

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 2

February 21, 2017

SUBJECT: ELECTRONIC 911 ABUSE PROCEDURE – RENAMED AND REVISED; AND, RESPONSE STATEMENT REPORT, DRIVING UNDER-THE-INFLUENCE TRAFFIC COLLISION INCIDENT, FORM 04.03.02 – RENAMED AND REVISED

PURPOSE: On January 1, 2014, California Penal Code Section 148.3, False Emergency Reports, was revised to make any person convicted under this section liable to the public agency for the cost of the emergency response. This Order renames and revises Department Manual Section 4/271.21, *Electronic 911 Abuse Procedure*, as *False Emergency Reporting Procedure*. In addition, the Response Statement Report, Driving Under-the-Influence Traffic Collision Incident, Form 04.03.02, which is used for cost recovery to document the number of hours spent by Department employees on a driving under the influence (DUI) traffic collision, has been renamed as the Department Response and Cost Recovery Statement and has been revised for usage with false emergency reporting incidents, as well as DUI traffic collision incidents. Only emergency response and at-scene activities will be listed on the Department Response and Cost Recovery Statement for false emergencies reporting incidents.

PROCEDURE:

- I. ELECTRONIC 911 ABUSE PROCEDURE – RENAMED AND REVISED.** Department Manual Section 4/271.21, *Electronic 911 Abuse Procedure*, has been renamed as *False Emergency Reporting Procedure*. Attached is the revised Department Manual section with the revisions indicated in italics.

- II. RESPONSE STATEMENT REPORT, DRIVING UNDER-THE-INFLUENCE TRAFFIC COLLISION INCIDENT, FORM 04.03.02 – RENAMED AND REVISED.** The Response Statement Report, Driving Under-the-Influence Traffic Collision Incident, Form 04.03.02, has been renamed as the Department Response and Cost Recovery Statement, and has been revised to document the number of hours spent by the responding Department employees at scene who conducted at-scene, follow-up and report writing activities for incidents concerning false emergency reporting or DUI traffic collisions.

The Traffic Coordination Section, Emergency Operations Division, is responsible for reviewing all Department Response and Cost Recovery Statements associated with DUI traffic collision incidents and/or investigative reports. The Budget Section, Fiscal Operations Division, shall be responsible for reviewing all Department Response and Cost Recovery Statements associated with false emergency reporting cost recoveries.

- A. Use of Form.** This form shall be used to document the number of hours spent by officers responding to and investigating false emergency reporting or DUI traffic collision incidents.

B. Completion. The completion of this form is self-explanatory.

C. Distribution.

1 – Original, shall be attached to the Investigative Report, Form 03.01.00, or Arrest Report, Form 05.02.00, if related to a false emergency reporting incident. Attached to the Traffic Collision Report, Form CHP 555, or Arrest Report, if related to DUI traffic collisions.

1 – Copy, shall be attached to the incident history printout and Investigative Report or Arrest Report and sent via Department mail to the Budget Section, Fiscal Operations Division, if related to a false emergency reporting incident. Attached to the incident history printout and Traffic Collision Report or Arrest Report, sent via Department mail to the Traffic Coordination Section, Emergency Operations Division, if related to DUI traffic collisions.

2 – TOTAL

FORM AVAILABILITY: A copy of the Department Response and Cost Recovery Statement is attached for immediate use and duplication, and is available in E-Forms on the Department's Local Area Network (LAN). All other versions of this form shall be marked "obsolete" and placed into the divisional recycle bin.

AMENDMENTS: This Order amends Section 4/271.21 of the Department Manual. The "Form Use" link applicable to the Department Response and Cost Recovery Statement has been updated and is accessible in E-Forms on the Department's LAN.

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

Attachments

DISTRIBUTION "D"

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271.21 FALSE EMERGENCY REPORTING PROCEDURE.

False Emergency Reporting is defined by California Penal Code Section 148.3(a) as “Any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an ‘emergency’ exists, knowing that the report is false.” It includes high profile false emergency reports that:

- Attract considerable community/media attention;
- Involve a public/celebrity figure or a critical infrastructure or key resource (CIKR); and/or,
- Provide notoriety to individuals or groups operating within electronic or digital domains for the purposes of status or fame.

The perpetrators of *false emergency reporting* are *sometimes* motivated by the media recognition *that these* incident(s) create. To reduce or eliminate the perpetrator's motivation, the Department will not release the nature of any *false emergency reporting* call to the public/media, nor the location or the name of the resident.

Officer's Responsibilities. The primary officer(s) assigned to a *false emergency reporting* incident *shall*:

- *Complete an Investigative Report (IR), Form 03.01.00, titled “False Emergency Reporting” or Arrest Report, Form 05.02.00, and notify the Criminal Investigation Section (CIS), Major Crimes Division (MCD), as soon as practicable, to determine if the incident qualifies to be handled by CIS;*

Note: The CIS will only handle false emergency reporting incidents that involve, but are not limited to, celebrities, politicians, and/or critical infrastructures or key resources. If the false emergency reporting incident does not meet CIS criteria, the investigation will remain within the geographic Area. During off-hours, CIS can be reached via Real-Time Analysis and Critical Response (RACR) Division.

- *If CIS determines that they will handle the false emergency reporting incident, place "MCD" in the "INVEST DIV" box, check the "CTSOB MAJOR CRIMES" box, and place the name and serial number of the CIS employee that was notified on the IR face-sheet and in the report narrative;*
- *Complete a Department Response and Cost Recovery Statement, Form 04.03.02, listing only at-scene activities and attach the Department Response and Cost Recovery Statement to the IR or Arrest Report, along with a copy of the incident history printout;*
- *Document that a completed Department Response and Cost Recovery Statement was attached to the IR or Arrest Report within the IR or Arrest Report; and,*
- *Notify RACR Division.*

Area Detective Division Responsibilities. Upon receiving a copy of an IR or Arrest Report related to a *false emergency reporting* for follow-up investigation, the assigned Area detectives *shall*:

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- *Ensure that the primary officer(s) assigned to a false emergency reporting completed an **original** Department Response and Cost Recovery Statement, attached it to the IR or Arrest Report, and documented in the IR or Arrest Report that they attached the Department Response and Cost Recovery Statement; and,*
- *Immediately forward copies of the IR or Arrest Report, Department Response and Cost Recovery Statement, and incident history printout to the Budget Section, Fiscal Operations Division (FOD), as soon as the detective hours have been documented within the Department Response and Cost Recovery Statement; and,*
- *Ensure that the assigned detectives document the date that they immediately forwarded the copies of the IR or Arrest Report, Department Response and Cost Recovery Statement, and incident history printout to the Budget Section, FOD, on a Follow-Up Investigation, Form 03.14.00.*

***Note:** The Office of the City Attorney requires the completed Department Response and Cost Recovery Statement as soon as practical, so as to forward it to the court, as the defendant must be provided directions by the court regarding the total restitution cost and where to make restitution payments, upon conviction for False Emergency Reporting.*

Upon receiving a copy of the estimated restitution costs calculated by FOD on the Department Response and Cost Recovery Statement, the assigned Area detective shall contact the Office of the City Attorney to determine if a conviction resulted from the arrest for false emergency reporting.

Major Crimes Division Responsibilities. *The CIS, MCD, including on-call CIS personnel, are responsible for investigating and arresting individuals for false emergency reporting incidents pertaining to all celebrities, politicians, and/or critical infrastructures or key resources.*

Note: *The Commanding Officer, MCD, has the final authority for determining which cases will be assigned to CIS. If it is determined that CIS will investigate the incident, the CIS investigator shall complete any additional at-scene, follow-up, and report writing activities on the Department Response and Cost Recovery Statement, along with an IR or Arrest Report. The concerned investigator shall immediately forward a copy of the Department Response and Cost Recovery Statement to the Budget Section, FOD, along with a copy of the IR or Arrest Report and an incident history printout and document within the narrative of the IR or Arrest Report that a copy of the Department Response and Cost Recovery Statement was forwarded to the Budget Section, FOD.*

Upon receiving a copy of the estimated restitution costs calculated by FOD on the Department Response and Cost Recovery Statement, the assigned MCD detective shall contact the Office of the City Attorney to determine if a conviction resulted from the arrest for false emergency reporting.

Area Records Unit Responsibilities. *The Area records unit shall enter the Modus Operandi Code 0392 for "False Emergency Reporting" when processing a "False Emergency Reporting" IR or Arrest Report. The Area records unit shall forward a copy of the IR, the incident history*

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printout and the Department Response and Cost Recovery Statement to MCD when the incident meets their criteria. Furthermore, Area records units will continue to use the Crime Classification Code 946 of "Other Miscellaneous Crime" for a False Emergency Reporting IR or Arrest Report.

Communications Division Responsibilities. Communications Division (CD) operators who receive incoming **non-medical-related** calls for emergency services from Telecommunications Relay Service (TRS) call centers *shall* attempt to obtain the Internet Protocol (IP) address of the caller from the TRS operator and also determine if the caller utilized an instant messaging service. *This information shall be included* in the incident history of the call. Furthermore, CD *shall* dispatch the call in the same manner as a "bomb call" via the Mobile Data Computer. A patrol unit *shall* be assigned Code Three and a supervisor Code Two *to the incident.*

Fiscal Operations Division Responsibilities. *The Budget Section, FOD, shall be responsible for reviewing all completed Department Response and Cost Recovery Statements associated with False Emergency Reporting cost recoveries and calculating the total costs for restitution.*

Upon receiving completed Department Response and Cost Recovery Statements from Area detectives or MCD detectives, FOD shall immediately notify the Office of the City Attorney and then forward copies of the completed Department Response and Cost Recovery Statements containing the estimated costs associated with the responding Department personnel to false emergency incidents that shall be completed by FOD, to both the Office of the City Attorney and the originating requestors.

Note: *The Office of the City Attorney shall forward the completed Department Response and Cost Recovery Statements to the court system. The court shall direct the defendant to make payments directly to FOD. Fiscal Operations Division shall provide receipts back to the defendants for their restitution payments.*

Fiscal Operations Division shall be responsible for depositing all the monies received related to false emergency calls into the Financial Management System.

DEPARTMENT RESPONSE AND COST RECOVERY STATEMENT

A defendant who is convicted of California Penal Code Section 148.3, False Emergency Reports, shall make a restitution payment(s) in person or via mail to the following address:

**Los Angeles Police Department
Fiscal Operations Division
Budget Section, Room 774
100 West First Street
Los Angeles, California 90012
(213) 486-8550**