blood draw which is important because it documents at what time the evidence was obtained. The date and time of the draw must be written on the required paperwork and on the Admin Per Se under the "chemical test – blood test results." LEMS will draw the blood into a vial which she will put into an envelope and seal. The nurse will give the envelope to you along with the pink copy of the triplicate receipt.

Once you have the evidence, attach a property label to it using ARS. Procedures for using ARS for booking DUI evidence is explained later in this manual. For a blood alcohol kit, book the envelope as evidence by placing it in the open slot of the evidence locker by property. For a drug kit, the envelope needs to be refrigerated. Place the envelope in one of the refrigerated lockers. Both envelopes can be booked by themselves; no other paperwork is required to be turned in with them, only the label. The pink copy of the receipt should be taped to a blank sheet of paper and turned in with your arrest report. The blood will be forward to a crime lab for analysis of alcohol or drug content. The lab will later fax the results of the test to the department which Records will attach to the case.

Breath Test:

Should your arrestee choose a breath test as their chemical test, there is a breath machine available at the Fontana Police Department Jail or WVDC. There may also be a portable evidentiary breath machine available to use at the scene (not to be confused with a PAS device). You must be certified by the San Bernardino County Sheriff's Crime Lab to use these machines.

If you are not certified to use the machines, try to find a fellow officer who is. If no Fontana Officer is available, you can call WVDC and see if they have an available certified deputy. A certified officer must be present to administer the test and their name should be listed in your arrest report. Note that a PAS test is not a chemical test and does not satisfy the requirements of an arrestee to provide a breath sample.

Title 17 of the California Code of Regulations states:

"A breath sample shall be expired breath which is essentially alveolar in composition. The quantity of the breath sample shall be established by direct volumetric measurement. The breath sample shall be collected only after the subject has been under continuous observation for at least 15 minutes prior to collection of the breath sample, during which time the subject must not have ingested alcoholic beverages or other fluids, regurgitated, vomited, eaten, or smoked."

In essence, you are required to maintain continuous observation of the driver for 15 minutes prior to administering the test to ensure the driver does not ingest any alcoholic beverages or other fluids, regurgitate, vomit, eat, or smoke. It is a good practice to start the 15 minute timer once you have completed your transport of the subject to the station or WVDC.

Per VC 23614, when an arrestee chooses breath as a chemical test, they should be given an advisement reading:

“The breath testing equipment does NOT retain any breath sample for later analysis by you or anyone else. If you want a sample retained, you may provide a blood or urine sample that will be retained at no cost to you. If you do so, the blood or urine sample may be tested for alcoholic or drug content by either party in a criminal prosecution. Do you wish to provide an additional sample?”

This advisement should be given **after** they complete a breath test. If a person does wish to provide an additional sample, treat it as an additional chemical test. This process is also known as the “Trombeta” advisement. This advisement is posted above the breath machine in the FPD jail.

A checklist is provided and kept near the machine. Follow the instructions and administer the test. The machine will require two breath samples to ensure accuracy. Once completed, the machine will print a paper receipt with the results. Tape this receipt to the checklist and fill out the applicable information; don’t forget to sign the receipt. Remember, the officer certified to use the machine must fill this out. The certified officer must also complete the Admin Per Se under the “chemical test – breath test results.” Fill out the results and the date and time of each breath sample. Sign and date the Admin Per Se as a certified operator of the machine.

Once you’ve taped the receipt to the checklist, make two copies. Attach one to your arrest report and the other to the Admin Per Se. The original test receipt needs to be booked as evidence. Fold it in half and seal it inside a manila envelope. Attach a property label to it using ARS. Procedures for using ARS for booking DUI evidence is explained later in this manual. Once you’ve attached a label, place the envelope in the open slot of the evidence locker by property.

Other Relevant Information:

An arrestee does **not** have the right to speak with an attorney or anyone else before deciding if they will submit to a chemical test. They do not have the right to have an attorney or anyone else present during the chemical test.

If an arrestee chooses to take one test but is unable to complete it for whatever reason, they are required to submit to a remaining test. For example, an arrestee chooses a breath test as a chemical test. When you administer the breath test, the arrestee is unable to blow enough air into the machine to register a sufficient sample for testing. The arrestee is unable to complete a breath test and must now submit to a blood test. If this does occur, document what happened in your arrest report. If an arrestee refuses to take a blood test, it is considered a refusal.

If a suspected DUI driver is taken to the hospital for whatever reason (involved a collision, medical condition, etc.), the person must submit to whatever test is available at that facility. Determine if there is a portable evidentiary breath machine available for use. The PAS device is portable but it does not constitute a chemical test. If there is no portable evidentiary breath machine available, the person only has the option of a blood test. LEMS can respond to the hospital for a blood draw.

We can no longer take blood from an unconscious suspected DUI driver and a warrant must be obtained.

A chemical test should be conducted within **three hours** of the alleged violation (the time when the suspect was observed or believed to be driving). VC 23152(b) states that if a driver has a BAC of .08% or more at the time of a chemical test, then it is presumed they had a BAC of .08% or more at the time of the alleged driving as long as the chemical test was conducted within three hours. If you are unable to complete a chemical test within three hours, you should still try to complete a chemical test as soon as possible. If it's been more than three hours, clearly indicate why in your arrest report.

Under limited circumstances, a person may choose urine as a chemical test. Covered under VC 23612, a person who is afflicted with hemophilia or a heart condition which requires using an anticoagulant is exempt from the blood test, but shall submit to, and complete a urine test. LEMS will have the equipment necessary to complete a urine test.

CHEMICAL TEST REFUSALS

Assuming a driver is lawfully arrested for DUI, a refusal is any statement, act or conduct by the driver that implies that they will not submit to or cooperate with a chemical test after being admonished.

Admin Per Se Refusal Admonishment:

If a driver does refuse, you should first read to the driver the chemical test admonishment on the back of page 1 of the Admin Per Se. This admonishment explains to the driver their requirement to submit to a chemical test. It is important to note that we can no longer tell a driver that a refusal can be used against them in court or result in a fine and / or imprisonment. The Admin Per Se form may or may not be updated to reflect this.

If a suspect states they does not understand the admonishment, you are not required to read it again. You should make an attempt to clarify anything they do not understand. You need not clarify the situation further when it is apparent the confusion on the part of the suspect results from their own level of intoxication or lack of intelligence.

After reading the admonishment, ask the driver if they will take a breath test or a blood test. Record their answer and write it on the space provided. The form asks you to write how the refusal was indicated. Make a copy of the refusal page and attach it to your report.

Recognizing a Refusal:

If a suspect remains silent or refuses to answer your questions, it is considered a refusal. If the driver engages in assaultive or disruptive conduct during the admonishment, (shouting, repeatedly interrupting, etc.), you are not obligated to complete the admonishment and the conduct is considered a refusal.

A suspect is required to furnish a complete sample suitable for reliable chemical testing. Each type of chemical test has its own requirements for sufficient samples. If a suspect is unable to provide a sufficient sample for testing they must submit to a reaming test (a blood test if they cannot complete a breath test) or it is considered a refusal.

A suspect is required to provide a sample of their choice when requested by you, the arresting officer. It is **you** who determines when the test shall be taken, not the suspect. Failure to take a test when requested by an officer is considered a refusal, even if the suspect changes their mind and decides to take the test later. Keep in mind that a delay in taking the test will likely result in a lower BAC result.

Missouri v. McNeely:

Although a driver is required by **state** law to submit to a chemical test when arrested for DUI, we can no longer force blood when the driver refuses. Tyler McNeely was arrested in Missouri for DUI and his blood was drawn without his consent. The Missouri Supreme Court held that this was an unlawful search and seizure and rejected the argument that the ongoing elimination of the evidence through natural bodily processes created a sufficient exigency to allow taking the blood without a search warrant. On the state's appeal, the US Supreme Court affirmed this ruling. The California Legislature enacted Penal Code 1524(a)(13) to authorize magistrates to issue search warrants for blood in DUI cases.

The court said that if investigation of a crash or transport of an injured suspect to a hospital delayed the opportunity to get a warrant, or if delays in the judicial process beyond the officer's control created a risk of significant dissipation of the evidence, the blood could be drawn without a warrant. The court laid out exceptions when a warrant is not required, however you should remember that it is always better to obtain a warrant to force blood if time permits. If you choose to proceed without a warrant, clearly indicate why in your arrest report.

Obtaining a Search Warrant:

If you proceed with a search warrant, you should first read the suspect the Admin Per Se refusal admonishment. If a suspect still refuses, you can now write a search warrant. A warrant template can be obtained for any of the DUI Enforcement Officers. You should have a warrant template prepared ahead of time so you can complete the warrant in a timely manner. Complete this process as quickly as possible since the suspect's BAC is lowering over time.

If it is outside of normal court hours, you should utilize the court's email warrant system on the PD Intranet to submit the warrant. If it is during normal court hours, you may have to have the warrant signed by a judge in person depending on the court's current warrant procedures.

Assuming the warrant has been approved, you should have dispatch call LEMS to respond. A supervisor shall be notified of the forced blood draw and the draw should be completed following FPD policy.

Forced Blood Draws:

Assuming you have a search warrant or exigent circumstances, you are permitted to force a blood draw on a suspect who refuses to submit to a chemical test. We must still follow FPD Policy 514 and S.O. 13-19 for obtaining forced blood samples when the suspect refuses. You should refer to FPD policy 514 which covers the amount of force which is reasonable during forced blood draws.

DUI RELATED TRAFFIC COLLISIONS

If a traffic collision occurs and any of the involved drivers are found to be DUI, a collision report with a full narrative must be completed whether there is an injury or not. The collision report and the DUI report and separate reports but under the same case number. The collision report will be the original report and the DUI report is a supplemental.

If the DUI driver is found at fault, the primary collision factor (PCF) is VC 23152(a) with the associated factor being the cause of the collision (example: VC 22350, VC 22450(a), VC 21801(a), etc.).

Note: Depending on alcohol and / or drug influence, the PCF can also be VC 23152(f) – DUI drugs or VC 23152(g) – DUI combination of alcohol and drugs. If a DUI collision occurs and someone is injured the PCF is **not** a section of VC 23153; a DUI PCF will always be a violation of a section of VC 23152.

DUI Collision Examples:

A DUI driver rear ends another vehicle. If no one is injured, the PCF is VC 23152(a) and the associated factor is VC 22350.

If the same driver causes injury to anyone other than him or herself as a result of the collision, the PCF is still VC 23152(a). The driver can then be arrested for one or more of the above listed felony DUI sections. Example: VC 23153(a), (b), (f) and / or (g). Anyone besides the driver can be injured to charge a suspect with VC 23153. This includes the driver or passenger in another vehicle involved in the collision, a passenger in the suspect's vehicle, a pedestrian etc. The statute states "causes bodily injury." It does not specify how severe the injury has to be. Any injury suffered, including complaint of pain is a violation of VC 23153.

With any victim, you should thoroughly document their injuries in your report. If they are transported to the hospital, try to contact the hospital staff to ascertain the extent of their injuries. If the victim is able, have them sign a consent to release medical records form. Take photographs if possible, whether it's at the scene or later at the hospital.

If a DUI driver is involved in a collision but found NOT at fault, the PCF will be the traffic violation of the other driver. The DUI driver can still be arrested for any of the above listed misdemeanor DUI sections.

Note: The DUI driver **must** be at fault in the collision for you to arrest him or her for injuring someone else while driving intoxicated.

In the collision report, you must include an "Intoxication Narrative" heading which explains that one of the involved drivers was found to be DUI and was arrested.

DUI ARRESTEE TAKEN TO HOSPITAL

Often times your DUI arrestee will need to be taken to the hospital for medical treatment for various reasons, whether by ambulance or by you, the arresting officer. If this is the case, several courses of action may be taken based on the severity of the violation and medical condition of the arrestee.

If your arrestee is going to be hospitalized for a prolonged period of time, you may be able to cite release the subject from the hospital if it is a misdemeanor violation. For a felony violation, you may be able to long form felony charges based on the severity of the victim's injuries (most likely for complaint of pain or minor injury). In any case, you should explain the circumstances to your supervisor and let him or her decide if it is appropriate to release the suspect without booking him or her.

Note: You should still collect an evidentiary sample from the suspect while they are hospitalized. If you are not physically taking custody of the arrestee after they are released from the hospital, they are still "in custody" during the chemical test, only for the purpose of collecting a blood sample.

The Department has a DUI / PC 647(f) / H&S 11550 cite and release admonishment form. You may also be able to utilize this form in order to release a DUI suspect to the custody of a responsible person after you have issued him or her a citation. A responsible person is a sober person who is willing to take responsibility and

care for the arrested person. You should utilize this form when a misdemeanor DUI suspect has a medical condition and cannot be booked or remain in a jail facility. You can use this form in the field and release your suspect directly to a responsible party. You can also use this form when the suspect has been brought to the FPD Jail but can no longer remain at the facility due to a medical condition. The responsible person must sign the form and agree to the following: (1) the person has been arrested for driving under the influence of an alcoholic beverage, (2) the arrestee is not to drive a motor vehicle until he or she is no longer under the influence or may again be subject to arrest, (3) the arrestee is responsible for his or her own actions and (4) the arrestee is being released to you by mutual agreement and you accept responsibility for their care. This type of release should be conducted after a chemical test is performed.

DUI ARREST WITH CHILDREN IN THE VEHICLE

If you arrest a DUI driver and there is a child or children in the vehicle, you can also charge the suspect with child endangerment. The applicable section is PC 273a(a) which states:

“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.”

This is a felony charge. If you arrest someone for this section, you should charge the person with the felony and long form any misdemeanor DUI section(s) you may have. If you respond to a DUI collision and a child inside the suspect’s vehicle is injured, you can charge the suspect with PC 273a(a) and any applicable section(s) of VC 23153.

For this charge, you should follow standard procedure for reporting child abuse or endangerment, making the appropriate notification to CFS.

DUI CHECKPOINTS

DUI checkpoints are covered under VC 2814.2(a) which reads:

“A driver of a motor vehicle shall stop and submit to a sobriety checkpoint inspection conducted by a law enforcement agency when signs and displays are posted requiring that stop.”

The California Supreme Court laid out criteria for DUI checkpoints in the landmark case *Ingersoll v. Palmer*. There are eight main criteria points that help determine the constitutionality of a checkpoint. These criteria are also known as the “Ingersoll Eight.” They are listed as follows:

- ◆ Decision making by supervisors
- ◆ Neutral formula for stopping motorists
- ◆ Checkpoint must be reasonably located
- ◆ Adequate safety precautions must be taken
- ◆ The time and location must reflect good judgment
- ◆ Indicia of its official nature (proper signs posted)
- ◆ Drivers should be detained for minimal amount of time
- ◆ Checkpoint must be publically advertised in advance

A person entering a DUI checkpoint which follows these guidelines is lawfully detained and must submit to sobriety inspection. Keep in mind that with a DUI checkpoint, you will most likely not have any evidence of impaired driving unless you see something while the suspect is driving into the checkpoint. Without impaired driving, you must rely on other evidence to prove the driver was driving impaired (the FSTs etc.).

If you are working the line of a checkpoint and contact a driver whom you believe to be impaired, you should have the person exit the vehicle immediately. Do **not** instruct the driver to park their vehicle in the secondary inspection area. Once the person exits, their vehicle should be driven into the secondary inspection area and parked by another officer.

DUI LAWS AND INVESTIGATION PROCEDURES:

MISDEMEANORS:

VC 23152(a) – DUI alcohol
VC 23152(b)-Driving with a VAC of .08% or more
VC 23152(f)-DUI Drug(s)
VC 23152(g)-DUI combination of alcohol AND drug(s)

FELONIES:

VC 23153(a)-DUI alcohol and causing injury to another
VC 23153(b)-driving with a BAC of .08% or more and causing injury to another
VC 23153(f)-DUI drug(s) and causing injury to another
VC 23153(g)-DUI combination of alcohol AND drug(s) and causing injury to another

DUI Alcohol Investigation Procedures:

- Determine how driver was driving vehicle (traffic stop, collision, witness statement, infield ID from witness if you or another officer did not observe suspect driving).
- Check for objective symptoms of DUI (bloodshot watery eyes, slurred speech, odor of alcoholic beverage coming from breath and person). Not all are required but the more the better. List these in your report later.
- Ask investigatory questions on DUI investigation card.
- Administer standardized field sobriety tests (HGN, walk & turn, one leg stand).
- PAS test if he/she submits.
- Arrest if determined to be DUI, transport to the station or WVDC.
- Chemical test, advise suspect of blood or breath choice. If blood, call LEMS. If breath, remember you must be certified to use the Intoximeter machine.
- Issue citation for applicable misdemeanor section(s) unless felony arrest (booking app, PC declaration).
- Issue Admin Per Se if required, give the pink copy to the driver.
- Complete only the incident and property tab for ARS and attach label to blood sample envelope. Book sample as evidence (need not be refrigerated).
- Complete DUI report narrative. Tape pink LEMS receipt to a blank sheet of paper and attach it to your report. Turn in report. The end.

DUI Drugs (Marijuana, Meth, Prescription Meds, ETC.):

For a drug DUI arrest, the procedures are nearly identical except for a few changes. Follow the same above listed procedures keeping in mind:

- You need to observe/list in your report the objective symptoms of the drug you suspect.
- HGN isn't typically caused by drugs, only alcohol. You can also administer a modified Rhomberg test so you have 3 FSTs.
- The suspect must take a blood test as the chemical test. Tell LEMS what drug you suspect. This envelope must be refrigerated when booked.
- You do NOT need to issue an Admin Per Se unless there is a combination of drugs/alcohol and the driver's BAC is .08% or more.

DUI Minor (Under Age 18):

If you determine a juvenile driver is DUI and/or his/her BAC is .08% or more, then youth accountability procedures apply (cite both juvenile and parent, juvenile booking app, etc.). Follow the above listed DUI investigation procedures keeping in mind:

- A juvenile is required to submit to a chemical test just like an adult. DO NOT BRING INTOXICATED JUVENILES INTO THE STATION! You can call LEMS to the scene to perform a blood draw. Their option of a breath test is only available if there is a portable evidentiary breath machine available (not a PAS device).
- You must issue the green under 21 Admin Per Se if juvenile's BAC is .01% or more, give pink copy to the driver. Do not issue if DUI drugs.
- Complete DUI report narrative like an adult DUI.

Under 21 and HBD but not DUI (Infraction):

VC 23136(a) – Under 21 and driving with BAC .01% - .049% as measured by a PAS device

VC 23140(a) – Under 21 and driving with BAC .05% - .079% as measured by a PAS device

Investigation procedures for under 21 infractions:

- Determine if the driver is under 21 years of age.
- Determine the driver is NOT impaired due to alcohol or drugs. If the driver blows between .01% - .79% on a PAS device and you determine he/she is NOT DUI, you can cite for one of these infraction sections. If the driver is impaired then handle as a normal DUI arrest.
- Issue citation for the applicable infraction section and also cite for the P.C. for the stop, (example: VC 22350, VC 22450(a), VC 24252(a), etc.)
- Pull a case number and write it on the citation.
- Complete the green under 21 Admin Per Se form and give the pink copy to the driver.
- You can tow the vehicle per VC 22651(h)(2) – optional.
- Do not arrest. Do not draw blood.
- For this section, you do not need to complete an arrest report. Make a copy of the 1st and 2nd page of the Admin Per Se, attach the copies to a green sheet and it will serve as your report. Turn in the report and the Admin Per Se separately (not attached).

DUI probation violation (Infraction):

VC 23154(a) – Driver on DUI probation and driving with BAC of .01% or more as measured by a PAS device.

To find out if someone is on DUI probation, look at the bottom of their California driver's license return from CLETS. If on probation it will say, COURT PROBATION and give a date which it is valid until. Then it will read: "SHALL NOT COMMIT CRIMINAL OFFENSE, REFUSE BAC TEST, OR DRIVE VEHICLE WITH ALCOHOL IN BLOOD."

Investigation procedures for DUI probation violation:

- Determine if driver is on DUI probation.
- Determine if the driver is DUI by following the above listed procedures. If driver blows .01% or more on a PAS device and you determine he is NOT DUI, you can still cite for this infraction section. If you determine he is DUI, you can recommend (long form) this additional charge in your arrest report.
- Issue infraction citation for VC 23154(a) and also cite for the P.C. for the stop, (example: VC 22350, VC 22450(a), VC 24252(a), etc.).

- Pull a case number and write it on the citation.
- Complete applicable Admin Per Se form and give the pink copy to the driver.
- You can tow the vehicle per VC 22651(h)(2) – optional.
- Do not arrest. Do not draw blood.
- For this section, you do not need to complete an arrest report. Make a copy of the 1st and 2nd page of the Admin Per Se, attach the copies to a green sheet and it will serve as your report. Turn in the citation, report and the Admin Per Se separately (not attached).

Preliminary Alcohol Screening (PAS) Devices:

- The PAS device is used to HELP you determine if the driver is DUI and confirm your suspicion that he/she is. It should not be the only basis for your arrest.
- A PAS result is NOT required to make a DUI arrest. It can strengthen the case but is not necessary if you believe the driver's BAC is .08% or more.
- The PAS should be administered AFTER the questioning and FST's are performed.
- You should continuously observe the driver for 15 minutes prior to administering the PAS. This is to ensure he/she does not ingest alcoholic beverages or other fluids, regurgitate, vomit, eat or smoke (per Title 17).
- Always take 2 breath samples. You should document the time of each sample in your report.
- The PAS is voluntary under most circumstances and an admonishment should be given to the driver before it's administered. The admonishment should explain to the driver that the test is voluntary.
- The PAS is mandatory if: The driver is under 21 years of age or the driver is on DUI probation.

When and when not to issue the Admin Per Se:

An Admin Per Se is not required for every DUI arrest. It is only issued under certain circumstances. There are two different Admin Per Se forms: driver over 21 years old and driver under 21 years old. There are English and Spanish versions for both. Only a California driver's license should be taken and attached to the Admin Per Se. Do not take ID cards or out-of-state licenses. You only need a thumbprint if the driver does not have valid ID. If he has an ID, you can write "Valid ID" in the box.

ADMIN PER SE REQUIRED (MOST COMMON):

- Driver's BAC is .08% or more (normal DUI)
- Driver's BAC is .01% or more and on DUI probation
- Driver's BAC is .01% or more and under 21

ADMIN PER SE NOT REQUIRED (MOST COMMON):

- Driver is DUI alcohol but his BAC is below .08% (and not under 21 or on DUI probation)
- Driver is DUI drugs and alcohol w/ BAC below .08% (and not under 21 or on DUI probation)
- Driver is DUI drugs only

Chemical Test Refusals:

Although a driver is required by state law to submit to a chemical test when arrested for DUI, we can no longer force blood when the driver refuses. Per Missouri v. McNeely, we must now obtain a search warrant. A search warrant template is available on the shared drive. We must still follow FPD Policy 514 (see below) and S.O. 13-19 for obtaining forced blood samples when the suspect refuses. If a suspect refuses a chemical test:

- Read the driver the chemical test refusal admonishment on the back of the 1st page of the Admin Per Se (record if possible).
- Remember we can no longer tell a driver that a refusal can be used against them in court or result in a fine and / or imprisonment. The Admin Per Se form may or may not be updated to reflect this.
- Author a search warrant. A warrant template can be obtained from any of the DUI Enforcement Officers.

- If it is outside of normal hours, you should utilize the court's email warrant system on the PD Intranet to submit the warrant. If it is during normal court hours, you may have to have the judge sign the warrant in person depending on the court's current warrant procedures.

Also keep in mind:

- We can no longer draw blood from an unconscious person and a warrant must be obtained.
- If a suspected DUI driver is taken to the hospital, they must submit to a blood test unless there is a portable evidentiary breath test available (not a PAS test).
- If a suspected DUI driver cannot complete a chemical test of their choice, they must submit to a remaining test (example: The suspect chooses a breath test but is unable to complete the test, they must now submit to a blood test).

FPD POLICY 514:

This policy covers the amount of force which is reasonable during forced blood draws. The policy reads: "The responding supervisor should: (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances: 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods. 2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report. 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted."

DUI TRAFFIC COLLISIONS:

- If a collision occurs and any of the drivers are found to be DUI, a collision report with a full narrative must be completed.
- The TC report and the DUI report are separate reports but under the same case number. The TC is the original and the DUI is a supplemental.
- If the DUI driver is found at fault, the PCF is VC 23152(a) with the associated factor being the cause of the collision (example: VC 22350, VC 22450(a), VC 21801(a), etc.). Note: Depending on alcohol or drugs, the PCF can also be VC 23152(f) – DUI drugs or VC 23152(g) – DUI combination of alcohol and drugs.

DUI COLLISION EXAMPLES:

- If a DUI driver rear ends another vehicle, the PCF is VC 23152(a) and the associated factor is VC 22350.
- If the same driver causes injury to anyone other than him/herself as a result of the collision, the PCF is still VC 23152(a). The driver can then be arrested for one or more of the above listed felony DUI sections (example VC 23153(a)(b)(f) and/or (g)).
- If a DUI driver is involved in a collision but found NOT at fault, the PCF will be the traffic violation of the driver. The DUI driver can still be arrested for any of the above listed misdemeanor sections. Note: The DUI driver MUST be at fault in the collision for you to arrest him/her for injuring someone else.

Clues:

- | | |
|--|--|
| 1) Loses <u>b</u>alance during instructions | 5) <u>W</u>rong number of steps |
| 2) <u>S</u>tarts too soon | 6) Misses <u>h</u>eel-to-toe (minimum 1/2") |
| 3) <u>S</u>tops while walking | 7) Uses <u>a</u>rms to balance (minimum 6") |
| 4) Steps <u>o</u>ff line | 8) Improper <u>t</u>urn or loses balance |

2 or more clues indicates a 68% reliability rate that the person has a BAC of .10% or greater.

ONE LEG STAND

Instructions:

- 1) Stand with your feet together and keep your arms at your side.
- 2) Maintain this position until told otherwise. Do you understand?
- 3) When told to do so, raise one leg (either leg) approximately 6" off the ground, keeping your raised foot parallel to the ground (officer demonstrate).
- 4) Keep both legs straight and arms at your side.
- 5) While holding that position, look at your raised foot and count out loud in the following manner: 1001, 1002, 1003 and so on until told to stop (time subject for 30 seconds).
- 6) Do you understand?

Clues:

- 1) **Puts foot down**
- 2) **Uses arms to balance (minimum 6")**
- 3) **Sways while balancing**
- 4) **Hops**

2 or more clues indicates a 65% reliability rate that the person has a BAC of .10% or greater.

**SIGN OFF
DUI**

Glossary: FP = Field Performance RP = Role Playing WT = Written Test VT = Verbal Test

Instruction Topic:	Date Instructed:	Performed:				FTO Initials:	Trainee Initials:
		FP	RP	WT	VT		
Identification of the Driver							
Objective Symptoms							
Investigatory Questions							
Field Sobriety Tests							
PAS Device							
Arrest Decision							
Booking							
Blood Test (LEMS)							
Evidentiary Breath Test							
Admin Per Se							
DUI Probation							
Chemical Test Refusal							
Missouri v. McNeely							
Forced Blood Draw Search Warrant							
Forced Blood Draw Procedures							
Citation Release							
Youth Accountability							
DUI Drugs							
23152(a) CVC							
23152(b) CVC							
23152(d) CVC							
23152(f) CVC							
23152(g) CVC							
23153(a) CVC							
23153(b) CVC							

23153(d) CVC							
23153(f) CVC							
23153(g) CVC							
23550(a) CVC							
23136(a) CVC							
23140(a) CVC							
21200.5 CVC							
40300.5 CVC							
23222(a) CVC							
23222(b) CVC							
23223(a) CVC							
23224(a) CVC							
23225(a)(1) CVC							

COMMENTS:



FTP

Self-Initiated Activity

Trainee must recognize and identify police related activities. He or she must be able to utilize self-initiated activity to develop cases from information developed through observations, community contacts, crime bulletins, and information from other sources. Trainee will learn to recognize reasonable suspicion and develop probable cause based on laws and observations. The most common of these is encompassed in the following:

VEHICLE/PEDESTRIAN STOPS

(See Patrol Procedures)

DIRECTED PATROL

(See Patrol Procedures)

ARRESTS

(See California Codes and Laws)

FONTANA POLICE DEPARTMENT Field Training Program Critique Form

DATE: _____

Page 1 of 2

Trainee (Last, First MI)

Badge / ID

PART A. PURPOSE

The Field Training Program personnel are dedicated to providing trainees with an effective training experience. Below is a list of questions pertaining to the training you received during the Field Training Program. The purpose of this evaluation is to present objective feedback to be used by personnel to improve and enhance the program's effectiveness. Please read each question carefully and respond honestly and directly. Your candidness and comments will be appreciated.

Return the completed and signed evaluation to the FTP SAC:

Supervisor (FTP SAC)

PART B. FTP evaluation

<input type="checkbox"/> Y <input type="checkbox"/> N	1.	Did the orientation process help you prepare for the Field Training Program and did you understand the program's expectations of you? <i>Please comment:</i> _____ _____
<input type="checkbox"/> Y <input type="checkbox"/> N	2.	Do you think the length of the program was adequate? <i>Please comment:</i> _____ _____
<input type="checkbox"/> Y <input type="checkbox"/> N	3.	Do you believe the program training you received was meaningful in relation to the job you are now doing? <i>Please comment:</i> _____ _____
<input type="checkbox"/> Y <input type="checkbox"/> N	4.	Were there any areas of training you believed were ignored, or which should have been included or extended? <i>If YES, which area(s):</i> _____ _____
<input type="checkbox"/> Y <input type="checkbox"/> N	5.	Was the instruction and training provided by the FTOs generally consistent with one another? <i>Please comment:</i> _____ _____

FONTANA POLICE DEPARTMENT
Field Training Program Critique Form

DATE: _____

Page 2 of 2

Trainee (Last, First MI)	Badge / ID

<input type="checkbox"/> Y <input type="checkbox"/> N	6.	Do you believe the documented evaluations in the program (DORs, Supervisor Weekly Reports, etc.) were beneficial for your development as a police officer? <i>Please comment:</i> _____ _____
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<input type="checkbox"/> Y <input type="checkbox"/> N	7.	Do you believe program personnel were objective in making evaluations, judgments, and decisions about you? <i>Please comment:</i> _____ _____
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PART B.

<input type="checkbox"/> Y <input type="checkbox"/> N	8.	Do you think there was sufficient time available for community-oriented projects or specialized beat activities? _____ _____
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	9.	Upon completion of the Field Training Program, do you feel you are now proficient in each of the following areas? A. Department Policies and Procedures Y N B. Patrol Vehicle Operations..... <input type="checkbox"/> Y <input type="checkbox"/> N C. Officer Safety <input type="checkbox"/> Y <input type="checkbox"/> N D. Report Writing..... <input type="checkbox"/> Y <input type="checkbox"/> N E. Codes and Law <input type="checkbox"/> Y <input type="checkbox"/> N F. Patrol Procedures..... <input type="checkbox"/> Y <input type="checkbox"/> N G. Handcuffing and Searching Techniques <input type="checkbox"/> Y <input type="checkbox"/> N H. Use of Force <input type="checkbox"/> Y <input type="checkbox"/> N I. Traffic (including DUI and Accident Investigation) <input type="checkbox"/> Y <input type="checkbox"/> N J. Search and Seizure <input type="checkbox"/> Y <input type="checkbox"/> N K. Radio Procedures..... <input type="checkbox"/> Y <input type="checkbox"/> N L. Investigations and Evidence <input type="checkbox"/> Y <input type="checkbox"/> N M. Conflict Resolution..... <input type="checkbox"/> Y <input type="checkbox"/> N N. COPPS/POP <input type="checkbox"/> Y <input type="checkbox"/> N O. Courtroom Procedures..... <input type="checkbox"/> Y <input type="checkbox"/> N
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<input type="checkbox"/> Y <input type="checkbox"/> N	10.	Are there any changes you would suggest to improve the program? <hr/> <hr/>
<input type="checkbox"/> Y <input type="checkbox"/> N	11.	Use the space below to add anything that may not have been covered above. <hr/> <hr/> <hr/> <hr/>
Trainee Signature	_____	Date _____

STANDARDIZED EVALUATION GUIDELINES

Daily Evaluations

Daily evaluations will be done on the *Daily Observation Report* form. All evaluations will be completed by the end of the shift, unless unusual circumstances make it impractical to complete the report that same day. (In the event that this occurs, the FTO shall communicate this to the FTO sergeant {verbally, email, etc.}). It will then be completed by the next work day. All narratives will be typewritten. They will be grammatically correct and free of spelling errors.

The narrative will document the trainee's activity, to include any weaknesses in performance, as well as positive comments regarding the trainee's activities. The narrative will also include documentation of any specific instruction, training, or training materials given by the FTO to improve the trainee's performance and correct weaknesses. All significant weaknesses will be thoroughly documented, along with the FTO's specific instructions given to the trainee to improve the weaknesses. In the event the trainee fails to respond to repeated methods of training to correct a weakness in any given area, the FTO will check "N.R.T." (Not Responding to Training) for the appropriate section. If the FTO does not observe the trainee perform a specific task during the shift, the FTO will check "N.O." (Not Observed) for that specific task. The FTO will rate the trainee's performance in those areas that are observed using the **1 through 5** rating scale as indicated on the *Daily Observation Report* form. A trainee who performs a specific task at a competent level, commensurate with a solo patrol officer, and with no assistance from the FTO, will be rated a 4. Any performance above or below that standard will be rated accordingly.

The *Daily Observation Report* will be signed by the FTO and the trainee, and each page of the narrative will be initialed by both the FTO and trainee. It will be reviewed and signed by the FTO Sergeant prior to being placed in the trainee's FTO file. *Daily Observation Reports* will be completed by FTO's in all phases of training and will not be considered complete until approved by the FTO sergeant(s) or lieutenant; this includes all days that the trainee is assigned to work. If the trainee is absent from work due to unscheduled leave, the FTO shall complete a DOR, and indicate the reason why the trainee was absent. If the trainee is assigned to another division of the department for a shift, and is placed under the supervision of a non-FTO, the assigned FTO shall submit a DOR for that date indicating in the comments section the division and assignment. (No ratings will be given under these types of circumstances).

These documents are personnel records and FTO's shall ensure that they are not left on the computer anywhere they could be viewed by unauthorized personnel.

End of Phase Evaluation

The *End of Phase* evaluation will be given at the end of all phases. The *End of Phase* evaluation will be typewritten, and free of grammatical and spelling errors.

Under each heading the FTO will write a brief (one or two sentence) synopsis of the trainee's performance. The FTO will rate the trainee's performance under each heading as "Acceptable," "Not Acceptable," or "Not Observed." If the trainee is given a rating of "Not Acceptable" the FTO will write a more in-depth synopsis describing the deficiency. The FTO will also indicate under the heading "Additional Comments" his or her recommendation. The recommendation will be, "the trainee has successfully completed the phase and is to be passed on to the next phase," "the trainee needs additional training in the phase and should be extended," or "the trainee has failed to successfully complete the phase and should be re-phased." When the FTO recommends extending the phase or re-phasing, the recommendation will include the FTO's justification for that recommendation.

The *End of Phase* evaluation for *Shadow Phase* will include the FTO's recommendation that the trainee shall be released from training after successful completion, extension, or re-phasing. The FTO will justify all recommendations of extension and re-phasing. This end-of-phase evaluation must verify through documentation that the trainee has met all of the performance standards of a solo-patrol officer. The FTO shall also complete the **attestation** in the FTO manual.

Each page of the *End of Phase* evaluation will be initialed by the FTO, reviewed and initialed by the Trainee, and reviewed and initialed by the FTO Sergeant. The FTO, trainee, and FTO Sergeant will sign the last page. It will then be placed in the trainees FTO file.

Bi-Weekly Meetings with FTO Supervisors:

During each phase of training the FTP/SAC should meet bi-weekly with the FTO and trainee. The purpose of these meetings will be to ensure that the FTO manual is being maintained according to standards and procedures, and that the trainee is progressing at a rate commensurate with the stage of training that they are in. In the event that the trainee is not progressing at a satisfactory rate these meetings will also provide opportunities for the FTP/SAC to meet with the FTO, and determine possible remedial efforts that might be employed in order to assist the trainee in meeting the established goals.

End of Phase Interview with FTO lieutenant or Designee:

At the end of each phase and in conjunction with the completion and submission of the end-of phase evaluation, the FTO lieutenant and/or the FTP/SAC should conduct an end-of-phase interview with the FTO and trainee. The purpose behind the end of phase meeting will be to ensure that the trainee has met all of the requirements in a particular training phase as determined by the FTO sergeant(s) and lieutenant.

The following "1", "4", and "5" 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.

CRITICAL PERFORMANCE TASKS

1. **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.
 - 5) Superior – Sets an example for lawful, courteous driving. Maintains complete control of the vehicle while operating radio, checking hot sheet, etc.
2. **DRIVING SKILL: 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.
 - 5) 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
- 3) **ORIENTATION/RESPONSE TIME TO CALLS**– 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.
 - 5) 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.
4. **FIELD PERFORMANCE: NON-STRESS CONDITIONS** – Evaluates the trainee's ability to perform routine, non-stress police activities.
- 1) Unacceptable – Becomes confused and disoriented when confronted with routine, non-stress tasks. Does not or cannot complete tasks. Unable to determine the appropriate course of action or avoids taking action.
 - 4) Acceptable – Properly assesses aspects of routine situations, determines appropriate action, and takes same.
 - 5) Superior – Properly assesses aspects of routine situations, including the more unusual and/or complex ones. Quickly determines appropriate course of action and takes same.
5. **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.
 - 5) 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.
6. **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.
 - 5) Superior – Seldom misses observable police-related activity. Maintains "Crime 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.

7. **OFFICER SAFETY:** – 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. Fails to use illumination when necessary or uses it improperly.
 - D. Does not keep violator/suspect in sight.
 - E. Does not anticipate potentially dangerous situations.
 - F. Is careless with gun and/or other weapons.
 - G. Fails to position vehicle properly on car stops.
 - H. Stands in front of door when making contact with occupants.
 - I. Fails to cover other officers or maintain awareness of their activities.
 - J. Stands between police and violator's vehicle on a car stop.
 - 4) Acceptable – Follows acceptable safety procedures. Understands and applies them.
 - 5) 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.
8. **CONTROL OF CONFLICT: VERBAL SKILL** – 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.
 - 5) 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.
9. **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.
 - 5) Superior – Excellent knowledge and skill level in use of restraints (physical/ mechanical). Extremely adept in the proper use of force for the given situation.
10. **RADIO: COMPREHENSION AND USAGE** – 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.

- 5) 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.

11. **MDC: COMPREHENSION AND USAGE** –Evaluates the trainee’s ability to operate the terminal and receive and send clear communications via MDC.

- 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 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.
- 5) 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.

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.
- 5) 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 persons 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. Completes reports, organizing information in a logical manner. Reports contain the required information and details. Completes reports within a reasonable amount of time.
- 5) Superior – Reports are a complete and detailed account of events, written and organized so that any reader understands what occurred.

14. **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.
- 4) Acceptable – Completes reports within a reasonable amount of time.

- 5) Superior – Completes complex reports very quickly and efficiently without assistance from FTO.
15. **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.
 - 5) Superior – Reports are very neat and legible. Contain no spelling or grammatical errors.
16. **INVESTIGATIVE SKILLS** – Evaluates the trainee's ability to conduct a proper investigation with an emphasis on crime scene investigatory 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 investigatory 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.
 - 5) Superior – Always follows proper investigatory 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.
17. **INTERVIEW/INTERROGATION SKILLS** – Evaluates the trainee's ability to use proper questioning techniques; to vary techniques to fit persons being interviewed/interrogated; 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 same. Establishes proper rapport with victims/witnesses. Controls the interrogation of suspects and properly conducts a Miranda admonishment.
 - 5) 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.

18. **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.
 - 5) 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.
19. **TRAINING: ROLE PLAYING/REPORT WRITING** – Evaluates the trainee's ability to perform in field problems and report writing in a controlled environment.
- 1) Unacceptable - Does not apply learned patrol procedures to simulated problem. Does not complete assignments; does not include all elements in report; illegible
 - 4) Acceptable - Recognizes nature of problem and applies proper patrol procedures. Good acceptance of feedback. Writes report containing all elements.
 - 5) Superior - Handles and successfully conclude role- playing problems. Writes finished report on first write.

KNOWLEDGE

20. **DEPARTMENT POLICIES AND PROCEDURES** – Evaluates the trainee's knowledge of department policies/procedures and ability to apply this knowledge under field conditions.
- 1) Unacceptable - Fails to display knowledge of department policies, regulations, and/or procedures, or violates same. When tested, answers with less than 70% accuracy.
 - 4) Acceptable - Familiar with most commonly applied department policies, regulations, procedures and complies with same. When tested, answers with at least 70% accuracy.
 - 5) Superior - Has an excellent working knowledge of department policies, regulations, procedures, including those less known and seldom used. When tested, answers with 100% accuracy.
21. **PENAL CODE/CRIMINAL STATUTES/PROCEDURES** – Evaluates the trainee's knowledge of the criminal statutes (i.e., Penal, W & I, B & P, and H & S) and his/her ability to apply that knowledge to field situations.
- 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. When tested, answers with less than 70% accuracy.
 - 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. When tested, answers with less than 70% accuracy.

- 5) 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. When tested, answers with 100% accuracy.

22. **VEHICLE CODE** – Evaluates the trainee's knowledge of traffic codes and ability to apply this knowledge under field conditions.

- 1) Unacceptable – Does not know elements of basic sections, not able to learn, no attempt or improvement.
- 4) Acceptable – Working knowledge of commonly used sections; can relate elements to observe traffic related activity.
- 5) Superior - Outstanding knowledge of commonly used sections; relates it and applies it to both normal and unusual traffic related situations.

23. **MUNICIPAL CODES / FCC** – Evaluates the trainee's knowledge of city ordinances and ability to apply this knowledge under field conditions.

- 1) Unacceptable – Does not know elements of basic sections; not able to learn; makes no attempt to improve.
- 4) Acceptable – Has working knowledge of commonly used sections; relates elements of observed criminal related activity.
- 5) Superior – Outstanding knowledge of City Code and ability to apply it to both normal and unusual situations.

ATTITUDE

24. **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.
- 5) Superior – Actively solicits criticism/feedback in order to further learn and improve performance. Does not argue or blame other persons/things for errors.

25. **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
- 5) Superior – Utilizes off-duty time to further professional knowledge, actively solicits 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.

26. **RELATIONSHIP WITH PUBLIC** - 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.
- 5) 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; has excellent "non-verbal" skills.

27. **AREA COMMANDER/COPS** - 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 the community lists of available resources. Includes the public in problem-solving.
- 5) 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.

28. **RELATIONSHIP WITH OTHER OFFICERS/SUPERVISORS** - 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 him or herself superior; belittles others; is not a "team player". Relies on others to carry out his or her share of work.
- 4) Acceptable - Adheres to the Chain of Command and accepts his/her role in the organization. Relates well with FTO and supervisors and establishes good peer relationships.
- 5) 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.

APPEARANCE

29. **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 are clean and operative. Hair within regulations. Shoes and brass are shined.
- 5) Superior – Uniform is neat, clean, and tailored. Leather gear is shined. Shoes are polished. Displays command bearing.

FONTANA POLICE DEPARTMENT FIELD TRAINING PROGRAM DAILY OBSERVATION REPORT	PHASE-----: _____
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OFFICER / BADGE #:	FTO:	SHIFT / HOURS:	DATE:
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RATING INSTRUCTIONS: Rate observed behavior on the scale below using the numerical value definitions contained in the standardized evaluation guidelines. You MUST comment on the most and least acceptable performance of the day. Although specific comments are required for all ratings of "1" and "NRT," you are encouraged to comment on any behavior you wish. Use category numbers to reference your narrative comments. Check "NO" box if a category is not observed. Check "NRT" box if the trainee fails to respond to training.

ASSIGNMENT:	FTO RATINGS			ACCEPTABLE SOLO OFFICER	Exceptional		
	1	2	3	4	5	NO	NRT

PERFORMANCE TASKS

1	DRIVING SKILLS – NORMAL CONDITIONS							
2	DRIVING SKILLS – STRESS CONDITIONS							
3	ORIENTATION / RESPONSE TIME TO CALLS							
4	FIELD PERFORMANCE /NON-STRESS							
5	FIELD PEFORMANCE / STRESS CONDITIONS							
6	SELF-INITIATED FIELD ACTIVITY							
7	OFFICER SAFETY							
8	CONTROL OF CONFLICT – VERBAL SKILLS							
9	CONTROL OF CONFLICT – PHYSICAL SKILLS							
10	RADIO COMPREHENSION AND USAGE							
11	MDC COMPREHENSION AND USAGE							
12	ROUTINE FORMS – ACCURACY / COMPLETENESS							
13	REPORT WRITING / ORGANIZATION AND DETAIL							
14	REPORT WRITING / APPROPRIATE TIME USED							
15	GRAMMAR / SPELLING / NEATNESS							
16	INVESTIGATIVE SKILLS							

17	INTERVIEW / INTERROGATION SKILLS							
18	PROBLEM SOLVING / DECISION MAKING							
19	TRAINING: ROLE PLAYING / REPORT WRITING							
KNOWLEDGE								
20	DEPARTMENTAL POLICIES / PROCEDURES							
21	PENAL CODE /CRIMINAL STATUTES/PROCEDURES							
22	VEHICLE CODE							
23	MUNICIPAL CODES / FCC							
ATTITUDE								
24	ACCEPTANCE OF FEEDBACK							
25	ATTITUDE TOWARD POLICE WORK							
26	RELATIONSHIP WITH PUBLIC							
27	AREA COMMANDER / COPS							
28	RELATIONSHIP WITH OTHER OFFICERS/SUPERVISORS							
APPEARANCE								
29	GENERAL APPEARANCE							

Trainee Initials:	FTO Initials:	FTP/SAC:
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AREAS OF STRONG PERFORMANCE: _____

AREAS OF WEAK PERFORMANCE: _____

TRAINING LANDMARKS: _____

SPECIFIC TRAINING / TESTING CONDUCTED: _____

RECOMMENDATIONS FOR TRAINING: _____

MISCELLANEOUS COMMENTS: _____

TRAINEE: _____

DATE: _____

FTO: _____

DATE: _____

FTP/SAC: _____

DATE: _____

FONTANA POLICE DEPARTMENT

Field Training Officer Program

End of Phase Evaluation

Page 1

Trainee:	FTO:	Phase:
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ACCEPTABLE - ACC	UNACCEPTABLE - UNA	NOT OBSERVED - N.O.
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PERFORMANCE TASKS/KNOWLEDGE/ATTITUDE/APPEARANCE

1.	Driving Skill: Normal Conditions	ACC	UNA	N.O.
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Comments:

2.	Driving Skill: Stress Conditions	ACC	UNA	N.O.
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Comments:

3.	Orientation/Response time to calls	ACC	UNA	N.O.
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Comments:

4.	Field Performance/Non-Stress	ACC	UNA	N.O.
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Comments:

5.	Field Performance/Stress Conditions	ACC	UNA	N.O.
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Comments:

6.	Self-Initiated Field Activity	ACC	UNA	N.O.
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Comments:

Trainee Initials: _____	FTO Initials: _____	FTP/SAC: _____
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FONTANA POLICE DEPARTMENT

Field Training Officer Program

End of Phase Evaluation

Page 2

Trainee:	FTO:	Phase:
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7.	Officer Safety	ACC	UNA	N.O
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Comments:

8.	Control of Conflict-Verbal Skills	ACC	UNA	N.O
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Comments:

9.	Control of Conflict-Physical Skills	ACC	UNA	N.O
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Comments:

10.	Radio Comprehension and Usage	ACC	UNA	N.O
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Comments:

11.	MDC Comprehension and Usage	ACC	UNA	N.O
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Comments:

12.	Routine Forms-Accuracy/Completeness	ACC	UNA	N.O
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Comments:

Trainee Initials: _____	FTO Initials: _____	FTP/SAC: _____
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FONTANA POLICE DEPARTMENT

Field Training Officer Program

End of Phase Evaluation

Page 3

Trainee:	FTO:	Phase:
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13.	Report Writing/Organization and Detail	ACC		UNA		N.O	
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Comments:

14.	Report Writing/Appropriate Time Used	ACC		UNA		N.O	
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Comments:

15.	Investigative Skills	ACC		UNA		N.O	
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Comments:

16.	Interview/Interrogation Skills	ACC		UNA		N.O	
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Comments:

17.	Problem Solving/Decision Making	ACC		UNA		N.O	
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Comments:

18.	Training: Role Playing/Report Writing	ACC		UNA		N.O	
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Comments:

Trainee Initials: _____	FTO Initials: _____	FTP/SAC: _____
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FONTANA POLICE DEPARTMENT

Field Training Officer Program

End of Phase Evaluation

Page 4

Trainee:	FTO:	Phase:
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19.	Departmental Policies/Procedures	ACC	UNA	N.O
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Comments:

20.	Penal Code/Statues/Procedures	ACC	UNA	N.O
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Comments:

21.	Vehicle Code	ACC	UNA	N.O
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Comments:

22.	Municipal Codes/FCC	ACC	UNA	N.O
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Comments:

23.	Acceptance of Feedback	ACC	UNA	N.O
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Comments:

24.	Attitude Toward Police Work	ACC	UNA	N.O
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Comments:

Trainee Initials: _____	FTO Initials: _____	FTP/SAC: _____
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FONTANA POLICE DEPARTMENT

Field Training Officer Program

End of Phase Evaluation

Page 5

Trainee:	FTO:	Phase:
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25.	Relationship with Public	ACC	UNA	N.O
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Comments:

26.	Area Commander/COPS	ACC	UNA	N.O
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Comments:

27.	Relationship with Officers/Supervisors	ACC	UNA	N.O
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Comments:

28.	General Appearance	ACC	UNA	N.O
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Comments:

Trainee Initials: _____	FTO Initials: _____	FTP/SAC: _____
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FONTANA POLICE DEPARTMENT

Field Training Officer Program

End of Phase Evaluation

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Trainee:	FTO:	Phase:
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General Comments:

Recommendations:

Title	Print	Signature	Date
Trainee			
FTO			
FTP/SAC			

Trainee Initials: _____	FTO Initials: _____	FTP/SAC: _____
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TRAINEE CRITIQUE OF FIELD TRAINING OFFICER

In an effort to keep the Field Training Program up to date and functioning as well as possible, the trainee at the completion of each phase of training must fill out this critique form. It is to the FTO's benefit to know the impression being made on those in training and FTO's welcome objective feedback. With this in mind, the trainee is requested to honestly appraise and evaluate the FTO in the areas listed below.

INSTRUCTIONS:

Place your FTO's name in the blank space below. If you had more than one FTO during the phase, place the name of the FTO you spent most of your time with. FTO's receive only a summary of the critique forms at the end of a training cycle. The actual critique is reviewed only by the FTO supervisors and is not given to the FTO, nor does it become a part of the FTO's personnel file.

Your FTO: _____ **Phase:** _____

PART I

1. The Field Training and Evaluation Program is concerned with both training and evaluation. Assign percentages (to total 100%) to the amount of effort your FTO exerts in each area. (Example: Training 50%, Evaluation 50%).

TRAINING _____ EVALUATION _____

2. Using percentages indicate how you perceive your FTO relates to you.

I am one of a number of police recruits _____ I am an individual _____

PART II

Circle one of the responses that follow each of the seven statements below. Each answer needs a short narrative explanation.

1. The example set for you by the FTO

Poor Fair Average Good Excellent

Explanation: _____

2. The FTO's interest in imparting training material and information to you?

Poor Fair Average Good Excellent

Explanation: _____

3. FTO's knowledge of the training material covered?

Poor Fair Average Good Excellent

Explanation: _____

4. FTO's skill as an instructor/teacher/trainer?

Poor Fair Average Good Excellent

Explanation: _____

5. FTO's ability to communicate with you?

Poor Fair Average Good Excellent

Explanation: _____

6. FTO's application of honesty, fairness and objectivity in rating you?

Poor Fair Average Good Excellent

Explanation: _____

7. FTO's overall attitude for the job assignment?

Poor Fair Average Good Excellent

Explanation: _____

List the area(s) in which you think your FTO puts forth his/her **WORST** effort. _____

List the area(s) in which you think your FTO puts forth his/her **BEST** effort. _____

Print Name/Badge #

Signature

Place completed form in an envelope and put in your FTO Sergeant's tray.

Received by: _____
Date

Additional Resources

LE website links and resources

- * **10-21**-Phone app that allows officers to call citizens from a masked phone number without hitting *67
- * **California Legal Sourcebook**-Deals with search and seizure and a wide variety of legal issues for peace officers.
- * **AELE.com**-Americans for Effective Law Enforcement
- * **US SupremeCourt.org**-Us Supreme Court website
- * **Shouselaw.com**-Legal website from CA defense attorney (former prosecutor's) perspective
- * **Flex your rights.org**-East coast defense attorney and former judge
- * **Alcoda.org**-Alameda County District Attorney's office- go to publications link and hit Point of View. It gives several articles on a wide variety of topics for police officers and what the courts have ruled. Easy to read and written in laymen terms.
- * **Policeone.com**-All sorts of current law enforcement training topics and actual stories and videos from around the world.
- * **Calibre Press.com**- LE training company with list of classes. They also have current articles and videos of LE trends and incidents
- * **Field Command LLC**.-LE training related to tactical science and SWAT concepts
- * **NTOA.org**-National Tactical Officer Association. SWAT website that all LE officers can get membership in and get access to books, articles, website publication, files and PowerPoints related to officer safety and tactical concepts.
- * **Catonews.org**- California Tactical Officers Association. California SWAT website. Must be member of SWAT to get membership and access to website training and publications.
- * **PATC.com**-Public Agency Training Council-LE legal and training website.

Important Case Law

- * **Carroll v. U.S.**— Police may conduct a warrantless search of a vehicle stopped on traffic if there is probable cause to believe that the vehicle contains contraband or evidence. **Motor vehicle exception.**
- * **Mapp v. Ohio**—The US Supreme Court applied the “**exclusionary rule**” to the states. Any evidence illegally obtained by the government cannot be used in court against the accused. (This goes for statements pertaining to the crime, without Miranda, after arrested AND physical evidence such as drugs that were obtained illegally).
- * **Miranda v. Arizona**—The Miranda case is a *very* important case to law enforcement. The United States Supreme Court established an irrebuttable presumption that a statement is involuntary if made during a custodial interrogation without “**Miranda Warnings**” given. The warning requirements only apply when a person is in custody and interrogated. In this case, “custody” is an arrest or when freedom is significantly deprived to be equivalent to an arrest. “**Interrogation**” is the use of words or actions to elicit an incriminating response from an average person.
- * **In Re Gault**—The US Supreme Court in this case established that juveniles have several rights that adults have.
 - 1) Due process requires adequate and timely notice.
 - 2) There is right to counsel.
 - 3) The privilege against self-incrimination applies.
 - 4) The juvenile has a right to a hearing with sworn testimony subject to the opportunity for cross examination. (Always read juveniles their Miranda Rights, regardless if you are going to interrogate on the crime or not.)
- * “**Terry**”—**Ohio**—An officer can briefly detain a person, based upon reasonable suspicion of criminal activity, long enough to dispel the suspicion or to allow it to rise to the level of probable cause for an arrest. The officer is also permitted to do a limited “frisk” search of the person without a warrant. Before the officer can frisk search the subject, he must:
 1. Have articulable facts that the person could be armed with a weapon.
 2. Limit the search to pat searching the outer garments of the suspect to feel for objects that might be weapons.
 3. Only reach inside the clothing after feeling such objects.
- * **Chimel v. California**—The arrest of a person in his home does not allow the warrantless search of the whole house incident to arrest. Inside a house officers may search the immediate area for weapons.
- * **Tennessee v. Garner**—The use of deadly force to stop a fleeing felony is not justified unless it is necessary to prevent the escape, and it complies with the following requirements. The officer has to have probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or others.
- * **Whren v. U.S.**—(Wall Stop) If the court finds that an officer’s subjective reasons for making the stop was for anything other than the initial traffic offense, and that reason lacks probable cause or reasonable suspicion, the court would dismiss the charges. (Use traffic/reasonable suspicion of a crime for reason to stop vehicle initially. Just in case you arrest on a different crime and go to court, you had a legal reason to stop the vehicle).
- * **Missouri v. McNeely**—An involuntary blood draw is a “search” as that term is used in the Fourth Amendment, meaning a warrant is generally required. However, the Court left open the possibility that the “exigent circumstances” exception to that general requirement might apply in some drunk driving cases.

- * **U.S. V Williams**-Officer can order passenger back into the vehicle. “Presents a dangerous situation by splitting the officer’s attention between two or more individuals. (Inc case passenger(s) exits vehicle)
- * **US V. Robinson**-Police Officer can conduct a search incident to arrest. Ex: Finding Heroin in a cigarette pack after arresting subject for a different offense other than drugs.
- * **Wyoming V. Houghton**-If there is Probable Cause to search a car, police officers may inspect all areas capable of concealing the object, including passenger’s belongings.
- * **U.S. V. McConney**-(Exigent Circumstances) Entry is necessary to prevent physical harm to officers or other persons, destruction of evidence, escape of a suspect.
- * **U.S. V. Neff**-A terry stop (Terry V. Ohio) does not become unreasonable because officers use handcuffs or place the subject on the ground. In addition, officers may use their guns in a stop where the police reasonably believe their weapons are necessary for safety.
- * **U.S. V. Wagner**-Another case similar to (U.S. V. Wright). Defendants have no legally enforceable expectations that the agent is not an undercover officer. Example in this case-Undercover officers entered Wagner’s home as “1JPS” employees smelled meth. Officer obtained a warrant and found methamphetamine in the residence, Wagner was ultimately arrested.
- * **U.S. V. Paulette**-Reasonable suspicion to detain for narcotics:
 1. Engaged in criminal activity based upon hand to hand movements.
 2. Efforts to evade the police upon noticing them. (walking/running/turning a different direction)
 3. Presence in a high crime area.
- * **U.S. V. Cortez**-Vehicle can be stopped based on reasonable suspicion that a crime has occurred, not just a traffic offense.
- * **County of Riverside V. McLaughlin**-*Felony cases* (Reason for Probable Cause Declaration form AND why In-Custody report must be done by EOW.) Mandatory post-arrest hearing to determine PC to a 1st Test. Hearing must be held within 48 hours.
- * **Pennsylvania V. Mimms**-Driver of the vehicle can be ordered out without suspicion, on a traffic stop.
- * **Maryland V. Wilson**-Passengers in a vehicle may be ordered out, on a traffic stop.
- * **Minnesota V. Dickerson**-During a Terry frisk, detecting contraband, based on training and experience, may be seized (Must know immediately. Thus, no second guessing what is inside the pocket(s)).
- * **U.S. V. Ferguson**-Example in this case-Officer(s) are in pursuit of a wanted suspect who is possible in possession of a firearm. The suspect is located and taken into custody. Officer(s) may question the suspect about the gun without advising of Miranda Rights due to the exigency of a missing firearm. (Exigency because a child could possibly get a hold of it and get injured/killed). Admissible in court without Miranda because of it’s exigency.
- * **U.S. V. Santana**-While in “Hot pursuit” of a wanted felony suspect from a public place into a private residence to make an arrest is justified.
- * **Ker V. California**-May enter residence to prevent destruction of evidence.
- * **Warden V. Hayden**-Enter a residence based on exigent circumstances.
- * **U.S. V McConney** is the “catch all” when it comes down to entering a residence from a public place based on the above (3) cases.
- * **Harris V. U.S.**-As long as the police officer(s) has a lawful right to be in a position to have a particular view any object that falls within view may be subject to seizure and introduced as evidence.

- * **Fernandez v. California**-U.S. Supreme Court case that explored the limits of Georgia v. Randolph, a 2006 case that held that consent to search a dwelling is invalid in the presence of an objecting co-resident. Fernandez, however, held that when the objecting co-resident is removed for objectively reasonable purposes (such as lawful arrest), the remaining resident may validly consent to search.
- * **Maryland v. Buie**-Supreme Court of the United States held that the Fourth Amendment permits a properly limited *protective sweep* in conjunction with an in-home arrest when the searching officer possesses a reasonable belief based on specific and articulable facts that the area to be swept harbors an individual posing a danger to those on the arrest scene.
- * **Michigan v. Long**-United States Supreme Court that extended Terry v. Ohio, 392 U.S. 1 (1968) to allow searches of car components during a stop with reasonable suspicion.
- * **U.S. v. Ross**-US Supreme Court ruled that the warrantless search of the containers found during the search of the car was constitutional, falling within the existing precedent for a warrant-less search called the “automobile exception”.
- * **“Cady” Dombrowski** is a 1973 United States Supreme Court case, in which the court first authorized the community caretaking exception.
- * **Michigan v. Fisher**-Emergency aid doctrine Officers see an injury, no matter how minor, may enter to render aid.
- * **Arizona v. Gant**-United States Supreme Court decision holding that the Fourth Amendment to the United States Constitution requires law enforcement officers to demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a warrantless vehicular search incident to arrest conducted after the vehicle’s recent occupants have been arrested and secured.
- * **U.S. v. Smith**-Computer searches. Unless a computer’s password-protected, any co-user (spouse, parent, co-worker) can consent to a warrantless inspection of the computer files.
- * **Illinois v. Wardlow**-Sudden unprovoked light from approaching marked police cars in a “high crime area”. Officers can stop and investigate.
- * **Steagald v. U.S.**-Police cannot enter a third party’s home to serve an arrest warrant on someone who does not live there.
- * **Mince v. Arizona**-No murder scene exception to search after the scene is secure.
- * **Riley v. California**-Police need a search warrant to check the contents of a cellular phone belonging to a person lawfully arrested.
- * **2nd Amendment**:The right of the people to keep and bear arms. The Supreme Court of the United States has ruled that the right belongs to individuals for self defense. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. The amendment supports the natural rights of self-defense and resistance to oppression, and the civic duty to act in concert in defense of the state.
- * **4th Amendment**: 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 Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Prohibits unreasonable searches and seizures and requires any warrant supported by probable cause. Officers need a warrant for most search and seizure activities except for consent searches, motor vehicle searches, evidence in plain view, exigent circumstances, border searches, and other situations.

- * **5th Amendment:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a 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. The right against self-incrimination as well as the right to be tried only once (“double jeopardy”) in federal court for the same offense. The Amendment also has a Due Process as well as an implied equal protection requirement.
- * **6th Amendment:** Right to a speedy trial, Right to confront witnesses, and Right to counsel.
- * **8th Amendment:** Right against excessive bail, excessive fines, cruel and unusual punishment.
- * **14th Amendment:** All persons born or naturalized in the United States, and subject to the jurisdiction thereof: are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law: nor deny to any person within its jurisdiction the equal protection of the laws.
 - ◇ The **Due Process Clause** prohibits state and local government officials from depriving persons of life, liberty, or property without legislative authorization.
 - ◇ The **Equal Protection Clause** requires each state to provide equal protection under the law to all people within its jurisdiction.

Training Videos are on the accompanying DVD inside your FTO Manual