

OFFICE OF THE CHIEF OF POLICE

NOTICE 1.11

January 11, 2021

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: ASSEMBLY BILL 2717 – RESCUING UNATTENDED CHILDREN FROM A MOTOR VEHICLE: EXEMPTION FROM CRIMINAL AND CIVIL LIABILITY

Existing law makes it an infraction to leave a child who is six years of age or younger inside a motor vehicle without being subject to supervision of a person who is 12 years of age or older if there are certain conditions that present a significant risk to the health and safety of the child's well-being.

Note: For the purposes of this Notice, "child" is defined as six years of age or younger.

On September 30, 2020, Governor Newsom signed into law Assembly Bill (AB) 2717. Effective January 1, 2021, AB 2717 will exempt a person from civil and criminal liability for property damages or trespass to a motor vehicle if the property damage or trespass occurs while the person is rescuing a child who is six years of age or younger from a motor vehicle under circumstances that reasonably could cause suffering, disability, or death to the child, if certain steps are taken during the removal. This bill also establishes procedures that apply to a peace officer, firefighter, or other emergency responders.

The purpose of this Notice is to formally notify Department personnel of this new law. Where an officer has a reasonable and good faith belief that a child's safety is in immediate danger from heat, cold, lack of adequate ventilation, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the child, the officer, per Section 1799.101 of the Health and Safety Code, shall do all of the following:

- Determine the vehicle is locked or there is otherwise no reasonable manner for the child to be removed from the vehicle;
- Make a reasonable effort to locate the owner or other person responsible for the child;
- If the officer has a reasonable and good faith belief that forcible entry into the vehicle is necessary to prevent imminent danger or harm to the child, an officer may use the minimum amount of force that is reasonably necessary under the circumstances to forcibly enter the vehicle to remove the child;

Note: Officers are encouraged to weigh all options when attempting to gain entry into the vehicle to include requesting the Los Angeles Fire Department and/or Official Police

Garage Tow for breaching tools.

- Request a rescue ambulance (RA) to treat and transport the child;
- Remain with the child in a safe location, reasonably close to the vehicle, until the RA unit arrives;
- Ensure the child has been treated and transported by the responding RA as deemed necessary per LAFD policy and procedure; and,
- The primary officer shall, in a secure and conspicuous location on or within the motor vehicle, leave a written notice bearing their name and station/office and the address of the location where the child will be treated.

Section 305(a) Welfare Institutions Code states any peace officer may, without a warrant, take into temporary custody a minor: When the officer has reasonable cause for believing that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse or the physical environment, or the fact that the child is left unattended poses an immediate threat to the child's health or safety.

In cases in which the child is left unattended, the peace officer shall first make every attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker from the Department of Children Family Services to assume custody of the child.

Note: If a crime has occurred officers shall contact the Juvenile and/or the Major Assault Coordinator to seek investigative advice and take the appropriate action.

If you have any questions or require additional information, please contact the Evaluation and Administration Section, Office of Operations, at (213) 486-6050.



MICHEL R. MOORE
Chief of Police

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