

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Larry Esquivel
Acting Chief of Police

**SUBJECT: DUTY MANUAL ADDITION-
L 5108 - DOCUMENTING
LIMITED DETENTIONS DURING
SELF-INITIATED PEDESTRIAN
AND/OR VEHICLE STOPS**

DATE: August 25, 2013

Approved

Memo # 2013-020

BACKGROUND

The San Jose Police Department strives to be a progressive and professional police department. One way we do this is through transparency and accountability. As such, the Department is implementing a policy to document limited detentions (curb sitting, temporarily handcuffing, or temporarily placing in a police vehicle) during self-initiated pedestrian and vehicle stops. This policy is a result of the Department's review of limited detention incidents and recommendations by the Independent Police Auditor's (IPA) Office in the 2011 Year End Report.

ANALYSIS

The Department recognizes that seeking out criminal conduct and conducting self-initiated activity is an integral part of crime prevention and vital to maintaining safe communities. Currently, not all self-initiated activity is documented therefore an officer's recollection of a prior contact can often be vague or limited. In order to address this issue, a new reporting process has been developed in order to better document limited detentions. Personnel from throughout the Department were asked to participate as part of a working group to address issues and challenges surrounding a realistic and workable approach to documenting self-initiated contacts. In addition, four pilot teams from the Bureau of Field Operations (BFO) were formed to test and evaluate the new process.

The working group discussed several options on how to document limited detentions and assisted in the development of the new policy. During these discussions, two solutions came to the forefront. The first was to collect the data through the newly implemented Automated Field Reporting/Records Management System (AFR/RMS). This would have required officers to conduct a *Street Check* on every self-initiated detention. The second was to add disposition codes to the existing Vehicle Stop Demographic Study through the Computer Aided Dispatch (CAD) system. After fully vetting both options, it was determined that entry into the CAD by building on the Vehicle Stop Demographic Study was the most preferable and efficient way to proceed. This process will allow the Department to collect data in a uniform and consistent manner that is searchable within the CAD system.

Solution & Implementation

Phase I - Officers will utilize the authorized disposition codes to document every self-initiated vehicle stop and self-initiated pedestrian stop where a limited detention is conducted (**excluding** contacts related to a call for service). Officers will clear the stop utilizing the radio (over the air) and dispatchers will enter the information into the CAD.

Phase II - Systems will update the Mobile Data Computers (MDC) in the patrol vehicles to allow officers to clear all self-initiated vehicle/pedestrian stops using an MDC mask in the vehicle. After additional training is completed, officers will have the option to clear all self-initiated vehicle/pedestrian stops on the MDC or over the radio using the updated limited detention disposition code format.

In circumstances where more than one limited detention is used in conjunction with curbsitting, officers will use the curbsitting code (C) as the primary code and document any other limited detention in the CAD comment section (MI). When more than one limited detention is used not involving curbsitting, officers will use the most appropriate limited detention code (H or V) and document the other limited detention (H or V) in the CAD comment section (MI).

Phase I (September 1, 2013)

- Vehicle Stops - Whenever an officer makes a self-initiated vehicle stop, the officer will clear the call with the seven (7) authorized disposition codes relating to the driver of the vehicle and follow with the final disposition code to close the event. Any additional passengers that are required to sit on the curb, temporarily handcuffed, or temporarily placed in the back of a police vehicle will require separate disposition codes. This will also apply to those self-initiated vehicle stops that result in an arrest (**excluding** contacts related to a call for service).
- Pedestrian Stops - Officers will clear self-initiated pedestrian stops with the seven (7) clearance fields only if a limited detention is used (**excluding** contacts related to a call for service).
- This will be done over the radio and dispatchers will enter the data into the CAD.
- The data captured will apply to all persons subject to a limited detention on all self-initiated pedestrian/vehicle stops including those self-initiated pedestrian/vehicle stops that result in an arrest (**excluding** contacts related to a call for service).
- Clearance fields listed:
 1. Disposition (disposition of the call – 15 dispositions from arrest to unfounded)
 2. Reason for the stop (5 reason types)
 3. Race
 4. Search – Vehicle or Person (searched, not searched, searched no evidence found)
 5. Number of stops/subjects
 6. *Added* - Type of Detention (Curb, Handcuffed, Police Vehicle, None of preceding)
 7. *Added* - Limited Detention Reason (multiple reason types)
 8. Final disposition to close event (same as #1 Disposition – choose highest level of disposition amongst the subject(s) contacted)

Phase II Process (December 2013)

- Systems Unit staff will upgrade the patrol vehicle MDCs during November 2013. The upgrade will include the ability for officers to clear self-initiated vehicle and pedestrian stops on their MDCs with the new clearance field table, thereby giving officers the option to clear on the radio or on the MDC. This will alleviate the workload on the dispatchers and will not take up the radio “air time” that the *Phase I* implementation creates.
- All end users/staff will be trained prior to implementation, which will occur by December 2013.
- Vehicle Stops – will remain the same as implemented in Phase I.
- Pedestrian Stops – Officers will clear ALL self-initiated pedestrian stops using the seven (7) clearance field dispositions, over the radio or via the MDC in the patrol vehicles, even if a limited detention is not utilized.

Accordingly, this memorandum provides a phased in approach to documenting self-initiated vehicle/pedestrian stops. In December 2013, Section L 5108 will be updated to include the Phase II Process.

L 5108 DOCUMENTING DETENTIONS DURING SELF-INITIATED PEDESTRIAN AND/OR VEHICLE STOPS

Added 9/1/13

Officers shall utilize the seven (7) authorized disposition codes to document self-initiated vehicle & pedestrian stops (excluding contacts related to a call for service). If a vehicle or pedestrian stop is made related to an in progress call for service, the officer shall cross-reference the event to the original call for reporting purposes. In circumstances where more than one limited detention is used, officers will clear the call using one of the following appropriate detention codes: “C”, “H” or “V.”

In circumstances where more than one limited detention is used in conjunction with curb sitting, officers will use the curb sitting code (C) as the primary code and document any other limited detention in the CAD comment section (MI). When more than one limited detention is used not involving curb sitting, officers will use the most appropriate limited detention code (H or V) and document the other limited detention (H or V) in the CAD comment section (MI).

- **Pedestrian Stops – During Limited Detentions and Arrests (Curb, Handcuffed or Police Vehicle):**

Whenever an officer makes a self-initiated pedestrian stop and the subject was curb sat, temporarily handcuffed or temporarily placed in a police vehicle, the officer will clear the call with the seven (7) authorized disposition codes and follow with the final disposition code to close the event. This also pertains to those self-initiated pedestrian stops that ultimately result in an arrest.

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- **Vehicle Stops:**

Whenever an officer makes a self-initiated vehicle stop, the officer will clear the call with the seven (7) authorized disposition codes relating to the driver of the vehicle and follow with the final disposition code to close the event. Any additional passengers that are sat on the curb, temporarily handcuffed, or temporarily placed in the back of a police vehicle will require separate disposition codes. This also pertains to those self-initiated vehicle stops that result in an arrest.

The following will reflect the authorized disposition codes (see attachment #1):

1. Disposition (disposition of the call – 15 dispositions from arrest to unfounded)
2. Reason for the stop (5 reason types)
3. Race
4. Search – Vehicle or Person (searched, not searched, searched no evidence found)
5. Number of stops/subjects
6. Added - Type of Detention (Curb, Handcuffed, Police Vehicle, None of preceding)
7. Added - Limited Detention Reason (multiple reason types)
8. Final disposition to close event (same as #1 Disposition – choose highest level of disposition amongst the subject(s) contacted)

New laminated cards containing the latest version of disposition codes will be distributed in patrol briefings with additional cards located at Central Supply.

ORDER

Effective September 1, 2013, all sworn personnel will adhere to Duty Manual Addition L 5108 Documenting Limited Detentions during Self-Initiated Pedestrian and/or Self-Initiated Vehicle Stops. While this updated and progressive policy will increase transparency, it will also increase the public's confidence in our officers and operations.



LARRY ESQUIVEL
Acting Chief of Police

LE:AM:SK

Attachment: Detention Documentation / Examples of Radio Traffic

Disposition Codes

1. Disposition

| Code | Description |
|------|--|
| A | Arrest Made |
| B | Arrest Made By Warrant |
| C | Criminal Citation |
| D | Traffic Citation Issued: Hazardous Violation |
| E | Traffic Citation Issued: Non-Hazardous Violation |
| F | Field Interview Completed |
| G | Gone on Arrival/Unable to Locate |
| H | Courtesy Service/Citizen or Agency Assist |
| L | Latent Prints (report completed) |
| M | Stranded Motorist Assist |
| N | No report |
| O | Report, other than primary report, filed |
| P | Prior Case, Follow-Up Activity Only |
| R | Report Taken |
| T | Turned Over To Another Agency |
| U | Unfounded Event |
| Z | Agency Assist |

2. Reason for the Stop

| Code | Description |
|------|---------------------------------------|
| B | BOL/APB/Watch Bulletin/Follow Up |
| C | Consent (Pedestrian Stops Only) |
| M | Muni Code Violation |
| P | Penal Code, H&S, B&P Violations, Etc. |
| V | Vehicle Code Violation |

3. Race / Ethnicity

| Code | Description |
|------|----------------------------|
| A | Asian |
| B | African-American |
| H | Hispanic |
| I | Native American Indian |
| O | Other/Unclassified |
| P | Pacific Islander |
| S | Middle Eastern/East Indian |
| W | White/Caucasian |

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4. Search

| Code | Description |
|------|--|
| N | No Search Conducted |
| S | Search Conducted Evidence/Contraband Found |
| Z | Search Conducted Evidence/Contraband Not Found |

5. Number of stops/subjects (1-9)

6. Type of Limited Detention

| Code | Description |
|------|-----------------------|
| C | Curb Sat |
| H | Handcuffed |
| N | No Limited Detention |
| V | Sat in Police Vehicle |

7. Reason for Limited Detention

| Code | Description |
|------|-------------------------------|
| F | Flight Risk |
| M | Medical Condition |
| N | No Limited Detention |
| O | Other |
| P | Prior Contact Safety Concerns |
| S | Officer Safety Concerns |
| W | Weapons / Violence Related |

8. Final Disposition

Same as #1 Disposition – choose highest level of disposition

Attachment

Detention Documentation

1. Disposition: **A,B,C,D,E,F,G,H,M,N,O,P,R,T,U,Z**
2. Reason for Stop:
(Reasonable Suspicion
For Stop) **B - BOL/APB/Watch Bulletin/Follow Up**
C – Consent (Pedestrian Stops Only)
M - Muni Code Violation
P - Penal code, H&S, B&P violations, etc.
V - Vehicle Code Violation
3. Race: **A - Asian**
B - African American
H - Hispanic
I - Native American Indian
O - Other/Unclassified
P - Pacific Islander
S - Middle Eastern/East Indian
W – White/Caucasian
4. Search-Vehicle or Person: **N - No Search Conducted**
S - Search conducted–Evid/Contraband Found
Z - Search – No Evid/No Contraband Found
5. Number of Stops/Subjects: **1 – 9**

Addition:

6. Type of Limited Detention: **C - Curb Sat**
H - Handcuffed
N - No curb / handcuff / police vehicle
V - Sat in Police Vehicle
7. Reason for Limited Detention: **F - Flight Risk**
M - Medical Condition
N - No curb, handcuff or police vehicle
O - Other
P - Safety concerns during prior contact(s)
S - Officer Safety concerns
W - Weapons / Violence Related
8. Final Disposition: **A,B,C,D,E,F,G,H,M,N,O,P,R,T,U,Z**
(Choose Highest Level of Disposition)

EXAMPLES of RADIO TRAFFIC

Examples of Vehicle Stops

With One Subject: **(Driver – curb sat)**

Car stop / traffic citation / vehicle code violation / Hispanic male / searched – no evidence / 1 person / sat on the curb / medical reason

Radio Traffic for clearing an 11-95:

51F1: “Clear for detention dispo?”

SJ02: “51F1, go ahead”

51F1: “DVHZ1CM, with final dispo D-David”

(Any additional passengers that were not sat on the curb, handcuffed, or placed in the back of a police vehicle will not have a disposition code)

With Two Subjects: **1st Subject (Driver – no detention)**

Car stop / traffic citation / vehicle code violation / Hispanic male / searched with no evidence / 1 person / not sat on the curb / no curb – no handcuff –not placed in police vehicle

2nd Subject (Passenger - handcuffed)

Car stop / no report / vehicle code violation (original reason for stop) / White female (not concerned about gender of “female”- update the car stop to 11-95X if needed) / not searched / 1 subject / placed in handcuffs / subjects outnumbered officer

Radio Traffic for clearing 11-95 w/two dispositions:

51F1: “Clear for multiple detention dispos?”

SJ02: “51F1, go ahead.”

51F1: “First, DVHZ1NN”

SJ02: “51F1, go ahead”

51F1: “NWN1HO, final dispo D-David”

(ADD Comments Due to Limited Detention Code “O”)

Examples of Pedestrian Stops:

With One Subject: **(Not Curb Sat/Not Handcuffed/Not placed in Police Vehicle)**
Ped stop on female / vandalism report / BOL / Black female / searched person
– no evidence located / 1 person / Stood next to police vehicle / prior contact

Radio Traffic for clearing 10-95X:

51F1: **“10-98, R-Robert on a 594PC”**

With One Subject: **(Curb Sat)**
Ped stop on female / criminal citation / BOL / Black female / searched person
– evidence located / 1 person / placed in a police vehicle / prior contact
concerns

Radio Traffic for clearing 10-95X w/curb detention:

51F1: **“Clear for detention dispo?”**
SJ02: “51F1, go ahead.”
51F1: “CBBS1VP, final dispo C-Charles”

Attachment

Detention Documentation

1. Disposition: **A,B,C,D,E,F,G,H,M,N,O,P,R,T,U,Z**
2. Reason for Stop:
(Reasonable Suspicion
For Stop) **B** - BOL/APB/Watch Bulletin/Follow Up
C – Consent (Pedestrian Stops Only)
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3. Race: **A** - Asian
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4. Search-Vehicle or Person: **N** - No Search Conducted
S - Search conducted–Evid/Contraband Found
Z - Search – No Evid/No Contraband Found
5. Number of Stops/Subjects: **1 – 9**

Addition:

6. Type of Limited Detention: **C** - Curb Sat
H - Handcuffed
N - No curb / handcuff / police vehicle
V - Sat in Police Vehicle
7. Reason for Limited Detention: **F** - Flight Risk
M - Medical Condition
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O - Other
P - Safety concerns during prior contact(s)
S - Officer Safety concerns
W - Weapons / Violence Related
8. Final Disposition: **A,B,C,D,E,F,G,H,M,N,O,P,R,T,U,Z**
(Choose Highest Level of Disposition)

EXAMPLES of RADIO TRAFFIC

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