



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

IMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		LOCATION
DATE 09/13/2018	LENGTH OF TRAINING HOURS 45 MINUTES	<input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input checked="" type="checkbox"/> OTHER: CASE DEBRIEF		<input type="checkbox"/> INCIDENT DEBRIEFING
BRIEF DESCRIPTION OF TRAINING: <u>Child Abuse (25 mins)</u> Policy: 330 <u>Adult Abuse (20 mins)</u> Policy: 326		

ATTACHMENTS			
<input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:			

SUPERVISORY REVIEW			
TRAINER Sgt. A. Garihan	ID# 1757	SUPERVISOR	ID#
LIEUTENANT B. Miller	ID#2709	DATE 9/13/2018	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD




PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 12/27/2018	LENGTH OF TRAINING HOURS 45 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input checked="" type="checkbox"/> OTHER: CASE DEBRIEF/POWER POINT		
BRIEF DESCRIPTION OF TRAINING: <u>Use of Force (15 mins)</u> Policy: 300 <u>Vehicle Pursuits (15 mins)</u> Policy: 314 <u>Officer Response to Calls (15 mins)</u> Policy: 316		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Ofc. Daniel Boyd	ID# 3381	SUPERVISOR 
LIEUTENANT B. Miller	ID#2709	DATE 1757
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMR

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 01/02/18	LENGTH OF TRAINING HOURS ONE HOUR	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input checked="" type="checkbox"/> OTHER: DISCUSSION		
BRIEF DESCRIPTION OF TRAINING: Jail Operations 900 (30 minutes) Search and Seizure 322 (15 minutes) Custody Searches 902 (15 minutes)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER David Hutchinson	ID# 2641	SUPERVISOR <i>[Signature]</i>
LIEUTENANT B. Miller	ID#2709	DATE <i>[Signature]</i>
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TW

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 10-11-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM

Domestic Violence (Policy 320)

BRIEF DESCRIPTION OF TRAINING:

Policy review and discussion.

ATTACHMENTS

SUPERVISORY REVIEW			
TRAINER HANSON	ID# 2930	SUPERVISOR R. COX	ID# 1770
LIEUTENANT	ID#	DATE 12/5/18	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

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MS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 10-23-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM

Missing Persons (Policy 332)

BRIEF DESCRIPTION OF TRAINING:

Policy review and discussion.

ATTACHMENTS

SUPERVISORY REVIEW			
TRAINER D. GOMI	ID# 2937	SUPERVISOR R. COX	ID# 1770
LIEUTENANT	ID#	DATE 12/5/18	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 10-05-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM

Elder Abuse (Policy 326)

BRIEF DESCRIPTION OF TRAINING:

Policy review and discussion.

ATTACHMENTS

SUPERVISORY REVIEW

TRAINER Sawyer	ID# 3108	SUPERVISOR R. COX	ID# 1770
LIEUTENANT	ID#	DATE 12/5/18	

TRAINING RECORD UPDATE

DATA ENTRY	DATE	TRAINING RECORD
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PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY			
DATE OF TRAINING 10-24-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM	
Hate Crimes (Policy 338)			
BRIEF DESCRIPTION OF TRAINING: Policy review and discussion.			
ATTACHMENTS			
SUPERVISORY REVIEW			
TRAINER Hansen	ID# 2938	SUPERVISOR R. Cox	ID# 1770
LIEUTENANT	ID#	DATE	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY			
DATE OF TRAINING 10-24-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM	
Pursuit and Code 3 Driving (Policy 314 & 316)			
BRIEF DESCRIPTION OF TRAINING: Policy review and discussion.			
ATTACHMENTS			
SUPERVISORY REVIEW			
TRAINER T. Gilman	ID# 1956	SUPERVISOR R. Cox	ID# 1770
LIEUTENANT	ID#	DATE 12/5/18	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

IMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 12/08/18	LENGTH OF TRAINING 0 HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: Petaluma Police Department 12/08/18 Briefing training on Policy 316- Officer Response to Calls. Reviewed policy and had open discussion on the topic.		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Chris Ricci	ID# 2754	SUPERVISOR McGowan <i>McGowan</i>
LIEUTENANT	ID#	DATE 12/08/18
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TW

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 12/08/18	LENGTH OF TRAINING 0 HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: <u>Petaluma Police Department</u> <u>12/08/18</u> Briefing training on Policy 300- Use of Force. Reviewed policy and had open discussion on the topic.		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Chris Ricci	ID# 2754	SUPERVISOR McGowan <i>McGowan</i>
LIEUTENANT	ID#	DATE 12/08/18
ID# 2800		
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TW

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 12/08/18	LENGTH OF TRAINING 0 HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: Petaluma Police Department 12/08/18 Briefing training on Policy 314- Vehicle Pursuits. Reviewed policy and had open discussion on the topic.		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Chris Ricci	ID# 2754	SUPERVISOR McGowan <i>MS</i> ID# 2800
LIEUTENANT	ID#	DATE 12/08/18
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 12/08/18	LENGTH OF TRAINING 0 HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: Petaluma Police Department 12/08/18 Briefing training on Policy 328- Discriminatory Harassment. Reviewed policy and had open discussion on the topic.		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Chris Ricci	ID# 2754	SUPERVISOR McGowan <i>Mc</i>
LIEUTENANT	ID#	DATE 12/08/18
ID# 2800		
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

TW

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 11/26/2018	LENGTH OF TRAINING HOURS 10 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 902 (CUSTODY SEARCHES)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER M. Parnow	ID# 2931	SUPERVISOR G. Glaviano
LIEUTENANT R. Klein	ID# 2310	DATE 11/26/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 10/28/2018	LENGTH OF TRAINING HOURS 10 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 322 (SEARCH AND SEIZURE)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER M. Parnow	ID# 2931	SUPERVISOR G. Glaviano <i>GW</i>
LIEUTENANT R. Klein <i>R. Klein</i>	ID# 2310	DATE 10/28/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



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PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

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EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 10/14/2018	LENGTH OF TRAINING HOURS 10 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 900 (TEMPORARY CUSTODY OF ADULTS)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER M. Parnow	ID# 3306	SUPERVISOR G. Glaviano <i>GW</i>
LIEUTENANT R. Klein <i>RK</i>	ID# 2310	DATE 10/14/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD

TMS

PETALUMA POLICE DEPARTMENT

BRIEFING / TRAINING RECORD

Employees: _____

TRAINING SUMMARY

Date: 10-2-18 Length of Training: 30 hours 30 min

Video: _____ Lecture: K Practical Demonstration: _____

Other: POWERPOINT

BRIEF DESCRIPTION OF TRAINING

REVIEW OF POLICY 32D - CHILD ABUSE AND POLICY 32B -
ELDER ABUSE AND POLICY 32B - HATE CRIMES AND POLICY
32B - HARASSMENT

ATTACHMENTS

☐ Handout materials ☐ Lecture materials ☐ Lesson Plan ☐ Other

SUPERVISORY REVIEW

Trainer: SUHRKE Supervisor: NOVELLO

Lieutenant: KLEW Date: 10/2/18

TRAINING RECORD UPDATE

Data Entry: _____ Date: _____ Training Record: _____



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

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EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 10/07/18	LENGTH OF TRAINING HOURS 30 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input checked="" type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 300, 314, AND 316 (USE OF FORCE, VEHICLE PURSUITS AND OFFICER RESPONSE TO CALLS)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY		
SUPERVISORY REVIEW		
TRAINER Raccanello	ID# 2745	SUPERVISOR Urton 
LIEUTENANT	ID#	DATE
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



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PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 10/09/18	LENGTH OF TRAINING HOURS 30 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input checked="" type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 322, 900, AND 902 (SEARCH AND SEIZURE, TEMPORARY CUSTODY OF ADULTS AND CUSTODIAL SEARCHES.)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY		
SUPERVISORY REVIEW		
TRAINER Raccanello	ID# 2745	SUPERVISOR Urton
LIEUTENANT	ID#	DATE
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 10/03/18	LENGTH OF TRAINING HOURS 20 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input checked="" type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 332, MISSING PERSON		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY		
SUPERVISORY REVIEW		
TRAINER Raccanello	ID# 2745	SUPERVISOR Urton
LIEUTENANT	ID#	DATE
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY			
DATE 10/03/18	LENGTH OF TRAINING HOURS 20 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT	
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input checked="" type="checkbox"/> OTHER: POWER POINT			
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 320, DOMESTIC VIOLENCE			
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY			
SUPERVISORY REVIEW			
TRAINER Raccanello	ID# 2745	SUPERVISOR Urton	ID# 1626
LIEUTENANT	ID#	DATE	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

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EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 09/30/2018	LENGTH OF TRAINING HOURS 10 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 338 (HATE CRIMES)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER M. Parnow	ID# 3306	SUPERVISOR G. Glaviano <i>GV</i>
LIEUTENANT R. Klein <i>R. Klein</i>	ID# 2310	DATE 09/30/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 09/30/2018	LENGTH OF TRAINING HOURS 10 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 328 (DISCRIMINATORY HARASSMENT)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER M. Parnow	ID# 3306	SUPERVISOR G. Glaviano <i>GG</i>
LIEUTENANT R. Klein <i>R. Klein</i>	ID# 2310	DATE 09/30/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 09/23/2018	LENGTH OF TRAINING HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 316 (OFFICER RESPONSE TO CALLS)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER M. Parnow	ID# 3306	SUPERVISOR G. Glaviano
LIEUTENANT R. Klein	ID# 2310	DATE 09/23/2018
ID# 2676		
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE 09/23/2018		LENGTH OF TRAINING HOURS 10 MINUTES		LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT	
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT					
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 332 (MISSING PERSONS)					
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:					
SUPERVISORY REVIEW					
TRAINER M. Parnow		ID# 3306	SUPERVISOR G. Glaviano		ID# 2676
LIEUTENANT R. Klein		ID# 2310	DATE 09/23/2018		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 9/13/2018	LENGTH OF TRAINING 0 HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: Petaluma Police Department 9/13/2018 Briefing training on Policy 320- Domestic Violence. Reviewed policy and had open discussion on the topic.		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Chris Ricci	ID# 2754	SUPERVISOR McGowan <i>[Signature]</i> #2800
LIEUTENANT	ID#	DATE 9/13/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 9/13/2018	LENGTH OF TRAINING 0 HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: Petaluma Police Department 9/13/2018 Briefing training on Policy 332- Missing Persons. Reviewed policy and had open discussion on the topic.		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Chris Ricci	ID# 2754	SUPERVISOR McGowan <i>McGowan #2800</i>
LIEUTENANT	ID#	DATE 9/13/2018
ID# 2800		
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

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EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 9/12/2018	LENGTH OF TRAINING 0 HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: Petaluma Police Department 9/12/2018 Briefing training on Policy 326- Adult Abuse. Reviewed policy and had open discussion on the topic.		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Chris Ricci	ID# 2754	SUPERVISOR McGowan <i>McGowan</i>
LIEUTENANT	ID#	DATE 9/12/2018
ID# 2800		
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 9/12/2018	LENGTH OF TRAINING 0 HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: Petaluma Police Department 9/12/2018 Briefing training on Policy 330- Child Abuse. Reviewed policy and had open discussion on the topic.		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Chris Ricci	ID# 2754	SUPERVISOR McGowan <i>LM</i>
LIEUTENANT	ID#	DATE 9/12/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 09/09/2018	LENGTH OF TRAINING HOURS 20 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 320 (DOMESTIC VIOLENCE)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER M. Parnow	ID# 3306	SUPERVISOR G. Glaviano
LIEUTENANT R. Klein	ID# 2310	DATE 09/09/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

XMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 09/09/2018	LENGTH OF TRAINING HOURS 20 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 300 (USE OF FORCE)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER G. Glaviano	ID# 3306	SUPERVISOR G. Glaviano
LIEUTENANT R. Klein <i>R. Klein</i>	ID# 2310	DATE 09/09/2018
ID# 2676		
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD

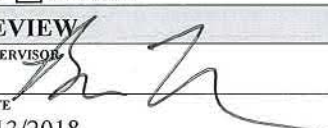


PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 09/13/2018	LENGTH OF TRAINING HOURS 45 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input checked="" type="checkbox"/> OTHER: CASE DEBRIEF		
BRIEF DESCRIPTION OF TRAINING: <u>Child Abuse (25 mins)</u> Policy: 330 <u>Adult Abuse (20 mins)</u> Policy: 326		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Sgt. A. Garihan	ID# 1757	SUPERVISOR  ID# 2709
LIEUTENANT B. Miller	ID# 2709	DATE 9/13/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TW

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY

DATE OF TRAINING 09-06-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM
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Child Abuse (Policy 330)

BRIEF DESCRIPTION OF TRAINING:

Policy review

ATTACHMENTS

SUPERVISORY REVIEW

TRAINER <i>B. Hansen</i>	ID# <i>2930</i>	SUPERVISOR <i>[Signature]</i>	ID# <i>1770</i>
LIEUTENANT	ID#	DATE	

TRAINING RECORD UPDATE

DATA ENTRY	DATE	TRAINING RECORD
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PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES							
NAME	ID#	NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY			
DATE 09/02/2018	LENGTH OF TRAINING HOURS 20 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT	
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT			
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 326 (ADULT ABUSE)			
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:			
SUPERVISORY REVIEW			
TRAINER R. Flores	ID# 3306	SUPERVISOR G. Glaviano <i>ewh</i>	ID# 2676
LIEUTENANT R. Klein <i>Ralli</i>	ID# 2310	DATE 09/02/2018	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMR

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 08/26/2018	LENGTH OF TRAINING HOURS 20 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: TEAM 1 READ AND DISCUSSED POLICY 330 (CHILD ABUSE)		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER R. Flores	ID# 3306	SUPERVISOR G. Glaviano
LIEUTENANT R. Klein	ID# 2310	DATE 08/26/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD

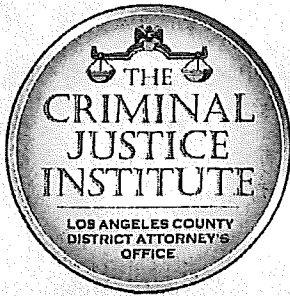


TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 07/04/2018	LENGTH OF TRAINING 1 HOURS 10 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:		
BRIEF DESCRIPTION OF TRAINING: <u>Standards of Conduct & Off-Duty Action</u> (15 mins) Policies: 340 & 385 <u>Technology Use</u> (20 mins) Policies: 212,447,342,388 <u>Case Law Review</u> Miranda (5 mins) Graham vs Conner (5 mins) Ramey (5mins) Steagald (5 mins) Arizona vs Gant (5 mins) Tennessee vs Garner (5 mins) Terry vs Ohio (5 mins)		
ATTACHMENTS <input checked="" type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:		
SUPERVISORY REVIEW		
TRAINER Sgt. A. Garihan	ID# 1757	SUPERVISOR ID#
LIEUTENANT R. Klein	ID#2310	DATE 7/18/2018
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



JACKIE LACEY
DISTRICT ATTORNEY

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

ONE MINUTE BRIEF

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NUMBER: 2017-15 DATE: 08-15-17 BY: Devallis Rutledge TOPIC: Particular Warrants

Some arrest warrants and search warrants carry the names of court cases or shorthand descriptions by which they are commonly known. Most have been codified. Here are the most common, with citations to source-cases and applicable statutes:

“Ramey Warrants” are **probable-cause arrest warrants**, which allow law enforcement officers to obtain an arrest warrant **without** submitting a case for filing. This permits **entry** into the suspect’s home to arrest him, or listing in NCIC and other databases to facilitate the arrest of a fugitive. *People v. Ramey* (1976) 16 Cal.3d 263; PC § 817(f).

“Mincey Warrants” are used to authorize a thorough search of a **murder scene**, after the initial safety sweep for **suspects** or **victims**, and the seizure of any evidence in **plain view**. *Mincey v. Arizona* (1978) 437 US 385; PC § 1524(a)(2), (4).

“Steagald Warrants” authorize entry into and search of a **third party’s** premises where there is PC to believe the subject of an outstanding **arrest warrant** may be found. *Steagald v. US* (1981) 451 US 204; PC § 1524(a)(6).

“Hobbs Warrants” are search warrants that include a court order that specified portions of the affidavit of probable cause be **sealed** to protect confidential informants or investigative techniques. *People v. Hobbs* (1994) 7 Cal.4th 948; *People v. Galland* (2008) 45 Cal.4th 354; Evid, Code §§ 1040-1042.

“Jones Warrants” authorize the installation and monitoring of GPS **surveillance trackers**. *US v. Jones* (2012) 565 US 400; PC §§ 1524(a)(12), 1534(b).

“McNeely Warrants” are used to **force blood samples** from those arrested for DUI or boating under the influence who **refuse consent** and are not subject to a search term under **probation/parole/PRCS**, and in the absence of **exigent circumstances**. *Missouri v. McNeely* (2013) 569 US 141; PC § 1524(a)(13), (17).

“Riley Warrants” are used when necessary to search **electronic information devices** such as cell phones. *Riley v. California* (2014) 134 S.Ct. 2473; PC §§ 1524(a), 1546.1(b)(1), (d).

“Anticipatory Warrants” authorize a future search when there is PC to believe that a **triggering event** will occur, **and** that this triggering event will signal the existence of PC to search (such as in a “controlled delivery” case). *US v. Grubbs* (2006) 547 US 90.

“Sneak-and-peek Warrants” are used to obtain surreptitious **entry** for visual surveillance, photography or video recording, and/or installation of surveillance devices, without seizure of any property. *US v. Johns* (9th Cir. 1991) 948 F.2d 599.

“No-knock Warrants” authorize entry without knock-notice compliance, on a showing of reasonable suspicion that knocking and announcing would permit escape, imperil officers, or result in destruction of the evidence. *Richards v. Wisconsin* (1997) 520 US 385, 396, fn. 7.

“Special-master Warrants” require a court-appointed “master” to accompany officers and conduct the search for documentary evidence in the possession of a lawyer, physician, psychotherapist or member of the clergy, unless such professional is suspected of involvement in the criminal activity to which the documentary evidence relates. PC § 1524(c).

This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments, and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 7/19/2018	LENGTH OF TRAINING HOURS 1.5	LOCATION MAIN STATION
TYPE OF TRAINING WARRANTS CLETS/NCIC PROCESSES		
BRIEF DESCRIPTION OF TRAINING: <ul style="list-style-type: none">• Clearing a citable warrant from Criminal.net and CLETS Wanted Persons System (WPS) using Informer after an outside agency cites out the wanted person• Clearing a no-cite warrant from Criminal.net and WPS after an outside agency arrests the wanted person• Canceling a warrant from WPS if entered in error		
ATTACHMENTS		

SUPERVISORY REVIEW			
TRAINER Tina Thomsen	ID# 1777	SUPERVISOR Nicole Litzie	ID# 2821
LIEUTENANT <i>E. Crosby</i>	ID# 1749	DATE 7-24-18	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 7/18/2018	LENGTH OF TRAINING 2 HOURS	LOCATION MAIN STATION
TYPE OF TRAINING WARRANTS CLETS/NCIC PROCESSES		
BRIEF DESCRIPTION OF TRAINING: <ul style="list-style-type: none">• Entering warrants into CLETS Wanted Persons System (WPS) and NCIC• Confirming warrant status for outside agencies using Criminal.net• Sending warrant abstracts to outside agencies from Informer		
ATTACHMENTS		

SUPERVISORY REVIEW			
TRAINER Tina Thomsen	ID# 1777	SUPERVISOR Nicole Litzie	ID# 2821
LIEUTENANT <i>E. Lively</i>	ID# 1749	DATE 7-24-18	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES							
NAME	ID#	NAME	ID#	NAME	ID#	NAME	ID#

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TRAINING SUMMARY

DATE OF TRAINING 7-8-2018	8 hours	LOCATION SRJC PSTC ACADEMY
TYPE OF TRAINING JOINT CRISIS RESPONSE UNIT TRAINING		

BRIEF DESCRIPTION OF TRAINING:

JOINT CRISIS RESPONSE UNIT TRAINING

OUTLINE: TRAINING CALL-OUT FROM EVERYONE'S HOME AT 0700
EVALUATE RESPONSE TIME TO PPD, EQUIPMENT PREPARATION AND RESPONSE TO INCIDENT
EVALUATE SET-UP BRIEFING AND SET-UP AT INCIDENT SCENE
SNIPER AND PERIMETER DEPLOYMENT
HNT DEPLOYMENT
SWAT TEAM DEPLOYMENT
SCENARIO IN SCENARIO VILLAGE (SEE ATTACHED)
DEBRIEF SCENARIO

LUNCH

REVIEW CRU EQUIPMENT WITH BOTH TEAMS
SWAT TACTICAL CLEARING OF SCENARIO VILLAGE
SWAT REVIEW EQUIPMENT AT PPD

PREPARE COMMAND BUS, TRANSPORT BUS, AVA TRUCK AND OTHER UNMARKED VEHICLES.
NO LIVE WEAPONS.

ATTACHMENTS YES

SUPERVISORY REVIEW			
TRAINER CLAVIANO, Norberto, Baelin	ID#	SUPERVISOR 	ID# 7/8/18
LIEUTENANT Lyons	ID# 1359	DATE 7/9/18	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	



SWAT / HNT Training – July 8th, 2017

Scenario 1:

Officers were dispatched to the area of Scenario Village on report of shots fired. Scenario Village is a mixed use development which includes retail and residential structures. Upon arrival, officers were confronted with several subjects running from the area. Those fleeing the scene provided conflicting information regarding the number of gunman. There is believed to be either one or two gunman.

As officers arrive on scene the resident of the two story house at the end of scenario village calls to report a possible intruder. The resident has locked him or herself in a bedroom.

SWAT and HNT have been activated.

Setup:

One suspect will be armed in the two story house with at least one potential hostage.

Other role players could be used to either run from the neighboring businesses, hiding in the businesses, or be wounded in the businesses.

Scenario 2:

Officers were dispatched to an armed robbery inside a (bank/convenient store). Upon arrival, an officers were shot at. One officer was struck and is currently pinned down behind a vehicle outside the business. The gunman retreated into the business and appears to have taken the (clerk/teller) hostage.

SWAT and HNT have been activated.

Setup:

We will make a decision on which business to use.

A vehicle will be parked near the chosen business.

A role player will be used as an officer who has been shot behind the vehicle. The officer will be able to communicate via radio but will be unable to move on his or her own power.

A suspect will be in the business with at least one potential hostage.

Scenario 3:

Officers were dispatched to a potential carjacking. Officers located the vehicle and pursued it to the end of scenario village. Officers setup for a high risk stop and the driver put a gun to the passengers head but immediately pulls it down. Officers have begun negotiations.

SWAT and HNT have been activated.

Setup:

Patrol vehicles will be configured in a modified high risk stop formation. Role players can be used as officers who will be replaced once SWAT arrives.

One suspect armed with a handgun will be in the vehicle with one potential hostage in the front seat.

Scenario:

William Foster is recently divorced, and his ex-wife Beth has a DV TRO to keep him away from their young child, Adele. Foster is fixated on attending Adele's birthday party at a business in Scenario Village, despite the TRO. In addition, he was recently laid off from his job as a defense engineer. His frustration grows when his air conditioning fails while he is stuck in traffic. He abandoned his car and walked to Scenario Village.

At a convenience store, the AMA (**role player**) owner refuses to let him use a cell phone. Foster, who wants a soda, begins ranting about the high prices. The owner grabs a baseball bat and demands Foster leave. Foster takes the bat and destroys much of the merchandise before leaving with the cellphone (**number needed**).

Foster is then confronted by two HMA gang members who threaten him with a knife and demand his wallet. Foster attacks them with the bat and picks up the knife when they flee. They get in their car, arm themselves with a firearm, find Foster hiding behind a business, and open fire. He is not hit, but the driver loses control and crashes. Foster arms himself with the firearm, shoots one of the gang members (**role player**), and steals more weapons from the car.

Interviews with the witnesses at each scene lead police to believe the same person may be responsible.

Foster calls Beth from the cellphone and tells her that he is coming to the party, regardless. Alarmed by his rambling speech and menacing manner, Beth calls 9-1-1 (**number needed**) and hides in the business with Adele. However, she is too panicked to say anything. He eventually finds them. He complains about being ill-treated by his wife and society, and is not remorseful.

SRPD responds to 9-1-1 open line in the area of Scenario Village and hears two gunshots. Cellphone returns to Beth, and a welfare check at the residence is met with negative results. They attempt to establish a perimeter, but most of their units are tied up on an active shooter involving SCSO. PPD CRU is called out.

Objective:

- HNT establish contact with Beth (**cellphone**)
- SWAT performs protective sweeps, detains witnesses, establishes perimeter toward direction of travel
- CRU debrief store owner and gang member
- HNT establish contact with William (**cellphone**)
- SWAT create plan to introduce throw phone
- Conclusion:
 - Negotiated out
 - Dynamic entry
 - Or, active shooter - DOA

Suspect Profile:

(role player)

- William Foster (7-8-70)
- 3664 Fir Ridge Drive, Santa Rosa
- Recently divorced with a served DV TRO, which includes supervised visitation only
- Recently laid off defense engineer
- 8 years USMC as Sergeant, non-combat
- He shares a birthday with his daughter and knew of party at Scenario Village
- Record check confirms the served TRO; he is clear in all systems, including AFS
- The divorce has made him angry and resentful
- Current immigration and homeless news has added to his frustrations
- In his mind, his daughter is the only positive in his life

Wife Profile:

(role player)

- Elizabeth "Beth" Foster (3-23-72)
- Housewife
- Divorce due to lack of attention, too focused at work, type A, too opinionated
- Married for 10 years

Daughter Profile:

- Adele Foster (7-8-10)
- Student at Rincon Valley Christian

AMA store owner:

- Mark Fong (62)
- Longtime owner of family run convenience store

Gang member:

- Antonio Soto (23)
- LP member, active probation, firearms priors

(at minimum, 4 role players for the parts, but additional can be used as witnesses)

(need minimum of 2 cellphones)



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY			
DATE OF TRAINING 6/8/18	Duration: 15 Minutes		LOCATION PPD
TYPE OF TRAINING REVIEW OF POLICY 402 AND 428			
BRIEF DESCRIPTION OF TRAINING: THE TEAM DISCUSSED POLICY 402 BIAS-BASED POLICING AND 428 IMMIGRATION VIOLATIONS.			
ATTACHMENTS			
SUPERVISORY REVIEW			
TRAINER GARRETT GLAVIANO	ID# 2676	SUPERVISOR Garrett Glaviano	ID# 2676
LIEUTENANT <i>R. Galli</i>	ID# 2310	DATE 6/23/18	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY			
DATE OF TRAINING 4/12/18	Duration: 15 Minutes	LOCATION PPD	
TYPE OF TRAINING REVIEW OF PEOPLE V. RAMEY			
BRIEF DESCRIPTION OF TRAINING: THE TEAM DISCUSSED PEOPLE V. RAMEY AS IT RELATES TO AN OFFICERS ABILITY TO ARREST A SUBJECT INSIDE THEIR HOME AND ALSO RAMEY WARRANTS. THE GROUP DISCUSSED THEIR EXPERIENCES WITH RAMEY ISSUES.			
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS			
SUPERVISORY REVIEW			
TRAINER Steve Cummings	ID# 3186	SUPERVISOR Garrett Glaviano <i>cvh</i>	ID# 2676
LIEUTENANT <i>Ron Keli</i>	ID# 2310	DATE 4/12/18	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	



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Scope of Investigative Activity

To attempt a consensual encounter, you could simply approach a person in a public place and ask a non-threatening, engaging question: "Hey, how you doing? Man, can you believe this weather?" The person doesn't have to remain or respond, but if he does, there are a number of things you can do:

- Observe his demeanor for signs of intoxication, drug use, nervousness, or other suspicious behavior. (*U.S. v. Crews*)
- Request ID. Although a demand for ID would convert the encounter into a detention, a request for ID does not. (*INS v. Delgado*) Without retaining the person's ID, you can quickly copy information, promptly return the ID, and run records checks.
- Ask questions about the person's activities. (*Florida v. Royer*)
- Request consent to search. (*Florida v. Bostick*)
- Seize evidence discovered in plain view, or discovered under a consent search. (*U.S. v. Drayton*)

Limitations on Activity

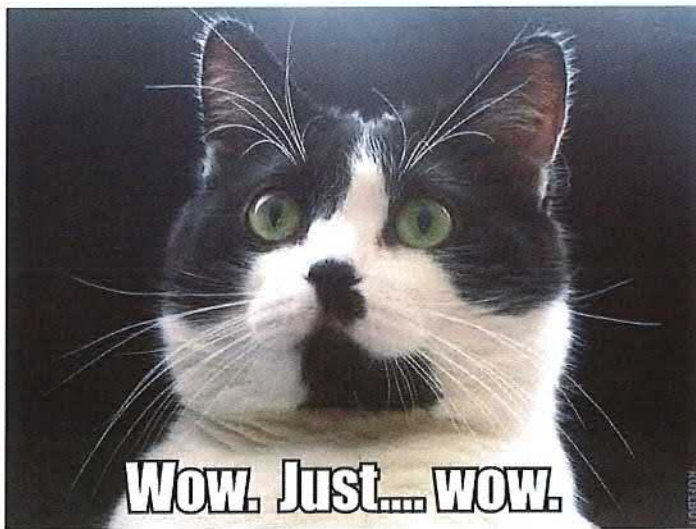
Unless you have reasonable suspicion that the person is involved in criminal activity, do not turn your consensual encounter into an unlawful detention by doing any of these things:

- Giving any orders or commands.
- Displaying or pointing a weapon.
- Surrounding the person with multiple officers or K-9.
- Frisking or touching the person without consent.
- Holding onto license or ID after a quick consensual examination.
- Caging, cuffing, restricting, or moving the person without consent.

Overcoming Common Arguments

Although defense attorneys sometimes argue that a consensual encounter was really a detention because no reasonable person holding drugs (guns, stolen property, etc.) would feel free to ignore a police request, "This argument cannot prevail because the 'reasonable person test' presupposes an innocent person." (*Florida v. Bostick*)

Another common argument is that no reasonable person would feel at liberty to refuse to talk to an armed, uniformed officer. "Those factors should have little weight in the analysis. Officers are often required to wear uniforms, and in many circumstances, this is cause for assurance, not discomfort. Much of the same can be said for the wearing of sidearms. That most law enforcement officers are armed is a fact well known to the public. The presence of a holstered firearm thus is unlikely to contribute to the coerciveness of the encounter, absent active brandishing of the weapon." (*U.S. v. Drayton*)



The United States Supreme Court's Ruling in Arizona v. Gant

Overview

On April 21, 2009, the United States Supreme Court issued a ruling in Arizona v. Gant that significantly restricts an officer's authority, based on the theory of search incident to arrest, to conduct a search of the passenger compartment of a vehicle after arresting an occupant or a recent occupant.

Officers learned through a records check that Rodney Gant's driver's license was suspended and driving with a suspended license. Officers saw Gant driving a car as it entered a driveway. Gant parked his car, got out, and shut the door. An officer, who was about thirty feet away, called to Gant. They approached each other, meeting approximately ten to twelve feet from Gant's car, where the officer arrested and handcuffed him. (Other people at the scene were arrested for various offenses and secured in patrol cars with handcuffs.) Officers placed Gant in the backseat of a patrol car. Officers then searched the interior of his car, and a gun and cocaine were found there. Gant was found guilty of possession of a narcotic drug for sale and another drug-related offense.



Ruling

The Court ruled that officers may search a vehicle incident to arrest only if (1) the arrestee is unsecured and within reaching distance of the passenger compartment when the search is conducted; or (2) it is reasonable to believe that evidence relevant to the crime of arrest might be found in the vehicle.

The Court stated that it will be a rare case in which an officer is unable to fully effectuate an arrest so that an arrestee has a realistic possibility of access to the vehicle. Thus, the typical case in which an officer secures the arrestee with handcuffs and places the arrestee in a patrol vehicle will not satisfy this circumstance. Even if a handcuffed arrestee is not placed in a patrol car, it is not likely that the arrestee has realistic access to the vehicle absent unusual circumstances.

The second circumstance is if it is reasonable to believe that evidence relevant to the crime of arrest might be found in the vehicle. For motor vehicle criminal offenses such as driving while license revoked, driving without a valid driver's license, misdemeanor speeding, etc., it would be highly unlikely that this circumstance would exist to permit a search of the vehicle. For other motor vehicle offenses, such as impaired driving, there may be valid grounds for believing that evidence relevant to the offense may

exist in the vehicle (for example, impairing substances or containers used to drink or otherwise ingest them). For arrests based on outstanding arrest warrants, it is highly unlikely that this circumstance would exist to permit a search of the vehicle, unless incriminating facts concerning the offense charged in the warrant exist at the arrest scene or the offense is one for which evidence of the offense likely would still be found in the vehicle. How recent the offense was committed may be an important factor in determining the “reasonable to believe” standard in this context.



Entry to Arrest

Ramey-Payton and Steagald

"An intrusion by the state into the privacy of the home for any purpose is one of the most awesome incursions of police power into the life of the individual."

*People v. Ramey*¹

In the past, whenever officers thought they had probable cause to arrest a suspect they would drive over to his house, break in if necessary, and arrest him. This procedure was, to say the least, efficient—uncluttered by such things as paperwork and judicial review. And no one questioned whether these unchecked incursions were lawful. After all, it was "standard operating procedure."

But then, on February 25, 1976, the rules changed dramatically. That was when the California Supreme Court announced its landmark decision in the case of *People v. Ramey*.² In *Ramey*, the court decreed that officers could no longer enter a house to arrest an occupant merely because they had probable cause. Instead, they must have an arrest warrant issued by a judge. Said the court:

[I]n the absence of a bona fide emergency, or consent to enter, police action in seizing the individual in the home must be preceded by the judicial authorization of an arrest warrant.³

The court knew that its decision would have a dramatic impact on police procedure. But it also knew that a forcible entry into a home to arrest an occupant was a terrifying experience for the arrestee and, more importantly, for his family or other occupants. While a warrant would not make the experience less terrifying, it would provide some assurance that probable cause did, in fact, exist.⁴

Just four years later, the issue of in-home arrests came before the United States Supreme Court. The case was *Payton v. New York*, and the Court essentially adopted *Ramey*'s reasoning and ruling in their entirety.⁵ *Ramey* had become the law of the land.

Although *Ramey* and *Payton* mandated significant changes in police procedure, it was believed the changes could be implemented without much trouble. Before long, however, questions started surfacing. For example, if officers did not have a warrant, could they arrest the suspect as he stood in his doorway? Could they arrest him if they tricked him into walking outside, or if they tricked him into letting them inside? What if they arrested him after they had been invited inside to talk? Did officers need an arrest warrant if the suspect was inside the home of a friend or relative?

There was also some confusion over a sentence in *Payton* in which the Court said that even if officers had a warrant they could not enter a residence unless they reasonably believed the arrestee "lives" there and was now inside. The problem was that many people who commit crimes move around a lot, which makes it difficult to determine where they "live." And if they are on-the-run, they will often go to great lengths to keep their whereabouts a secret, often with the help of friends and family.

So, *Ramey* was a problem. But it was not an insurmountable problem. Over the years, officers, prosecutors, and judges worked through many of the difficulties to the point where, today, *Ramey* is considered "standard operating procedure."

¹ (1976) 16 Cal.3d 263, 275.

² (1976) 16 Cal.3d 263.

³ At p. 275.

⁴ See *People v. Ramey* (1976) 16 Cal.3d 263, 275 ["The frightening experience of certain foreign nations with the unexpected invasion of private homes by uniformed authority to seize individuals therein, often in the dead of night, is too fresh in memory to permit this portentous power to be left to the uninhibited discretion of the police alone."].

⁵ See *Payton v. New York* (1980) 445 U.S. 573, 588-9 ["To be arrested in the home involves not only the invasion attendant to all arrests but also an invasion of the sanctity of the home."]; *United States v. U.S. District Court* (1972) 407 U.S. 297, 313 ["(P)hysical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed."]; *People v. Marquez* (1992) 1 Cal.4th 553, 566 ["The United States Supreme Court reached the same conclusion [as we did in *Ramey*] in *Payton v. New York*"].

Still, there are several issues surrounding *Ramey* that regularly cause problems, or at least uncertainty. Those issues, all of which are covered in this article, pertain to the following:

- When must officers comply with *Ramey*?
- What types of arrest warrants will justify a forcible entry?
- When can officers enter the home of a suspect's friends or relatives to arrest the suspect?
- What constitutes "consent" to enter under *Ramey*?
- What kinds of exigent circumstances will justify a warrantless entry?
- How can officers prove that a suspect lives in a certain house and is now inside?
- What happens if officers violate *Ramey*?

WHEN RAMEY APPLIES

As we will now discuss, officers must comply with *Ramey* when, (1) they enter a home or other private structure, and (2) their purpose is to arrest an occupant. As the Court of Appeal summed it up, "Both decisions [*Ramey* and *Payton*] hold that without a valid warrant police may not enter a residence to effect an arrest absent consent or an emergency."⁶

Private structure

Ramey applies only if officers enter a structure in which the occupants have a reasonable expectation of privacy.⁷ This includes houses, apartments, condominiums, and motel rooms.⁸ It also applies to busi-

nesses and other commercial structures if officers enter an area that is not open to the general public; e.g., the suspect's private office.⁹ On the other hand, *Ramey* does not apply when officers make the arrest in a place that is open to the public, such as a store, restaurant, or the reception area of an office.¹⁰

To simplify things, the term "house," as used in this article, will cover any residential or commercial structure in which the occupants have a reasonable expectation of privacy.

Crossing the threshold

The sole concern of *Ramey* is the intrusion by officers into a house—"the breach of the entrance to an individual's home."¹¹ To put it another way, "[I]t is the intrusion into, rather than the arrest in, the dwelling which offends constitutional standards under *Ramey*."¹² This means there can be no violation of *Ramey* unless officers crossed the threshold.

OUTSIDE ARRESTS: Officers do not violate *Ramey* when they arrest a suspect on his front porch, driveway, yard, or any other place outside the door.¹³ For example, in *People v. Tillery*¹⁴ the court ruled there was no *Ramey* violation when an officer arrested the defendant after asking him to step outside to talk. Said the court, "The privacy interests protected by *Ramey* were satisfied when appellant voluntarily stepped outside. Once he stepped outside, it was lawful for the officer to arrest him."

In fact, officers may even order the suspect to exit. This occurred in *People v. Trudell*¹⁵ where officers

⁶ *People v. Trudell* (1985) 173 Cal.App.3d 1221, 1229.

⁷ See *People v. Willis* (1980) 104 Cal.App.3d 433, 443 ["(F)or *Ramey* purposes, 'home' should be defined in terms as broad as necessary to protect the privacy interests at stake and, therefore, would include any premises in which the occupant had acquired a legitimate expectation of privacy." Quoting from *People v. Escudero* (1979) 23 Cal.3d 800, 807].

⁸ See *People v. Bennett* (1998) 17 Cal.4th 373, 384 [hotel room]; *People v. Franco* (1986) 183 Cal.App.3d 1089, 1093 [enclosed hut used as sleeping quarters]; *People v. Bigham* (1975) 49 Cal.App.3d 73, 81 [converted garage]; *People v. Superior Court (Arketa)* (1970) 10 Cal.App.3d 122 [shed in which a light was burning, the shed was about 25 yards from a house].

⁹ See *O'Rourke v. Hayes* (11th Cir. 2004) 378 F.3d 1201, 1206; *People v. Lee* (1986) 186 Cal.App.3d 743, 750.

¹⁰ See *United States v. Watson* (1976) 423 U.S. 411, 418, fn.6 [restaurant]; *People v. Lovett* (1978) 82 Cal.App.3d 527, 532 [store]; *People v. Pompa* (1989) 212 Cal.App.3d 1308, 1311 [open business]; *People v. Lovett* (1978) 82 Cal.App.3d 527, 532 [store].

¹¹ See *Minnesota v. Olson* (1990) 495 U.S. 91, 95 ["The purpose of [*Payton*] was not to protect the person of the suspect but to protect his home from entry in the absence of a magistrate's finding of probable cause."]; *New York v. Harris* (1990) 495 U.S. 14, 17; *People v. Lewis* (1999) 74 Cal.App.4th 662, 672; *People v. Trudell* (1985) 173 Cal.App.3d 1221, 1229; *People v. Ford* (1979) 97 Cal.App.3d 744, 748 ["(I)t is the unlawful intrusion into the dwelling which offends constitutional safeguards"].

¹² *People v. Evans* (1980) 108 Cal.App.3d 192, 196.

¹³ See *People v. Bacigalupo* (1991) 1 Cal.4th 103, 122; *People v. Green* (1983) 146 Cal.App.3d 369, 377 ["Appellant's reliance on *Ramey* is misplaced, since the arrest took place outside his home."]; *People v. Jackson* (1986) 187 Cal.App.3d 499, 505.

¹⁴ (1979) 99 Cal.App.3d 975, 979-80.

¹⁵ (1985) 173 Cal.App.3d 1221, 1228.

went to Trudell's home to arrest him for kidnapping and rape. After confirming he was inside the house, an officer used the public address system on his patrol car to order him to step outside. Trudell complied and was arrested. In rejecting his argument that the arrest was unlawful, the court said, "[S]ince the arrest occurred outside of appellant's residence any reliance by appellant on *Payton* and *Ramey* is unwarranted."

Just as officers may order a suspect to exit, they may trick him into exiting, then arrest him as he steps outside.¹⁶ As the Court of Appeal explained, "[P]ost-*Ramey* decisions have upheld the use of subterfuge to trick a defendant into leaving a residence."¹⁷

For example, in *People v. Porras*¹⁸ a narcotics officer phoned a drug dealer, identified himself as a customer and said he had just been forced by some narcs to snitch him off, and that he'd better "get rid of the dope" because the cops were "coming with a search warrant" in 20 minutes. As expected, the dealer grabbed his stash and ran outside, where he was arrested. His conviction was affirmed.

DOORWAY ARRESTS: A "doorway" arrest occurs when officers, having probable cause to arrest a suspect, knock on his door and arrest him when he opens it.¹⁹ This does not violate *Ramey* because a person who is standing in the doorway of his home is, for *Ramey* purposes, in a public place.²⁰ Furthermore, if the suspect retreats or steps behind the threshold, the officers may go in after him.²¹

For example, *U.S. v. Santana*²² narcotics officers in Philadelphia went to Santana's house to arrest her shortly after she sold heroin to an undercover officer. As they pulled up, they saw her "standing in the doorway of the house." As an officer testified, "[O]ne step forward would have put her outside, one step backward would have put her in the vestibule." When Santana saw the officers, she ran inside—so the officers went in after her and, in the process of apprehending her, seized some heroin in plain view.

The Supreme Court ruled the arrest did not violate *Payton* because, as Santana stood at the threshold of her house, she was in a public place. Why was it a public place? Because, said the Court, Santana "was not merely visible to the public but was as exposed to public view, speech, hearing, and touch as if she had been standing completely outside her house."

Furthermore, the Court ruled that because the officers had attempted to arrest her in a public place, they could pursue her into her home or any other place into which she fled. In the words of the Court, "[A] suspect may not defeat an arrest which has been set in motion in a public place by the expedient of escaping to a private place."²³

ARRESTS INSIDE THE DOORWAY: What if the suspect is standing just *inside* the doorway? Is it a violation of *Ramey-Payton* to reach inside or step inside to arrest him? Although the California courts have not addressed the issue, the U.S. Court of Appeal—citing the "not merely visible" language in *Santana*—has

¹⁶ See *In re Danny E.* (1981) 121 Cal.App.3d 44, 51 ["(T)he use of a ruse to persuade a potential arrestee to leave a house, thereby subjecting himself to arrest on the street where the concerns attendant to *Ramey* are not present is not necessarily precluded."]; *People v. Thompson* (1979) 89 Cal.App.3d 425, 431 ["It is true that where officers use trickery to gain entry to a place where they would not otherwise be permitted to enter, any evidence recovered as a result of such fraudulently obtained consent cannot be used against a defendant. Here, however, the officers had an absolute right to enter the premises."]; *People v. McCarter* (1981) 117 Cal.App.3d 894, 906 ["Employment of a ruse to obtain consent to enter is immaterial where officers have a right to enter"]; *U.S. v. Michaud* (9th Cir. 2001) 268 F.3d 728, 733 ["We have held that there is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant. Citing *Leahy v. U.S.* (9th Cir. 1960) 272 F.2d 487, 490.]

¹⁷ *People v. Trudell* (1985) 173 Cal.App.3d 1221, 1229.

¹⁸ (1979) 99 Cal.App.3d 874. ALSO SEE *People v. Martino* (1985) 166 Cal.App.3d 777 [officer made an anonymous call to the suspect and said, "The cops are getting a search warrant. If you have any dope, you had better get it out of there"; the suspect was arrested as he fled the house].

¹⁹ See *People v. Watkins* (1994) 26 Cal.App.4th 19, 29.

²⁰ See *U.S. v. Santana* (1976) 427 U.S. 38, 42; *People v. Hampton* (1985) 164 Cal.App.3d 27, 36 ["(I)t appears to be undisputed that respondent was standing on the threshold when the officer placed her under arrest."]; *U.S. v. Whitten* (9th Cir. 1983) 706 F.2d 1000, 1015 ["A doorway, unlike the interior of a hotel room, is a public place."]; *U.S. v. Botero* (9th Cir. 1978) 589 F.2d 430, 432.

²¹ See *U.S. v. Albrechtsen* (9th Cir. 1998) 151 F.3d 951, 954, fn. 5 ["If, for example, Albrechtsen had retreated from the threshold, [the officer] could have followed him in."].

²² (1976) 427 U.S. 38.

²³ At p. 43. Edited.

ruled a warrantless entry does not violate *Ramey-Payton* if, (1) the suspect freely opened the door and exposed himself to public view, and (2) officers did not misrepresent their identities or otherwise utilize subterfuge to cause him to open the door.²⁴

For example, in *U.S. v. Vaneaton*²⁵ officers in Portland, having probable cause to arrest Vaneaton for several burglaries, went to his motel room and knocked. After looking through a window and seeing the uniformed officers, Vaneaton opened the door. At this point, he was standing "just inside the threshold" so an officer went in and arrested him.

Although the officers did not have a warrant, the Ninth Circuit ruled their entry into the motel room did not violate *Payton* because Vaneaton "voluntarily exposed himself to warrantless arrest by freely opening the door of his motel room to the police."

In contrast, in *U.S. v. McCraw*²⁶ federal agents went to a hotel room in which cocaine was being sold. According to the court, the agents "knocked on the door without announcing themselves." A man named Mathis opened the door about halfway. When he saw the agents, he tried to shut the door but the agents forced their way in and arrested him. The court ruled the entry violated *Payton* because, "By opening the door only halfway, Mathis did not voluntarily expose himself to the public to the same extent as the arrestee in *Santana*."

Entry to arrest

Finally, *Ramey* applies only if officers entered with the intent to immediately arrest an occupant. This means that *Ramey* does not apply if the decision to arrest was made after officers entered, or if the arrest was contingent on something happening after officers entered.

UNDERCOVER BUYS: Undercover officers are commonly admitted into the homes of suspects for the

purpose of buying drugs, illegal weapons, stolen property, or other contraband. As the officers walk through the door, they may plan to arrest the suspect *if* the sale is made or *if* they see contraband. But because an arrest is merely a possibility—because it is contingent on what happens after the officers enter—*Ramey* does not apply.

For example, in *People v. Evans*²⁷ two undercover narcotics officers went to Evans' motel room in hopes of buying prescription drugs. When Evans admitted them inside and they saw several prescription bottles, they arrested him. In rejecting Evans' argument that the officers violated *Ramey* when they entered without a warrant, the court pointed out that the officers' intent when they entered was "to continue the investigation by effecting a purchase of Quaalude or Dilaudid."

EXECUTING SEARCH WARRANTS: Officers who enter a home for the purpose of executing a search warrant may intend to arrest the occupants *if* they find contraband or otherwise develop probable cause to arrest. But, again, *Ramey* does not apply in these situations because the arrest is contingent on something happening after they enter; i.e., finding evidence.

(Note that even if officers intended to arrest an occupant *before* starting the search, there is no need for an arrest warrant in this situation because the search warrant provides sufficient assurance that the entry was supported by probable cause.²⁸)

CONDUCTING PROBATION AND PAROLE SEARCHES: *Ramey* does not apply when officers enter for the purpose of conducting a probation or parole search. This is because the purpose of the entry is to search, not arrest. (Again, even if the officers intended to arrest the suspect before conducting the search, the entry would not have violated *Ramey* because the existence of the probation or parole search condition is sufficient justification for the entry.²⁹)

²⁴ See *U.S. v. Vaneaton* (9th Cir. 1995) 49 F.3d 1423, 1426. COMPARE *U.S. v. Johnson* (9th Cir. 1980) 626 F.2d 753, 757; *U.S. v. Edmondson* (11th Cir. 1986) 791 F.2d 1512 [entry unlawful because the suspect opened the door after an agent yelled at him, "FBI. Open the door."].

²⁵ (9th Cir. 1995) 49 F.3d 1423.

²⁶ (4th Cir. 1990) 920 F.2d 224.

²⁷ (1980) 108 Cal.App.3d 193. ALSO SEE *Lopez v. United States* (1963) 373 U.S. 427, 438 ["(The IRS agent) was not guilty of an unlawful invasion of petitioner's office simply because his apparent willingness to accept a bribe was not real."]

²⁸ See *People v. Palmquist* (1981) 123 Cal.App.3d 1, 15 ["Since the officers had authorization to enter the home to search, the arrest inside was of no constitutional significance."]; *People v. Lewis* (1999) 74 Cal.App.4th 662, 672.

²⁹ See *People v. Palmquist* (1981) 123 Cal.App.3d 1, 15; *People v. Lewis* (1999) 74 Cal.App.4th 662, 671-2 ["The idea that Officer Grubensky could enter to conduct a warrantless search but not to make a warrantless arrest seems, at best, anomalous."].

ENTRY TO INTERVIEW: Officers will often go to the home of a suspect, witness, or other person for the purpose of conducting an interview or otherwise obtaining information. This might occur in the course of a criminal investigation or in response to a call for service, such as a domestic violence call. In any event, if officers end up arresting an occupant after being admitted, their entry does not violate *Ramey-Payton* if, as they crossed the threshold, their purpose was to obtain information or otherwise conduct an investigation. As the Court of Appeal put it:

[I]f probable cause to arrest arises *after* the officers have been voluntarily permitted to enter a residence in connection with their investigative work, an arrest may then be effected within the premises without the officers being required to beat a hasty retreat to obtain a warrant.³⁰

For example, in *People v. Patterson*³¹ LAPD narcotics officers went to Patterson's home in response to a tip from an untested informant that Patterson was processing PCP there. When Patterson answered the door, the officers told her about the tip and she responded, "I don't know anything about angle dust. Come on in." As the officers entered, they noticed a "strong odor of ether, alcohol and other chemicals." They also saw some vials and beakers containing liquid. Based on these observations, they arrested Patterson.

On appeal, the court ruled the arrest did not violate *Ramey* because, "There is nothing in the record to indicate that the police intended to arrest Patterson immediately following the entry or that they were not prepared to discuss the matter with Patterson first in order to permit her to explain away the basis of the officers' suspicions."

RAMEY COMPLIANCE

Entering the Suspect's Home

If officers are about to enter a house for the purpose of arresting an occupant, the question arises: What must they do to comply with *Ramey*? The answer depends on whether they will be entering the suspect's home or the home of a third person, such as a friend or relative of the suspect. In this section, we will cover entries into suspects' homes. The other types of entries will be discussed in the next section.

There are three requirements that must be met before officers may enter a suspect's home:

- (1) Arrest warrant: Officers must know that a warrant for the suspect's arrest is outstanding.
- (2) Suspect's home: Officers must reasonably believe the suspect lives in the home.
- (3) Suspect is inside: Officers must reasonably believe the suspect is now inside.

Arrest warrant is outstanding

There are several types of arrest warrants that will satisfy this requirement.

CONVENTIONAL ARREST WARRANT: A conventional arrest warrant is issued by a judge after prosecutors have filed a criminal complaint against the suspect.³² The judge then reviews the complaint and all supporting documents (such as police reports and witness statements) and, if probable cause exists, issues the warrant.³³ The warrant may be based on either a felony or misdemeanor.³⁴

RAMEY WARRANT: A so-called *Ramey* Warrant is an arrest warrant that is issued *before* a complaint has been filed. As the name implies, *Ramey* warrants were developed in response to the *Ramey* decision. Why were they necessary?

³⁰*In re Danny E.* (1981) 121 Cal.App.3d 44, 52. ALSO SEE *Toubus v. Superior Court* (1981) 114 Cal.App.3d 378; *People v. Villa* (1981) 125 Cal.App.3d 872, 878 ["Here the evidence disclosed the entry was for the purpose of investigating the earlier incident."].

³¹(1979) 94 Cal.App.3d 456.

³²See Penal Code § 813(a) [felony warrants], § 1427(a) [misdemeanor warrants]; *Steagald v. U.S.* (1981) 451 U.S. 204, 213 ["An arrest warrant is issued by a magistrate upon a showing that probable cause exists to believe that the subject of the warrant has committed an offense and thus the warrant primarily serves to protect an individual from an unreasonable seizure."]; *Payton v. New York* (1980) 445 U.S. 573, 602-3 ["(A)n arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within."].

³³See Penal Code § 813(a); *Steagald v. United States* (1981) 451 U.S. 204, 214, fn.7 ["Because an arrest warrant authorizes the police to deprive a person of his liberty, it necessarily also authorizes a limited invasion of that person's privacy interest when it is necessary to arrest him in his home."]; *People v. Sesslin* (1968) 68 Cal.2d 418, 424-5.

³⁴See *U.S. v. Clayton* (8th Cir. 2000) 210 F.3d 841, 843; *U.S. v. Spencer* (2nd Cir. 1982) 684 F.2d 220, 224. NOTE: Although it is good practice to have a copy of the arrest warrant when entry it made, it is not required. See *Nunes v. Superior Court* (1980) 100 Cal.App.3d 915, 935-6; *Washington v. Simpson* (8th Cir. 1986) 806 F.2d 192, 196, fn.4.

When *Ramey* was decided, there was essentially only one type of arrest warrant: the conventional warrant. And because conventional warrants could not be issued unless the suspect was charged with the crime, officers could not obtain one unless they could prove he was guilty beyond a reasonable doubt.³⁵

As prosecutors considered the situation, it became apparent that because the Fourth Amendment permits judges to issue search warrants based on probable cause, there was no reason they could not issue arrest warrants based on the same standard. Consequently, judges began issuing these pre-complaint warrants which became known as *Ramey* warrants. As the court noted in *People v. Case*:

From a practical standpoint the use of the "Ramey Warrant" form was apparently to permit, prior to an arrest, judicial scrutiny of an officer's belief that he had probable cause to make the arrest without involving the prosecutor's discretion in determining whether to initiate criminal proceedings.³⁶

Today, the *Ramey* warrant procedure has been incorporated into the Penal Code which authorizes judges to issue felony and misdemeanor arrest warrants based solely on a Declaration of Probable Cause.³⁷ (Although these warrants are technically known as "Warrants of Probable Cause for Arrest," they are still commonly called *Ramey* warrants.)

It should be noted that a *Ramey* warrant need not contain the suspect's address.³⁸ This is because, as we will discuss later, the warrant authorizes officers to

enter any home in which they reasonably believe the suspect lives and is present.³⁹ Although *Ramey* warrants sometimes contain the suspect's last known address, this is merely an aid to locating the suspect—it does not constitute authorization to enter that residence, nor does it prevent officers from entering another residence.

A sample *Ramey* warrant is shown on page 14 and on POV Online, www.acgov.org/da. Click on "Forms for officers." To obtain this and other forms in Microsoft Word format, e-mail a request to alcoda@acgov.org and we will e-mail them to you.

OTHER WARRANTS: There are five other types of arrest warrants that, although they are not commonly used, will support an entry into the arrestee's home. They are as follows:

INDICTMENT WARRANT: Issued by a judge on grounds the suspect has been indicted by a grand jury.⁴⁰

PAROLE BOARD WARRANT: Issued by a parole board when there is probable cause to believe a parolee has violated the terms of parole.⁴¹

PROBATION VIOLATION WARRANT: Issued by a judge based on probable cause to believe a probationer violated the terms of probation.⁴²

BENCH WARRANT: Issued by a judge when a defendant fails to appear in court.⁴³ Either a felony or misdemeanor bench warrant will suffice.⁴⁴

WITNESS FTA WARRANT: Issued by a judge for the arrest of a witness who has failed to appear in court after being ordered to do so.⁴⁵

³⁵ See Uniform Crime Charging Standards (CDAA 1989) p. II-1.

³⁶ (1980) 105 Cal.App.3d 826, 831. Quote edited. ALSO SEE *People v. Bittaker* (1980) 48 Cal.3d 1046, 1070; *Godwin v. Superior Court* (2001) 90 Cal.App.4th 215, 225 ["To comply with *Ramey* and *Payton*, prosecutors developed the use of a *Ramey* warrant form, to be presented to a magistrate in conjunction with an affidavit stating probable cause to arrest."].

³⁷ See Penal Code §§ 817, 840.

³⁸ See *U.S. v. Bervaldi* (11th Cir. 2000) 226 F.3d 1256, 1263; *U.S. v. Lauter* (2nd Cir. 1995) 57 F.3d 212, 214; *Cerva v. Fulmer* (E.D. Penn. 1984) 596 F.Supp. 86, 90 ["In an arrest warrant, unlike a search warrant, the listed address is irrelevant to its validity and to that of the arrest itself."]; *U.S. v. Stinson* (D. Conn. 1994) 857 F.Supp. 1026, 1029-30. NOTE: An address may be necessary for a John Doe warrant where the address is needed to establish the identity of the arrestee. See *Powe v. City of Chicago* (7th Cir. 1981) 664 F.2d 639; *U.S. v. Stinson* (D. Conn. 1994) 857 F.Supp. 1026, 1030, fn.8.

³⁹ See *U.S. v. Stinson* (D. Conn. 1994) 857 F.Supp. 1026, 1029-30 ["Under *Payton* and the Second Circuit precedent, an officer's authority to execute a warrant at a particular address is limited by reason to believe that the suspect may be found at the particular address, and not necessarily by the address, or lack of address, on the face of the warrant."].

⁴⁰ See Penal Code § 945.

⁴¹ See Penal Code § 3060; *U.S. v. Harper* (9th Cir. 1991) 928 F.2d 894, 896.

⁴² See Penal Code § 1203.2(a).

⁴³ See Penal Code §§ 804(d), 813(c), 978.5 et seq., 983; *U.S. v. Clayton* (8th Cir. 2000) 210 F.3d 841, 842; *U.S. v. Spencer* (2nd Cir. 1982) 684 F.2d 220, 222-4 [misdemeanor bench warrant was sufficient].

⁴⁴ See *U.S. v. Clayton* (8th Cir. 2000) 210 F.3d 841, 844.

⁴⁵ See Code of Civil Procedure § 1993.

Is it the arrestee's house?

Officers who have obtained a warrant to arrest a suspect may enter a residence to arrest him only if they reasonably believe he is, in fact, living there.⁴⁶ While this requirement may be difficult to satisfy if the suspect is a transient,⁴⁷ it is especially difficult if the suspect knows he is wanted, in which case he may try to conceal his whereabouts by moving around, staying with friends for a short while, and renting motel rooms.⁴⁸ In addition, it is common for a suspect's friends to furnish officers with false leads or lie about not knowing where the suspect is staying.⁴⁹

This is why the courts require only that officers have a *reasonable belief* that the suspect lives in the house. Furthermore, the term "lives" is defined broadly to include situations in which the suspect "possesses common authority over, or some other significant relationship" to the house.⁵⁰ Finally, in determining whether officers had such a reasonable belief, the courts will consider the totality of circumstances known to the officers, and they will analyze the circumstances by applying common sense, not hypertechnical analysis.⁵¹

For example in *Washington v. Simpson* the court ruled the arrestee "resided" at a house when she stayed there two to four nights per week, kept some

personal belongings there, and previously gave that address as her residence when she was booked.⁵² On the other hand, in *Perez v. Simpson* the court ruled the arrestee did not reside in the house merely because "he spent the night there on occasion."⁵³

Also note that if the information concerning the suspect's residence is old or "stale," officers will be required to prove they had reason to believe he still lives there. For example, seeing the suspect's car parked out front would indicate he has not moved.⁵⁴

Examples of circumstances that are relevant in establishing a reasonable belief that a suspect lived in a certain house are listed at the end of this article.

Is the arrestee now inside?

The last *Ramey-Payton* requirement is that officers must have "reason to believe" the suspect is now inside the residence.⁵⁵ Again, the "reason to believe" standard is based on common sense and reasonable inferences. For example, in ruling it was reasonable to believe an arrestee was at home at 6 P.M., the court in *U.S. v. Magluta* noted, "[O]fficers may presume that a person is at home at certain times of the day—a presumption which can be rebutted by contrary evidence regarding the suspect's known schedule."⁵⁶ Or, as the court observed in *U.S. v. Gay*:

⁴⁶ See *Payton v. New York* (1980) 445 U.S. 573, 603; *U.S. v. Magluta* (11th Cir. 1995) 44 F.3d 1530, 1533; *Valdez v. McPheters* (10th Cir. 1999) 172 F.3d 1220, 1225; *U.S. v. Clayton* (8th Cir. 2000) 210 F.3d 841, 843; *U.S. v. Risse* (8th Cir. 1996) 83 F.3d 212, 216-7; *U.S. v. Junkman* (8th Cir. 1998) 160 F.3d 1191, 1194; *U.S. v. Gay* (10th Cir. 2001) 240 F.3d 1222, 1226. NOTE: There is some uncertainty as to whether "reasonable belief" means "probable cause" or whether it is a lower standard of proof. For citations and notes on this issue, go to this article (footnote 46) on Point of View Online (www.acgov.org/da).

⁴⁷ See *U.S. v. Gay* (10th Cir. 2001) 240 F.3d 1222, 1226-7; *Valdez v. McPheters* (10th Cir. 1999) 172 F.3d 1220, 1225.

⁴⁸ See *People v. Manderscheid* (2002) 99 Cal.App.4th 355, 362; *Valdez v. McPheters* (10th Cir. 1999) 172 F.3d 1220, 1225; *U.S. v. Gay* (10th Cir. 2001) 240 F.3d 1222, 1227; *People v. Ott* (1978) 84 Cal.App.3d 118, 126 [the suspect told his parole officer "that he resided in various motels."]; *U.S. v. Bervaldi* (11th Cir. 2000) 226 F.3d 1256, 1263.

⁴⁹ See *U.S. v. Ayers* (9th Cir. 1991) 924 F.2d 1468, 1480 ["The officers had no duty to accept Mrs. Ayers' statements as truthful in light of the facts known to them prior to their search."]; *People v. Icenogle* (1977) 71 Cal.App.3d 576, 585.

⁵⁰ See *Valdez v. McPheters* (10th Cir. 1999) 172 F.3d 1220, 1225 ["The rule announced in *Payton* is applicable so long as the suspect possesses common authority over, or some other significant relationship to the residence entered by police."]; *U.S. v. Risse* (8th Cir. 1996) 83 F.3d 212, 216, fn.3; *U.S. v. Gay* (10th Cir. 2001) 240 F.3d 1222, 1226; *U.S. v. Litteral* (9th Cir. 1990) 910 F.2d 547, 553.

⁵¹ See *U.S. v. Bervaldi* (11th Cir. 2000) 226 F.3d 1256, 1263; *Washington v. Simpson* (8th Cir. 1986) 806 F.2d 192, 196; *U.S. v. Lovelock* (2nd Cir. 1999) 170 F.3d 339, 344. NOTE: Although officers must attempt to acquire information that the suspect lives in the home, their investigation need not be exhaustive. See *U.S. v. Lovelock* (2nd Cir. 1999) 170 F.3d 339, 344 [officers must have "a basis for a reasonable belief as to the operative facts, not that they acquire all available information or that those facts exist."]; *U.S. v. Route* (5th Cir. 1997) 104 F.3d 59, 62-3 [whether the suspect actually lived at the house "is irrelevant"]; *U.S. v. Junkman* (8th Cir. 1998) 160 F.3d 1191, 1193.

⁵² (8th Cir. 1986) 806 F.2d 192, 196.

⁵³ (9th Cir. 1989) 884 F.2d 1136, 1141.

⁵⁴ See *U.S. v. Bervaldi* (11th Cir. 2000) 226 F.3d 1256, 1264. COMPARE *Motley v. Parks* (9th Cir. 2004) 383 F.3d 1058, 1069.

⁵⁵ See *Payton v. New York* (1980) 445 U.S. 573, 603; *People v. Alcorn* (1993) 15 Cal.App.4th 652, 655; Penal Code § 844.

⁵⁶ (11th Cir. 1995) 44 F.3d 1530, 1535.

We recognize we must be sensitive to common sense factors indicating a resident's presence. The officers are not required to actually view the suspect on the premises. Indeed the officers may take into account the fact that a person involved in criminal activity may be attempting to conceal his whereabouts.⁵⁷

Examples of relevant circumstances are listed at the end of this article.

RAMEY COMPLIANCE

Entering a Third Person's Home

Officers will sometimes have reason to believe that a wanted suspect is temporarily staying at the home of a friend, relative, or other third person. This typically occurs when the suspect does not have a permanent address or is staying away from his own home to avoid arrest. Like an entry into the suspect's home, an entry into the home of a third person is permissible if officers have obtained consent or if there were exigent circumstances.

But unlike entries into suspects' homes, officers may not enter merely because they have an arrest warrant. Instead, the U.S. Supreme Court ruled in *Steagald v. United States* that officers must have a search warrant that expressly authorizes a search of the premises for the suspect.⁵⁸

There are essentially two reasons for requiring a search warrant in these situations. First, the entry constitutes an invasion of the privacy rights of the suspect's hosts.⁵⁹ Second, there would exist a "potential for abuse" if officers with only an arrest warrant could forcibly enter the homes of all the suspect's friends and relatives to search for him.⁶⁰ This actually happened in a case where officers, armed with arrest warrants for two men, searched some 300 homes for them, based mainly on anonymous tips.⁶¹

Obtaining a Steagald Warrant

To obtain a *Steagald* search warrant, officers must submit an affidavit that establishes two things:

(1) **PROBABLE CAUSE TO ARREST:** The affidavit must show that there is probable cause to arrest the suspect. If an arrest warrant has already been issued, the affiant can simply identify the issuing court, the date on which the warrant was issued, and the crimes for which the suspect is wanted. Alternatively, the affiant can attach to the affidavit a copy of the arrest warrant and incorporate it by reference; e.g., "Attached hereto and incorporated by reference is a copy of the warrant for the suspect's arrest. It is marked Exhibit A."

If an arrest warrant has not been issued, the affidavit must set forth the facts upon which probable cause is based. Note that if this option is used, the *Steagald* search warrant also serves as an arrest warrant; i.e., a judicial determination that there is probable cause to arrest the suspect.

(2) **SUSPECT IS NOW THERE:** The affidavit must set forth facts establishing probable cause to believe the suspect is now inside the house.

Note that *Steagald* warrants must ordinarily be executed without delay, otherwise a court may rule that, because people are inherently mobile,⁶² probable cause to search evaporated before the warrant was executed.

A sample *Steagald* warrant is posted on POV Online, www.acgov.org/da. Click on "Forms for officers". To obtain this warrant and other forms in Microsoft Word format, e-mail a request to alcoda@acgov.org and we will e-mail them to you.

Alternatives to Steagald Warrants

As a practical matter, officers will seldom need a *Steagald* warrant because they can usually locate the suspect inside his own residence (in which case only

⁵⁷ (10th Cir. 2001) 240 F.3d 1222, 1227. ALSO SEE *U.S. v. Magluta* (11th Cir. 1995) 44 F.3d 1530, 1535.

⁵⁸ (1981) 451 U.S. 204, 205-6. ALSO SEE *U.S. v. Litteral* (9th Cir. 1990) 910 F.2d 547, 553 ["(U)nder *Steagald*, if the suspect is just a guest of the third party, then the police must obtain a search warrant for the third party's dwelling in order to use evidence found against the third party."]; *U.S. v. Harper* (9th Cir. 1991) 928 F.2d 894, 896 ["An arrest warrant does not carry with it the authority to enter the homes of third persons."]; *U.S. v. De Parias* (11th Cir. 1986) 805 F.2d 1447, 1457 ["An arrest warrant alone is an insufficient basis for searching a third party's home for those named in the warrant."].

⁵⁹ See *Steagald v. United States* (1981) 451 U.S. 204, 213 [the arrest warrant for Lyons "did absolutely nothing to protect petitioner's privacy interest in being free from an unreasonable invasion and search of his home."].

⁶⁰ See *Steagald v. United States* (1981) 451 U.S. 204, 215.

⁶¹ See *Lankford v. Gelston* (4th Cir. 1966) 364 F.2d 197.

⁶² See *Steagald v. United States* (1981) 451 U.S. 204, 220-1.

an arrest warrant is required) or they can wait until he is in a public place (in which case neither an arrest warrant nor a *Steagald* warrant is required). As the Supreme Court noted in *Steagald*, “[I]n most situations the police may avoid altogether the need to obtain a search warrant simply by waiting for a suspect to leave the third person’s home before attempting to arrest that suspect.”⁶³

Furthermore, as discussed below, officers may make a nonconsensual entry into a third person’s home to arrest the suspect if there are exigent circumstances that justify such an intrusion. Quoting again from *Steagald*, “[T]o the extent that searches for persons pose special problems, we believe that the exigent-circumstances doctrine is adequate to accommodate legitimate law enforcement needs.”⁶⁴

RAMEY-STEAGALD EXCEPTIONS

There are two exceptions to the rule that officers must have an arrest warrant or search warrant to enter a residence for the purpose of arresting an occupant. They are, (1) exigent circumstances, and (2) consent.

EXIGENT CIRCUMSTANCES: Officers who are in “hot” or “fresh” pursuit of a suspect do not violate *Ramey* or *Steagald* when they make a warrantless entry into a residence for the purpose of apprehending him.⁶⁵ For more information on this exception, see the article entitled “Exigent Circumstances” in the Winter 2002 *Point of View*. This article has also been posted on POV Online (www.acgov.org/da).

CONSENSUAL ENTRY: As frequently noted in this article, officers may enter a residence without a warrant to arrest a suspect if they obtained consent from an occupant. This type of consent is essentially the same as any other in that it must have been given voluntarily,⁶⁶ and the officers must have reasonably believed the consenting person had authority to consent to the entry.⁶⁷ There is, however, one issue that sometimes causes problems when the officers’ objective is to arrest an occupant: the permissible scope of the consent; specifically, what officers may do after they are admitted.

If officers obtain consent to enter without saying *why* they want to enter (“Can we come inside?”) the scope of the consent is basically limited to stepping over the threshold.⁶⁸ This means that officers may not, for example, wander into other rooms, open closets or drawers, or look under the furniture.⁶⁹

The consenting person may, however, expand the scope of consent by inviting or permitting officers to go into other rooms; e.g., “Let’s go into the kitchen.” Or, officers may request permission to search for the suspect. In any event, if officers see the suspect from a place they were expressly or impliedly invited to enter, they may arrest him and, if he flees, pursue him into any other rooms.⁷⁰

The same limitations apply when officers receive consent to come inside for the limited purpose of *talking* with the suspect, in which case they would exceed the permissible scope of consent if they immediately arrested him.⁷¹ As the Court of Appeal observed, “A right to enter for the purpose of talking

⁶³ (1981) 451 U.S. 204, 221, fn.14.

⁶⁴ (1981) 451 U.S. 204, 221-2.

⁶⁵ See *United States v. Santana* (1976) 427 U.S. 38; *Warden v. Hayden* (1967) 387 U.S. 294, 298; *People v. Bacigalupo* (1991) 1 Cal.4th 103, 122; *People v. Wilkins* (1993) 14 Cal.App.4th 761; *People v. Superior Court (Quinn)* (1978) 83 Cal.App.3d 609, 615-6; *People v. Abes* (1985) 174 Cal.App.3d 796; *People v. Lloyd* (1989) 216 Cal.App.3d 1425; *People v. Williams* (1989) 48 Cal.3d 1112; *People v. Gilbert* (1965) 63 Cal.2d 690; *In re Elizabeth G.* (2001) 88 Cal.App.4th 496; *People v. Smith* (1966) 63 Cal.2d 779, 797.

⁶⁶ See *Schneckloth v. Bustamonte* (1973) 412 U.S. 218, 228 [“(Consent must) not be coerced, by explicit or implicit means, by implied threat or covert force.”]; *Bumper v. North Carolina* (1968) 391 U.S. 543, 550 [“Where there is coercion there cannot be consent.”].

⁶⁷ See *Illinois v. Rodriguez* (1990) 497 U.S. 177; *People v. MacKenzie* (1995) 34 Cal.App.4th 1256, 1273.

⁶⁸ See *U.S. v. Carter* (6th Cir. en banc 2004) 378 F.3d 584; *Florida v. Jimeno* (1991) 500 U.S. 248, 251; *People v. Jenkins* (2000) 22 Cal.4th 900, 974.

⁶⁹ See *Lewis v. United States* (1966) 385 U.S. 206, 210-1; *Gouled v. United States* (1921) 255 U.S. 298, 304-6; *People v. Williams* (1979) 93 Cal.App.3d 40, 57-8 [“Cassandra’s consent [to enter] cannot be reasonably construed as a consent for the police to go into any room of the residence in order to find the defendant.”]; *U.S. v. Bramble* (9th Cir. 1997) 103 F.3d 1475, 1478.

⁷⁰ See *Arizona v. Hicks* (1987) 480 U.S. 321, 326.

⁷¹ See *People v. Superior Court (Kenner)* (1977) 73 Cal.App.3d 65, 69 [“(T)he purported ‘consent’ [‘to talk’] did not authorize the arrest that immediately followed the entry.”]; *People v. Villa* (1981) 125 Cal.App.3d 872, 878.

with a suspect is not consent to enter and effect an arrest.⁷² Or, as the court said in *People v. Superior Court (Kenner)*:

A person may willingly consent to admit police officers for the purpose of discussion, with the opportunity, thus suggested, of explaining away any suspicions, but not be willing to permit a warrantless and nonemergent entry that affords him no right to explanation or justification.⁷³

On the other hand, if officers state their purpose they are not required to inform the consenting person of their various contingency plans. For example, officers may intend to arrest an occupant if, after speaking with him, they develop probable cause. Or they may already have probable cause but they are willing to give the suspect an opportunity to explain away the incriminating evidence.⁷⁴

For example, in *Toubus v. Superior Court*⁷⁵ the suspect admitted two undercover BNE agents into his apartment to buy drugs. When the sale was concluded, the suspect was arrested. In rejecting the argument that the agents obtained consent to enter by means of a ruse, the court said, "The argument is factually unfounded. Petitioner admitted [the agents] to sell them cocaine. [The agents] entered to purchase cocaine from him."

OTHER PROCEDURAL ISSUES

The following are the other procedural issues that might arise when officers enter a house to arrest an occupant.

KNOCK-NOTICE: Unless the entry is consensual, officers must comply with the knock-notice requirements unless there is good cause for making an unannounced entry; e.g., an immediate threat of violence against officers.⁷⁶

LOCATE SUSPECT: If the entry was based on an arrest warrant, officers may, if necessary, search the premises for the suspect.⁷⁷

SEARCHES INCIDENT TO ARREST: After making the arrest, officers may search the arrestee and the area within his immediate control at the time of arrest.⁷⁸ They may also look in "spaces immediately adjoining the place of arrest from which an attack could be immediately launched."⁷⁹

PROTECTIVE SWEEPS: Officers may conduct a protective sweep of the premises only if they reasonably believe there is a person on the premises (other than the arrestee) who poses a threat to them.⁸⁰

PLAIN VIEW SEIZURES: If officers see evidence in plain view, they may seize it if they have probable cause to believe it is, in fact, evidence of a crime.⁸¹

POST-ARREST PROCEDURE: If the entry was made per a *Ramey* warrant, officers must file a "Certificate of Service" with the court within a reasonable time after the arrest. This certificate must contain the date and time of arrest, the location of arrest, and the facility in which the arrestee is incarcerated.⁸² A sample certificate is posted on POV Online, www.acgov.org/da. Click on "Forms for officers". To obtain this form in Microsoft Word format, e-mail a request to alcoda@acgov.org and we will e-mail it to you.

⁷² *In re Johnny V.* (1978) 85 Cal.App.3d 120, 130.

⁷³ (1977) 73 Cal.App.3d 65, 69.

⁷⁴ See *People v. Evans* (1980) 108 Cal.App.3d 193, 196 ["(The officers) were inside with consent, with probable cause to arrest but with the intent to continue the investigation by effecting a purchase of [drugs]. We find no violation of the *Ramey* principles"]; *Lopez v. U.S.* (1963) 373 U.S. 427, 438 ["(IRS agent) was not guilty of an unlawful invasion of petitioner's office simply because his apparent willingness to accept a bribe was not real. He was in the office with [Lopez's] consent, and while there he did not violate the privacy of the office by seizing something surreptitiously without [Lopez's] knowledge."]; *In re Reginald B.* (1977) 71 Cal.App.3d 398, 403

⁷⁵ (1981) 114 Cal.App.3d 378.

⁷⁶ See Penal Code § 844.

⁷⁷ See *Maryland v. Buie* (1990) 494 U.S. 325, 330 ["(U)ntil the point of Buie's arrest the police had the right, based on the authority of the arrest warrant, to search anywhere in the house that Buie might have been found"]; *U.S. v. Harper* (9th Cir. 1991) 928 F.2d 894, 897; *U.S. v. Beck* (11th Cir. 1984) 729 F.2d 1329, 1332.

⁷⁸ See *Chimel v. California* (1969) 395 U.S. 752.

⁷⁹ See *Maryland v. Buie* (1990) 494 U.S. 325, 333.

⁸⁰ See *Maryland v. Buie* (1990) 494 U.S. 325, 333; *In re Sealed Case* (D.C. Cir. 1998) 153 F.3d 759, 769; *Sharrar v. Felsing* (3rd Cir. 1997) 128 F.3d 810, 825.

⁸¹ See *Arizona v. Hicks* (1987) 480 U.S. 321, 326-8.

⁸² See Penal Code § 817(h).

SUPPRESSION OF EVIDENCE

Not all evidence and statements obtained following an in-home arrest in violation of *Ramey* or *Steagald* will be suppressed. On the contrary, evidence may be suppressed only if the prosecution seeks to use it against a person whose privacy rights were violated by the officers' unlawful entry. Accordingly, evidence will be suppressed only if both of the following circumstances existed:

(1) **ENTRY INTO THE DEFENDANT'S HOUSE:** The evidence must have been discovered inside the home of the person who is seeking to have it suppressed.⁸³ For example, if officers entered the home of the suspect's brother in violation of *Steagald*, any evidence discovered in plain view would be inadmissible against the brother (because his privacy rights were violated by the unlawful entry). But it would be admissible against the suspect or any other person who is merely a casual visitor.⁸⁴ As the U.S. Court of Appeals noted in *U.S. v. Agnew*, "But *Steagald* protected the interests of the third-party owner of the residence, not the suspect himself."⁸⁵

(2) **EVIDENCE DISCOVERED INSIDE:** The evidence must have been obtained while officers were inside the premises.⁸⁶ Conversely, any evidence obtained outside the premises cannot be suppressed as the result of an illegal entry. For example, a statement would be suppressed if it was made by the defendant in his living room,⁸⁷ but not if he made it on his front porch or at the police station.⁸⁸ As the United States Supreme Court pointed out in *New York v. Harris*:

[P]ayton was designed to protect the physical integrity of the home; it was not intended to grant criminal suspects, like Harris, protection for statements made outside their premises where the police have probable cause to arrest the suspect for committing a crime.⁸⁹

Similarly, if the evidence was obtained during a search of the defendant incident to the arrest, it would be suppressed if the search occurred inside the house but not if it occurred anywhere outside the residence.

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⁸³ See *New York v. Harris* (1990) 495 U.S. 14, 20 ["The warrant requirement for an arrest in the home is imposed to protect the home, and anything incriminating the police gathered from arresting Harris in his home, rather than elsewhere, has been excluded, as it should have been."].

⁸⁴ See *Steagald v. United States* (1981) 451 U.S. 204, 219 ["The issue here is not whether the subject of an arrest warrant can object to the absence of a search warrant when he is apprehended in another person's home, but rather whether the residents of that home can complain of the search."]; *People v. Dyke* (1990) 224 Cal.App.3d 648, 658 ["(A) homeowner's Fourth Amendment rights are violated when officers enter his home to arrest a guest pursuant to an arrest warrant. A search warrant is required under such circumstances to protect the rights of the homeowner."]; *U.S. v. Agnew* (3rd Cir. 2004) 385 F.3d 288, 291; *U.S. v. Litteral* (9th Cir. 1990) 910 F.2d 547, 553 ["(U)nder *Steagald*, if the suspect is just a guest of the third party, then the police must obtain a search warrant for the third party's dwelling in order to use evidence found against the third party."]

⁸⁵ (3rd Cir. 2004) 385 F.3d 288.

⁸⁶ See *New York v. Harris* (1990) 495 U.S. 14, 18 ["Nothing in the reasoning of [*Payton*] suggests that an arrest in a home without a warrant but with probable cause renders unlawful continued custody of the suspect once he is removed from the house."]; *People v. Marquez* (1992) 1 Cal.4th 553, 569 ["(T)he lack of an arrest warrant does not invalidate defendant's arrest or require suppression of statements he made at the police station."]; *People v. Lewis* (1999) 74 Cal.App.4th 662, 673; *In re Jessie L.* (1982) 131 Cal.App.3d 202, 214 ["A technical violation of *Ramey* would not necessarily result in suppression of a subsequent statement to police."]; *U.S. v. McCraw* (4th Cir. 1990) 920 F.2d 224, 230 [vehicle search not unlawful because of *Payton* violation].

⁸⁷ See *New York v. Harris* (1990) 495 U.S. 14, 20 ["(T)he police know that a warrantless entry will lead to the suppression of any evidence found, of statements taken, inside the home."].

⁸⁸ See *People v. Watkins* (1994) 26 Cal.App.4th 19, 29 ["Where there is probable cause to arrest, the fact that police illegally enter a home to make a warrantless arrest neither invalidates the arrest itself nor requires suppression of any postarrest statements the defendant makes at the police station."]; *In re Reginald B.* (1977) 71 Cal.App.3d 398, 404 ["Any technical impropriety in arresting the minor in his home rather than on the street or elsewhere was certainly attenuated by the officers' scrupulous adherence to the dictates of *Miranda*."]; *U.S. v. McCraw* (4th Cir. 1990) 920 F.2d 224, 230 [subsequent statements admissible]. **NOTE:** A court may consider the *Ramey* or *Steagald* violation in determining whether the suspect's statement was voluntary. See *People v. Trudell* (1985) 173 Cal.App.3d 1221, 1231 ["Rather, the *Ramey* violation is simply a factor in determining whether the subsequent statement was a product of the suspect's free will in the totality of the circumstances."]

⁸⁹ (1990) 495 U.S. 14, 17.

Is it the suspect's home?

It usually takes a combination of circumstances to establish a reasonable belief that a suspect lived in a particular house and was now inside. On this page and the next are examples of circumstances that have been deemed relevant. For case citations, see the on-line version of this article on Point of View Online at www.acgov.org/da.

Listed Address

- It was the suspect's last known address.
- Suspect was receiving mail at the address.
- Utilities at the address were listed to the suspect.
- Suspect listed the address on a credit card application.
- Suspect listed the address on a vehicle repair work order.
- Suspect listed the address on DMV records.
- Suspect listed the address when booked recently.
- Suspect gave the address when he was recently given a traffic ticket.
- It was the most current address on the suspect's probation or parole records.
- Suspect's phone number was listed to that address.
- Hotel registration listed the suspect as an occupant of the room.

Suspect on the premises

- Suspect was seen at or near the residence.
- Suspect's car was parked at or near the residence.
- Suspect's trailer was parked adjacent to the house.
- Cars belonging to the suspect's known associates were regularly parked in the driveway or nearby.
- Officers saw the suspect unlock a door to the residence and enter.
- Officers saw the suspect taking the garbage out of the house, bringing in the laundry, or visiting with neighbors.
- Officers telephoned the residence and spoke with the suspect.
- Officers met with the suspect at the residence on one or more occasions.
- Officers saw the suspect leaving the house at 7:30 A.M. with his wife and child.

Information from suspect or others

- Suspect told an officer he was "staying" at the house and could be contacted there.
- Suspect said he was "staying with" the homeowner.
- An apartment manager or motel desk clerk identified the suspect as the occupant.
- A reliable informant said the suspect was living at the house.
- Two or more untested informants, acting independently, said the suspect lived there.
- An untested informant said the suspect was living there, plus there was some corroboration.
- Neighbors or household staff identified the suspect as a resident.
- Suspect's wife, child, or roommate said he was living there.

Miscellaneous

- Suspect leased the premises or paid the rent.
- Suspect possessed keys to the residence.
- Photos of the suspect or his family were inside the residence.
- Suspect was young, unemployed, and transient which suggests he was still living in his parent's home.
- Suspect had just been released from prison so he might be living at his parents' home.
- Suspect was evasive when asked if he lived in the house.
- Officers were unable to contact the suspect at the other residence in which he claimed to live.

Is the suspect now inside?

Information from others

- A friend or neighbor of the suspect said he was at home.
- A reliable informant said the suspect would be home if his car was parked out front.
- A reliable informant said he saw the suspect inside his house 35 minutes before officers entered.
- A reliable informant said the suspect was unemployed and usually slept late.
- The manager of a motel in which the suspect was staying told officers the suspect was now in his room.
- The person who answered the door said the suspect was inside.
- An officer phoned the suspect's home and spoke with someone who said the suspect was at home.
- A neighbor or occupant told officers that the suspect was *not* at home, but the manner in which the neighbor or occupant responded to the officer's questions reasonably indicated the person was lying.

Conditions inside or outside

- Suspect's car was parked at or near the residence.
- The officers arrived at 6 A.M. and saw several vehicles parked at the residence.
- The suspect lived alone and the interior lights were on, or there were TV or radio sounds inside.
- The interior lights were on and there was no reason to believe the arrestee had left the residence.
- "If the [suspect's] quarters are dark and no sounds or movements can be detected within and no one answers the door, the other facts and circumstances (e.g., nature of the crime, crime recently committed, [suspect's] car parked nearby) may nonetheless support the inference that the [suspect] is concealing himself therein."
- An officer saw the suspect inside the house in the early morning hours; at about 2:30 A.M. the lights in the house were turned off; officers entered at 6:15 A.M.

Miscellaneous

- Immediately after officers knocked and announced, they heard sounds or saw activity inside that reasonably indicated an occupant was trying to hide or avoid them.
- Court stated that "officers may presume that a person is at home at certain times of the day—a presumption which can be rebutted by contrary evidence regarding the suspect's known schedule."
- The person who answered the door, when asked if the suspect was inside, did not respond or was evasive.
- Court stated that "courts must be sensitive to common sense factors indicating a resident's presence. Direct surveillance or the actual viewing of the suspect on the premises is not required. Indeed, officers may take into account the fact that a person involved in criminal activity may be attempting to conceal his whereabouts."
- "While surveillance certainly may bolster a *Payton* entry, the cases fail to reveal any requirement of substantial prior surveillance of a residence prior to entry."
- There was no indication that suspect was not at home.
- Officers saw the suspect unlock a door to the residence and enter.
- A man matching the suspect's physical description ran into the house when officers identified themselves.
- The arrestee did not have a job, and officers entered at 8:30 A.M.
- Although no one responded to the officers' knock and announcement, they heard a "thud" inside.

SUPERIOR COURT OF CALIFORNIA

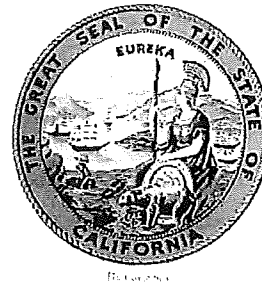
County of _____

ARREST WARRANT

Probable Cause Arrest Warrant

Ramey Warrant

[Penal Code § 817]



THE PEOPLE OF THE STATE OF CALIFORNIA

To any California peace officer

Warrant No. _____

Arrestee's name: *[Insert name here]*, hereinafter "Arrestee"

Declarant's name and agency: *[Insert declarant's name and agency here]*, hereinafter "Declarant"

ORDER: Proof by declaration under penalty of perjury having been made before me on this date by Declarant, I find there is probable cause to believe that Arrestee committed the crime(s) listed below. You are therefore ordered to execute this warrant and bring Arrestee before any magistrate in this county pursuant to Penal Code §§ 821, 825, 826, and 848.

Crime(s): *[List crime(s) here]*

Night service authorization *[If checked]*

☐ **Felony:** This felony warrant may be executed at any hour of the day or night.

☐ **Misdemeanor:** Good cause for night service having been established in the supporting declaration, this misdemeanor warrant may be executed at any hour of the day or night.

Bail: ☐ \$ _____ ☐ No bail

Date and time warrant issued

Judge of the Superior Court

◆ Arrestee Information ◆

For identification purposes only

Name:

AKA's:

Last known address(es):

Sex: M F

Race:

Height:

Weight:

Color of hair:

Color of eyes:

Scars, marks, tattoos:

Vehicle(s) linked to Arrestee:

Other information:



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMR

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY			
DATE OF TRAINING 6/1/18	Duration: 15 Minutes	LOCATION PPD	
TYPE OF TRAINING REVIEW OF THE POLICE OFFICER BILL OF RIGHTS			
BRIEF DESCRIPTION OF TRAINING: THE TEAM DISCUSSED THE PEACE OFFICER BILL OF RIGHTS TO INCLUDE "LYBARGER" AND "GARRITY".			
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS			
SUPERVISORY REVIEW			
TRAINER GARRETT GLAVIANO	ID# 2676	SUPERVISOR Garrett Glaviano	ID# 2676
LIEUTENANT <i>Ran Ri</i>	ID# 2310	DATE 6/1/18	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	

Police Officers Bill of Rights

CALIFORNIA CODES GOVERNMENT CODE SECTION 3300-3311

3300. This chapter is known and may be cited as the Public Safety Officers Procedural Bill of Rights Act.

3301. For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code. The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

3302. (a) Except as otherwise provided by law, or whenever on duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.

(b) No public safety officer shall be prohibited from seeking election to, or serving as a member of, the governing board of a school district.

3303. When any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.

(b) The public safety officer under investigation shall be informed prior to the interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.

(c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

(d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his or her own personal physical necessities.

(e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address or photograph be given to the press or news media without his or her express consent.

(f) No statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding. This subdivision is subject to the following qualifications:

(1) This subdivision shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any public safety officer, including disciplinary action brought under Section 19572.

(2) This subdivision shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.

(3) This subdivision shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an in camera review to determine whether the statements serve to impeach the testimony of the officer.

(4) This subdivision shall not otherwise prevent the admissibility of statements made by a public safety officer under interrogation if that officer subsequently is deceased.

(g) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports that are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation.

(h) If prior to or during the interrogation of a public safety officer it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.

(i) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for non criminal matters. This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

(j) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

3304. (a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure. Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal.

3305. No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer.

3306. A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

3307. No public safety officer shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take a polygraph examination.

3308. No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

3309. No public safety officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

3309.5. (a) It shall be unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed to them by this chapter.

(b) The superior court shall have initial jurisdiction over any proceeding brought by any public safety officer against any public safety department for alleged violations of this section.

(c) In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer.

3310. Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such a procedure.

3311. Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where such activity is deemed necessary or desirable by the jurisdictions or the agencies involved.

Investigator's Guide to the California Public Safety Officer's Bill of Rights Act

2nd Edition

Martin J. Mayer and Kevin Johnson

Lybarger v. City of Los Angeles, (1985)

"As a matter of constitutional law, it is well established that a public employee has no absolute right to refuse to answer potentially incriminating questions posed by their employer. Instead, their self-incrimination rights are deemed adequately protected by precluding any use of their statements at a subsequent criminal proceeding." (Page 33)

"The investigating officers were required to inform Officer Lybarger of his Miranda rights, as modified by the *Garrity rule*, when he refused to answer questions on self-incrimination grounds. In other words, Officer Lybarger should have been told that although he had the right to remain silent and not incriminate himself, (1) his silence could be deemed insubordination, leading to administrative discipline, and (2) any statement made under the compulsion of the threat of such discipline could not be used against him in any subsequent criminal proceeding." (Page 34)

Garrity v. State of New Jersey, (1967)

"The rule in Garrity requires that whenever a public employee is compelled by threat of possible job loss to make a statement, neither the statement nor the fruits of the statement can be used in a subsequent criminal prosecution of the employee." (Page 36)

"Practically speaking, the legal principles underlying Lybarger and Garrity are the same. The Lybarger case is based upon specific sections within POBR. Since all administrative investigations are separate from related criminal investigations (parallel investigations) and administrative investigations rarely have control over criminal prosecutions, the Lybarger admonishment must be given in any administrative investigation with a potential for criminal charges. The officer must be advised of his or her Miranda rights per section 3303(h) followed by:

- While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer my questions administratively.
- This is an administrative investigation. I'm now ordering you to answer all of my questions fully and honestly.
- If you refuse to answer my questions, your silence can be deemed insubordination and result in administrative discipline, up to and including termination.
- Any statement you make under compulsion of the threat of such discipline is for administrative purposes only and cannot be used against you criminally.

If an officer continues to invoke his or her fifth Amendment right to remain silent after the above admonition, the officer risks disciplinary action. If the officer agrees to answer questions after the above admonition, the officer's answers can be used for administrative purposes but not criminal prosecution.



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TW

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 6-5-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM

Terry v. Ohio (Case Law)

BRIEF DESCRIPTION OF TRAINING:

Team discussion on case law involving "Terry Frisk."

ATTACHMENTS

SUPERVISORY REVIEW			
TRAINER <i>TEAM 4</i>	ID#	SUPERVISOR <i>R. L. [Signature]</i>	ID# <i>1770</i>
LIEUTENANT	ID#	DATE	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD

Terry v. Ohio

Posted By *admin* On August 31, 2009 @ 3:15 pm In Searches and Seizures of Persons and Things | [No Comments](#)

Citation. Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889, 1968 U.S. LEXIS 1345, 44 Ohio Op. 2d 383 (U.S. June 10, 1968) ^[1]

Brief Fact Summary. The Petitioner, John W. Terry (the "Petitioner"), was stopped and searched by an officer after the officer observed the Petitioner seemingly casing a store for a potential robbery. The officer approached the Petitioner for questioning and decided to search him first.

Synopsis of Rule of Law. An officer may perform a search for weapons without a warrant, even without probable cause, when the officer reasonably believes that the person may be armed and dangerous.

Facts. The officer noticed the Petitioner talking with another individual on a street corner while repeatedly walking up and down the same street. The men would periodically peer into a store window and then talk some more. The men also spoke to a third man whom they eventually followed up the street. The officer believed that the Petitioner and the other men were "casing" a store for a potential robbery. The officer decided to approach the men for questioning, and given the nature of the behavior the officer decided to perform a quick search of the men before questioning. A quick frisking of the Petitioner produced a concealed weapon and the Petitioner was charged with carrying a concealed weapon.

Issue. Whether a search for weapons without probable cause for arrest is an unreasonable search under the Fourth Amendment to the United States Constitution ("Constitution")?

Held. The Supreme Court of the United States ("Supreme Court") held that it is a reasonable search when an officer performs a quick seizure and a limited search for weapons on a person that the officer reasonably believes could be armed. A typical beat officer would be unduly burdened by being prohibited from searching individuals that the officer suspects to be armed.

Dissent. Justice William Douglas ("J. Douglas") dissented, reasoning that the majority's holding would grant powers to officers to authorize a search and seizure that even a magistrate would not possess.

Concurrence.

Justice John Harlan ("J. Harlan") agreed with the majority, but he emphasized an additional necessity of the reasonableness of the stop to investigate the crime.

Justice Byron White ("J. White") agreed with the majority, but he emphasized that the particular facts of the case, that there was suspicion of a violent act, merit the forcible stop and frisk.

Discussion. The facts of the case are important to understand the Supreme Court's willingness to allow the search. The suspicious activity was a violent crime, armed robbery, and if the officer's suspicions were correct then he would be in a dangerous position to approach the men for questioning without searching them. The officer also did not detain the men for a long period of time to constitute an arrest without probable cause.

Black Letter Law: to view the black letter law, scroll down to the LexisNexis Headnotes of this case. ^[1] What's a headnote? ^[2]

Article printed from Casebriefs: <https://www.casebriefs.com>

URL to article: <https://www.casebriefs.com/blog/law/criminal-procedure/criminal-procedure-keyed-to-saltzburg/searches-and-seizures-of-persons-and-things/terry-v-ohio-3/>

URLs in this post:

[1] Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889, 1968 U.S. LEXIS 1345, 44 Ohio Op. 2d 383 (U.S. June 10, 1968):

[https://advance.lexis.com/api/document/collection/cases/id/3S4X-FHX0-003B-S04Y-00000-00?](https://advance.lexis.com/api/document/collection/cases/id/3S4X-FHX0-003B-S04Y-00000-00?cite=392%20U.S.%201&context=1000516&origination=casebriefs)

[cite=392%20U.S.%201&context=1000516&origination=casebriefs](https://advance.lexis.com/api/document/collection/cases/id/3S4X-FHX0-003B-S04Y-00000-00?cite=392%20U.S.%201&context=1000516&origination=casebriefs)

[2] What's a headnote?: <http://www.casebriefs.com/whats-a-headnote/>

TMS

PETALUMA POLICE DEPARTMENT

BRIEFING / TRAINING RECORD

Employees: _____

TRAINING SUMMARY

Date: 6-12-18 Length of Training: _____ hours 20 min

Video: _____ Lecture: K Practical Demonstration: _____

Other: POWERPOINT

BRIEF DESCRIPTION OF TRAINING

DISCUSSION / REVIEW TENNESSEE V. GARNER AND TERRY V. OHIO, REPORT WRITING REQUIREMENTS

ATTACHMENTS

☐ Handout materials ☐ Lecture materials ☐ Lesson Plan ☐ Other

SUPERVISORY REVIEW

Trainer: SUHRKE Supervisor: NOVELLO

Lieutenant: [Signature] Date: 6-12-18

TRAINING RECORD UPDATE

Data Entry: _____ Date: _____ Training Record: _____



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 5/11/18	Duration: 15 Minutes	LOCATION PPD
TYPE OF TRAINING REVIEW OF TENNESSEE V. GARNER		
BRIEF DESCRIPTION OF TRAINING: THE TEAM DISCUSSED TENNESSEE V. GARNER AS IT RELATES TO THE USE OF DEADLY FORCE ON A FLEEING FELON.		

ATTACHMENTS	
SEE ATTACHED TRAINING MATERIALS	

SUPERVISORY REVIEW			
TRAINER Joel Stemmer	ID# 2938	SUPERVISOR Garrett Glaviano	ID# 2676
LIEUTENANT <i>Rankin</i>	ID# 2310	DATE 5/16/18	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD

- Order to Show Cause
- Enumerated Powers
- Inherent Powers

TENNESSEE V. GARNER

- 1 **Start Download - PDF** Word to PDF and PDF to Word. Start now with FromDocToPDF! free.fromdocstopdf.com
- 2 **Arrest Records: 2 Secrets** Find Addresses, Phone Numbers, Felonies, Traffic Records, DUIs and Much More! instantcheckmate.com
- 3 **Background Check Yourself** Enter a Name & Search for Free! View Background Check Instantly. checkpeople.com/background

Following is the case **brief** for Tennessee v. Garner, 471 U.S. 1 (1985).

Case Summary of Tennessee v. Garner:

- Police officer shot and killed an unarmed fleeing suspect – Garner.
- Garner's family sued, alleging that Garner's constitutional rights were violated.
- The District Court found no constitutional violation. The Sixth Circuit Court of Appeals reversed.
- The U.S. Supreme Court held that deadly force cannot be used against a fleeing suspect unless the suspect poses a serious threat to the officer or others.

Tennessee v. Garner Case Brief

Statement of the Facts:

On an October evening in 1973, Memphis police officers responded to a **burglary** call. One of the officers went to the back of the house and saw a fleeing suspect — 15-year-old Edward Garner. Garner ran across the yard and stopped at a chain-link fence. With a flashlight, the officer could see that Garner was likely unarmed. The officer told Garner to stop. Garner, however, began to climb the fence. The officer then shot Garner, striking him in the back of the head. He died shortly thereafter.

Tennessee statute (and Memphis Police policy) at that time allowed a police officer to use deadly force against a fleeing suspect. Neither the Memphis Police Firearms Review Board nor a **grand jury** took any action in the case.

Procedural History:

Garner's father filed an action, under 42 U.S.C. 1983, in Federal District Court. Garner's father alleged violations of Garner's constitutional rights. The District Court found that the Tennessee statute, and the officer's actions, were constitutional. The Sixth Circuit Court of Appeals reversed. The U.S. Supreme Court granted certiorari.

Issue and Holding:

Is it constitutional to use deadly force against an unarmed felon who is fleeing? **No.**

Judgment:

Court of Appeals judgment is affirmed.

Rule of Law or Legal Principle Applied:

Deadly force may not be used against a fleeing suspect unless such force is necessary to prevent the suspect's escape and there is **probable cause** to believe that the suspect presents a serious threat to the officer or others.

Reasoning:

- Stopping a suspect with deadly force is a Fourth Amendment "seizure."

As a threshold matter, apprehending a suspect by deadly force is a "seizure" under the Fourth Amendment. The Court noted that deadly force is obviously the most intrusive type of seizure possible because the suspect's life is in jeopardy. Accordingly, the Court must balance the suspect's Fourth Amendment rights with the Government's justification for intruding on those rights.

- Government's use of deadly force is not justified when a fleeing suspect is unarmed.

The Court noted that Garner was unarmed. It concluded that, under the totality of the circumstances of the case, the Government was not justified in using deadly force against the unarmed Garner.

The Court cautioned that the use of deadly force against a fleeing suspect is not always unconstitutional. Such force can be used if there is probable cause that the fleeing suspect poses a serious threat to the officer or others.

Dissenting Opinion (O'Connor):

Justice O'Connor, in dissent, stated that the Court's opinion expands the Fourth Amendment too far. Justice O'Connor stated that now there is a right for a burglary suspect to flee unimpeded, even if an officer has no means of preventing escape short of using deadly force.

Significance:

Tennessee v. Garner has served as an important guide to law enforcement. It states that a fleeing suspect must present a significant threat before an officer can use deadly force. In addition, the case is an important guide to courts. The case reinforces the notion that courts should take account of the "totality of the circumstances" in reviewing Fourth Amendment cases.

Student Resources:

<https://supreme.justia.com/cases/federal/us/471/1/case.html>

<https://www.oyez.org/cases/1984/83-1035>

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PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY			
DATE OF TRAINING 5/10/18	Duration: 15 Minutes	LOCATION PPD	
TYPE OF TRAINING REVIEW OF CONSENSUAL ENCOUNTERS			
BRIEF DESCRIPTION OF TRAINING: OFFICER CUMMINGS SHOWED AN INTERNET VIDEO AND LED A DISCUSSION REVOLVING AROUND CONSENSUAL ENCOUNTERS.			
ATTACHMENTS			
SUPERVISORY REVIEW			
TRAINER Steve Cummings	ID# 3186	SUPERVISOR Garrett Glaviano	ID# 2676
LIEUTENANT <i>Rabin</i>	ID# 2310	DATE 5/16/18	
TRAINING RECORD UPDATE			
DATA ENTRY	DATE	TRAINING RECORD	



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 04-12-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM

Policy 212, Electronic Mail and Policy 340, Standards of Conduct

BRIEF DESCRIPTION OF TRAINING:

Team discussion on policy and policy review.

ATTACHMENTS

SUPERVISORY REVIEW			
TRAINER # 3194 ESTRELLA, FLORES # 3306	ID#	SUPERVISOR R. Ly	ID# 1770
LIEUTENANT	ID#	DATE	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 04-12-2018	Duration: .25 hours	LOCATION PPD BRIEFING ROOM

Policy 340

BRIEF DESCRIPTION OF TRAINING:

Team discussion on policy and policy review.

STANDARDS OF CONDUCT

ATTACHMENTS

SUPERVISORY REVIEW			
TRAINER FLORES	ID# 3386	SUPERVISOR R. Cox	ID# 1770
LIEUTENANT	ID#	DATE	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD

xms

PETALUMA POLICE DEPARTMENT

BRIEFING / TRAINING RECORD

Employees:

TRAINING SUMMARY

Date: 5-1-18 Length of Training: _____ hours 20 min

Video: _____ Lecture: X Practical Demonstration: _____

Other: _____

BRIEF DESCRIPTION OF TRAINING

BASURTO PROVIDED LECTURE ON ARIZONA V. GANT, SCOPE OF VEHICLE
SEARCHES, AND DIFFERENCES BETWEEN CONSENSUAL CONTACTS, DETENTIONS, 10
AND ARRESTS

ADDITIONALLY, POLICY 47D WAS REVIEWED 10
MED AID & RESPONSE

ATTACHMENTS

☒ Handout materials ☐ Lecture materials ☐ Lesson Plan ☐ Other

SUPERVISORY REVIEW

Trainer: BASURTO Supervisor: NOVELLO

Lieutenant: B. Munn #2709 Date: 5-1-18

TRAINING RECORD UPDATE

Data Entry: _____ Date: _____ Training Record: _____

Difference between Consensual Contacts, Detentions, and Arrests.

Three Levels of Interaction

The U.S. Supreme Court has identified three distinct categories of Fourth Amendment police-citizen interaction:

- (1) Arrests, which are typically made by taking physical custody of a person and taking him to the station or the jail for booking, and which require "probable cause" as justification;
- (2) Detentions, including ped stops and vehicle stops, which are justifiable by the lower standard of "reasonable suspicion;" and
- (3) Consensual encounters, in which police use no commands, force, red or blue lights or sirens, but simply approach a person and engage him in conversation and make plain-view observations without any official restraints, and for which no level of justification is needed, because unlike arrests and detentions, the consensual encounter is not a Fourth Amendment "seizure" of the person.



Distinguishing a Consensual Encounter From a Detention

The essential test of a detention is to look at all of the surrounding circumstances and ask whether, in view of what officers have said and done, a reasonable, innocent person in this situation would have felt that he no longer had a choice about coming or going as he pleased, but was compelled by official authority to submit to the interaction with police.

"Examples of circumstances that might indicate a seizure, even where the person did not attempt to leave, would be the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person, or the use of language or tone of voice indicating that compliance with the officer's request might be compelled." (*U.S. v. Mendenhall*) In a series of cases, the Supreme Court has expressed the distinction as follows:

"A person has been 'seized' only when, by means of physical force or a show of authority, his freedom of movement is restrained. As long as the person to whom questions are put remains free to disregard the questions and walk away, there has been no intrusion on that person's liberty or privacy as would under the Constitution require some particularized and objective justification." (*U.S. v. Mendenhall*)

"Our cases make it clear that a seizure does not occur simply because a police officer approaches an individual and asks a few questions. So long as a reasonable person would feel free to disregard the police and go about his business, the encounter is consensual and no reasonable suspicion is required." (*Florida v. Bostick*)

"The initial contact between the officers and defendant, where they simply asked if he would step aside and talk to them, was clearly the sort of consensual encounter that implicates no Fourth Amendment interest." (*Florida v. Rodriguez*)

"Law enforcement officers do not violate the Fourth Amendment by merely approaching an individual in a public place and putting questions to him. If there is no detention—no seizure within the meaning of the Fourth Amendment—then no constitutional rights have been infringed." (*Florida v. Royer*)



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 1/9/18		Duration: 15 Minutes		LOCATION PPD	
TYPE OF TRAINING REVIEW OF SB395					
BRIEF DESCRIPTION OF TRAINING: DISCUSSED THE CHANGES IN THE LAW RELATED TO JUVENILE MIRANDA, SPECIFICALLY SB395.					
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS					
SUPERVISORY REVIEW					
TRAINER C. Basurto		ID# 3185	SUPERVISOR G. Glaviano		ID# 2676
LIEUTENANT S. MILLER		ID# 2709	DATE		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	

CHANGES IN JUVENILE MIRANDA LAW EFFECTIVE JANUARY 2018

Flavio Nominati
Deputy District Attorney
Juvenile Division
858-694-4558
Flavio.Nominati@sdccda.org

Senate Bill 395 – “Miranda Bill”

- ❑ Old Law
- ❑ New Law
 - ❑ Welfare Institutions Code Section 625.6 is added
 - ❑ **RULE:** Prior to a custodial interrogation, and before the waiver of *Miranda* rights, a youth 15 years or younger (15 and 364 days) **shall** consult with legal counsel in person, by phone, or video conference. **The consultation cannot be waived.**
 - ❑ **EXCEPTION:** Does not apply when (1) the officer reasonably believed the information he/she sought was necessary to protect life or property from imminent threat **AND** (2) The questions were limited to those questions that were reasonably necessary to obtain that information.
 - ❑ **EFFECT:** Court shall consider a violation of this in determining whether to admit the statement in court.
- ❑ Reasoning

When it Will Apply

15 years or younger

In Custody

Subject to Interrogation

When it does NOT Apply

- ☐ Juvenile is 16 or older
- ☐ Juvenile is *not* in custody (more on this later)
- ☐ Juvenile is *not* being interrogated (more on this later)
- ☐ The following investigative procedures:
 - ☐ Obtaining Blood Samples
 - ☐ Fingerprints
 - ☐ Photographs of the juvenile (GDR)
 - ☐ Handwriting exemplars
 - ☐ Curbside Lineups
 - ☐ DNA collection
 - ☐ Obtaining consent to search
 - ☐ Questioning by school official or administrators – **so long as they are not acting at the direction of law enforcement.**

When it does NOT Apply: Public Safety Exception [WIC625.6(c)]

- ☐ Public Safety Exception – WIC626.6(c)
 - ☐ No attorney consultation necessary when **both of the following exist:**
 - The officer who questioned the youth reasonably believed the information he or she sought was necessary to **protect life or property from imminent threat; AND**
 - The officer's questions were **limited** to those questions that were reasonably necessary to obtain that information.
- ☐ Legally recognized instances:
 - ☐ Location of firearms
 - ☐ Determine whether person is armed
 - ☐ Determine who is the victim or suspect in order to assess presence of at-large armed suspects
- ☐ Other possible scenarios
 - ☐ School Safety
 - ☐ Multiple perpetrator battery
 - ☐ Weapons/Drugs on school campus

Custody: When is a Juvenile in Custody?

- Test: Whether an **objective person of the juvenile's age** (if known to the officer) would have understood his/her situation as being in custody. *J.D.B. v. North Carolina* (2011) 564 U.S. 261, 268-281; *Berkemer v. McCarty* (1984) 468 U.S. 420, 442.
- Consider objective factors in light of juvenile sensitivities:
 - Handcuffs/In the back of a squad car
 - **Tone** of the questioning
 - Heightened police presence/Police pressure
 - Length of Detention
- Consider recent trends by the Courts of Appeal

Further Complications

- PC 26 Requirements – **must be completed after *Miranda* waiver**
 - Establish **collaterally**, prior to submission.
- Juveniles lying about their age
- WIC 625 **still** needs to be satisfied
- Diversion – will be impacted
- Who to call?



EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 1/25/18		Duration: 20 minutes		LOCATION PETALUMA POLICE DEPARTMENT	
TYPE OF TRAINING REVIEW OF POLICIES 340 STANDARDS OF CONDUCT AND 385 OFF DUTY LAW ENFORCEMENT ACTIONS					
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEWED THE ABOVE POLICIES. THE TEAM HAD A DISCUSSION ABOUT THE IMPLICATIONS OF VIOLATING THE STANDARDS OF CONDUCT. THE TEAM DISCUSSED THE SAFETY CONCERNS REVOLVING AROUND PARTICIPATING IN OFF DUTY LAW ENFORCEMENT ACTIONS. ***OFFICER STEMMER WAS NOT WORKING THE DAY OF THE DISCUSSION. HE SUBSEQUENTLY REVIEWED THE POLICIES ON 1/31/18.					
ATTACHMENTS NONE					
SUPERVISORY REVIEW					
TRAINER Brandon Hansen		ID# 2938	SUPERVISOR Garrett Glaviano		ID# 2676
LIEUTENANT <i>Boukiew [Signature]</i>		ID# <i>2310</i>	DATE <i>2/1/18</i>		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

T M

EMPLOYEES							
NAME	ID#	NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY							
DATE 1/30/18		LENGTH OF TRAINING HOURS 15 MINUTES		LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT			
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: HANDOUT VIA EMAIL							
BRIEF DESCRIPTION OF TRAINING: REVIEW OF CALIFORNIA VALUES ACT							
ATTACHMENTS <input checked="" type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:							
SUPERVISORY REVIEW							
TRAINER M Frye <i>MF</i>		ID# 1821		SUPERVISOR Frye		ID# 1821	
LIEUTENANT Lt. Crosby		ID# 1749		DATE			
TRAINING RECORD UPDATE							
DATA ENTRY		DATE		TRAINING RECORD			



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 1/30/18		LENGTH OF TRAINING 1/4 HOUR		LOCATION MAIN STATION	
TYPE OF TRAINING CALIFORNIA VALUES ACT					
BRIEF DESCRIPTION OF TRAINING: CA Values Act, SB-54, Government Code 7282 <ul style="list-style-type: none">• New law "seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments"• Records personnel are not to provide Federal immigration authorities with any information other than what is public information• Records personnel will bring Federal requests for information to the supervisor for review and possible City Attorney approval before responding					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER Nicole Litzie		ID# 2821	SUPERVISOR Nicole Litzie		ID# 2821
LIEUTENANT <i>E. Corley</i>		ID# 1749	DATE 1-30-2018		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 12-08-2017		Duration: .25 hours		LOCATION PPD BRIEFING ROOM	
TYPE OF TRAINING Hate Crime Policy 338					
BRIEF DESCRIPTION OF TRAINING: Team discussion on Hate Crime Policy and policy review.					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER D. MILLER		ID# 1927	SUPERVISOR R. Cox		ID# 1770
LIEUTENANT Ran Hui		ID# 2310	DATE 12/14/17		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 2/9/17		Duration: 15 Minutes		LOCATION PPD	
TYPE OF TRAINING REVIEW OF POLICIES RELATED TO TECHNOLOGY USE					
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEWED THE FOLLOWING POLICES: <ul style="list-style-type: none">• 212 ELECTRONIC MAIL• 342 INFORMATION TECHNOLOGY USE• 388 DEPARTMENT USE OF SOCIAL MEDIA• 447 MOBILE DIGITAL USE THE TEAM DISCUSSED THE USE OF VARIOUS TECHNOLOGIES AND THE POTENTIAL PIT FALLS OF THEIR USE. SITUATIONS SUCH AS SENDING INAPPROPRIATE EMAILS, USING THE MDC WHILE DRIVING AND INAPPROPRIATE INTERNET USE WERE DISCUSSED.					
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS					
SUPERVISORY REVIEW					
TRAINER Joel Stemmer		ID# 1771	SUPERVISOR Garrett Glaviano		ID# 2676
LIEUTENANT R. KLEN		ID# 2310	DATE 2/10/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 12-28-2017		Duration: .25 hours		LOCATION PPD BRIEFING ROOM	
TYPE OF TRAINING Missing Person Policy 332					
BRIEF DESCRIPTION OF TRAINING: Team discussion on Missing Person policy and policy review.					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER D. MILLER		ID# 1927	SUPERVISOR R. Cox		ID# 1770
LIEUTENANT		ID#	DATE		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

1ms

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 12-15-2017		Duration: .5 hours		LOCATION PPD BRIEFING ROOM	
TYPE OF TRAINING Elder Abuse and Domestic Violence Policies 326/320					
BRIEF DESCRIPTION OF TRAINING: Team discussion on Elder Abuse and Domestic Violence Policies and policy review with power point (DV).					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER # 2937 SUMERLAND/FORES #3306		ID#	SUPERVISOR L. Loy		ID# 1776
LIEUTENANT		ID#	DATE		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TPM

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 12-29-2017		Duration: .5 hours		LOCATION PPD BRIEFING ROOM	
TYPE OF TRAINING Pursuit Policy 314 & Discriminatory Harassment Policy 328					
BRIEF DESCRIPTION OF TRAINING: Team discussion on both policies and policy review.					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER CUMMINGS/SUTHORLAND		ID# 3186	SUPERVISOR R. Cox		ID# 1770
LIEUTENANT		ID#	DATE		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 12-08-2017		Duration: .25 hours		LOCATION PPD BRIEFING ROOM	
TYPE OF TRAINING Child Abuse Policy 330					
BRIEF DESCRIPTION OF TRAINING: Power point presentation on Child Abuse Policy 330 and discussed the policy.					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER CUMMINGS		ID# 3186	SUPERVISOR K Cox		ID# 1770
LIEUTENANT Ron [Signature]		ID# 2310	DATE 12/13/17		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE OF TRAINING 2/14/18	Duration: 15 Minutes	LOCATION PPD
TYPE OF TRAINING REVIEW OF MIRANDA V. ARIZONA		
BRIEF DESCRIPTION OF TRAINING: CORPORAL PARNOW REVIEWED THE ATTACHED POWERPOINT WITH THE TEAM. WE DISCUSSED VARIOUS ASPECTS OF MIRANDA LAW INCLUDING THE RECENT CHANGES WITH JUVENILES.		

ATTACHMENTS			
SEE ATTACHED TRAINING MATERIALS			

SUPERVISORY REVIEW			
TRAINER Matt Parnow	ID# 2931	SUPERVISOR Garrett Glaviano	ID# 2676
LIEUTENANT <i>Banli</i>	ID# 2310	DATE 2/16/18	

TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD

Miranda Vs. Arizona

1966



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- Requirements for the Miranda Admonishment
- Miranda During Detentions
- Spontaneous and Volunteered Statements
- Confrontation with Evidence
- Non-Interrogation Questions
- The Warnings
- Express and Implied Waivers
- Juveniles
- Emergency Rescue or Public Safety Exception
- Violation of Miranda
- Questions

The Case

- In 1963, Ernesto Miranda was arrested in Phoenix, Arizona for stealing \$8 from bank worker and charged with armed robbery. While in police custody he signed a written confession to the robbery, and to kidnapping and raping an 18-year-old woman 11 days before the robbery. After the conviction, his lawyers appealed, on the grounds that Miranda did not know he was protected from self-incrimination. The case, *Miranda v. Arizona*, made it all the way to the Supreme Court, where the conviction was overturned.
- In a landmark ruling issued in 1966, the court established that the accused have the right to remain silent and that prosecutors may not use statements made by defendants while in police custody unless the police have advised them of their rights, commonly called the *Miranda Rights*.

Miranda Requirements



• Custody

Custody exists for Miranda purposes when two requirements are met.

- The suspect must have been formally arrested and had his freedom restrained.
- The suspect must be aware of his lack of freedom or reasonably believe it exists.

• Interrogation

Interrogation occurs when-

- there is any direct questioning about the crime being investigated.
- there is any words or actions on the part of the police that police should know are reasonably likely to elicit an incriminating response from the suspect.

- **Note**

Whether or not interrogation takes place at a police station makes a crucial difference in the determination of custody. Miranda custody will exist in a police station if the suspect would reasonably believe he is **not free to leave**. If you detain a suspect at a police station, that person is in custody and should be advised per Miranda before any interrogation takes place. Without Miranda, the person must know they are **free to leave**.

Miranda During Detentions

- You do not need to give Miranda warnings prior to questioning a suspect who is only being detained, even though the detainee is not free to leave. Miranda does not include a temporary detention for investigation where an officer detains a person to ask questions to obtain information confirming or dispelling suspicion of a crime.

Spontaneous and Volunteered Statements

- A "Spontaneous" or "Volunteered" Statement is a statement that is given by a suspect that is not in response to any question, words, or action. Since volunteered statements are not made in response to interrogation, they are admissible even though the suspect (1) is in custody (2) has not yet been given his Miranda Rights or (3) has already asserted them.

Confrontation with Evidence



- If you confront a suspect with incriminating evidence once in custody and prior to Miranda, you are interrogating them because your action is likely to elicit an incriminating response.

Non-Interrogation Questions

Officers may ask, without advising Miranda, neutral questions not intended to elicit an incriminating response such as-

- Questions about the suspects identity-
It is a violation of PC section 148 for a person who has been arrested for a felony to refuse to identify himself verbally.
- Routine booking/ jailing questions.

The Warnings



- Always read the Miranda warnings rather than recite them to a suspect by memory. Reading the advisements will guarantee you won't forget anything. Changing the advisements too much or leaving something out can cause a suspect's statement to be suppressed.

Express and Implied Waivers



Express Waiver

- An Express Waiver means that you actually ask the suspect if he is willing to go forward and answer your questions, and the suspect gives you an affirmative response.

Implied Waiver

- An Implied waiver occurs when a suspect is given Miranda Advisements, understands them, and indicates through his actions that he intends to waive them, such as by willingly answering your questions.

- **Note-**

For either waiver to be valid, it must be-

Voluntary:

The product of free and deliberate choice, rather than intimidation, coercion or deception.

Knowing and intelligent:

The suspect fully comprehended the advisements and the consequences of waiving them.

Juveniles



J's

1. Juveniles have no additional rights and the same rules apply as to adults.
A minor can validly waive his Miranda Rights without his parents or other adult being present if 16 and over.
2. RULE: Prior to a custodial interrogation, and before the waiver of *Miranda* rights, a youth 15 years or younger (15 and 364 days) shall consult with legal counsel in person, by phone, or video conference. The consultation cannot be waived.
 - EXCEPTION: Does not apply when (1) the officer reasonably believed the information he/she sought was necessary to protect life or property from imminent threat **AND** (2) The questions were limited to those questions that were reasonably necessary to obtain that information.
 - EFFECT: Court shall consider a violation of this in determining whether to admit the statement in court.

Emergency Rescue/ Public Safety Exception

- An Exception to Miranda exists when your question or questions are reasonably prompted by the concern for the safety of another person, a victim, the public at large, or by a concern for your own personal safety.

Violation of Miranda

- Deliberate and intentional violations of Miranda, or statements obtained that are involuntary or coerced can entitle a suspect to sue for a civil rights violation under the fifth amendment. The offending officer can be held personally liable.

Questions?

Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

424.2 POLICY

The Petaluma Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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Rapid Response and Deployment

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

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Rapid Response and Deployment

424.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 2/22/18		Duration: 15 Minutes		LOCATION PPD	
TYPE OF TRAINING REVIEW OF GRAHAM V. CONNOR					
BRIEF DESCRIPTION OF TRAINING: THE ARTICLE "UNDERSTANDING GRAHAM V. CONNOR" WAS DISCUSSED. THE ARTICLE EXPLAINS THE CIRCUMSTANCES OF THE GRAHAM CASE, WHICH PROVIDES A HISTORICAL PERSPECTIVE FOR THOSE WHO ARE NOT AWARE OF THE FACT PATTERN OF THE CASE. THE ARTICLE ALSO OUTLINES THE GRAHAM FACTORS. THE TEAM ALSO DISCUSSED THE IMPORTANCE OF THE OFFICERS MINDSET IN EXPLAINING A USE OF FORCE INCIDENT WHETHER THAT EXPLANATION COMES IN THE FORM OF AN INTERVIEW, TESTIMONY, OR WRITTEN REPORT. CORPORAL STEMMER WAS ABLE TO SPEAK TO HIS EXPERIENCE AS A DETECTIVE IN CONDUCTING OFFICER INVOLVED SHOOTING INTERVIEWS.					
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS					
SUPERVISORY REVIEW					
TRAINER Garrett Glaviano		ID# 2676	SUPERVISOR Garrett Glaviano		ID# 2676
LIEUTENANT <i>[Signature]</i>		ID# 2310	DATE 2/22/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	

Understanding Graham v. Connor

A quarter-century ago the U.S. Supreme Court ruled on a case that determines the legality of every law enforcement use-of-force incident.

October 27, 2014 | by Mark Clark

No law enforcement officer starts his or her shift saying, "I want to make some case law here today." But there are those rare occasions where an officer's observations and actions get reviewed, scrutinized, and solidified as case law in the highest courts of the land. The 1989 case of *Graham v. Connor* is an example of how the actions of one officer can start a process that establishes law.

Findings from *Graham v. Connor* determine the legality of every use-of-force decision an officer makes. And they will certainly be considered in the recent deadly use-of-force decision made by Ferguson, Mo., police officer Darren Wilson when using deadly force on Michael Brown. Which is why every American law enforcement officer should have a sound understanding of the *Graham* case and what it means.

Using the *Graham* standard, an officer must apply constitutionally appropriate levels of force, based on the unique circumstances of each case. The officer's force should be applied in the same basic way that an "objectively reasonable" officer would in the same circumstances. The Supreme Court has repeatedly said that the most important factor to consider in applying force is the threat faced by the officer or others at the scene.

Orange Juice

1984, On Nov. 12, 1984, Dethorne Graham, a North Carolina Department of Transportation maintenance worker and diabetic, sensed the onset of a diabetic reaction and needed sugar to offset the insulin. He asked a friend to drive him to a convenience store so he could purchase orange juice to counteract the insulin reaction.

As he entered the store, Graham took note of the police car parked across from the store, but didn't give it a second thought. He needed sucrose and couldn't wait. Upon entering the store and seeing the number of people ahead of him, Graham hurried out of the store and asked his friend to drive him elsewhere for his sugar. Officer Connor of the Charlotte Police Department, sitting in the car across the street, saw Graham enter the store, then quickly run from the store, a textbook move for a thief or robber.

Officers are trained to look for suspicious activity and Connor, along with any other "objectively reasonable" officer, would think that Graham's actions were suspicious and worth investigating further.

According to well-publicized facts of the case, Connor followed the car Graham got into and stopped it a short ways down the street. The driver of the car, William Berry, told the officer that Graham was a diabetic, but the officer ordered the pair to wait while he found out what had happened in the store.

When Connor returned to his patrol car to call for backup, Graham got out of the car, ran around it twice, and finally sat down on the curb, where he passed out briefly.

A number of Charlotte police officers arrived as backup on the scene. One of the officers rolled Graham over on the sidewalk and cuffed his hands tightly behind his back, as Berry pleaded with the officers to get Graham some sugar. Several officers then lifted Graham up from behind, carried him over to Berry's car, and placed him face down on its hood.

Regaining consciousness, Graham asked the officers to check in his wallet for a diabetic decal that he carried. In response, one of the officers told him to "shut up" and shoved his face down against the hood of the car. Four officers grabbed Graham and put him head first into the police car.

A friend of Graham's brought some orange juice to the car, but the officers refused to let him have it. Finally, Officer Connor received a report that Graham had done nothing wrong at the convenience store, and the officers drove him home and released him.

At some point during his encounter with the police, Graham sustained a broken foot, cuts on his wrists, a bruised forehead, and an injured shoulder; he also claims to have developed a loud ringing in his right ear that continues to this day.

Graham secured counsel and filed a federal lawsuit under 42 U.S.C. § 1983—a section of U.S. Code that covers the violation of someone's civil rights by a law enforcement officer—against the individual officers involved in the incident. The case wound its way through the appellate process all the way to the U.S. Supreme Court, which established the rulings in *Graham v. Connor* as the law of the land in 1989.

Graham and Ferguson

On closer inspection of the *Graham v. Connor* ruling, there are some important thoughts expressed by the court that are salient to the Ferguson shooting case.

Devallis Rutledge is special counsel to the Los Angeles County District Attorney's Office, a use-of-force subject matter expert, and author of numerous books and *POLICE Magazine's* monthly "Point of Law" column. He says that the most important quotes from the written opinion of the Supreme Court in the *Graham* decision are in the three paragraphs talking about the reasonableness test of the Fourth Amendment.

These paragraphs say: Any use of force by law enforcement officers needs to take into account "severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."

"The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation."

So considering the facts that are known in the Ferguson case, of which there are very few in the public domain at this time, the officer's state of mind will play an important role in considering if the shooting was excessive. What level of threat did the officer perceive? What is his training and background? What are the physical size differences between officer and offender? What options could be reasonable considered short of deadly force?

It is safe to say that the situation in Ferguson was "tense, uncertain, and rapidly evolving," as the incident was reportedly a prolonged violent confrontation that went from a police car to a confrontation on the street. Would a reasonable officer, faced with the exact same circumstances, with the same training and physical conditioning, make the same decision to use force in the same manner? These are the questions to be answered by the investigators.

We don't know what will happen with Officer Darren Wilson of the Ferguson Police Department. But we can be certain that officials charged with evaluating the facts of his shooting will consider Graham when deciding if it was objectively reasonable and constitutional.

Write It Up

Officers working the street and applying the principles of *Graham v. Connor* every day may or may not know they are doing it. A generation of officers has been trained in the case's practical meaning and has spent decades applying it to every use-of-force decision. So it has become part of law enforcement DNA, often unnoticed as it works in the background to determine our actions. But now the events in Ferguson give us a rare opportunity to put the application of the Graham standards in everyday policing and in-service training under the microscope and study them.

What are the relevant points for a police officer in a situation of deciding the right level of force to use to effect an arrest? Focus on the main questions to be asked: Was the force "objectively reasonable" based on the facts and circumstances faced by the officer? What was the seriousness of the crime? What was the threat to the officer or other people? Was the suspect resisting and/or attempting to flee?

According to retired LAPD Capt. Greg Meyer, a POLICE Advisory Board member and noted use-of-force expert, the officer's assessment of the suspect becomes very important in a Graham analysis. Height and weight? Weapons? Demeanor? Verbal threats? Intoxication? Prior knowledge of suspect's history? These are among the many factors that you should remember to include in the reporting.

"When you focus on the Graham factors, your police report will be better," Meyer says. "Your report should be specific about what the suspect was doing that caused you to use force."

It's not enough to give a generalized statement about levels of resistance and levels of force, Meyer says. It's far better to specifically write what happened. Meyer provides the following example of specifics for a police report on a TASER deployment.

"The suspect started looking around to his left and his right. I used my radio to request a backup unit. He flexed his arm muscles and clenched his fists. I drew my TASER and stated, 'Sir, if you don't calm down, I will use the TASER on you, and it will hurt a lot.' Then he yelled at me, 'I am not going to jail again!' I calmly repeated my instruction, 'Sir, I know you're upset, but you are under arrest. Please cooperate. Put your hands behind your head, and turn around so that I can handcuff you. Do it now!' At that time, the suspect looked around to his left and right again. He bent forward at the waist and began to take a step forward in my direction. At that time, I believed that he was about to attack me. I deployed TASER probes, and he fell to the ground. At that time I handcuffed him."

Writing specific accounts of why you used force during an incident will go a long way toward getting any potential jury inside your head and understanding what you were thinking. You have to say what the exact threat was that you perceived. You may not be thinking about making case law at the time, but you may be doing just that.

The Decision

The words of Chief Justice William Rehnquist can still be heard loud and clear today, 25 years after the *Graham v. Connor* decision. And every American law enforcement officer should know them well.

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain and rapidly evolving—about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application."

Our society would benefit from listening to Rehnquist's opinion rather than listening to community activists, protesters, or ill-informed politicians who see issues in black and white instead of seeing the issues from the standpoint of objective reasonableness. After the dust settles in Ferguson, we may have new case law or we may have affirmation of a 25-year-old decision that started with a quest for a bottle of orange juice.

Mark Clark is a 27-year veteran police sergeant. He has served as PIO, training officer, and as supervisor for various squads.

TW

PETALUMA POLICE DEPARTMENT

BRIEFING / TRAINING RECORD

Employees: _____

TRAINING SUMMARY

Date: 2-17-18 Length of Training: _____ hours 25 min

Video: _____ Lecture: X Practical Demonstration: _____

Other: _____

BRIEF DESCRIPTION OF TRAINING

D. GIOMI REVIEWED POLICIES 340, 385, 212, 447, 342, 388
447 MOBILE DATA COMP
212 ELECTRONIC MAIL
342 INFO TECH
340 STANDARDS OF CONDUCT
385 OFF DUTY ACTIONS
388 RESERVE OFFICER

ATTACHMENTS

☐ Handout materials ☐ Lecture materials ☐ Lesson Plan ☐ Other

SUPERVISORY REVIEW

Trainer: D. GIOMI Supervisor: NOVELLO

Lieutenant: Roult Date: 2/17/18

TRAINING RECORD UPDATE

Data Entry: _____ Date: _____ Training Record: _____



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES							
NAME	ID#	NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY							
DATE 02/13/18	LENGTH OF TRAINING HOURS 15 MINUTES			LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT			
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT							
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 340 AND 385: STANDARDS OF CONDUCT & OFF DUTY ACTIONS							
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY							
SUPERVISORY REVIEW							
TRAINER Ricci		2754		SUPERVISOR Urton		ID# 1626	
LIEUTENANT <i>Sam Kila</i>		ID# 2310		DATE 2/13/18			
TRAINING RECORD UPDATE							
DATA ENTRY		DATE		TRAINING RECORD			



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE 02/13/18	LENGTH OF TRAINING HOURS 15 MINUTES		LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT		
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT					
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 212 AND 447: ELECTRONIC MAIL & MOBILE DIGITAL COMPUTER USE					
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY					
SUPERVISORY REVIEW					
TRAINER Allen		3187		SUPERVISOR Urton	
LIEUTENANT <i>Sanli</i>		ID# 2310		DATE 2/13/18	
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 3/2/18		Duration: 15 Minutes		LOCATION PPD	
TYPE OF TRAINING REVIEW OF THE CALIFORNIA VALUES ACT					
BRIEF DESCRIPTION OF TRAINING: DISCUSSION OF THE CALIFORNIA VALUES ACT INCLUDING POLICY 428; IMMIGRATION VIOLATIONS.					
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS					
SUPERVISORY REVIEW					
TRAINER Garrett Glaviano		ID# 2676	SUPERVISOR Garrett Glaviano		ID# 2676
LIEUTENANT R. KUEN		ID# 2310	DATE 3/3/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



California

LEGISLATIVE INFORMATION

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SB-54 Law enforcement: sharing data. (2017-2018)

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Date Published: 10/05/2017 09:00 PM

Senate Bill No. 54

CHAPTER 495

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[Approved by Governor October 05, 2017. Filed with Secretary of State
October 05, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 54, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law

enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7282 of the Government Code is amended to read:

7282. For purposes of this chapter, the following terms have the following meanings:

- (a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.
- (b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:
 - (1) All criminal charges against the individual have been dropped or dismissed.
 - (2) The individual has been acquitted of all criminal charges filed against him or her.
 - (3) The individual has served all the time required for his or her sentence.
 - (4) The individual has posted a bond.
 - (5) The individual is otherwise eligible for release under state or local law, or local policy.
- (c) "Hold request," "notification request," and "transfer request" have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.
- (d) "Law enforcement official" means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.
- (e) "Local agency" means any city, county, city and county, special district, or other political subdivision of the state.
- (f) "Serious felony" means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.
- (g) "Violent felony" means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

SEC. 2. Section 7282.5 of the Government Code is amended to read:

7282.5. (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in

subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

- (S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.
- (T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.
- (U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.
- (V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.
- (W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.
- (X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.
- (Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.
- (Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.
- (AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.
- (AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.
- (AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.
- (AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.
- (AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.
- (4) The individual is a current registrant on the California Sex and Arson Registry.
- (5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.
- (6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.
- (b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.
- SEC. 3.** Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:
- CHAPTER 17.25. Cooperation with Immigration Authorities**
- 7284.** This chapter shall be known, and may be cited, as the California Values Act.
- 7284.2.** The Legislature finds and declares the following:
- (a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.
- (b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See *Sanchez Ochoa v. Campbell, et al.* (E.D. Wash. 2017) 2017 WL 3476777; *Trujillo Santoya v. United States, et al.* (W.D. Tex. 2017) 2017 WL 2896021; *Moreno v. Napolitano* (N.D. Ill. 2016) 213 F. Supp. 3d 999; *Morales v. Chadbourne* (1st Cir. 2015) 793 F.3d 208; *Miranda-Olivares v. Clackamas County* (D. Or. 2014) 2014 WL 1414305; *Galarza v. Szalczyk* (3d Cir. 2014) 745 F.3d 634.

(f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

(g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

7284.4. For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments. "California law enforcement agency" does not include the Department of Corrections and Rehabilitation.

(b) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) "Immigration authority" means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) "Health facility" includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) "Hold request," "notification request," "transfer request," and "local law enforcement agency" have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.

(f) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

(g) "Joint law enforcement task force" means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

(h) "Judicial probable cause determination" means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

(i) "Judicial warrant" means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

(j) "Public schools" means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(k) "School police and security departments" includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

7284.6. (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)

(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

7284.8. (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

7284.10. (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

7284.12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Section 11369 of the Health and Safety Code is repealed.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 3/8/18	Duration: 15 Minutes			LOCATION PPD	
TYPE OF TRAINING DISCUSSION OF STEAGALD WARRANTS					
BRIEF DESCRIPTION OF TRAINING: CORPORAL PARNOW LED A DISCUSSION REGARDING STEAGALD WARRANTS. THE DISCUSSION INCLUDED THE DIFFERENT TYPES OF STEAGALD WARRANTS AND HOW TO OBTAIN THEM. WE ALSO DISCUSSED A RECENT CASE INVOLVING THE SHERIFF'S DEPARTMENT REQUESTING OUR DETECTIVES WRITE A STEAGALD WARRANT AS THEY LOCATED OUR 245 PC SUSPECT INSIDE A THIRD PARTIES RESIDENCE.					
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS					
SUPERVISORY REVIEW					
TRAINER Matthew Parnow		ID# 2931	SUPERVISOR Garrett Glaviano		ID# 2676
LIEUTENANT [Signature]		ID# 2310	DATE 3/13/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	

Steagald Warrants: Entering a Third Party's Home

Until now, we have been discussing the requirements for entering the arrestee's home. But officers will often have reason to believe that the arrestee is temporarily staying elsewhere, such as the home of a friend or relative. This typically occurs when the arrestee does not have a permanent address or when he is staying away from his home because he knows that officers are looking for him.

Although officers may enter a third party's home to arrest a guest or visitor if they obtained consent from a resident or if there were exigent circumstances (discussed below), they may not enter merely because they had an arrest warrant. Instead, the Supreme Court ruled in *Steagald v. United States* that they must have a search warrant—commonly known as a *Steagald* warrant—that expressly authorizes a search of the premises for the arrestee.⁹⁷

There are essentially two reasons for this requirement. First, a warrant helps protect the privacy interests of the people who live in the home because it cannot be issued unless a judge has determined there is, in fact, probable cause to believe that the arrestee is on the premises. Second, there would exist a "potential for abuse"⁹⁸ because officers with an arrest warrant would have carte blanche to forcibly enter any home in which the arrestee was reasonably believed to be temporarily located.

As we will now discuss, there are two types of *Steagald* warrants: conventional and anticipatory.

Conventional Steagald warrants

Conventional *Steagald* warrants can be issued only if there is both probable cause to search the premises for the arrestee, and probable cause to arrest him. Thus, the affidavit in support of a conventional *Steagald* warrant must establish the following:

PROBABLE CAUSE TO ARREST: There are two ways to establish probable cause to arrest the suspect:

- (1) **WARRANT OUTSTANDING:** If an arrest warrant had already been issued, the affiant can simply

attach a copy and incorporate it by reference; e.g., "Attached hereto and incorporated by reference is a copy of the warrant for the arrest of [name of arrestee]. It is marked Exhibit A."

- (2) **SET FORTH FACTS:** If an arrest warrant had not yet been issued, probable cause to arrest can be established in two ways, depending on whether officers are seeking a conventional *Steagald* warrant or an anticipatory *Steagald* warrant.

STANDARD STEAGALD WARRANT: The affidavit must contain the facts upon which probable cause to arrest is based.

ANTICIPATORY STEAGALD WARRANT: If officers are seeking an anticipatory *Steagald* warrant (discussed below), the affidavit must contain the facts demonstrating that probable cause to arrest will exist when a triggering event occurs.

PROBABLE CAUSE TO SEARCH: To establish probable cause to search the premises for the arrestee, the affidavit must contain facts that establish a "fair probability" or "substantial chance"⁹⁹ of the following: (1) the arrestee was inside the residence when the warrant was issued, and (2) he would still be there when the warrant was executed. A sample *Steagald* Warrant is shown on page 20. (Officers and prosecutors may obtain a copy of this form in Microsoft Word format (which can be edited) by sending a request from a departmental email address to POV@acgov.org.)

Anticipatory Steagald warrants

If officers expect that it will be difficult to establish probable cause for a conventional *Steagald* warrant, they may be able to obtain an "anticipatory" *Steagald* warrant which will authorize them to enter the premises and search for the arrestee if and when a "triggering event" occurs; e.g., a completed sale of drugs. As the Fourth Circuit observed, "[M]ost anticipatory warrants subject their execution to some condition precedent—a so-called 'triggering condition'—which, when satisfied, becomes the final piece of evidence needed to establish probable cause."¹⁰⁰

⁹⁷ (1981) 451 U.S. 204, 216.

⁹⁸ *Steagald v. United States* (1981) 451 U.S. 204, 215.

⁹⁹ See *Illinois v. Gates* (1983) 462 U.S. 213, 238, 244, fn13.

¹⁰⁰ *U.S. v. Andrews* (4th Cir. 2009) 577 F.3d 231, 237. Edited.

To obtain an anticipatory warrant, the affiant must describe the triggering event in terms that are "explicit, clear, and narrowly drawn."¹⁰¹ In addition, the affidavit must contain facts that establish the following:

- (1) PROBABLE CAUSE TO ARREST: Probable cause to arrest the suspect will exist when the triggering event occurs.
- (2) PROBABLE CAUSE FOR TRIGGERING EVENT: There is probable cause to believe the triggering event will occur,¹⁰² and that it will occur before the warrant expires.¹⁰³
- (3) PROBABLE CAUSE TO SEARCH: There is probable cause to believe the arrestee will be inside the premises when the triggering event occurs.¹⁰⁴

An example of an Anticipatory *Steagald* Warrant is shown on page 20.

Alternatives to *Steagald* warrants

Steagald warrants—whether conventional or anticipatory—are often impractical. Anticipatory warrants are problematic because it may be difficult to satisfy the triggering event requirement. And conventional warrants may not be feasible because it is often difficult to prove that the arrestee will still be inside the residence when officers arrive to execute the warrant. As the Justice Department noted in its argument in *Steagald*, "[P]ersons, as opposed to objects, are inherently mobile, and thus officers seeking to effect an arrest may be forced to return to the magistrate several times as the subject of the arrest warrant moves from place to place."¹⁰⁵

In many cases, however, officers can avoid the need for a *Steagald* warrant if they can locate the arrestee inside his own home (in which case only an arrest warrant would be required) or if they can wait until he leaves the premises or is in a public place (in which case only probable cause would be required).¹⁰⁶ Also, as we will discuss next, officers may enter if they obtained consent or if there were exigent circumstances.

Exceptions

There are three exceptions to the rule that officers must have an arrest warrant or a *Steagald* search warrant to enter a residence to arrest an occupant: (1) exigent circumstances, (2) consent, and (3) "consent once removed."

Exigent circumstances

While there are many types of exigent circumstances that will justify a warrantless entry, there are essentially only four that are relevant in situations where officers enter with the intent to arrest an occupant: hot pursuits, fresh pursuits, armed stand-offs, and evidence destruction.

HOT PURSUITS: In the context of *Ramey-Payton* and *Steagald*, a "hot" pursuit occurs when (1) officers attempt to arrest a suspect in a public place, and (2) he responds by fleeing into his home or other private structure. When this happens, as the Court of Appeal explained, officers may go in after him:

As the term suggests, this exception dispenses with the warrant requirement when officers are chasing a suspect who is in active flight. The justification is that otherwise he might escape again while the police sit around waiting for the warrant to be issued.¹⁰⁷

For example, in *United States v. Santana*¹⁰⁸ officers in Philadelphia went to Santana's home to arrest her shortly after she sold heroin to an undercover officer. As they pulled up, Santana was standing in the doorway to the house, but then quickly ran inside. The officers followed her and, in the course of making the arrest, they seized some heroin in plain view. On appeal, the Supreme Court ruled that the entry fell within the "hot pursuit" exception, explaining that "a suspect may not defeat an arrest which has been set in motion in a public place by the expedient of escaping to a private place." Note that an entry under the hot pursuit exception is permitted even though the arrestee was wanted for only a misdemeanor.¹⁰⁹

¹⁰¹ *U.S. v. Penney* (6th Cir. 2009) 576 F.3d 297, 310.

¹⁰² See *United States v. Grubbs* (2006) 547 U.S. 90, 96; *People v. Sousa* (1993) 18 Cal.App.4th 549, 559-60.

¹⁰³ See *Alvidres v. Superior Court* (1970) 12 Cal.App.3d 575, 581.

¹⁰⁴ See *United States v. Grubbs* (2006) 547 U.S. 90, 96; *People v. Sousa* (1993) 18 Cal.App.4th 549, 559.

¹⁰⁵ *Steagald v. United States* (1981) 451 U.S. 204, 220-21.

¹⁰⁶ See *Steagald v. United States* (1981) 451 U.S. 204, 221, fn.14.

¹⁰⁷ *People v. White* (1986) 183 Cal.App.3d 1199, 1203.

¹⁰⁸ (1976) 427 U.S. 38, 43.

¹⁰⁹ See *People v. Lloyd* (1989) 216 Cal.3d 1425, 1430.

SUPERIOR COURT OF CALIFORNIA

County of _____

SEARCH and ARREST WARRANT Steagald Warrant

The People of the State of California
To Any Peace Officer in _____ County Warrant No. _____
Name of arrestee: *[Insert name]*, hereinafter "Arrestee."
Premises to be searched: *[Insert address]*, hereinafter "Premises."
Affiant: *[Insert name and agency]*, hereinafter "Affiant."

Findings: Based on the affidavit sworn to and subscribed before me on this date (hereinafter "Affidavit"), I make the following findings in accordance with Penal Code § 1524(a)(6):
Probable cause to arrest: There is probable cause to arrest Arrestee for the following crime[s]: *[List crime(s)]*:

Basis of probable cause to arrest: Probable cause to arrest was established as follows:

- ☐ Affidavit: The facts are set forth in Affidavit.
☐ Arrest warrant: A warrant for the arrest of Arrestee has been issued and is outstanding.

Probable cause to search: There is probable cause to believe that Arrestee is now inside the Premises and will be there when this warrant is executed.

Orders: You are hereby ordered to search the Premises for Arrestee forthwith and, if located, place Arrestee under arrest for the crime[s] listed above and bring Arrestee before a magistrate in this county pursuant to Penal Code §§ 821, 825, 826, and 848.

- Bail: ☐ No bail ☐ Bail is set at \$ _____
☐ Night service: Good cause for night service having been established in Affidavit, this warrant may be executed at any hour of the day or night.

Date and time issued _____

Judge of the Superior Court _____

◆ Arrestee Information ◆ *For identification purposes only*

Name: _____
AKAs: _____
Last known address(es): _____
Sex: M F Race: _____ Height: _____ Weight: _____ Color hair: _____ Color eyes: _____
Scars, marks, tattoos: _____
Vehicle(s) linked to Arrestee: _____
Other information: _____

SUPERIOR COURT OF CALIFORNIA

County of _____

SEARCH and ARREST WARRANT Anticipatory Steagald Warrant

The People of the State of California
To Any Peace Officer in _____ County Warrant No. _____
Name of arrestee: *[Insert name]*, hereinafter "Arrestee."
Premises to be searched: *[Insert address]*, hereinafter "Premises."
Affiant: *[Insert name and agency]*, hereinafter "Affiant."

Findings: Based on the affidavit sworn to and subscribed before me on this date (hereinafter "Affidavit"), I make the following findings in accordance with Penal Code § 1524(a)(6):

Probable cause to arrest: Probable cause to arrest Arrestee for the following crime(s) will exist upon the occurrence of the Triggering Event described in Affidavit: *[List crime(s)]*

Probable cause for triggering event: There is probable cause to believe the Triggering Event will occur.

Probable cause to search: There is probable cause to believe that Arrestee will be inside the Premises when the Triggering Event occurs.

Orders: Without undue delay after the Triggering Event occurs, you are ordered to search Premises for Arrestee and, if located, place Arrestee under arrest for the crime[s] listed above and bring Arrestee before a magistrate in this county pursuant to Penal Code §§ 821, 825, 826, and 848.

- Bail: ☐ No bail ☐ Bail is set at \$ _____
☐ Night service: Good cause for night service will exist, and is therefore authorized, if the Triggering Event occurs at night.

Date and time issued _____

Judge of the Superior Court _____

◆ Arrestee Information ◆ *For identification purposes only*

Name: _____
AKAs: _____
Last known address(es): _____
Sex: M F Race: _____ Height: _____ Weight: _____ Color hair: _____ Color eyes: _____
Scars, marks, tattoos: _____
Vehicle(s) linked to Arrestee: _____
Other information: _____



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE 03/05/18	LENGTH OF TRAINING HOURS 15 MINUTES		LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT		
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT					
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 342 AND 388: INFORMATION TECHNOLOGY USE AND DEPARTMENT USE OF SOCIAL MEDIA					
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY					
SUPERVISORY REVIEW					
TRAINER Howard		ID# 3189		SUPERVISOR Urton	
LIEUTENANT		ID#		DATE	
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

TW

EMPLOYEES							
NAME	ID#	NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY							
DATE 03/05/18		LENGTH OF TRAINING HOURS 15 MINUTES			LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT		
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT							
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED THE 5 TH AND 6 TH AMENDMENTS.							
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input checked="" type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY							
SUPERVISORY REVIEW							
TRAINER Joerger		2461		SUPERVISOR Urton		ID# 1626	
LIEUTENANT		ID#		DATE			
TRAINING RECORD UPDATE							
DATA ENTRY		DATE			TRAINING RECORD		



THE **SIXTH** AMENDMENT



THE **FIFTH** AMENDMENT

5th Amendment

On June 8, 1789, Congressman James Madison introduced several proposed constitutional amendments during a speech to the House of Representatives.[2] His draft language t later became the Fifth Amendment

Fifth Amendment definition.

The Fifth Amendment imposes restrictions on the government's prosecution of persons accused of crimes. It prohibits self-incrimination and double jeopardy and mandates due process of law.

Fifth Amendment. The Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to a grand jury, forbids “double jeopardy,” and protects against self-incrimination.

The Fifth Amendment prohibits government officials from abusing their authority during legal proceedings. It also protects individuals from self-incrimination. When an individual chooses to plead the fifth, he/she cannot be required to answer any questions or provide any information that may incriminate him/her.

Witnesses who are called to the witness stand can refuse to answer certain questions if answering would implicate them in any type of criminal activity.

Miranda Warning

Explanation of rights that must be given before any custodial interrogation, stemming largely from the Fifth Amendment privilege against self-incrimination. The person detained and interrogated must be made aware of the right to remain silent, the right to consult with an attorney and have the attorney present during questioning, and the right to have an attorney appointed if indigent.

Without a Miranda warning or a valid waiver, statements might be inadmissible at trial under the exclusionary rule

A Guide to the Sixth Amendment

The Sixth Amendment, or Amendment VI of the United States Constitution is the section of the Bill of Rights that guarantees a citizen a speedy trial, a fair jury, an attorney if the accused person wants one, and the chance to confront the witnesses who is accusing the defendant of a crime, meaning he or she can see who is making accusations.

The Sixth Amendment was introduced as a part of the Bill of Rights into the United States Constitution on September 5, 1789 and was voted for by 9 out of 12 states on December 15, 1791.

The 6th Amendment contains five principles that affect the rights of a defendant in a criminal prosecution: the right to a speedy and public trial, the right to be tried by an impartial jury, the right to be informed of the charges, the right to confront and call witnesses, and the right to an attorney.



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 03/05/18	LENGTH OF TRAINING HOURS 15 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 424: RAPID RESPONSE AND DEPLOYMENT		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY		
SUPERVISORY REVIEW		
TRAINER Ricci	ID# 2754	SUPERVISOR Urton
LIEUTENANT <i>Crosley</i>	ID# 1749	DATE 3-7-18
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 3/2/18		Duration: 15 Minutes		LOCATION PPD	
TYPE OF TRAINING REVIEW OF POLICY 424; RAPID RESPONSE AND DEPLOYMENT					
BRIEF DESCRIPTION OF TRAINING: DISCUSSION OF RECENT ACTIVE SHOOTER SITUATIONS. REVIEW OF POLICY 424; RAPID RESPONSE AND DEPLOYMENT.					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER Garrett Glaviano		ID# 2676	SUPERVISOR Garrett Glaviano		ID# 2676
LIEUTENANT <i>Crosby</i>		ID# 1749	DATE 3/7/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 2/28/2018		LENGTH OF TRAINING 30 MINUTES		LOCATION INVESTIGATIONS	
TYPE OF TRAINING RAPID RESPONSE AND DEPLOYMENT TRAINING					
BRIEF DESCRIPTION OF TRAINING: REVIEW OF POLICY SECTION 424					
ATTACHMENTS Policy 424					
SUPERVISORY REVIEW					
TRAINER P. Gilman		2042		SUPERVISOR Lyons	
LIEUTENANT E. Crosby		ID# 1749		DATE 2/28/2018	
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	

Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

424.2 POLICY

The Petaluma Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

Petaluma Police Department

Petaluma PD Policy Manual

Rapid Response and Deployment

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

Petaluma Police Department

Petaluma PD Policy Manual

Rapid Response and Deployment

424.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 12/21/17		LENGTH OF TRAINING (1) HOURS		LOCATION MAIN STATION	
TYPE OF TRAINING PPD POLICY					
BRIEF DESCRIPTION OF TRAINING: Patrol Team 4 conducted (1) hours of Petaluma Police Department Policy Training. PPD Policies covered during this training included Policies 900- Jail Operations, 322/902 Search and Seizure and Custody Searches, 330 Child Abuse, and 326 Elder Abuse. Training included a verbal review of the policy, discussion of related topics, practical and scenario based implementation of the discussed policy as it relates to patrol investigations/contacts, and open discussion of officers' experiences as it related to the discussed policy.					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER Pierre, Joerger, Stemmer		ID# 1944/2461/1771	SUPERVISOR		ID#
LIEUTENANT <i>Balun</i>		ID# 2310	DATE 2/27/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

[illegible]

Force
search & seizure

A
COMBINED w/B

Briefing Training

Tennessee v. Garner (1985):

- Memphis police Officers were dispatched to a burglary
- An officer went into the backyard and observed the suspect, Edward Garner, stopped at a 6 ft. high chain-link fence.
- Officer used flashlight and could see Garner's face and hands.
- It was reasonably believed Garner was unarmed
- Officer believed Garner would climb the fence and flee
- Garner was shot in the back of the head and died. He had stolen ten dollars and purse during the burglary
- Officer acted according to a Tennessee statute and Department policy, which authorized deadly force against a fleeing felon.
- Garner's father sued in civil court arguing his son's civil rights had been violated
- The court of Appeals determined that the killing of a fleeing suspect is a "seizure" in regards to the Fourth Amendment.
- Based on the facts of the Garner Case, the current statute was found to be unconstitutional because it failed to properly limit the use of deadly force referenced to the seriousness of the felony.

Holding: Law enforcement officers pursuing an unarmed suspect may use deadly force to prevent escape only if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or other

Current Events: SFPD trainee shot and killed a 215 PC subject who appeared to be running towards the patrol car.

Terry v. Ohio (1968):

Terry and two other men were observed by a plain clothes policeman in what the officer believed to be "casing a job, a stick-up." The officer stopped and frisked the three men, and found weapons on two of them. Terry was convicted of carrying a concealed weapon and sentenced to three years in jail.

- A subject's fourth amendment is not violated if an officer stops them without probable cause, but has developed reasonable suspicion that the subject is committing a crime, has committed a crime or about to commit a crime and conducts a pat search (frisk), which was based off of articulable facts that the subject was armed and dangerous
- Factors: A combo of the following: Bulky clothing, wearing a heavy coat in warm weather, visual bulge in clothing. Actions: (trying to hide something, appearing overly nervous, threatening manner), Prior knowledge: history of carrying a weapon or violent behavior. Reasons for detention: stopped to investigate a violent offense. Location: Stopped in high crime area, or an area where officer is not likely to receive immediate aid. Time: nighttime and area provides limited lighting. Ratio: Detainees outnumber officers.

Holding: Police may stop a person if they have a reasonable suspicion that the person has committed or is about to commit a crime, and may frisk the suspect for weapons if they have reasonable suspicion that the suspect is armed and dangerous, without violating the Fourth Amendment prohibition on unreasonable searches and seizures. Supreme Court of Ohio affirmed.



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE 03/26/18	LENGTH OF TRAINING HOURS 15 MINUTES		LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT		
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT					
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED ARIZONA V. GANT					
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input checked="" type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY					
SUPERVISORY REVIEW					
TRAINER Westin Schindler		ID# 3250	SUPERVISOR Urton		ID# 1626
LIEUTENANT Minn		ID# 2709	DATE 4/2/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	

5cAcut

B

Arizona v. Gant

PETITIONER

Arizona

RESPONDENT

Rodney Joseph Gant

LOCATION2524 N. Walnut

DOCKET NO.

07-542

DECIDED BYRoberts Court (/courts?court=Roberts Court.)**LOWER COURT**

Arizona Supreme Court

CITATION556 US 332 (2009).
(<https://supreme.justia.com/cases/federal/us/556/332>).**ADVOCATES**Joseph T. Maziarz (advocates/joseph_t_maziarz).
*argued the cause for the petitioner***GRANTED**

Feb 25, 2008

Anthony A. Yang (advocates/anthony_a_yang).*Assistant to the Solicitor General, Department of Justice, for the United States, as amicus curiae, supporting the petitioner***ARGUED**

Oct 7, 2008

Thomas F. Jacobs (advocates/thomas_f_jacobs).*argued the cause for the respondent***DECIDED**

Apr 21, 2009

Facts of the case

Rodney Gant was apprehended by Arizona state police on an outstanding warrant for driving with a suspended license. After the officers handcuffed Gant and placed

Yes, under the circumstances of this case. The Supreme Court held that police may search the vehicle of its recent occupant after his arrest only if it is reasonable to believe that the arrestee might access the vehicle at the time of the search or that the vehicle contains evidence of the offense of the arrest. With Justice John Paul Stevens writing for the majority and joined by Justices Antonin G. Scalia, David H. Souter, Clarence Thomas, and Ruth Bader Ginsburg, the Court reasoned that "warrantless searches are per se unreasonable" and subject only to a few, very narrow exceptions. Here, Mr. Gant was arrested for a suspended license and the narrow exceptions did not apply to his case.

Justice Scalia wrote separately, concurring. Justice Samuel A. Alito dissented and was joined by Chief Justice John G. Roberts, and Justices Anthony M. Kennedy and Stephen G. Breyer. He argued that the majority improperly overruled its precedent in *New York v. Belton* which held that "when a policeman has made a lawful arrest... he may, as a contemporaneous incident of that arrest, search the passenger compartment of that automobile." Justice Stephen G. Breyer also wrote a separate dissenting opinion, where he lamented that the court could not create a new governing rule.

Learn more about the Roberts Court and the Fourth Amendment in Shifting Scales (<http://projects.oyez.org/shifting-scales/>), a nonpartisan Oyez resource.

Cite this page

[APA](#) [Bluebook](#) [Chicago](#) [MLA](#)

"Arizona v. Gant." Oyez, 26 Mar. 2018, www.oyez.org/cases/2008/07-542.



EMPLOYEES

TRAINING SUMMARY

Rapid Response and Deployment (Policy 424)

Team discussion on policy and policy review.

SUPERVISORY REVIEW

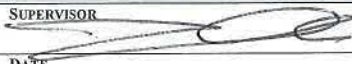
TRAINING RECORD UPDATE

Revised 02/2002



PETALUMA POLICE DEPARTMENT MOTOR TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE 03/06/2018	LENGTH OF TRAINING 10 HOURS 00 MINUTES		LOCATION <input type="checkbox"/> MAIN STATION <input checked="" type="checkbox"/> AIRPORT		
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input type="checkbox"/> LECTURE <input checked="" type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:					
BRIEF DESCRIPTION OF TRAINING: 4 Hours of cone patterns: warm up, offset 90s, figure eight, keyhole, 30 cone weave at the Petaluma Airport FRICK AND GIOMI INSTRUCTED WALSH AND PIERRE. ADDITIONALLY COMPLETED A LONG RIDE AT THE COMPLETION OF TRAINING AT THE PETALUMA AIRPORT.					
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:					
SUPERVISORY REVIEW					
TRAINER M. Giomi / M. Frick		ID# 2747 / 2926	SUPERVISOR 		ID# 2905
LIEUTENANT WOB		ID# 314118	DATE 3/14/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT

MOTOR TRAINING RECORD

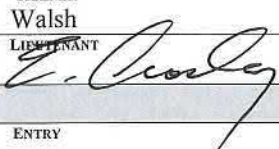
TM

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE 01/09/2018	LENGTH OF TRAINING 4 HOURS 00 MINUTES		LOCATION <input type="checkbox"/> MAIN STATION <input checked="" type="checkbox"/> AIRPORT		
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input type="checkbox"/> LECTURE <input checked="" type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER:					
BRIEF DESCRIPTION OF TRAINING: 4 Hours of cone patterns: warm up, offset 90s, figure eight, keyhole, Cone Pattern 3 @ Petaluma Airport.					
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER:					
SUPERVISORY REVIEW					
TRAINER Paul Accornero		ID# 1543	SUPERVISOR 		ID# 2405
LIEUTENANT 		ID# 3/14/18	DATE		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	



TMS

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 3/5/18		LENGTH OF TRAINING VARIABLE .5 HRS		LOCATION MAIN STATION	
TYPE OF TRAINING POLICY REVIEW/TRAINING ON PPD POLICY 424					
BRIEF DESCRIPTION OF TRAINING: REVIEWED PPD POLICY 424 DISCUSSED RECENT ACTIVE SHOOTER INCIDENTS DISCUSSED PERSONAL AND PROFESSIONAL EXPECTATIONS DISCUSSED EMAILED NEWSPAPER ARTICLE BY LT. CROSBY <div style="text-align: right; color: blue; font-style: italic;">MAXID (10/10/18) & DEPARTMENT</div>					
ATTACHMENTS					
SUPERVISORY REVIEW					
TRAINER Walsh		ID# 2405	SUPERVISOR Sgt. J. Walsh		ID# 2405
LIEUTENANT 		ID# 1749	DATE 3/13/18		
TRAINING RECORD UPDATE					
ENTRY		DATE		TRAINING RECORD	



PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 4/6/18	Duration: 15 Minutes			LOCATION PPD	
TYPE OF TRAINING REVIEW OF TERRY V OHIO					
BRIEF DESCRIPTION OF TRAINING: THE TEAM WAS GIVEN A SUMMARY OF THE ORIGINAL CASE, TERRY V. OHIO (1968). PORTIONS OF THE LEGAL SOURCE BOOK WERE PROVIDED TO EACH TEAM MEMBER. THE TEAM DISCUSSED THE LEGALITY OF A "TERRY FRISK," AND OW THEY ARE TO BE CONDUCTED.					
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS					
SUPERVISORY REVIEW					
TRAINER Garrett Glaviano		ID# 2676	SUPERVISOR Garrett Glaviano GvG		ID# 2676
LIEUTENANT Ranley		ID# 2310	DATE 4/10/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	

H. Miranda Warnings

The general rule is that you do not have to give Miranda warnings to someone you have detained (1) on reasonable suspicion, (2) for a "cite and release" offense, or (3) for "inquiries"--especially about identity--made at the scene of a crime. (Berkemer (1984) 468 U.S. 420; Epperson (1986) 187 Cal.App.3d 115; Clair (1992) 2 Cal.4th 629, 679.)

Indeed, Miranda warnings are never necessary unless you have both "custody" and "interrogation." A person who is being "detained"--even though he is not free to leave--is not normally considered to be in "custody," which is defined as being under actual arrest or subject to equivalent physical restraints. (Stansbury (1994) 511 U.S. 318, 322.)

Example: Two officers, responding to the scene of a reported early-morning burglary, spotted a lone male near the scene who partially matched broadcast descriptions of one of the suspects. They stopped him and asked him where he was coming from, and his answer was later used against him at trial. HELD: His answer was admissible, even though the officers had not advised the suspect of his Miranda rights, because he was only being detained and was not in "custody." (Fulcher (1987) 194 Cal.App.3d 749.)

Example: Officer who made a suspected DUI vehicle stop and administered an FST, which the suspect failed, did not need to give Miranda warnings before inquiring about what the suspect had had to drink. (Bruder (1988) 488 U.S. 9; see also Bellomo (1992) 10 Cal.App.4th 195.)

On the other hand, if, at the time of questioning, the level of force you use on the suspect--regardless of whether such force is reasonable or unreasonable--is equal to what you would use during an actual arrest, then "custody" exists for Miranda purposes.

Example: Suspect should have been Mirandized where he was "surrounded by at least four officers, several vehicles and a helicopter, and held at gunpoint" when "questioned" by officer (who showed suspect suspicious items of property). (Taylor (1986) 178 Cal.App.3d 217, 229-230.)

From the above, you should be able to see that a "seizure" (detention) under the Fourth Amendment is not necessarily the same as "custody" for purposes of Miranda.

You should also realize that the amount of "probable cause" you have when dealing with a suspect has no bearing whatsoever on the question of when Miranda warnings are necessary and that Miranda advisements are never necessary unless you are trying to obtain an admissible statement. (See Chapter 7, "Statements," for a more detailed discussion.)

I. Officer Safety Detentions

Reasonable and articulable concerns for officer safety justify a lawful detention. A detention based on officer safety concerns is lawful "when an individual's actions give the appearance of potential danger to the officer." (Mendoza (2011) 52 Cal.4th 1056, 1081.) You "need not be absolutely certain that the individual is armed," but a reasonable person would have to be justified in the belief that your safety or the safety of others was in danger. (Terry (1968) 392 U.S. 1, 27.)

California Peace Officers Legal Sourcebook

2.20

SEARCH AND SEIZURE - PERSONS

J. Searches During Detentions (Patdowns/Frisks)

During a detention, you have no power to conduct a general, full, exploratory search of the suspect. (Of course, if the detainee is on parole or searchable probation, you are entitled to search him without any suspicion of criminal activity--see full discussion in Ch. 5-VII.)

However, you may conduct a patdown or limited weapons search of someone you have detained, but (1) only for weapons, (2) only of his outer clothing, and (3) only if you have specific facts that would make a reasonable officer feel in danger. (Terry (1968) 392 U.S. 1; Hill (1974) 12 Cal.3d 731.) "Standard procedure" is not good enough. (Santos (1984) 154 Cal.App.3d 1178.) You must **reasonably suspect** that the person is armed or may be armed (Dickerson (1993) 508 U.S. 366, 373; Limon (1993) 17 Cal.App.4th 524, 532), although you do not need to be absolutely certain (Terry (1968) 392 U.S. 1, 27; Mendoza (2011) 52 Cal.4th 1056, 1081; Osborne (2009) 175 Cal.App.4th 1052, 1061; H.M. (2008) 167 Cal.App.4th 136, 143; Frank V. (1991) 233 Cal.App.3d 1232, 1240).

The courts are, generally, quite supportive of your safety. (Frank V. (1991) 233 Cal.App.3d 1232, 1238; Snyder (1992) 11 Cal.App.4th 389, 393; Wilson (1997) 59 Cal.App.4th 1053, 1060-1061; Flippin (9th Cir. 1991) 924 F.2d 163, 165.) But at the very least you need a potentially dangerous situation to justify a patdown search. Note that the test is "objective" and your actual "subjective" fear will not determine whether a patdown was lawful. (See Osborne (2009) 175 Cal.App.4th 1052, 1061.)

Example: It was illegal for a deputy to frisk a man who was sitting in a stopped car, engine running, in the middle of a one-lane rural dirt road, even though the man had no license or other identification, refused to let the deputy search his vehicle, and was nervous and sweating, and even though the deputy had discovered a film canister containing baking soda. None of these factors would lead an officer to reasonably believe that a weapon might be used against him. (The frisk produced cocaine.) Despite the fact that every encounter between a citizen and a police officer holds some potential that the citizen may be armed, "specific and articulable" facts showing that the suspect may be armed and dangerous are necessary. (Dickey (1994) 21 Cal.App.4th 952, 956.)

Note also that a suspect's exercise of his Fourth Amendment rights, without additional factors indicating that the suspect might be armed or dangerous, will not provide grounds for a patsearch. (H.H. (2009) 174 Cal.App.4th 653, 660.)

Example: A patrol officer stopped a minor for riding a bicycle at night without proper lighting in violation of Vehicle Code section 21201. The minor complied with the officer's requests to step back from the bicycle and take off his backpack. Without the officer first asking, the minor said that he was not on probation, which the officer thought was odd. Concerned that the minor might have a weapon, he said he would be conducting a patsearch, and the minor said that he did not give his consent to search. The officer considered both statements "warning flags." He found a firearm in the minor's pocket. HELD: The patdown search was not justified. A refusal of consent to a search cannot be the sole basis for reasonable suspicion that a suspect is armed or dangerous. (H.H. (2009) 174 Cal.App.4th 653.)

If a patdown search is challenged in court, you must be certain to articulate the objective reasons that the person you are dealing with poses a threat to officer safety. In one California appellate case, the court held that a patdown search of a resident and known drug user sitting on the front porch when officers arrived to conduct a narcotics-related probation search of his roommate was unwarranted because the officer testified (on cross-examination) that he had no specific reason to believe that the individual was armed or dangerous. (Sandoval (2008) 163 Cal.App.4th 205.) The court reached this holding despite the fact that the record was replete with testimony regarding the real danger posed to officers conducting a narcotics residence search, particularly when another resident is on the scene.

Note that Sandoval is an anomaly in long-established precedent that such a protective search is lawful. (See Thurman (1989) 209 Cal.App.3d 817; Glaser (1995) 11 Cal.4th 354, 367-368.) By and far, with proper articulation of the circumstances, a patdown search for officer safety will be recognized as lawful.

What then is sufficient to justify a patsearch? All that is required is a "substantial probability" that the individual is armed: you do not need the "quantum of evidence" necessary for arrest on a weapons charge (Osborne (2009) 175 Cal.App.4th 1052, 1061, quoting La Fave, Criminal Procedure (4th ed. 2000) §3.8(e), 224) and you do not need to wait for an overt act of hostility before you act to neutralize a perceived threat (Rios (2011) 193 Cal.App.4th 584, 599). Relevant factors include the nature of the crime being investigated, a bulge in the detainee's clothing, movement toward a place where a weapon could be concealed, or knowledge that the detainee was previously found to be armed. (Osborne (2009) 175 Cal.App.4th 1052, 1061.)

Example: Officer made a DUI stop at night for erratic driving. The driver provided false identification, admitted he had recently done time for robbery, and wore a bulky jacket that he had trouble keeping his hands out of. HELD: It was legal to order him out, pat him down, and remove what felt like syringes from his jacket pockets. (Autry (1991) 232 Cal.App.3d 365; see also Mimms (1977) 434 U.S. 106, 112--bulge under sportcoat was enough to justify patdown.)

Example: At 1:15 a.m., officers stopped a vehicle that had been traveling slowly with its lights out in a high-crime area. The driver got out of the car to meet the officers, leaving two other males inside. When asked for his license, the driver said it was in his sock. Fearing for his safety, the officer conducted a quick, cursory patdown search of the driver and found a knife inside the sock. The patdown was justified. (Barnes (1983) 141 Cal.App.3d 854; Guillermo M. (1982) 130 Cal.App.3d 642.)

Example: While on routine patrol, two officers spotted a young man looking into two parked cars in an alley where many complaints of criminal activity--including vehicle tampering--had originated. As the officers drove by slowly, the man tried to stay out of view behind a dumpster. When they approached and spoke to him, he became very nervous, boisterous, angry and antagonistic--"borderline combative." The man was nearly 6 feet tall and 190 pounds. HELD: The patdown was lawful. The officers were not required "to await an actual assault before assuring themselves that the detainee was not armed with a lethal weapon." (Michael S. (1983) 141 Cal.App.3d 814.)

California Peace Officers Legal Sourcebook

2.20b

SEARCH AND SEIZURE - PERSONS

Example: Patdown of man and woman in parked car upheld where lone officer was responding to a reported "proowler" late at night in closed business district, occupants could not produce ID and spoke only in Spanish, which he could not understand. (Castaneda (1995) 35 Cal.App.4th 1222, 1230.)

Example: Officers assigned to a gang detail in a "stronghold" area covered by a gang injunction were citing several gang members for tobacco possession and investigating a recent gang-related shooting when two of the officers saw 14-year-old H.M. sprint through heavy traffic towards them, in violation of Vehicle Code section 21954. The juvenile was sweating profusely and looking behind him as if trying to get away from something, and he appeared confused and nervous. One of the officers knew H.M. to be a gang member. H.M. was detained and pat-searched for officer safety. HELD: The patdown search was lawful based on the juvenile's unusual and suspicious behavior. It was not merely a matter of a minor traffic infraction; a known member of a street gang was running through traffic in a manner that suggested he was fleeing criminal activity in a gang stronghold. (In re H.M. (2008) 167 Cal.App.4th 136. Note: At pages 146-147, this case has one of the best published discussions of the dangers that can be taken into account when officers are confronting members of criminal street gangs.)

Example: An officer properly detained a male who was walking along a street in a high burglary area, carrying a television and tan jacket, which were items that had been reported stolen from a nearby residence earlier that same day. A patdown was justified. "It is reasonable for an officer to believe that a burglar may be armed with weapons, or tools such as knives and screwdrivers which could be used as weapons, and that a patdown is necessary for the officer's safety." (Myles (1975) 50 Cal.App.3d 423, 430; see also Osborne (2009) 175 Cal.App.4th 1052, 1060 [auto burglary suspect may reasonably be expected to possess tools that can be used as weapons].)

Example: An officer, who was validly inside a motel room and who had a legal basis to detain one of the occupants, was justified in patting-down clothing for possible weapons before handing the clothing to the detainee. (Wright (1988) 206 Cal.App.3d 1107.)

Example: During the execution of a narcotics search warrant, it was legal for an officer to pat-down a man who was sitting on a couch in the living room, even though (1) the man was completely passive and not saying or doing anything threatening, (2) there was nothing beyond the inherent danger of the situation to specifically indicate that the man might be armed and dangerous, and (3) the search warrant did not authorize a search of his person. (Thurman (1989) 209 Cal.App.3d 817; see also Rios (2011) 193 Cal.App.4th 584, 599--okay to pat-down occupant in probationer's residence during a probation search/home visit based on possible gang member status and evasive and belligerent manner; compare with Sandoval (2008) 163 Cal.App.4th 205, 212--officer's testimony that he did "not suspect defendant was engaged in criminal activity" and "had no reason to believe defendant was armed" negated reasonable grounds for Terry patdown.)

California Peace Officers Legal Sourcebook

SEARCH AND SEIZURE - PERSONS

2.20c

- Example: An officer who responded to a report of several suspicious persons in a Taco Bell parking lot was justified in detaining and immediately patting-down one male who turned away when the officer arrived because the officer saw a large heavy object in the suspect's jacket pocket that he reasonably believed might be an illegally concealed weapon. (Miles (1987) 196 Cal.App.3d 612.)
- Example: An officer who intended to ask a few questions of a man during a consensual street encounter was entitled to grab the man's wrist when he started to reach into a pocket that had a weapon-like bulge. (Rosales (1989) 211 Cal.App.3d 325, 330.)
- Example: It was legal for an officer, responding to a "panhandler" complaint, to pat-down the suspect where he saw a large bulge in the front waistband of the suspect's trousers. "Our courts have never held that an officer must wait until a suspect actually reaches for an apparent weapon before he is justified in taking the weapon. Such a holding would eviscerate the reason, officer safety, for a limited patdown during a Terry stop." (Snyder (1992) 11 Cal.App.4th 389, 393.)
- Example: Officer could lawfully pat-down a person who put his hands back inside his bulky jacket after being told to take them out, at least where the person being contacted was in a gang neighborhood at night and had just left a house known for gang activity. (Frank V. (1991) 233 Cal.App.3d 1232, 1240.)
- 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. (Lee (1987) 194 Cal.App.3d 975, 982.)
- Example: Officer was justified in patting-down a suspect for weapons where the officer and his partner were outnumbered, had a basis for believing the suspect was dealing drugs, knew that drugs dealers often carry weapons, and had first-hand knowledge about the prevalence of drugs and weapons in the area. "The connection between weapons and an area can provide further justification for a pat-search." "It is not unreasonable to assume that a dealer in narcotics might be armed' and subject to a pat-search." (Limon (1993) 17 Cal.App.4th 524, 534-535; see also \$109,179 (9th Cir. 2000) 228 F.3d 1080, 1086, where the Ninth Circuit, in talking about a suspected drug *dealer*, said that the officer's experience "provided him with the knowledge that narcotics suspects are often armed and dangerous")

California Peace Officers Legal Sourcebook

2.20d

SEARCH AND SEIZURE - PERSONS

Example: It was proper to pat-down the male driver of a car containing two other people named in a narcotics search warrant on their way back to the premises named in the warrant based on the "apparent close physical and functional association" between them and the high danger inherently involved in executing a narcotics warrant. (Samples (1996) 48 Cal.App.4th 1197, 1208-1213.)

You may also conduct a limited search for weapons on a person you are going to transport in your police vehicle, even after a simple traffic violation. (Willy L. (1976) 56 Cal.App.3d 256, 261.) Remember, however, that if you have no duty to transport the person--for instance, if you are offering to give him a ride as a favor--then you must tell the individual that he has the right to refuse, and that if he accepts the ride, he will be subjected to a search for weapons. (Scott (1976) 16 Cal.3d 242.)

Example: An officer stopped a vehicle on a busy freeway at night because of faulty registration. Neither the driver nor the passengers had a valid driver's license, and the vehicle had to be towed. There was no obligation to advise the occupants that they could refuse the ride, because the officer had a duty to transport them. It was too dark and dangerous, and also illegal, for them to walk. (Tobin (1990) 219 Cal.App.3d 634.)

In addition to needing a factual basis for patting-down a detainee, you must also be careful not to exceed the permissible "scope" of the frisk. Remember that you are authorized to look for weapons only, so your search must be limited to that purpose. (Dickerson (1993) 508 U.S. 366, 373.)

Naturally, if you discover a weapon, or a suspected weapon, you may seize it. Likewise, if you are not sure whether the object is or is not a weapon, you are entitled to check it out, that is, to "search" further, for instance, by feeling it more thoroughly, or by reaching into the pocket where it is located.

Example: During the course of a patsearch for weapons, officer felt a hard, rectangular object in the suspect's pocket that he could not recognize and thought might be a knife. It was legal either to reach into the pocket and remove the object or to simply widen the pocket and look inside. "The police are not required to grab blindly after a frisk reveals a possible weapon. A blind grab could risk injury either to the officer or the suspect." (Limon (1993) 17 Cal.App.4th 524, 535-536.)

California Peace Officers Legal Sourcebook

SEARCH AND SEIZURE - PERSONS

2.20e

However, once you realize or decide that an object is not a weapon, you must move on, because any additional feeling, grabbing, or manipulating of the item is outside the scope of a Terry patdown for weapons and will be considered an illegal search, resulting in the suppression of evidence.

In other words, you are entitled to seize any "non-threatening contraband" which you detect during a protective patdown search only if the search stays within the bounds marked by Terry--meaning that the contraband nature of the object becomes "immediately apparent" to you, through your sense of sight, smell or touch, while you are still in the process of searching for weapons. (Dickerson (1993) 508 U.S. 366.)

Example:

During the patdown of a suspected narcotics user/buyer, an officer felt a small lump in the suspect's jacket pocket. When he "examined it with his fingers," it slid and felt like a lump of crack cocaine in cellophane. Accordingly, the officer reached into the pocket and retrieved a small plastic bag containing some crack cocaine. HELD: It was an illegal search for the officer to squeeze, slide, and otherwise manipulate the contents of the jacket pocket because when he did that, he had already concluded that the pocket did not contain a weapon. (Dickerson (1993) 508 U.S. 366, 379.)

Example:

During a limited patdown for weapons, a deputy felt a soft object which he squeezed enough to conclude it was plastic with something in it. He reached into the detainee's pocket and retrieved a baggie with some marijuana and cocaine. HELD: The seizure was unlawful. "Feeling a soft object in a suspect's pocket during a pat-down, absent unusual circumstances, does not warrant an officer's intrusion into a suspect's pocket to retrieve the object." (Dickey (1994) 21 Cal.App.4th 952, 957, quoting a 1970 California Supreme Court case.)

California Peace Officers Legal Sourcebook

2.20f

SEARCH AND SEIZURE - PERSONS

Lastly, there are two other ways to lawfully conduct a patsearch --or a complete search--for weapons or drugs. The first is if you have probable cause to believe such an object is on the person. This is because your probable cause also provides probable cause to arrest, and the search is then justified as incident to that arrest, even though the search comes first. (Valdez (1987) 196 Cal.App.3d 799; Limon (1993) 17 Cal.App.4th 524, 538.)

Example:

Officers patrolling a high narcotics area observed two men attempt to exchange money for a plastic baggie when they were interrupted by someone yelling, "Police." The "buyer" fled. The "seller" (Mims) put the baggie in his front pants pocket, walked up the to porch of a nearby residence and knocked. One officer approached Mims, ascertained that he did not live there, patted the pants pocket, felt some small chunky material, and pulled out the baggie, which contained rock cocaine. HELD: This search was legal as incident to Mim's arrest, even though it preceded his formal arrest, because the facts known to the officer (exchange, lookout, baggie, flight, neighborhood), in combination with his expertise, provided probable cause to arrest. (Mims (1992) 9 Cal.App.4th 1244.)

Example:

Officer who smelled PCP as he approached suspect was entitled to search him for it. (Divito (1984) 152 Cal.App.3d 11.)

Example:

An officer, upon discovering a hide-a-key in the pocket of a suspected drug dealer he was patting down, acquired probable cause to arrest. Therefore, he was then entitled to open (search) the key container incident to the custodial arrest, even though it had not actually taken place yet. "An officer with probable cause to arrest can search incident to the arrest before making the arrest." (Limon (1993) 17 Cal.App.4th 524, 538.)

The second is if you obtain a valid consent from the suspect. (Fuentes (9th Cir. 1997) 105 F.3d 487, 489--"Reaching into Fuentes's pocket did not have to be justified as a Terry frisk, because Fuentes consented to it.")



TMJ

PETALUMA POLICE DEPARTMENT BRIEFING TRAINING RECORD

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#
TRAINING SUMMARY					
DATE OF TRAINING 4/20/18	Duration: 15 Minutes			LOCATION PPD	
TYPE OF TRAINING REVIEW OF ARIZONA V. GANT					
BRIEF DESCRIPTION OF TRAINING: THE TEAM DISCUSSED ARIZONA V. GANT AS IT RELATES TO AN OFFICER'S ABILITY TO SEARCH A VEHICLE INCIDENT TO ARREST. THE DISCUSSION INCLUDED A REVIEW THE CASE AND FIRSTHAND EXPERIENCE WITH SUCH SITUATIONS.					
ATTACHMENTS SEE ATTACHED TRAINING MATERIALS					
SUPERVISORY REVIEW					
TRAINER Brandon Hansen		ID# 2938	SUPERVISOR Garrett Glaviano <i>CWG</i>		ID# 2676
LIEUTENANT <i>Ranlin</i>		ID# 2310	DATE 4/23/18		
TRAINING RECORD UPDATE					
DATA ENTRY		DATE		TRAINING RECORD	

Recent Case Report

Date posted: April 21, 2009

Revised: May 22, 2009

Arizona v. Gant

(2009) __ U.S. __ [2009 WL 1045962]

Issue

May officers search a vehicle incident to the arrest of an occupant if the arrestee had been handcuffed and locked in a patrol car?

Facts

Officers in Tucson, Arizona stopped a car driven by Gant because they knew that his driver's license had been suspended and that he was wanted on a warrant for driving on a suspended license. After handcuffing him and locking him in a patrol car, they searched the passenger compartment of his vehicle incident to the arrest (i.e., a *Belton* search) and found a gun and drugs. When Gant's motion to suppress the evidence was denied, his case went to trial and he was convicted.

Discussion

Gant argued that the search of his car was unlawful because there was no need for it. In particular, he contended that because the purpose of *Belton* searches is to prevent arrestees from grabbing hold of weapons and destructible evidence, these searches should not be permitted after the arrestee had been secured. In a 5-4 decision, the United States Supreme Court agreed.

In 1969, the Court in *Chimel v. California*¹ ruled that officers who have made a custodial arrest of a suspect may search the area within the arrestee's "immediate control" to secure weapons or destructible evidence. It quickly became apparent, however, that officers and judges were having trouble applying *Chimel* when the place searched was a vehicle in which the arrestee had been an occupant. Specifically, it was often difficult to determine whether the passenger compartment was within the arrestee's immediate control when, as is usually the case, he was somewhere outside the vehicle when the search occurred.

About 12 years later, the Court corrected the problem in *New York v. Belton*.² In *Belton*, the Court began by pointing out that the lower courts "have found no workable definition of the area within the immediate control of the arrestee when that area arguably includes the interior of an automobile and the arrestee is its recent occupant." This situation, said the Court, was "problematic" because officers in the field needed "a set of rules which, in most instances, makes it possible to reach a correct determination" of what places and things they may search.

So, after noting that weapons and evidence inside "the relatively narrow compass of the passenger compartment" of an automobile are "in fact generally, even if not inevitably" within the arrestee's reach at some point, the Court announced the following "bright line" rule: Officers who have made a custodial arrest of an occupant of a vehicle

¹ (1969) 395 U.S. 752.

² (1981) 453 U.S. 454.

may search the passenger compartment—regardless of whether the arrestee had physical access when the search occurred. This rule was consistent with the Court's earlier determination that people have "a lesser expectation of privacy in a motor vehicle because its function is transportation and it seldom serves as one's residence or as the repository of personal effects."³

In *Gant*, however, the Court ruled that *Belton* searches can no longer be based on generalizations and clearly-understood rules. Instead, the Court announced that vehicle searches incident to the arrest of an occupant are now permitted only if the arrestee had immediate access to the passenger compartment at the time the search occurred. Said the Court: "[W]e hold that *Belton* does not authorize a vehicle search incident to a recent occupant's arrest after the arrestee had been secured and cannot access the interior of the vehicle." Consequently, the Court ruled the search of *Gant*'s car was unlawful.

Comment

There are at least three problems with the *Gant* decision that should be noted. First, not only did the justices erase *Belton*'s "bright line," they replaced it with three separate and conflicting tests for determining when *Belton* searches are permitted. At one point, they said the test is *access*; i.e., a search is permitted if the arrestee had "access" to his car.⁴ Elsewhere they said the test was *reaching distance*; i.e., a search is permitted if the arrestee was "within reaching distance" of the vehicle.⁵ And then they announced that access and reaching distance were not enough—the arrestee must also have been *unsecured*, which presumably means not handcuffed.⁶

Because this is an issue of some importance to officers and lower courts—and especially because of the danger and uncertainty that surround street-side arrests—it is hard to imagine how the justices of the Supreme Court of the United States could have failed to notice that this decision was incoherent. Unfortunately, this appears to have been an indication of the quality of thought that went into this regrettable opinion.

Second, the Court claimed that its decision was necessary because the lower courts were interpreting *Belton* too broadly by permitting searches after the arrestee had been secured. This is simply not true. The lower courts did not expand *Belton*, they applied it. And they applied it exactly as it was written and as it was intended. The Court in *Belton* made it clear that it was announcing a broad decision that was necessary to provide officers with a "straightforward rule" which, in the context of car searches, meant a rule based on a "generalization" as to the area that was usually within the arrestee's control in the course of car stops. Accordingly, in announcing its ruling, the *Belton* Court said, "In order to establish the workable rule this category of cases requires, we read *Chimel*'s definition of the limits of the area that may be searched in light of that generalization." Besides, if the lower courts were grossly misinterpreting *Belton*, why did it take almost 30 years for this "problem" to come to the Supreme Court's attention?

³ *Cardwell v. Lewis* (1974) 417 U.S. 583, 590; *Indianapolis v. Edmond* (2000) 531 U.S. 32, 54.

⁴ Court: Search was unlawful "because *Gant* could not have accessed his car to retrieve weapons or evidence at the time of the search."

⁵ Court: Search is lawful "only if the arrestee is within reaching distance of the passenger compartment at the time of the search."

⁶ Court: *Belton* searches are now permitted "only when the arrestee is unsecured *and* within reaching distance of the passenger compartment at the time of the search." Emphasis added.

Third, as noted earlier, the *Gant* justices felt that the *Belton* Court had intended to strictly limit its decision to situations in which the arrestee was unsecured and able to launch an immediate attack on the officers while they conducted the search. But because officers never—ever—turn their backs on unsecured arrestees, it appears that the *Gant* justices believed that *Belton* Court had promulgated a rule that would never—ever—be utilized by officers or applied by any court in the nation. But why would they have written an absolutely pointless opinion?

There is only one plausible explanation: The *Belton* Court must have been playing a practical joke, possibly hoping to refute the suspicion that the legal profession lacks a sense of humor. Why else would it invent a constitutional rule covering such a purely fictional predicament? In fact, it seems likely that, shortly after the *Belton* justices issued their opinion on July 1, 1981, they gathered in their chambers and anxiously awaited news that some judge, law professor, law student, or journalist had exposed their farce. And award him a prize!

It must have been terribly disappointing that no one detected their prank that day. Nor the next. Nor for the next 30 years. But now that the *Gant* justices have done so, there is only one thing for officers, prosecutors, and judges to say: The joke's on us!

Anyhow, assuming that *Gant* itself was not a practical joke, the question is: What will be its affect on law enforcement? Actually, it may not be as catastrophic as first thought. This is because there are several other legal justifications for searching vehicles in which an arrestee was an occupant. For one thing, when the arrestee was the driver or owner of the car, officers will usually have the legal authority to tow it, which means they may conduct an inventory search of the passenger compartment and trunk so long as the search was conducted pursuant to standardized criteria and in accordance with departmental regulations.

In addition, *Gant* did not change the rule that officers may search any vehicle without a warrant if they have probable cause to believe there is evidence of a crime inside.⁷ Furthermore, the Court in *Gant* announced a new type of vehicle search: officers may now search the passenger compartment without a warrant if they have reasonable suspicion to believe that it contained evidence pertaining to the crime for which the suspect was arrested.⁸ (This exception did not apply in *Gant* because, as noted, he was arrested for a crime for which there are no fruits or instrumentalities; i.e., driving on a suspended license.) The Court also said “there may be still other circumstances in which safety or evidentiary interests would justify a search.” But because the Court did not elaborate, it will be the job of the lower courts to figure out what it meant.

The Court in *Gant* also reaffirmed its ruling in *Michigan v. Long*⁹ that officers may search for weapons in the passenger compartment if, (1) an occupant of the vehicle was lawfully detained or arrested, and (2) there was reasonable suspicion to believe there was a weapon inside. Also keep in mind that vehicle searches will usually be permitted if an

⁷ See *United States v. Ross* (1982) 456 U.S. 798, 809 [“[A vehicle] search is not unreasonable if based on facts that would justify the issuance of a warrant, even though a warrant has not actually been obtained.”].

⁸ Court: “[C]ircumstances unique to the automobile context justify a search incident to arrest when it is reasonable to believe that evidence of the offense of arrest might be found in the vehicle.”

⁹ (1983) 463 U.S. 1032.

occupant was on parole or searchable probation, or if the officers obtained consent to search from a person who appeared to be in control of the vehicle.

Finally, a note to prosecutors. When litigating the propriety of pre-*Gant* searches that were lawful under *Belton*, keep in mind that the Supreme Court, in the recent case of *Herring v. United States*, ruled that the suppression of evidence would not be an appropriate remedy when the officers' conduct was not blameworthy.¹⁰ As the Court explained, "To trigger the exclusionary rule, police conduct must be sufficiently deliberate that exclusion can meaningfully deter it, and sufficiently culpable that such deterrence is worth the price paid by the justice system."¹¹ Plainly, then, it would make no sense to suppress evidence discovered in a lawful *Belton* search that occurred before *Gant* because the officers would have done nothing wrong. POV

¹⁰ (2009) __ U.S. __ [2009 WL 77886].

¹¹ See *U.S. v. Farias-Gonzalez* (11th Cir. 2009) __ F.3d __ [2009 WL 232328] [as the result of *Herring* "[w]e now apply the cost-benefit balancing test to the case before us"]; *Illinois v. Krull* (1987) 480 U.S. 340, 348-49 ["[E]vidence should be suppressed only if it can be said that the law enforcement officer had knowledge, or may properly be charged with knowledge, that the search was unconstitutional under the Fourth Amendment."].



PETALUMA POLICE DEPARTMENT

BRIEFING TRAINING RECORD

TMS

EMPLOYEES					
NAME	ID#	NAME	ID#	NAME	ID#

TRAINING SUMMARY		
DATE 04/09/18	LENGTH OF TRAINING HOURS 20 MINUTES	LOCATION <input checked="" type="checkbox"/> MAIN STATION <input type="checkbox"/> STOREFRONT
TYPE OF TRAINING <input type="checkbox"/> VIDEO <input checked="" type="checkbox"/> LECTURE <input type="checkbox"/> PRACTICAL DEMONSTRATION <input type="checkbox"/> CRITICAL INCIDENT DEBRIEFING <input type="checkbox"/> OTHER: POWER POINT		
BRIEF DESCRIPTION OF TRAINING: THE TEAM REVIEW AND DISCUSSED POLICY 1020, GOVT. CODE 3303, AND POBR <p style="text-align: center;">Pers comp</p>		
ATTACHMENTS <input type="checkbox"/> HANDOUT MATERIALS <input checked="" type="checkbox"/> LECTURE NOTES <input type="checkbox"/> LESSON PLAN <input type="checkbox"/> OTHER: POLICY		
SUPERVISORY REVIEW		
TRAINER C. Ricci	ID# 2754	SUPERVISOR Urton
LEUTENANT B. Miller	ID# #2709	DATE 4/9/18
TRAINING RECORD UPDATE		
DATA ENTRY	DATE	TRAINING RECORD

TMS

PETALUMA POLICE DEPARTMENT

BRIEFING / TRAINING RECORD

Employees:

TRAINING SUMMARY

Date: 4-1-18

Length of Training: _____ hours 30 min

Video: _____

Lecture: X

Practical Demonstration: _____

Other: _____

BRIEF DESCRIPTION OF TRAINING

MCGOVERN PROVIDED CONSTITUTIONAL AND CASE LAW REVIEWS OF THE 5TH AND 6TH AMENDMENTS, AND FACILITATED A REVIEW AND DISCUSSION OF GRAHAM V. CONNOR

GUTIERREZ PROVIDED AN UPDATE ON RAMEY AND STEGALD WARRANTS, AS WELL AS THE PROCESS TO OBTAIN THEM

ATTACHMENTS

☐ Handout materials ☐ Lecture materials ☐ Lesson Plan ☐ Other

SUPERVISORY REVIEW

Trainer: MCGOVERN / GUTIERREZ

Supervisor: NOVELLO

Lieutenant: MUNE #1705

Date: 4-2-18

TRAINING RECORD UPDATE

Data Entry: _____ Date: _____ Training Record: _____