

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 11

October 10, 2017

SUBJECT: MISCELLANEOUS MANUAL AMENDMENTS PERTAINING TO TRAFFIC PROCEDURES – REVISED; OFFICER IN CHARGE OF THE COLLISION INVESTIGATION FOLLOW-UP UNIT – RESPONSIBILITY – RENAMED AND REVISED; AND, PRE-BOOKING MEDICAL TREATMENT OF DRIVING-UNDER-THE-INFLUENCE ARRESTEES – GCI READING OF .30 OR HIGHER – RENAMED AND REVISED

PURPOSE: This Order revises numerous Department Manual sections in order to be consistent with current traffic procedures.

PROCEDURE: This Order revises Department Manual Sections 4/343.30 through 4/648.17 to reflect current traffic-related procedures. Attached are the revised Department Manual sections with the revisions indicated in italics.

The Department Traffic Manual is also undergoing revisions by the Traffic Coordination Section, Emergency Operations Division.

AMENDMENTS: This Order amends Sections 4/343.30, 4/343.36, 4/343.38, 4/343.42, 4/354.10, 4/354.40, 4/415.07, 4/415.10, 4/437.20, and 4/648.17 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

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343.30 ARRESTING OFFICER'S RESPONSIBILITIES. An officer making an arrest for Driving Under the Influence (DUI) shall complete a *Driving Under the Influence Arrest Report Supplemental, Form 05.02.05*, in the usual manner and confiscate the California Driver's License from the arrestee when the arrestee:

Note: *Out-of-state/foreign licenses are not included under California law and cannot be confiscated.*

- Refuses to submit to and complete a chemical test; or,

Note: The Chemical Test Admonition portion must be read to the arrestee in its entirety, even when the arrestee refuses to submit to or complete a chemical test.

- Takes a breath test which shows a blood alcohol concentration (BAC) level of .08 percent or more (*if over 21 years of age*) or .01 percent or more (*if under 21 years of age*); or,
- Takes a blood test (*voluntary or forced*) and the officer believes that subsequent test results will show that the driver is at or above a BAC of .08 percent or more (*if under 21, a BAC of .01 percent or more*); or,
- Has been driving a vehicle that requires a commercial driver's license when the subject had a BAC of .04 percent or more; or,
- Has been on probation for California Vehicle Code (CVC) Sections 23152 or 23153 and had a BAC of .01 percent or more as measured by a Preliminary Alcohol Screening (PAS) test or other chemical test; or,
- Has been on DUI related probation for CVC Sections 23103, 23152 or 23153, Penal Code Section 191.5 and refuses to complete the PAS test; or,
- Is under the age of 21 and refuses to complete the PAS test.

Note: *A urine test is only administered as an additional chemical test or when a breath test is unavailable and the arrestee is a hemophiliac or is taking anticoagulants for a heart condition, which precludes them from providing a blood sample. If a urine test is administered, the arresting officer shall follow procedures described in Department Manual Section 4/343.42.*

Upon completion of the *Driving Under the Influence Arrest Report Supplemental*, and confiscation of the arrestee's California Driver's License, the arresting officer shall complete a Department of Motor Vehicles (DMV) Officer's Statement, Form DS 367 [*Administrative Per Se (Admin Per Se)*], and write the arrestee's booking number in the upper left corner (*or DR No. in instances of an unbooked DUI*).

Upon approval of the *Driving Under the Influence Arrest Report Supplemental*, and Admin Per Se documentation, officers shall:

- Attach the yellow copy of the DMV Form DS 367 to the *Driving Under the Influence Arrest Report Supplemental* (*if under 21, attach the yellow copy of the DMV Form DS 367M to the Arrest Report*);
- Issue the pink copy of the DMV Form DS 367 to the arrestee (*if under 21, issue the pink copy of the DMV Form DS 367M to the arrestee*); and,

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- Mail the original *DMV Form DS 367 (if under 21, original Form DS 367M)* with the arrestee's original California Driver's License; a *completed copy of the arrest report* and a *completed Los Angeles Police Department EC/IR Operator Checklist, Form 05.20.07*, to the DMV location which corresponds with the geographic bureau of arrest.

Note: The law requires that all reports and forms be received by *the* DMV within five working days *from* the date of arrest.

The pink copy of the DMV Form DS 367 (if under 21, the pink copy of the DMV Form DS 367M) issued to the arrestee will serve as a temporary driver's license for 30 days from the date of arrest for an arrestee with a valid California Driver's License. The arrestee will have 10 days to request a DMV hearing. Failure by the arrestee to request a hearing will result in an automatic suspension of the arrestee's California Driver's License.

Supervisor's Responsibilities. Supervisors approving *Driving Under the Influence Arrest Report, Form 05.02.05*, shall ensure that arresting officers have complied with Admin Per Se procedures, when applicable, *and related reports*.

343.36 CHEMICAL TEST ADMONITIONS. Prior to administering a chemical test to a *driving under the influence (DUI)* arrestee, the Chemical Test Admonition (23612 VC) section of the *Driving Under the Influence Arrest Report Supplemental, Form 05.02.05*, shall be read to the arrestee. The name and serial number of the admonishing officer shall be entered in the space provided in this section.

Note: The Chemical Test Admonition (23612 VC *section Spanish version*) contained in the Los Angeles Police Department Citation Guide, Form 16.65.00, shall be read to Spanish speaking *DUI* arrestees, by an officer fluent in, and capable of, testifying in Spanish.

After a breath test, if the arrestee is suspected of *DUI* of alcohol, the additional Chemical Test Admonition (23614 VC) section of the *Driving Under the Influence Arrest Report Supplemental*, shall be read to the arrestee. The name and serial number of the admonishing officer shall be entered in the space provided in this section. If drug use is suspected, the Drug Admonition *section* of the *Driving Under the Influence Arrest Report Supplemental*, shall be read to the arrestee instead of the additional Chemical Test Admonition. The name and serial number of the admonishing officer shall be entered in the space provided in this section.

343.38 BREATH TEST.

Use of Equipment. Operation of the breath-testing equipment shall be restricted to personnel who have been trained in its use. *When the arresting officer has not been trained in the use of the breath-testing equipment, the test shall be administered by an officer qualified to do so.*

The Los Angeles Police Department EC/IR Operator Checklist, Form 05.20.07, shall be completed by the qualified officer each time the EC/IR is set up for a test.

Note: Breath-testing equipment may be used as an investigative aid in *DUI* arrests involving *alcohol*, drugs or for other purposes at the discretion of the concerned watch commander.

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Forensic Science Division shall ensure that *EC/IR* breath-testing equipment receive timely calibration by qualified personnel.

Administering Test. Prior to administering the *breath* test, the testing officer shall observe the *arrestee* for a 15-minute period. *During this period, the arrestee shall not eat, drink, smoke, regurgitate or vomit.*

Note: If the *arrestee* regurgitates, vomits, eats, drinks, or smokes *during that time period or* between sampling, the pre-testing observation shall be repeated.

At least two breath samples shall be collected (*no waiting period is required between samples*). If the readings of the two samples vary *by* more than .02 percent, ***a third sample is required.*** If five samples have been collected and the test is not complete (*no two samples within .02 percent*), the officer shall direct the *arrestee* to submit to a blood test. Failure to *successfully* complete *one of the available tests* shall be deemed a refusal.

Note: Arrestees who obtain a *EC/IR* reading of .30 percent or higher **shall** be examined by medical personnel pursuant to *Department Manual* Section 4/648.17.

Recording Results. The *EC/IR* test tape shall be separated from the machine **only** when:

- The test is completed (two samples within .02 percent); or,
- Five samples have been collected and the test is not completed.

Note: *If the breath test ends without obtaining two successful breath test results on the same breath test printout, and a second or third breath test is required, tape each additional breath test printout(s) to a separate Los Angeles Police Department EC/IR Operator Checklist.*

The *EC/IR* test *printout* shall be *taped* to the *Los Angeles Police Department EC/IR Operator Checklist* on the space provided. The *tape* shall be positioned in a manner that will not interfere with reading the test results. When the test *printout* is longer than the *Los Angeles Police Department EC/IR Checklist*, the *printout* shall be folded in a manner that will not interfere with reading the test results.

The *Los Angeles Police Department EC/IR Operator Checklist* shall be completed by the administering officer and:

- Attached to the Arrest Report or *Complaint Application, Form 05.15.00*; or,
- Submitted with the officer's *Daily Field Activities Report (DFAR), Form 15.52.00*, and a *Driving Under the Influence Arrest Report Supplemental, Form 05.02.05*, when no arrest report is completed; or,
- Attached to a *Traffic Collision Report, CHP 555*, when completed as a result of a *traffic collision investigation*.

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***Note:** When no such DFAR is available (i.e., CAD summary) the Driving Under the Influence Arrest Report Supplemental will instead be submitted to the officer's supervisor and attached to the Sergeant's Daily Report, Form 15.48.00. Attach the Los Angeles Police Department EC/IR Operator Checklist, when applicable.*

343.42 URINE TEST.

Location Obtained. A urine sample *shall* be obtained from *the* arrestee at the booking location.

Administering Test for Alcohol. An officer or detention officer of the same *gender* as the arrestee shall:

- Escort the arrestee to an appropriate restroom facility;
- Instruct the arrestee that he *or* she must empty his *or* her bladder;
- Remain present while the arrestee empties his *or* her bladder;
- Wait twenty minutes, or as soon as possible thereafter, before attempting to collect a urine sample;
- Provide the arrestee with a pretreated urine sample container;
- Ensure that the container is not rinsed prior to sample collection;
- Remain present while the arrestee provides a urine sample; and,
- Ensure that the label identifying the chemist responsible for preparation of the container is not removed.

Administering Test for Drugs Other than Alcohol. An officer or detention officer of the same *gender* as the arrestee shall:

- Escort the arrestee to an appropriate restroom facility;
- Provide the arrestee with a pretreated urine sample container;
- Ensure that the container is not rinsed prior to sample collection;
- Remain present while the arrestee provides a urine sample; and,
- Ensure that the label identifying the chemist responsible for preparation of the container is not removed.

Protective gloves must be worn when handling a urine sample.

Note: A blood test is the only acceptable test to determine a person's drug content *for the purpose of a DUI investigation*. A urine test for drugs other than alcohol shall only be used if the person has hemophilia or is using an anticoagulant for a heart condition.

The *Driving Under the Influence Arrest Report Supplemental*, Form 05.02.05, shall indicate:

- *The name of the employee who administered the urine test;*
- *The location the urine sample was collected;*
- *The time the bladder of the arrestee was first emptied (alcohol test **only**); and,*
- *The time the urine sample was collected.*

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Note: When an arresting officer becomes aware that an arrestee has emptied his or her bladder after coming into the custody of the officer, the twenty-minute waiting period shall begin at the time the bladder was first emptied. The time and circumstances of the emptying must be recorded on the *Driving Under the Influence Arrest Report Supplemental*.

Booking Sample. The officer booking a urine sample *shall*:

- Ensure that the lid is placed **tightly** on the container;
- Place a completed Sealed-Evidence label on the side of the container, and place the arrestee's booking number *below the date* when completing the Sealed-Evidence label. If there is no arrestee, the *Division of Records* (DR) number must be placed in the space *below the date*. When there is more than one arrestee and a DR number is used, both the DR number and the last name of the arrestee must be used;
- Complete the Analyzed Evidence - To Be Refrigerated Envelope, Form 12.51.01, and check the appropriate box, "Alcohol Analysis" or "Drug Analysis";
- Place the container in the *provided* plastic sealable bag, seal it, and then place it in the Analyzed Evidence - To Be Refrigerated Envelope;
- Seal the envelope with *three* completed Sealed Evidence labels covering the top and bottom flaps and center seam of the Analyzed Evidence - To Be Refrigerated Envelope; and,
- Affix the Biohazard Label to the front of the Analyzed Evidence - To Be Refrigerated Envelope. *If no Biohazard Label is available, the officer shall write "Biohazard" in red ink, in the center of the Analyzed Evidence - To Be Refrigerated Envelope.*

Urine samples must be booked in the refrigerated temporary storage locker most convenient for the booking employee, *or at Central Property Section or Valley Property Section*. The evidence courier will be responsible for transporting items to Property Division to be analyzed by *Forensic Science Division*.

Supervisor Approving. The supervisor approving the booking of the sample must inspect the sample vial or container label to ensure that the required identifying information is included.

354.10 FALSE INFORMATION TO PEACE OFFICERS. An officer engaged in enforcement of the Vehicle Code (VC) who becomes aware that a person has knowingly provided false information *may* arrest and book for Section 31 VC under the authority of Section 40302(a) VC. *Additionally, other felony/misdemeanor crimes may be applicable and ought to be considered when booking an arrestee who misrepresents himself or herself to a law enforcement officer.*

Note: *Section 31 VC cannot be written on a Traffic Notice to Appear, Form 04.50.00.*

False Personation, Sections 529, 530 or 530.5 of the California Penal Code (CPC) can result when an officer issues a citation to a person who willfully misrepresents himself or herself. If a citation is completed, or a Traffic Collision Report, CHP 555 Form Set, is completed with someone misrepresenting himself or herself, and is subsequently arrested and booked for False Personation, the responsibility to conduct a follow-up investigation and/or criminal filing is with the bureau of occurrence's Traffic Division, Traffic Detective Section (TDS). If no Traffic

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Collision Report was completed, and/or no citation was issued, and an arrest for False Personation is made, the responsibility for the follow-up investigation and/or criminal filing is with the Area detectives.

Note: *When issuing a Traffic Notice to Appear to a person with no form of identification in his or her possession, obtain a thumbprint on both the green copy and the goldenrod copies of the citation. California Vehicle Code Section 40303 (a) allows officers to obtain a thumbprint on the traffic violator's citation when no satisfactory form of identification is presented.*

Officers shall cancel a citation (Traffic Notice to Appear) on which false information was recorded by completing a Citation Cancellation Request, Form 04.45.00, and document the canceling of the citation in the narrative of the *Arrest Report, Form 05.02.00*. Any additional violations listed on the cancelled citation shall also be documented in the narrative of the *Arrest Report* as additional filings. A photocopy of the cancelled citation shall be included as a page of the *Arrest Report*.

354.40 TRAINS BLOCKING MOVEMENT OF TRAFFIC. Whenever a train blocks the movement of traffic upon a street for more than ten minutes, a Complaint Application, Form 05.15.00, may be completed. The *Complaint Application* shall be submitted to a supervisor for approval.

Officer's Responsibilities. When completing a Complaint Application, the *officer* shall include, when practicable:

- The date, time and exact location of occurrence (including the name of the blocked streets);
- The name of the railroad involved, including the numbers of the locomotive and caboose;
- The name(s) of the engineer and/or the conductor and their stated reason, if any, for the delay;
- The name(s) and phone number(s) of witness(es) and/or person(s) reporting; and,
- The duration of the delay during which the train blocked the movement of traffic.

(State Public Utilities Commission General Order No. 135.)

Exception: Officers shall not submit a Complaint Application when:

- There are no vehicle(s) or pedestrian(s) waiting;
- The train is moving continuously in the same direction; or,
- The train is stopped because of State and/or Federal laws, terrain and/or physical conditions, adverse weather conditions, conditions rendering the roadbed or track unsafe, mechanical failures, train accidents, or other occurrences over which the railroad has no control.

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Records Supervisor's Responsibilities. Records supervisors shall:

- Ensure that all Complaint Applications for trains blocking movement of traffic receive a Division of Records (DR) number; and,
- Forward the Complaint Application to the responsible traffic division.

Traffic Division, Traffic Detective Section, Detective's Responsibilities. *Traffic Detective Section investigators shall:*

- Review the Complaint Application;
- Ensure that the Complaint Application meets *the* Los Angeles City Attorney's filing requirements; and,
- Present the Complaint Application to the Los Angeles City Attorney's Office for filing.

415.07 CLASSIFICATION OF TRAFFIC COLLISIONS AND FORMS REQUIRED. An officer *who is* assigned to a traffic collision call shall conduct a preliminary investigation to determine whether the occurrence requires a Class II (minor) or Class I (in-depth) investigation.

- A Class II investigation requires completion of a *Traffic Collision Report*, CHP Form 555. If more space is required, a *Narrative Supplemental*, CHP Form 556, (*officers may use the "checkbox narrative" format*) shall be used; *sketch diagram, paraphrased statements, if applicable, a Municipal Supplement, Form 04.03.01; and,*
- A Class I investigation requires completion of a *Traffic Collision Report, Narrative Supplemental, photos, verbatim statements, scale diagram (unless a sketch diagram is approved by the concerned traffic division watch commander), and if applicable, a Municipal Supplement.*

415.10 CLASS I TRAFFIC COLLISION INVESTIGATION CRITERIA. A Class I Traffic Collision Investigation shall be conducted when a traffic collision investigated at the scene involves one or more of the following:

- *Fatality;*
- *Severe Injury;*
- *Unbooked driving under the influence driver (with complex circumstances);*
- *CPI with a possibility of City liability;*
- *Unusual incident as defined in Department Manual Section 4/214.50; and,*
- *Complex circumstances which cannot be adequately reported with a Class II Investigation.*

437.20 OFFICER IN CHARGE OF THE TRAFFIC DETECTIVE SECTION – RESPONSIBILITIES. The officer in charge of *the traffic detective section* shall forward a roster of on-call investigating officers to *Real-Time Analysis and Critical Response Division*, on a weekly basis.

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648.17 PRE-BOOKING MEDICAL TREATMENT OF DRIVING UNDER THE INFLUENCE ARRESTEES - EC/IR READING OF .30 OR HIGHER. When an arrestee detained for suspicion of *driving under the influence* elects to take a breath test, and the *EC/IR* reading is .30 percent or higher, *the* arresting officers shall:

- Record the test result on the *Los Angeles Police Department EC/IR Operator Checklist, Form 05.20.07*;
- Ensure the arrestee is physically examined by medical personnel as outlined in *Department Manual Section 4/240.10*;
- Record the *EC/IR* reading on the Booking Approval, Form 12.31.00; and,
- Notify a supervisor prior to booking.

Note: If the examining physician recommends hospitalization of the arrestee, the arresting officer(s) shall be guided by the advice of the physician relative to transporting the arrestee to the location of booking.

Supervisor's Responsibilities. Upon being notified by *the* arresting officers that an arrestee has a .30 percent or higher *EC/IR* reading, the concerned supervisor shall ensure:

- The arrestee has been physically examined by medical personnel;
- The results of the *EC/IR* are noted on the Booking Approval; and,
- The booking/custody location of the arrestee is in accord with the recommendations of the examining physician.