

CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2018-01

Distribution: All Sworn Personnel

Date: 2/2/18

Subject: Stay Away Order Protocol


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of a Stay Away Order is to assist law enforcement in keeping chronic arrestees from disrupting the quality of life for the general public and the citizens of Carlsbad as well as assist in prohibiting those that are involved in chronic criminal activity from being present in specific locations.

GENERAL:

The City of Carlsbad Police Department has implemented a Crime Analysis and Response model designed for crime fighting and utilization of municipal police resources. Many of the persons arrested in the City of Carlsbad are arrested chronically for the same charges in the same location, which not only disrupts the daily life of those that live, work and play in the city, but causes a significant impact on police department resources.

PROCEDURE:

Location specific Stay Away Orders can be requested by an officer in their arrest narrative upon arresting a subject chronically contacted, cited and/or arrested in a specific location in the city of Carlsbad.

Ultimately, the Stay Away Order is requested by the District Attorney during sentencing as a term of the subject's probation.

Stay Away Orders can be requested for hundred blocks (900-1000 block of Carlsbad Village Drive), parks (Pine Park), establishments (Cole Library, Coaster North), businesses (New Village Arts Theatre), by advising the title and the address of the specific location.

The possession/consumption of alcohol can also be requested as part of the Stay

Away Order.

In order to request a Stay Away Order for a particular subject in a specific location, at the end of your arrest narrative state,

******I respectfully request a Stay Away Order be issued for (Name) from the (hundred block/intersection/business) of (Street), due to (Insert reason for the request.)******

The asterisks at the beginning and end of the request are important in order for the D.A to be flagged that the Stay Away Order request exists.

Conduct a search in SRFERS, and locate contacts, FI's, and arrests for the subject in that area. In your narrative, along with the request, provide a list of pertinent contacts, FI's, and arrests. The prosecution may use this as justification in requesting the Stay Away Order during sentencing.

The Stay Away Orders are long lasting, approximately 3 years, and can be located in SDLaw E-warrants if and when they are granted. They should also appear in County Locals when the subject is run through Dispatch/Inquiry.

When a Stay Away Order is requested please email the Crime Analysis Team (T. Tulley/C. Anderson) and advise the person's name/location/case number and date of request so that the department can track all requests internally. The Crime Analysis Team will keep an accessible log on the H-Drive with all Stay Away Order requests and update those that are granted.

If a Stay Away Order is in place and current, when a subject is out of compliance with the Stay Away Order they may be arrested for violating a court order. In accordance with Penal Code Section 166(a) (4), "a person guilty of any of the following contempts of court is guilty of a misdemeanor: Willful disobedience of the terms as written of any process or court order or out-of-state court order, lawfully issued by a court, including orders pending trial." These misdemeanor violations are bookable at the Vista Detention Facility.



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2018-02

Distribution: To all Sworn Personnel

Date: May 1, 2018

Subject: Policy 360.2.7 Employment Related Deaths and Injuries

Topic: District Attorney Notification

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

Neil Gallucci, Chief of Police

Per policy, any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

The District Attorney's office frequently shadows Cal-Osha during these types of investigation, and has requested to also be notified after Cal-Osha.

Primary DA to contact is Tony Giralmo cell (619) 886-0264 of the Economic Crimes Division and point of contact for all industrial accident investigations.

The secondary person to call Supervisor Victor Ray cell (619) 694 9356 of the Economic Crimes division/Industrial accident investigations.



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2018-03

Distribution: All Sworn Personnel

Date:

5-25-18

Subject:

Field Testing of **ALL** suspected Narcotics & Controlled Substances shall be done using the TruNarc device **ONLY**.

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Neil Gallucci, Chief of Police

Field Testing Narcotics & Controlled Substances using the TruNarc device

Due to the heightened risk of exposure to fentanyl or its analogues when conducting field tests on suspected narcotics and controlled substances:

Officers are directed to IMMEDIATELY cease the field testing of any suspected narcotic drug or controlled substance using chemical based presumptive test kits (such as NIK kits or any other chemical field test kits except for marijuana. Marijuana will still be tested using a NIK kit as the TruNarc device is not to be used to test organic material.)

Presumptive field tests of all suspected narcotics and controlled substances shall be conducted using the TruNarc device. Presumptive testing shall only be conducted by officers who have been trained in the proper use of the TruNarc device.

Personal Protective Equipment

Officers should wear two pairs of nitrile gloves during collection of any narcotic or controlled substance. The outer pair can be taken off if the evidence collection is interrupted while the inner pair will continue to protect the officer's hands. A new outer pair should be put on once evidence collection resumes. Officers should try to cover all exposed skin while searching for and collecting narcotics. Department issued dust masks and goggles should also be worn. A cover officer should be nearby in case of accidental exposure. The cover officer should also have gloves, a mask and goggles on in case they need to render aid to an exposed officer.

HAZMAT Call-out Considerations

A HAZMAT call-out should be considered under the following circumstances: suspect/witness states fentanyl is present, presence of a pill press and loose material, recent OD at location, officer or other person begins to not feel well at location. Officers should also consider having Fire Department personnel at the scene on standby.

Evidence Procedures

Suspected fentanyl should be placed into two separate self-sealing k-pak evidence bags. Both k-paks should be sealed and the outer bag should have "SUSPECTED FENTANYL" written on the label in red (or a red "SUSPECTED FENTANYL" sticker attached) to warn all employees who come in contact with that evidence bag. If officers locate paraphernalia that is suspected of being used to inhale, ingest or inject fentanyl it should be placed into two separate k-paks as well to protect evidence and laboratory personnel. If collection of suspected fentanyl is not practical or too dangerous for patrol officers, the patrol sergeant can communicate with the on-call narcotics sergeant to evaluate having a narcotics team respond to conduct the evidence collection and/or evaluate for a HAZMAT call-out.

Exposure to Fentanyl

If an employee is exposed to fentanyl or an opioid and exhibits signs of distress, Naloxone or Narcan should be administered promptly. Depending on the drug's purity and potency, multiple doses of Naloxone or Narcan may be required. Assisting officers or employees should don PPE (gloves, mask and goggles at a minimum) before administering aid to protect themselves from exposure. EMS should be immediately notified as well and the employee should be taken to a hospital for evaluation. If an employee is exposed to fentanyl but shows no signs of distress they should wash the affected area with soap and water and be evaluated by EMS personnel in case the drug has not taken effect yet. **DO NOT use alcohol based cleaners as they may increase the rate of absorption.** If fentanyl is spilled or has contaminated a work space, immediately notify the Watch Commander. The Watch Commander will notify local fire authorities and/or San Diego County Hazmat for clean-up and decontamination as needed.

Notification to VNIU

The VNIU supervisor should be contacted as soon as practicable in all cases involving fentanyl or suspected fentanyl. The VNIU supervisor will advise LECC of the location fentanyl was discovered and any other pertinent officer safety details.



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2018-04

Distribution: All Sworn Personnel

Date: 09-26-18

Subject: Protocol for Staging Probable Cause
Declarations Absent an Arrest

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

Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to establish an effective and efficient protocol for the use of *Probable Cause Declaration forms* (referred to as a "P.C. Dec" from this point forward) when a contemporaneous arrest is not possible.

GENERAL:

The "collective knowledge" rule allows for officers not directly involved in an investigation to effect an arrest based on information obtained from other officers, so long as probable cause for an arrest exists (Roberts (2010) 184 Cal.App. 4th 1149, 1191).

The practice of writing and staging P.C. Decs for future action is a commonly used and endorsed method. The use of staged P.C. Decs when a contemporaneous arrest is not possible should be encouraged, but also monitored closely to avoid duplicative efforts, unjust detentions, and unnecessary risks to both citizens and officers. If at any point during an investigation a detective or supervisor determines probable cause no longer exists, they should immediately remove the P.C. Dec from its staged location and destroy the document.

PROCEDURE:

- When, during the course of an investigation, an officer determines probable cause exists for effecting an arrest, but the suspect is not present, a P.C. Dec can be written and staged in a common area, in the event another officer is able to locate the suspect at a later time.
- If a P.C. Dec is staged, the reporting officer shall notify their supervisor and document the presence of the P.C. Dec in the synopsis section of the report narrative.
- If the supervisor determines a P.C. Dec is not appropriate, the field supervisor shall remove the document from the staged area.

- Once the case is forwarded to the Investigations Division, it is the responsibility of either the issuing Detective Sergeant or the assigned detective to monitor the existence of the P.C. Dec upon receiving the report. The P.C. Dec can be removed at either stage based upon the totality of information made available as the case develops.
- If at any point during an investigation a detective or supervisor determines probable cause no longer exists, they shall immediately remove the P.C. Dec from its staged location and destroy the document.
- If a significant amount of time has passed without the suspect being contacted and arrested, detective personnel should reevaluate the use of the P.C. Dec and consider drafting and submitting a *Declaration in Support of an Arrest* (commonly referred to as an "Arrest Dec").



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2018-05

Distribution: All Sworn Personnel

Date: 10/16/18

Subject: Cite and Release Procedures

Topic: Field Release


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to highlight the recent change to Department Policy 420.3 and outline the procedures for a "Field Release" in lieu of booking an individual arrested for a cite and release offense.

GENERAL:

Pursuant to Penal Code 853.6(g), an officer may book the arrested person at the arresting agency prior to release or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the date the arrested person appears in court.

If it is indicated on the citation that the arrested person shall be booked or fingerprinted prior to the date of the person's court appearance, the arresting agency at the time of booking or fingerprinting shall provide the arrested person with verification of the booking or fingerprinting by making an entry on the citation. If it is indicated on the citation that the arrested person is to be booked or fingerprinted, the magistrate, judge, or court shall, before the proceedings begin, order the defendant to provide verification that he or she was booked or fingerprinted by the arresting agency.

If the defendant cannot produce the verification, the magistrate, judge, or court shall require that the defendant be booked or fingerprinted by the arresting agency before the next court appearance, and that the defendant provide the verification at the next court appearance unless both parties stipulate that booking or fingerprinting is not necessary.

PROCEDURE:

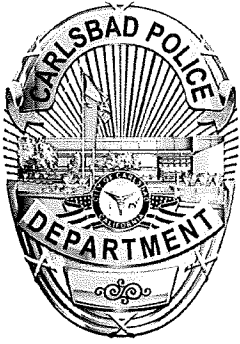
Department Policy 420.3 has recently been amended to include the following language: "When no disqualifying circumstances exist, a supervisor shall have discretion to permit the delay of the booking process if necessary for operational purposes. Supervisors may consider the need for officers to respond to higher priority calls for service in lieu of completing the booking process, individual circumstances of the person arrested, or other considerations where in the furtherance of the best interests of the department,

booking should be delayed. The name of the supervisor approving the delayed booking and the reason for the delayed booking shall be documented in the arrest report. Delayed booking will require the officer to advise the person arrested that they must respond to the police department at a later date to complete the booking process. In these circumstances, the citation shall be marked "booking required" and the arrestee will be instructed to schedule an appointment to be fingerprinted at the Carlsbad Police Department prior to appearing in court."

When executing a field release pursuant to this policy, officers should also document the manner in which the arrestee was identified and obtain a thumb print on the back of the original citation.

In addition to checking the "booking required" box on the citation, officers must also call to the arrestee's attention Step 4 on the back of the arrestee's copy (yellow). Step 4 essentially instructs the arrestee to contact the Records Department on a weekday prior to their court date between the hours of 8 a.m. and 5 p.m. to complete the booking process. This discussion should also be documented in your narrative so that the court is aware of the need to verify that the arrestee has completed the booking process as instructed.

After the field release is completed by the officer, the Records Department will complete the fingerprinting process via an appointment made by the arrestee prior to his or her appearance date. If needed, the Records Department may request an officer to complete the booking process.



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2018-06

Distribution: All Sworn Personnel

Date: 10-22-18

Subject: City of Carlsbad Municipal Codes

Topic: Prosecution of Misdemeanors


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to establish department protocols when issuing citations for **misdemeanors** under the Carlsbad Municipal Code.

GENERAL:

All **misdemeanor** citations under the Carlsbad Municipal Code must be accompanied by the following information and reports to enable prosecution by the City Attorney's Office. A coordinated department effort should be made between officers issuing the citation, and the records division to ensure all necessary information and reports are provided to the City Attorney's Office.

PROCEDURES:

CITATIONS:

1. MAILING ADDRESS--Please make all efforts to obtain a mailing address from the subject, even if s/he is a transient. This aids in the ability to obtain a bench warrant from the court should the defendant fail to appear for a court date.
2. COURT LOCATION--Please mark the appropriate box for a misdemeanor court appearance: "Superior Court North County Div." (the upper right box). If the incorrect box is checked, the court will not issue a bench warrant for a failure to appear.

REPORTS NEEDED (coordinate with records to send these items):

1. Incident report
2. Photos and/or BWC footage if applicable (especially for camping cases)
3. Sworn statements (if subject agrees after being Mirandized)

4. Criminal history
5. If the citation is for 3 or more citations in one year, the citation numbers should be referenced in your report. Please have records send copies of the prior citation tickets to the City Attorney's Office.
6. For camping cases:
 - a) Please create a map depicting a 300' radius around the campsite. This will be used to advise the defendant of a stay-away order in any plea offer.
 - b) Always offer housing assistance and resources and document this in your report.
 - c) Describe and photograph camping evidence in detail—makeshift tents, bedding, personal belongings, coolers, shopping carts, subject sleeping, etc.

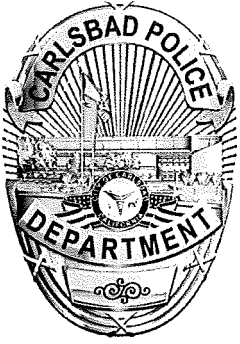
CARLSBAD MUNICIPAL CODE - MISDEMEANORS

CMC CODE	DESCRIPTION
1.08.010(B)(3)	Third and each additional violation of the same ordinance with one year
1.13.040	Violations of chapter 1.13 re election campaign disclosure
1.14.040	Violations of chapter 1.14 re conflict of interest
1.20.220(C)	Any person who returns to and disrupts a City Council meeting after being arrested for a violation of CMC 1.20.220(B)
1.20.220(D)	Any person who violates CMC 1.20.220(B) after having been previously convicted for a violation of CMC 1.20.220(B)
3.08.170	Violations of chapter 3.08 re uniform sales and use taxes
3.12.140	Violations of chapter 3.12 re TOT (Except that failure to remit tax collected is punishable under Sec. 424 of the Penal Code)
5.10.130(A)	Receive profit or salary from bingo game
5.10.130(B)	Violations of chapter 5.10 re bingo games
5.12.170	Violation of chapter 5.12 re cardrooms
5.16.240	Violations of chapter 5.16 re massage services
5.17.250	Violations of chapter 5.17 re escort services
5.20.180	Violation of chapter 5.20 re taxicab license
5.24.140	Infraction: Overnight occupation of public highway (cannot camp overnight or park a trailer coach overnight on any public highway, including right-of-way)
5.24.340	Misdemeanor: Violations of chapter 5.24 re trailers and trailer parks (after being served with notice of violation and failing to comply)
5.30.100	Violations of chapter 5.30—illegal possession of commercial quantity of avocados; false statement of ownership
5.60.080	Violation of chapter 5.60 re short-term vacation rentals
6.03.030	Violation of chapter 6.03 re facilities with hazardous materials (cross-reference with the San Diego County Code of Regulatory Ordinances, Title 6, Chapters 9 and 11)

CMC CODE	DESCRIPTION
6.04.130(A)	Obstruct or hinder emergency personnel carrying out their duties during an emergency
6.04.130(B)	Provide aid to the enemy or imperil lives or property during emergency
6.12.110	Failure to comply with city notice and order re accumulation of junk on residential property or failure to comply with abatement order
6.16.040(B)	Failure to abate public nuisance after notice
6.17.010	Urinating or defecating in public
7.12.100	Violations of chapter 7.12 re apiaries after written notice
7.16.030	Violations of chapter 7.16 re retail sale of cats and dogs after written notice
8.04.060	Fourth violation in one year of 8.04.030 or 8.04.040 re juvenile curfew
8.09.170	Fourth violation in one year of chapter 8.09 re entertainment license
8.16.010	Discharge firearm within city limits
8.16.015(A)	Discharge bb gun where prohibited
8.16.015(B)	Discharge bb gun onto someone else's property
8.17.200(A)(1)	Conduct special event without a permit
8.17.200(A)(2)	Interfere with a special event
8.17.200(A)(3)	Carry sign not made of cloth, paper or cardboard at special event
8.17.200(A)(4)	Carry any length of metal, lumber, wood, or similar material for purposes of displaying a sign, unless it is 1 ¼" or less in thickness and 2" or less in width, or if not generally rectangular in shape, such object may not exceed ¾" in its thickest dimension
8.29.030(A)	Being a spectator of illegal motor vehicle speed contest
8.29.030(B)	Being a spectator where preparations for an illegal motor vehicle speed contest are being made
8.44.020	Consumption of alcohol on beach or adjacent streets and parking lots
8.44.030	Possession of open container of alcohol on or near a liquor store

<u>CMC CODE</u>	<u>DESCRIPTION</u>
8.44.040(A)(1)	Open alcohol container or consumption of alcohol in Village Barrio Zone
8.44.040(A)(2)	Open alcohol container or consumption of alcohol in Rotary Park
8.45.020(A)	Consumption of alcohol or controlled substance by minor in public place
8.45.020(B)	Consumption of alcohol or controlled substance by minor in non-public place
8.45.030(A)	Hosting an event where minor consumes alcohol or controlled substance
8.48.010	Violation of construction hour rules
8.50.170	Violation of chapter 8.50 re alarm systems
8.90.030(A)	Commercial cannabis activity
8.90.030(B)	Delivery of cannabis
8.90.030(C)	Cultivation of cannabis except indoors and screened from view or fully enclosed greenhouse
8.90.030(D)	Smoking or ingesting cannabis in a public place
10.40.180(G)	Display of fraudulent oversized vehicle permit
11.12.160	Violation of chapter 11.12 re heritage trees
11.28.040	Public nudity
11.36.130	Fourth violation in one year of chapter 11.36 re locations and standards for news racks on public right of way
11.40.040	Fourth violation within one year of 11.40.030 – no jumping, diving or fishing off bridge on public property except the bridge on North Carlsbad Blvd. on the Buena Vista Lagoon
11.46.030	Violations of chapter 11.46 re temporary restrictions on public property (relates to protests and special events)
13.04.070	Vandalize municipal sewage works
13.04.080(B)	Violations of chapter 13.04 re sewers which continue beyond the time specified in written notice of violation
15.12.080(F)	Washing or repairing vehicle on city street except in emergency

<u>CMC CODE</u>	<u>DESCRIPTION</u>
15.12.170(A)	Violations of chapter 15.12 re storm water management and discharge control (See 15.12.050 "Prohibited discharges"--might be viable in camping cases)
17.04.020	Violations of chapter 17.04 re fire prevention code
18.04.310	Fourth violation in one year of chapter 18.04 re building code
18.06.030	Fourth violation in one year of chapter 18.06 re uniform housing code
18.08.030	Fourth violation in one year of chapter 18.03 re mechanical code
18.12.225(A)	Fourth violation in one year of chapter 18.12 re electrical code
18.16.120	Fourth violation in one year of chapter 18.16 re plumbing code
18.17.030	Fourth violation in one year of chapter 18.17 re swimming pool and hot tub code
18.18.030	Fourth violation in one year of chapter 18.18 re solar energy code
18.19.030	Fourth violation in one year of chapter 18.19 re dangerous building code
20.48.060	Violations of chapter 20.48 re certificates of compliance for subdivision map act
21.110.080	Violations of chapter 21.110 re floodplain management regulations
21.208.160	Violate provisions of a conditional use permit issued pursuant to chapter 21.208



CARLSBAD POLICE DEPARTMENT

Department Training Bulletin

#2018-07

Distribution: All Sworn Personnel
Date: January 1, 2019
Subject: Taxicab Permit Changes
Topic: Carlsbad Municipal Code 5.20.015


Neil Gallucci, Chief of Police

PURPOSE:

The purpose of this training bulletin is to advise officers of a change in the permitting requirements for taxicab operations within the city.

GENERAL:

Pursuant to the approval of Assembly Bills 1069 and 939, the requirements for taxicab permits and licenses for taxicabs operated within the city have been modified. No longer are all taxicabs operated within the city required to have a City of Carlsbad permit.

The intent of the Assembly Bills is to simplify the permitting requirements of taxicabs to allow them to better compete with online transportation companies who are not regulated by individual cities or counties.

PROCEDURE:

If a taxicab business is 'substantially located' in Carlsbad the business must have a Carlsbad Taxicab license.

"Substantially located" shall mean in reference to a city or county that the taxicab company meets either of the following:

- 1. Has its primary business address within that city's or county's jurisdiction*
- 2. The total number of prearranged and non-prearranged trips that originate within that city's or county's jurisdiction account for the largest share of the taxicab company's total number of trips over the previous calendar year, as determined annually.*

A violation is enforceable under Carlsbad Municipal Code Section 5.20.020.

5.20.020 *Business license.*