

CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2020-01

Distribution: All Sworn Personnel

Date: February 09, 2020

Subject: Expressive Activity

Topic: Training


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to establish a guide for issuing an expressive activity permit.

GENERAL:

On January 6, 2020, the City of Carlsbad established Administrative Order #87 which establishes specific guidelines for the administration of expressive activity event permits. Examples of demonstrations/similar events include march, rally, parade, procession, picket, distribution of fliers or literature, press or media, assembly or public demonstration of persons or vehicles, or a petition with signatures. Specific guidelines can be located in:

**CARLSBAD MUNICIPAL CODE (CMC) CHAPTER 8.18 and
CARLSBAD POLICE DEPARTMENT POLICY AND PROCEDURES 818**

NO PERMIT REQUIREMENT:

1. SPONTANEOUS EVENT (no permit required): An expressive activity event is considered "spontaneous" when the reason for the expressive activity is prompted by news or affairs that come into public knowledge 7 days or less prior to the expressive activity.
 - a. If the event is determined to be "spontaneous", then the event organizer is required to notify the police department at minimum 4 hours prior to the activity and provide the following information:
 - i. Event organizers name and telephone number.
 - ii. Date(s), Time(s), location(s) where the event is to be conducted.
 - iii. Estimate number of persons that will be participating.

- b. The event organizer has 3 ways to alert the police department of the event.
 - i. The first way is by email. The email address is:
PoliceExpressiveActivity@CarlsbadCA.gov.
 - ii. The second is in person during regular business hours at the City of Carlsbad Police Department.
 - iii. The third is by telephone to the Police Department.

PERMIT APPLICATION REQUIREMENTS:

- a. **NON-SPONTANEOUS EVENT** (permit required): A permit is required when 75 or more persons intend to use a public area or public thoroughfare not in compliance with normal/usual traffic regulations for an expressive activity and the parameters for "spontaneous" activity are not met.
- b. If the event is determined not to be "spontaneous", then the event organizer is required to notify the police department by submitting an application via email to PoliceExpressiveActivity@CarlsbadCA.gov or in person during regular business hours at the City of Carlsbad Police Department no later than two days prior to the event.
- c. Applicant must submit a complete application to the Watch Commander on city approved forms, including all required attachments.
- d. The Watch Commander is expected to help facilitate the process and assist the applicant in successfully completing the application.

APPLICATION PROCEDURE AND REVIEW:

1. The on-duty Watch Commander at the time of the filing of a permit application is responsible for processing the permit application, and for all police related planning operations, until and unless relieved of responsibility by a Bureau Commander.
2. The application for an expressive activity event permit shall set forth all of the following information. (The Watch Commander may waive any of these requirements):
 - a. The name, address, email address and telephone number of the event organizer. If the event organizer is a non-individual or corporate entity, the application must identify an individual that will act as the primary contact for the event.
 - b. The date(s), time(s), and location(s) where the expressive activity is to be conducted.
 - c. An estimate of the number of persons who will be participating in the event.
 - d. Type of expressive activity event.
 - e. If the event requires full or partial street or sidewalk closures, the applicant shall describe whether the event intends to occupy all or only a portion of the streets and/or sidewalks proposed to be traveled.

- f. Whether the event will involve the use of vehicles, animals, fireworks, pyrotechnics or a sound-amplifying system.

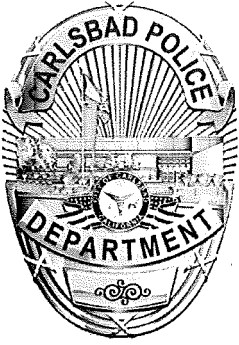
WATCH COMMANDER RESPONSIBILITIES:

1. The following are expectations of a Watch Commander who receives a permit application:
 - a. Promptly notify a permit applicant in writing that their application has been received.
 - b. Promptly review the application for completeness per the requirements described in CMC § 818.4.
 - c. If application is incomplete, promptly notify the applicant of the missing information and facilitate the completion of the application with the applicant.
 - d. Notify applicable Parks and Recreation Department liaison as appropriate to advise of the planned use of a park facility and to determine any potential conflicted uses of the facility.
 - e. Notify Bureau Commander of the permit application.
 - f. The review of a complete application shall take no longer than 72 hours under any circumstance.
2. The Watch Commander may impose conditions on the approval of a permit when determined to be reasonably necessary to protect the public peace, health, safety, or welfare. When doing so, the Watch Commander CANNOT consider the following:
 - a. Message of the event.
 - b. Content of the speech.
 - c. Identity or associational relationships of the applicant.
 - d. Assumptions or predictions as to amount of hostility aroused by the public due to the content of the speech or message conveyed by the event.
3. The Watch Commander shall consult with the city attorney's office prior to imposing conditions on a permit.

PERMIT APPROVAL OR DENIAL:

1. Notify the applicant not less than 1 calendar day prior to the event whether the permit is approved or denied.
2. A permit shall be issued, in writing, unless there is a conflict with public peace, health, safety, or welfare for one or more of the following reasons:
 - a. The event will unduly interfere with ingress to, or egress from, or travel on a freeway or state designated highway.

- b. The event requires a temporary street closure that will unduly interfere with the orderly and safe movement of traffic or the provision of public services, and the applicant is unable or unwilling to modify the event's scope, location, date, time, or duration to minimize such impact.
 - c. Due solely to the number of event participants and their impact on normal traffic or pedestrian flow, the event will require a significant diversion of police officers adversely impacting the protection of other areas of the city, and the applicant is unable or unwilling to modify the event's scope, location, date, time, or duration to minimize such impact.
 - d. The anticipated number of event participants would exceed the safe capacity of the public park or other public area where the event is proposed.
3. All permit denials shall be made in writing to the applicant. The Watch Commander shall consult with the city attorney's office prior to issuing any denial of a permit.



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2020-02

Distribution: All Sworn Personnel
Date: March 17, 2020
Subject: Emergency Regulations
Topic: Order of the Health Officer


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to inform employees of an Order of the Health Officer who enacted an Emergency Regulation for San Diego County.

GENERAL:

On March 16, 2020 the Health Officer for the County of San Diego enacted an Emergency Regulation regarding restaurants, establishments that serve alcohol only, social distancing, large gatherings and restricting hospital and long term care facility admittance to essential personnel only amongst other regulations.

EMERGENCY REGULATION FROM THE HEALTH OFFICER OF SD COUNTY:

Effective 12:00 am on Tuesday March 17, 2020 and continuing until 11:59 on March 31, 2020 all orders listed in this training bulletin will be in effect for San Diego County. This order is issued in accordance with the local health emergency issued by the County Director of Emergency Services on February 14, 2020.

ORDERS:

1. All public or private "gatherings" as defined as an event that has more than 50 people are PROHIBITED. All non-essential gatherings of any size are strongly discouraged.
2. All bars and other establishments that serve alcohol and do not serve food, **SHALL CLOSE**.
3. All restaurants and other business establishments that serve food **SHALL CLOSE** all on-site dining. All food **SHALL** be served by delivery, picked up, or thru drive thru. Social distancing **SHALL** be required for persons picking up food on-site.
4. All schools public or private **SHALL** not hold classes or other school activities where students gather on campus.

5. Non-essential personnel are **PROHIBITED** from entering a hospital facility or long-term care facility. If you are not needed in one of these facilities **DON'T GO IN.**
6. This order **SHALL** be reevaluated and extended if appropriate on or before March 31, 2020.

PROCEDURE:

- A. For all employees that are responsible for enforcing the above-mentioned order, education and compliance is the desired action. We want to educate the public and gain compliance to the order. This is our main objective not enforcement.
- B. If no other action can resolve a problem other than enforcement, a supervisor **SHALL** be informed and preferably be on scene during the incident.
- C. If enforcement is taken, follow current policy and procedure for misdemeanor arrests.

AUTHORITY:

- A. Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.



County of San Diego

NICK MACCHIONE, FACHE
AGENCY DIRECTOR

HEALTH AND HUMAN SERVICES AGENCY
PUBLIC HEALTH SERVICES
3851 ROSECRANS STREET, MAIL STOP P-578
SAN DIEGO, CA 92110-3134
(619) 531-5800 • FAX (619) 542-4188

WILMA J. WOOTEN, M.D.
PUBLIC HEALTH OFFICER

*** AMENDED ***

ORDER OF THE HEALTH OFFICER AND EMERGENCY REGULATIONS

Pursuant to California Health and Safety Code sections 101040, 120175, and 120175.5 (b) the Health Officer of the County of San Diego (Health Officer) amends the Health Officer Order dated March 12, 2020 as of 12:00 a.m. on Tuesday March 17, 2020. The Health Officer **ORDERS AS FOLLOWS:**

Effective 12:00 a.m. on Tuesday, March 17, 2020, and continuing until 11:59 p.m. on March 31, 2020, the following will be in effect for San Diego County (county):

1. All public or private "gatherings," as defined in section 20 below, are prohibited. All non-essential gatherings of any size are strongly discouraged.
2. All bars, adult entertainment establishments, and other business establishments that serve alcohol and do not serve food, shall close.
3. All restaurants and other business establishments that serve food shall close all on-site dining. All food served shall be by delivery, or through pick-up or drive thru. Social distancing shall be required for persons picking up food on site.
4. All businesses shall enact social distancing, increased sanitation standards, and shall make every effort to use telecommuting for its workforce. All businesses shall suspend any policy or procedure requiring doctor verification for sick or other leave approval.
5. All public or private schools, colleges, and universities shall not hold classes or other school activities where students gather on the school campus. Parents of school-aged minor children shall take steps to ensure said children are not participating in activities prohibited by the Order and that social distancing requirements are practiced.
6. A strong recommendation is made that all persons who are 65 years old or older, have a chronic underlying condition, or have a compromised immune system self-quarantine themselves at home.

7. "Non-essential personnel," as defined in section 20 below, are prohibited from entry into any hospital or long-term care facility. All essential personnel who show any potential signs or symptoms of COVID-19 shall be strictly prohibited from entry into hospitals or long-term care facilities.
8. Hospitals and healthcare providers shall take measures to preserve resources including delaying non-emergent or elective surgeries or procedures where feasible.
9. Hospitals, healthcare providers, and commercial testing laboratories shall report all COVID-19 test results to the Public Health Officer immediately after such results are received.
10. All persons arriving in the county, from locations as found on the Centers for Disease Control and Prevention (CDC) Warning Level 3 Travel Advisory shall be subject to 14-day home quarantine, self-monitoring. This includes originating or connecting flights through these countries and includes South Korea, Japan, Italy, China and Iran, and any other country that is subsequently added to that list, which is available at: (<https://wwwnc.cdc.gov/travel/notices>).
11. A strong recommendation is made for persons exhibiting mild to moderate symptoms of COVID-19 to self-isolate themselves in their place of residence unless seeking medical treatment.
12. This Order is issued as a result of the World Health Organization's declaration of a worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected at least 179,165 individuals worldwide in 155 countries and is implicated in over 7,000 worldwide deaths.
13. This Order is issued based on the increasing transmission of COVID-19 in California and the significant risk of widespread introduction and transmission of COVID-19 into the county.
14. This Order is issued based on scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19. The age, condition, and health of a significant portion of the population of the county places it at risk for serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public—such as older adults, and those with underlying health conditions—at significant risk.
15. This Order will reduce the likelihood that many individuals will be exposed to COVID-19, and will thereby slow the spread of COVID-19 in the county. By reducing the spread of

COVID-19, this Order will help preserve critical and limited healthcare capacity in the county.

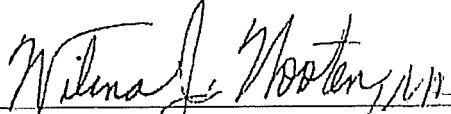
16. This Order is issued in accordance with, and incorporates by reference: 1) the Declaration of Local Health Emergency issued by the Health Officer on February 14, 2020; 2) the Proclamation of Local Emergency issued by the County Director of Emergency Services on February 14, 2020; 3) the action of the County Board of Supervisors to ratify and continue both the local health emergency and local emergency on February 19, 2020; 4) the Proclamation of a State of Emergency issued by Governor of the State of California on March 4, 2020; 5) Executive Order N-25-20 issued by the Governor of the State of California on March 12, 2020 which orders that "All residents are to heed any orders and guidance of state and local health officials, including but not limited to the imposition of social distancing measures, to control COVID-19; and 6) Proclamation 9984 regarding COVID-19 issued by the President of the United States on March 11, 2020; and the Health Officer Order dated on March 12, 2020.
17. This Order is issued to prevent circumstances often present in gatherings that may exacerbate the spread of COVID-19, such as: 1) the increased likelihood that gatherings will attract people from a broad geographic area; 2) the prolonged time period in which large numbers of people are in close proximity; 3) the difficulty in tracing exposure when large numbers of people attend a single event; and 4) the inability to ensure that attendees follow adequate hygienic practices.
18. This Order comes after the release of substantial guidance from the Health Officer, the California Department of Public Health, the CDC, and other public health officials throughout the United States and around the world. On March 11, 2020, the California Department of Public Health recommended the cancellation or postponement of large gatherings.
19. This Order comes after the CDC issued: "Interim Additional Guidance for Infection Prevention and Control for Patients with Suspected or Confirmed COVID-19 in Nursing Homes."
20. For the purposes of this Order:
 - a. "Gathering" is any event or convening that brings together 50 or more people in a single room or single space at the same time, such as an auditorium, stadium, arena, theater, church, casino, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space.
 - b. "Long term care facility" is a facility serving adults that require assistance with activities of daily living, including a skilled nursing facility, and that is licensed by the California Department of Community Care and Licensing, or the California Department of Public Health.
 - c. "Non-essential personnel" for purposes of section 7 above are employees, contractors, or members of the public who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the

long-term care facility or hospital. Non-essential personnel do not include first responders, nor State, federal, or local officials, investigators, or medical personnel carrying out lawful duties. Entry of visitors at long-term care facilities are allowed upon the approval of the facility's director, or designee, for the purpose of allowing family and friends to visit a resident in an end of life situation, or to allow parents or guardians to visit a child who is a patient, and where appropriate precautions by the facility that follow federal, State, and local public health guidance regarding COVID-19 are followed.

- d. "Social Distancing" is maintaining a six-foot separation from all persons except for family members.
 - e. This Order does not prohibit:
 - i. Operations at airports, public transportation or other spaces where 50 or more persons may be in transit but able to practice social distancing. It also does not include essential businesses where many people are present but are able to practice social distancing.
 - ii. Emergency shelters, homeless shelters, or other similar essential gatherings that are for the protection of public health and safety and where appropriate precautions are taken that follow federal, State, and local public health guidance regarding COVID-19.
21. Gatherings of less than 50 people are strongly encouraged to maintain social distancing pursuant to Department of Public Health guidelines.
22. Pursuant to Health and Safety Code section 120175.5 (b) all governmental entities in the county shall take necessary measures within the governmental entity's control to ensure compliance with this Order and to disseminate this Order to venues or locations within the entity's jurisdiction where a large gathering may occur.
23. Violation of this Order is subject to fine, imprisonment, or both. (California Health and Safety Code section 120295.)
24. To the extent necessary, this Order may be enforced by the Sheriff or chiefs of police pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029.
25. This Order shall be reevaluated and extended if appropriate on or before March 31, 2020.

IS SO ORDERED:

Date: March 16, 2020



Wilma J. Wooten, M.D., M.P.H.
Public Health Officer
County of San Diego

Page 4 of 5

ORDER OF THE HEALTH OFFICER AND EMERGENCY REGULATIONS

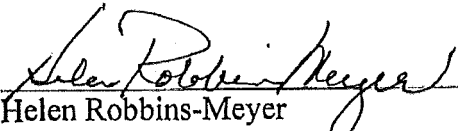
EMERGENCY REGULATIONS

As Director of Emergency Services for the County of San Diego, I am authorized to promulgate regulations for the protection of life and property pursuant to Government Code Section 8634 and San Diego County Code section 31.103. The following shall be in effect for the duration of the Amended Health Officer Order issued above which is incorporated in its entirety by reference:

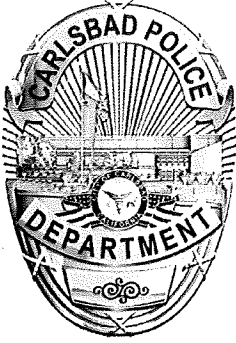
The Amended Health Officer Order shall be promulgated as a regulation for the protection of life and property.

Any person who violates or who refuses or willfully neglects to obey this regulation is subject to fine, imprisonment, or both. (Government Code section 8665.)

Date: March 16, 2020



Helen Robbins-Meyer
Chief Administrative Officer
Director of Emergency Services
County of San Diego



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2020-04

Distribution: All Sworn Personnel
Date: March 19, 2020
Subject: Health Screening for all Employees
Topic: COVID-19 Health Screening


Neil Gallucci, Chief of Police

PURPOSE:

Per the County Health Department and on the recommendation of Carlsbad Fire Department's EMS coordinator, daily health status screening is an important component to ensure the health and safety of all Carlsbad Police Department personnel during a pandemic. In this time and due to our higher chance of exposure from our profession, CBPD will start a screening process to ensure personnel are not showing signs or symptoms of being ill at work. This procedure will go into effect **starting March 20, 2020, at 0300 hours.**

PROCEDURE:

Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (temperature of less than 100.0 F), and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees should notify their supervisor and stay home if they are sick.

The Center for Disease Control recommends that employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day should be separated from other employees and be sent home immediately.

SCREENING LOCATION:

To reduce worksite exposures, health screening should occur at a designated control point at the station. It is the responsibility of each employee to ensure that the screening is being completed before entering their work locations.

SCREENING PROCESS:

Employees arriving at the station will screen themselves at a work station located at the employee entrance to the station. Social distancing (6-foot rule) at this station is imperative. This screening only needs to occur at the **beginning of a work shift.**

1. If a thermometer is available, the employee will take their own temperature and will answer pre-determined screening questions posted at the station.
2. If a thermometer is not available, the employee will still screen themselves by answering the remaining questions.
3. If the answer is **"NO"** to all the questions and the employee has a temperature of less than 100.0 F, if a thermometer is available, the employee will be allowed to work.
4. No paperwork will need to be filled out.
5. This screening will occur prior to donning safety equipment, entering common work areas or responding to calls. The intent of these procedures is to create a "healthy environment" culture throughout the department.

Should an employee have a temperature of **100.0 F or more** or answer **'YES'** to any of following screening components, the employee will:

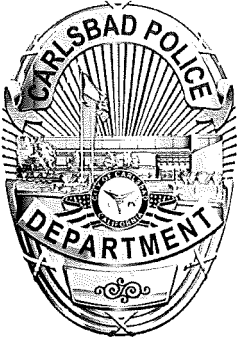
1. Return to their personal or assigned vehicle and contact the On-Duty Watch Commander, via telephone, to advise them of the situation.
2. The Watch Commander will take the appropriate steps needed to ensure the safety of the employee as well as other employees by sending the employee home sick on a case by case basis.
3. The Professional Standards Bureau will be contacted to determine the long-term disposition of the employee.

A Daily Infection Control Sheet will be filled out by the Watch Commander **ONLY** for an employee who displays pre-determined symptoms and is sent home as a result of being sick. The following information will be recorded:

- Date.
- Employee Name.
- Temperature (cleaned prior and post inspection for each employee.)
- Cough- Y or N.
- Sore throat- Y or N.
- Difficulty Breathing- Y or N.
- Body Aches- Y or N.

COMPLETED FORMS RETENTION:

Completed forms will be given to the Professional Standards Bureau for retention and storage.



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2020-05

Distribution: All Sworn Personnel

Date: April 2, 2020

Subject: No Parking Ordinance

Topic: Enforcement of City No Parking Ordinance


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to establish department protocols when encountering illegal parking on Carlsbad Blvd, Ponto Drive and Ponto Road during the COVID-19 pandemic.

GENERAL:

To help with social distancing during COVID-19, the following guidelines are to be followed with respect to no parking in posted areas until further notice:

NO PARKING will be allowed on Carlsbad Blvd from Pine Ave. to the south city limits. Additionally, NO PARKING will be allowed on Ponto Drive from the south terminus to Ponto Road and the entire length of Ponto Road. Department personnel should ticket for NO PARKING, pursuant to Carlsbad Municipal Code 6.04.100(A)(6)(a)/CMC 10.42, when compliance is not obtained. The fine will be 50.00 dollars.

PROCEDURES:

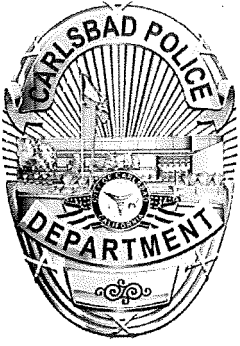
Officers who respond to calls for service or observe vehicles that are parked in posted '**NO PARKING**' areas as defined in Carlsbad Municipal Code 6.04.100(A)(6)(a)/CMC 10.42, should consider taking the following steps in addressing the violation.

- Contact owner of vehicle if possible and gain compliance with removing the vehicle. (If feasible.)
- If unable to gain voluntary compliance from the owner or driver of the vehicle, enforcement of the Carlsbad Municipal Code should be used by issuing a parking citation.

- Officers should document each parking citation by creating an incident in CAD and videoing the vehicle and applicable signage using Body Worn Cameras.

In the event signage needs to be fixed or reposted Officers/Dispatch should contact the City of Carlsbad's Public Works Division at the following numbers:

- 760 434 2980-Front office at Oak- (8am to 5pm)
- 760-802-8103-Street duty line after hours /weekend



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2020-07

Distribution: All Sworn Personnel
Date: April 10, 2020
Subject: Decontamination Protocol
Topic: COVID-19 Decontamination


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to inform employees of COVID-19 cleaning practices. This bulletin is a guideline for employees on the protocol on how to clean their equipment.

PROCEDURE:

1. Employee Responsibilities: Notify your supervisor that you are using the cleaning station. If you need to clean your equipment, proceed to the cleaning area at the Police Station. Follow the directions located at the cleaning station. After you get to the cleaning station, complete the following in order.
 - I. Thoroughly clean your vehicle with provided cleaning materials.
 - II. Clean gun belt, vest, reusable protective PPE and boots with provided cleaning material and place in secure location for re-use.
 - III. **If you are not going to utilize a new uniform or use the shower trailer, follow the directions below:**
 - a. reassemble your gear and contact your supervisor prior to going back into the field.
 - IV. **If you are going to utilize a new uniform and need to shower before**, follow the directions below:
 - a. Put spare clothes in shower trailer if showering is going to be conducted.
 - b. Follow directions at site for doffing your uniform into secure bag to be laundering later.
 - c. Utilize shower trailer as needed.

- d. When complete, use the locker room in station to get into a new uniform and equipment. Contact your supervisor prior to going back into the field.

1. Supervisor Responsibilities:

- a. Notify Professional Standards of use of cleaning area so that appropriate supplies can be refilled.



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2020-08

Distribution: All Sworn Personnel
Date: 09/02/2020
Subject: Community Awareness
Topic: Cultural Awareness Application

A handwritten signature in black ink, appearing to read "Neil Gallucci", written over a horizontal line.

Neil Gallucci, Chief of Police

PURPOSE:

The Carlsbad Police Department is committed to strengthening the relationship with the community it serves. The Department utilizes tools and technology to help law enforcement personnel understand different cultures, prevent discrimination, conflicts and ensure the appropriate treatment of all individuals. With the need to continually progress as a department please utilize this tool to help while dealing with diverse cultures in the community when appropriate.

HISTORY OF APPLICATION:

Approximately five years ago the Interfaith Advisory Board from the San Diego District Attorney's Office wanted to create a smart phone application that would help law enforcement professionals do their job in a respectful and equitable way when responding to non-emergency calls. They found that as San Diego's population constantly changes and grows in diversity, the need to help law enforcement be successful in engaging them was needed. Faith leaders and focus groups created a tool, with the community in mind, aiming to strengthen relations between the greater San Diego community and law enforcement. Understanding a person's practice of cultural norms can allow officers to build rapport and ensure effective communication more quickly. Officers must be able to function effectively while understanding and recognizing different cultural beliefs, behaviors, and needs of the members they serve.

GENERAL GUIDELINES:

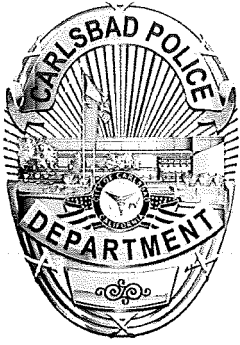
This application is also intended to help prepare law enforcement professionals before encountering a member of the public from a different culture in a non-emergency situation. It is an easy and quick tool to navigate, before such an interaction out in the field, and especially when conducting home visits. In addition, the application can be helpful as a debriefing resource when an encounter has not gone well.

The goal of the application is to create greater awareness that allows for more equitable and effective interactions. It shows our community their law enforcement is there for them and it has the potential to help form a trusting bond between the Carlsbad PD and the community it serves.

APPLICATION:

The application is accessible on your department issued phone and if the application is currently not installed you can visit the Google “Play Store” and download it. Below is a photo of the application for reference.





CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2020-09

Distribution: All Sworn Personnel
Date: November 24, 2020
Subject: Photos taken at a scene
Topic: AB2655 and Penal Code 647.9


Neil Gallucci, Chief of Police

PURPOSE:

AB2655 is a result of photos that were taken by first responders of a helicopter crash which claimed the lives of 9 victims, to include Kobe Bryant. California Legislature passed this bill and created Penal Code 647.9 that now makes it a crime for any first responder to take photos of a scene for anything other than official law enforcement purposes or to advance a genuine public interest.

GENERAL:

In January of 2020, a helicopter carrying nine passengers crashed on a hillside in Los Angeles County. On board that helicopter was Kobe Bryant as well as eight other victims. While on scene of the crash site, certain first responders took photos of the deceased individuals and the crash site for reasons other than official law enforcement purposes. These photos were then leaked to the public.

The California Legislature sought to protect the privacy and dignity of the deceased and penalize public officials who breach the public trust by using their unique access and authority to document tragic events for personal use.

647.9 PC now makes it a crime for any first responder who responds to the scene of an accident or crime and to take photographs of a deceased person by any means, including either a personal electronic device or one belonging to the employing agency, unless the picture is taken for an official law enforcement purpose or to advance a genuine public interest.

This law defines a "first responder" as a state or local peace officer, firefighter, paramedic, emergency medical technician, rescue service personnel, emergency manager, coroner, or employee of a coroner. The new law also allows law enforcement to obtain a search warrant to seize first responder's personal electronic devices that may contain evidence that a violation of the new law has occurred. The law limits a

search warrant to a criminal investigation under this law and other public offenses and excludes evidence of department policy violations.

PROCEDURES:

No employee will capture a photographic image of a deceased person or scene for any purpose other than for an official law enforcement purpose or genuine public interest. Any violation of 647.9 of the California Penal Code is a misdemeanor and is a violation of current department policy.

Please see the attached link for additional information regarding this new law that takes effect January 01, 2021.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2655




CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2020-10

Distribution: All Sworn Personnel
Date: December 23, 2020
Subject: Juvenile Miranda Update
Topic: Miranda/PC 26/Beheler Refresher


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to update department personnel regarding juvenile Miranda warnings so that personnel comply with WIC 625.6 (SB203).

GENERAL:

Effective January 1, 2021 any juvenile (individual under the age of 18) who is subject to custodial interrogation shall consult with legal counsel in person, by phone, or video conference prior to any interrogation occurring. This consultation cannot be waived. The same procedure, which previously applied to juveniles under the age of 16, now extends to all juveniles.

PROCEDURE:

Juveniles who are in custody and prior to commencing a custodial interrogation the following procedures shall be followed:

1. Mirandize all in-custody juveniles.
2. Call the on duty juvenile public defender's office [REDACTED]
3. Re-Mirandize the juvenile in the "presence" of the Public Defender.
4. Public Defender will speak with the juvenile.
5. Obtain a recorded Miranda waiver statement prior to any custodial interrogation.

This procedure does not apply:

- Victims, witnesses, or non-custodial interviews.
- Juvenile suspects that are not in custody (See Beheler notes below).
- In the performance of investigative procedures such as:
 - Obtaining blood samples.
 - Fingerprints.
 - Photographs of the juvenile.
 - Curbside Lineups.
 - Questioning by school officials.

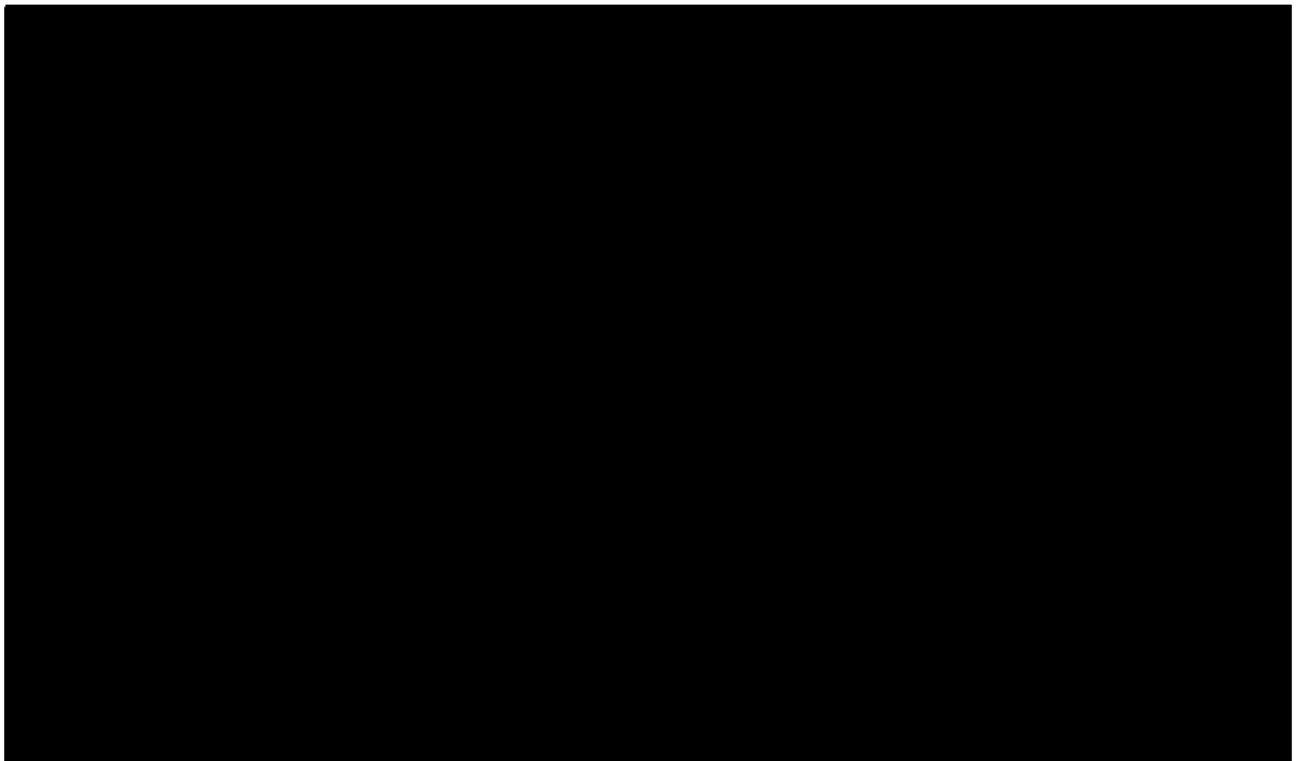
- Public safety exceptions.

What is CUSTODY?

- Whether an objective person of the juvenile's age (if known to the officer) would have understood his/her situation as being in custody.
- Consider objective factors in light of juvenile sensitivities:
 - Handcuffs/In the back of a patrol vehicle.
 - Heightened police presence/Police pressure (High-risk vehicle stops/Multiple officers).
 - Length of detention.

What is INTERROGATION?

- Words or actions initiated by law enforcement which the police know or should have reasonably known are likely to illicit an incriminating response.
- Avoid ruses, minimizing, lengthy interviews or threatening with a polygraph.





California

LEGISLATIVE INFORMATION

[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

SB-203 Juveniles: custodial interrogation. (2019-2020)

SHARE THIS:



Date Published: 10/02/2020 02:00 PM

Senate Bill No. 203

CHAPTER 335

An act to amend Section 625.6 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor September 30, 2020. Filed with Secretary of State September 30, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 203, Bradford. Juveniles: custodial interrogation.

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court. In these circumstances, existing law requires the peace officer to advise the minor that anything the minor says can be used against the minor, that the minor has the right to remain silent, that the minor has the right to have counsel present during any interrogation, and that the minor has the right to have counsel appointed if the minor is unable to afford counsel. Existing law requires, until January 1, 2025, that a youth 15 years of age or younger consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights. Existing law directs a court deciding the admissibility of statements made by a youth 15 years of age or younger during or after a custodial interrogation to consider the effects of failing to provide counsel before the custodial interrogation. Existing law directs the Governor to convene a panel of experts to examine the effects and outcomes of these provisions, including the appropriate age of youth to whom these provisions should apply.

This bill would instead apply these provisions to a youth 17 years of age or younger, and would indefinitely extend the operation of these provisions. The bill would direct a court to consider any willful failure of a law enforcement officer to allow a youth 17 years of age or younger to speak with counsel before a custodial interrogation in determining the credibility of that law enforcement officer, and would eliminate the above-specified provisions requiring the Governor to convene a panel of experts.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Developmental and neurological science concludes that the process of brain development continues into adulthood, and that the human brain undergoes significant changes throughout adolescence and well into young adulthood.

(b) The United States Supreme Court has recognized the following:

(1) Children are generally less mature and responsible than adults, often lacking the experience, perspective, and judgment to recognize and avoid choices that could be harmful to them.

(2) Children characteristically lack the capacity to exercise mature judgment and possess only an incomplete ability to understand the world around them.

(3) Children are generally more vulnerable to outside influences than adults and have limited understandings of the criminal justice system and the roles of the institutional actors within it.

(c) (1) Custodial interrogation of an individual by the state requires that the individual be advised of the individual's rights and make a knowing, intelligent, and voluntary waiver of those rights before the interrogation proceeds.

(2) Youth under 18 years of age have a lesser ability than adults to comprehend the meaning of their rights and the consequences of waiving those rights.

(3) A large body of research has established that adolescent thinking tends to either ignore or discount future outcomes and implications, and disregard long-term consequences of important decisions.

(d) Addressing the specific context of police interrogation, the United States Supreme Court observed that events that would have a minimal impact on an adult can overwhelm an early teen child, noting that no matter how sophisticated the child may be, the interrogation of a child cannot be compared to the interrogation of an adult.

(e) The law enforcement community now widely accepts what science and the courts have recognized: that children and adolescents are much more vulnerable to psychologically coercive interrogations and other psychologically coercive dealings with the police than resilient adults experienced with the criminal justice system.

(f) For these reasons, in situations of custodial interrogation and prior to making a waiver of rights under *Miranda v. Arizona* (1966) 384 U.S. 436, a youth under 18 years of age should consult with legal counsel to assist in their understanding of their rights and the consequences of waiving those rights.

SEC. 2. Section 625.6 of the Welfare and Institutions Code is amended to read:

625.6. (a) Prior to a custodial interrogation, and before the waiver of any Miranda rights, a youth 17 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived.

(b) The court shall, in adjudicating the admissibility of statements of a youth 17 years of age or younger made during or after a custodial interrogation, consider the effect of failure to comply with subdivision (a) and, additionally, shall consider any willful violation of subdivision (a) in determining the credibility of a law enforcement officer under Section 780 of the Evidence Code.

(c) This section does not apply to the admissibility of statements of a youth 17 years of age or younger if both of the following criteria are met:

(1) The officer who questioned the youth reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat.

(2) The officer's questions were limited to those questions that were reasonably necessary to obtain that information.

(d) This section does not require a probation officer to comply with subdivision (a) in the normal performance of the probation officer's duties under Section 625, 627.5, or 628.