

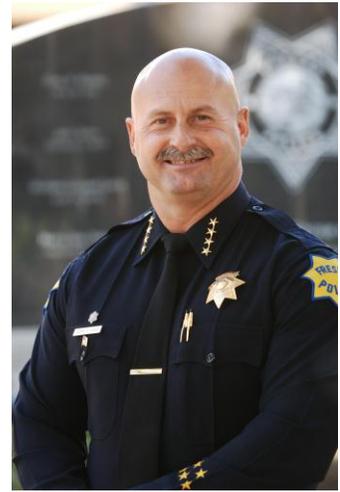
*A Student's
Guide to
Police Practice*



Fresno Water Tower

From the Chief

Fresno Police Department



Mission

“The men and women of the Fresno Police Department are dedicated to serving our community with honesty, compassion, and respect as we keep our citizens safe. We do this by preventing citizens from becoming victims of crime or being injured in a traffic collision. This is our highest priority. We are also committed to providing excellent service in those areas that are valued most by our citizens. We have a desire to live. Above all else, we must maintain the trust of our community. This five letter word is the foundation of every law enforcement agency. It is this trust that provides members of the Fresno Police Department the authority to deprive someone of their individual freedoms when they are suspected of violating the law, and in rare cases gives police officers the right to take a person’s life, when the officer believes his or her life or the life of another is in danger. This authority should never be taken for granted, nor abused.

It is my privilege to serve each of you as your Police Chief. I am committed to earning your trust as we work side by side in keeping our community safe.”

Jerry Dyer

From The Mayor

The City of Fresno's Office of Independent Review was established in 2009 premised on two beliefs: (1) that Fresno Police Officers are and should be highly trained, capable public guardians who strive to serve the public every day with professionalism; and (2) that because a Police Officer is entrusted with extraordinary responsibility and authority relating to the rights and privileges of citizens, there is an ongoing obligation to maintain the public's trust. The mission of the Office of Independent Review is to strengthen community trust in the Fresno Police Department by providing neutral third-party review of police policies, procedures and complaints.



While our continuing budget challenges have caused a temporary cessation of field audit efforts, the City remains committed to providing independent and fair review of Police Department operations through the City Manager's Office.

We hope to fill the position of Independent Reviewer in the next fiscal year once our finances have a chance to stabilize. At that point, we will conduct a thorough search to find the right person for the position.

Until then, anyone with complaints or questions for the Office of Independent Review should call the City Manager's Office at 621-7935.

Ashley Swearingin
Mayor

A Student's Guide To Police Practices

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The goal of this brochure is to provide you with information when interacting with the police in order to help you make smart decisions. This information should be viewed as general guidelines, and not intended to serve as legal advice. How many times have you asked yourself why police officers do the things they do? This brochure will give a general idea about police practices as well as a common sense approach on what to do if you are stopped and questioned by an officer.

Police Complaints

You may file a complaint in person, by phone, or mail at the Internal Affairs Unit of the Fresno Police Department.

Police Harassment

Questions Commonly asked by youth:

Why do officers try to intimidate young people?

Why do officers harass young people for just hanging out with their friends?

Why do officers stereotype young people and single them out because of the way they are dressed, their ethnic background, type of car they drive, etc?

Why don't officers tell people why they are being stopped?

What you may think is harassment, may not be harassment at all.

Officers may be responding to complaints from neighbors.

Sometimes when you are hanging out with your friends, some people may become concerned and call the police, especially when you are making a lot of noise, fighting or tagging walls.

When officers receive these types of calls, the information they get may be incomplete or inaccurate. This causes the officers to question everyone in the group and, unfortunately, sometimes this means having to question innocent people.

Here are some suggestions that may help you when contacted by the police:

- 1) If you are approached by a police officer, be respectful and do not assume the worst.
- 2) Realize that your appearance and attitude may send a message, either good or bad.
- 3) Do not place your hands in your jacket or pockets; officers will be concerned about whether or not you have a weapon.
- 4) Avoid making sudden movements. The officer may think you are trying to hide something or you are trying to reach for a weapon.
- 5) Remain calm. Fear and adrenaline can get both you and the officer in trouble.
- 6) Remember that what you may think is "harassment," may be proper law enforcement procedure necessary to conduct an investigation.
- 7) If you are stopped, do as the officer tells you to do. This is not the time for you to take-on the officer. You can always argue your case/ticket in court at a later time or file a complaint.

Traffic Stops and Profile Stops

Traffic stops are one of the most dangerous situations for police officers, especially at night. Officers will often call for help. This is usually referred to as “back-up”.

Police Officers can legally stop cars for some of the following reasons:

1. Traffic Violations(s) :
 - Only one license plate on vehicle (you must have 2, one in the front and one on the back, and they must be properly displayed)
 - Stickers placed on windshield (obstruction of view)
 - Things hanging from inside rear view mirror
 - Having bald tires
 - Modifications to vehicles (i.e. exhaust, hydraulics, tinted windows, blue lights)
 - Headphones from portable stereo covering both ears
 - Loud music
2. Reasonable suspicion of criminal activity based on what officers have seen. Witness information, information from police radio, other officers, or information from other official sources.
3. Probable cause to make an arrest
4. Outstanding warrants:
 - a) Be aware that if you are on probation or parole, officers can stop and search you, whether you are in your car or on foot, to see what you are up to as a condition of your probation or parole.
 - b) Officers do not need a warrant or probable cause when you are on probation or parole.

Profile Stops

When officers stop people based solely on how they look, their race, gender or type of car they drive, they are making what is referred to as a “profile stop.” The Fresno Police Department does not allow profile stops. If you feel that you were subjected to a “profile stop,” you have the right to file a complaint.

For detailed information on how many cars are stopped by Fresno P.D., the reason for the stops and the ethnicity of the drivers, see the Fresno P.D. Website at fresno.gov/police.

Consensual Encounters & Miranda Rights

Consensual Encounters

A “consensual encounter” is when an officer contacts you and the officer has no legal reason to suspect you are doing anything wrong.

This type of police contact is legal and usually involves a police officer asking questions such as:

1. your name
2. address
3. what you are doing or where you are going
4. proof of identification

The officer may even ask if he/she can search you. During the entire encounter, the officer must not prevent you from leaving or terminating the conversation, because it is strictly voluntary on your part. You can remain and talk to the officer or you are free to leave.

Miranda Rights

(You have the right to...)

When do officers have to read you the Fifth Amendments rights? Your Fifth Amendment rights are also called “Miranda rights.” Many television shows give people the impression that the police have to give Miranda rights any time they are contacted or arrested. In reality, police officers are required to read you your Miranda Rights only when:

1. You are arrested for being involved in a crime.
2. You are going to be questioned about that crime.
3. If you are under the age of 18 and are taken into custody, California law requires that you be advised of your rights even if you are not going to be questioned.

Police officers can ask you general questions like your name, address and birthday without reading you your Miranda Rights. The officer should say the following:

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to talk to a lawyer and have him/her present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questions if you wish.

Miranda Rights & What Happens If...

For juveniles only (If you are under the age of 18)

Anything you say can be used against you in a juvenile court prosecution and can also be used in an adult court criminal prosecution if the juvenile court decides that you are to be tried as an adult.

Make sure you understand all of your rights before you agree to answer any questions. However, if you understand your rights, you may choose to speak to the police. The decision whether to answer questions or not is yours to make.

What Happens If?

Remember this is general information and does not replace professional legal advice. If you have specific questions about legal issues discussed in this brochure, you should talk to a lawyer.

What happens if you are stopped for questioning?

1. If you are stopped without a legal reason, you should know that it is not a crime to refuse to answer questions.
2. Refusing to answer can make the police suspicious about you.
3. Legally, you should not be arrested for refusing to identify yourself on the street.
4. If you are driving a car or you are in a place where liquor is served, you can be arrested for failing to identify yourself.
5. When speaking to an officer, you should tell the truth and not mislead or lie to the police.
6. Officers may do a “pat-down” search of your clothing if they suspect you have a weapon.
7. If this search is against your wishes, do not physically resist, but verbally tell the officer that you are not giving consent to the search.
8. Ask if you are under arrest. If you are, then ask for the reasons why. You have the right to know this.
9. Do not “bad mouth” the police officer or run away even if you believe what is happening is wrong. This could lead to your arrest or injury or death.

What happens if...

Do not challenge the officer:

- Remember, you can always report the misconduct by filing a complaint at a later time.

What happens if you are stopped while driving a car?

1. Show your driver's license, registration and proof of insurance upon request.
2. Your car can, in certain cases be searched without a warrant as long as the police have probable cause; you are under arrest, or as a condition of your probation or parole.
3. You do not have to consent to a search of your car, and you should let the officers know this to protect your right to contest the search later.
4. Do not resist the officer's efforts.
5. You can always argue your case at a later time in court or through a citizen complaint.
6. If you are given a citation, you should sign it; otherwise you can be arrested.
7. By signing the ticket you are not admitting that you are guilty, you are just promising to appear for a hearing.
8. Remember that if you disagree with the officer, you can fight the case in court.
9. If you are suspected of drunk driving and refuse a blood, urine, or breath test, your driver's license or privilege will be suspended.

In California, driving is a privilege, not a right

What happens if you are arrested or taken to a police station?

1. Whether or not you are guilty, go with the officer. You can later argue your case in court.
2. If you are a minor, California law requires that the arresting officer immediately contact your parents/guardians.
3. Under Miranda, you have the right to remain silent and to talk to a lawyer before you talk to the police. You can talk to the police or respectfully tell the police that you wish to remain silent, but provide them with your name, date of birth, address and other identifying information. After talking to a lawyer, you and your lawyer can decide on the best way to resolve your case.

What happens if...

It is within your right to immediately request to see a lawyer. If you cannot pay for a lawyer, the court will appoint one to represent you. This lawyer is commonly referred to as a “public defender” You may ask the police how to contact a lawyer.

Within three hours after you are arrested, or immediately after being booked, you have the right to make two free phone calls in the local dialing are:

1. to a lawyer
2. to a relative or any other person

The police may not listen to the call to a lawyer. Keep in mind that if you call your boyfriend or girlfriend, that is one of the two phone calls you are permitted to make. Use good judgment when deciding whom to call.

What happens if you are caught driving a car without a driver's license?

If you have been issued a driver's license by the Department of Motor Vehicles (DMV), you must have that license with you any time you are driving a vehicle.

If you are stopped and you don't have your license with you, you may receive a citation and/or not be allowed to drive off. But if you have never been issued a drivers license by the DMV, or it has been suspended, the offense is more serious because the State of California requires everyone who drives a car to have a valid driver's license or permit to drive. If you don't have either of these and you are stopped while driving a car, you will be given a ticket. Because this is a misdemeanor offense, you can be arrested. Your car may also be towed and impounded and it will be very expensive to get your car back. You will be required to go to court. Things may get more complicated if you are on probation.

What happens if you do not show up to court?

If you fail to go to any court appearances without approval from the court, a warrant will be issued for your arrest. A warrant never expires until it is taken back by the court, or you are arrested.

Calling the court or writing a letter is not enough unless you received written confirmation from the court that your court date has been rescheduled or that you do not have to appear. Failing to go to court is a serious matter that will end up getting you arrested.

Arrest Warrants, Search Warrants & Curfew

Arrest Warrants

Arrest warrants are orders issued by a judge. Police officers have little discretion with court orders and their responsibility is to take anyone who has a warrant for their arrest into custody.

If you think you have a warrant for your arrest, it is recommended that you contact your local law enforcement agency to inquire how you can take care of this warrant. You should then follow through immediately. Be aware that if you are stopped by a police officer, you may be arrested if there is an outstanding warrant for your arrest.

Search Warrants

A search warrant is an order signed by a judge, which gives officers authorization to search every location for items listed in the search warrant. Officers are required to provide you with:

1. a copy of the warrant
2. a list of the items taken

CURFEW FOR MINORS SEC. 9-2508

No person under the age of eighteen years shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and eating places, vacant lots or any unsupervised place between the hours of 10:00 p.m. and 5:00 a.m. of the following day. The provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or when the minor is upon an emergency errand directed by his or her parent, guardian or other adult person having the care and custody of the minor, or when the minor is returning directly home from a meeting, entertainment, recreational activity or dance. (Orig. Ord. 2960; Am. Ord. 81-90, § 1, eff. 8-28-81).

Curfew, Trespassing, Loitering, Vandalism & Graffiti

Curfew Exception:

- If you are with your parent/guardian
- If your parent/guardian sent you out to run an errand
- If you are “hanging out” on your property (front porch/yard or sidewalk)
- If you are waiting for or riding public transportation (bus, train, light rail)
- If you are going to or coming from work
- If you are going home directly from a school, religious, cultural, athletic or organized activity/event

Trespassing

You can be arrested for refusing to leave a private or public building or school grounds if you have no legitimate reason for being there.

Loitering

Loiter means to delay, to linger, or to idle (hanging around) in a school or public place without a lawful purpose for being present. This includes places such as parking lots, convenience stores, fast food restaurants and others.

Vandalism

It is a crime to damage, destroy, or deface a school building, or any public or private building or structure. This includes fences, vehicles, mailboxes, street signs, etc. You can be incarcerated and your parents forced to pay for the damages.

Graffiti

What is graffiti?

Some view graffiti as a form of art, but others view it as vandalism. In either case, graffiti can be trouble. Areas that are “tagged” are often considered to be “gang turf.” These neighborhoods are viewed as unsafe, run-down and undesirable. Parent or relatives that own homes in these areas suffer the greatest loss because their property value will be lower than homes in other neighborhoods.

Graffiti attracts real gang members. This is dangerous because graffiti could result in violence and retaliation. As a result, there has been an increase of cases reported involving violence between taggers and gang members.

Graffiti & Drugs

Unless you own the property that is being tagged, tagging is against the law. If you are caught tagging for the first time, you could be sentenced to sixty hours of removing or painting over graffiti during your weekends. You could also lose your driver's license for a year. If you get caught again, the punishment can double. Other forms of punishment are house arrest, detention in juvenile hall or if you're an adult, in county jails.

People caught tagging are ordered to pay for the damage caused to the property. If the "tagger" cannot pay for the damages, their parents are forced to pay. If the damage is over \$400.00, the crime becomes a felony and the penalties are much worse. Tagging destroys property and takes away from what parents and neighbors work so hard to have. Tagging is not cool. It messes up your future and it can even be deadly to you or your family. Is tagging really what you are about? Is putting your tag up really worth the consequences? Make the right choice. DON'T TAG!

Drugs – The Reality of Drugs

Drugs may make people feel like they are smart, strong, happy and like there is nothing in the world to worry about. The problem is that these feelings are not real. What is real is that drugs are addictive and can make you sad, depressed, paranoid and even suicidal. This is reality!

Drugs have caused a national health problem in our country that has affected tens of millions of people. Many lives have been ruined because of drug addiction. This addiction is an illness that has a devastating financial impact on people. Drug dealers often push free samples, knowing that once hooked you will forgo buying clothes, foods and other things you enjoy just to buy a "fix."

Many young women and men between twelve and eighteen years old that use drugs are homeless, prostitutes, or gang members. Many of them have run away from home, live on the streets and go on to commit crimes to support their drug habit. These young people live hard, dirty and violent lives, frequently being raped, beaten, sometimes killed and/or sentenced to jail.

Drugs, Searches on Public School Campuses and Truancy

Because governmental agencies have had to cut back on programs designed to help people get off of drugs, few places exist where one can get treatment to overcome this terrible illness. Most addicts wish they had never tried drugs in the first place. The initial thrill was not worth the loss of family, future and self respect. You may not be able to do anything about your friend's decision to take drugs, but you do have the choice to stay away from drugs yourself. Be smart, be happy, be real!

Searches on Public School Campuses

In most cases, police officers need a search warrant based on probable cause in order to search you, your house or car. However, in school, school officials, teachers or officers do not need a search warrant if they have a special need to conduct a search based on “reasonable suspicion.” This means that if violation of a law or school policy is suspected, you may be searched. Your personal possessions, such as your backpack, locker and car, if they are on school property, may also be searched.

Truancy / Cutting School

Did you know that “cutting” school could get you in trouble with the law? According to the state law, students between the ages of 6 – 18 years are required to go to school, unless the student is between the ages of 16 – 17 and he/she has passed the California High School Proficiency Exam.

Any student who is absent from school for more than three days without a valid excuse or is late to school for more than 40 minutes on three or more consecutive days, under the law, is considered a “truant.” If an officer sees you out and about when you should be at school, the odds are that the officer will stop you to find why you are not in school. If you do not have a valid excuse from your parent or a school pass, you will most likely be detained and taken to a truancy center. At the truancy center, a report will be filled out and your parent/guardian will be called and asked to take you back to school. While you cannot be arrested for cutting school alone, there are consequences such as being detained at truancy center; being referred to counseling; and disciplinary action taken by your school.

*Insulting and
Abusing a Teacher,
Fighting on School Property,
and Weapons on Campus*

To avoid problems, make sure to have a valid written excuse signed by your parent/guardian or schools pass if you are going to be late to school, leave school or you need to leave during regular hours.

Insulting and Abusing Teachers

It is a violation of the Education Code, Section 448.11, for any parent, guardian or another person to insult or abuse a teacher at school while in the presence of students or employees.

Fighting on School Property

Penal Code Sections 243.2 and 243.5 make it clear that any assault or battery on school grounds or parking lot is against the law. These crimes can be punished by a fine or by imprisonment in the county jail or both.

Disrupting or Interfering with Classes

The Education Code section 322.11 makes it a misdemeanor to be on school property for the purpose of disrupting or interfering with classes or other school activities. You must leave promptly and thereafter cannot return within 48 hours. Remember that you cannot enter any part of the school grounds without permission if you have been suspended.

Bullying

Bullying behavior includes, **but is not** limited to, threats, teasing, and taunting by asserting power through physical or verbal aggression. January 1, 2009, Ed. Code 48900 has been amended to give school officials grounds to suspend a student or recommend a student to be expelled, for bullying.

Weapons on Campus

It is a felony to bring or possess a firearm in a school. A felony is a serious crime, which can be punished by incarceration in a state prison. Remember also, that a school official can search your locker, backpack, or you.

Any object that is capable of inflicting substantial injuries can be considered a weapon. Some of these objects are razors, pocket knives, other pointed objects, Billie clubs, metal knuckles, tear gas, nunchakus, BB or Pellet guns, are considered weapons. While the possession of some of these objects may not be illegal, possession at school is prohibited by school regulations.

Emancipation of Minors

&

Police Complaints

Emancipation of Minors

This is a process that makes it possible for a minor to have most of the rights of an adult. In order to qualify you must:

- Be at least 14 years of age
- Not living with parents or guardian
- Have consent of the parents or guardian
- Financially support yourself

Police Complaints

You may file a complaint in person, by phone or mail at:

fresno.gov/Police
Or call (559) 498-1400

Come in person to:
Fresno Police Department
2323 Mariposa Street
Hours are: 8:00 am to 5:00 pm

Request a mail-in complaint form
by writing to or calling:

Fresno Police Department
Internal Affairs
P.O. Box 1271
Fresno, CA 93715-1271
(559) 621-2730

Call the Fresno Police Department
(559) 621-7000

City of Fresno

Resources

Mayor of Fresno
Ashley Swearingin
Phone: (559) 621-8000
Fax: (559) 621-7990
E-Mail: Mayor@fresno.gov

City Council
Council Member, please call (559) 621-8000

<u>District 1</u> Blong Xiong Fax (559) 268-1043	<u>District 2</u> Andreas Boregeas Fax (559) 621-7898	<u>District 3</u> Oliver Baines Fax (559) 621-7893
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<u>District 4</u> Larry Westerlund Fax (559) 621-7848	<u>District 5</u> Sal Quintero Fax (559) 490-5395	<u>District 6</u> Lee Brand Fax (559) 621-7896
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District 7
Clint Olivier
Fax (559) 498-2541

City of Fresno One Call Center
(559) 621-2489

Offer the citizens of Fresno an easy means of getting
City information or reporting issues.

California Poison Control System
www.calpoison.org
1-800-222-1222

Code Enforcement
(559) 621-8400

Graffiti Hotline
(559) 621-8247

All Emergencies
Call 911
Fresno Police Department
(559) 621-7000
Fresno Fire Department
(559) 621-4000
Fresno Sheriff Department
(559) 488-3111

Community Resources

CPS.....(559) 255-8320
Mental Health Main Line
4411 E. Kings Canyon Ave.....1-800-654-3937 PHF (Adult Mental
Health Crisis Facility 24 Hours)
4411 E. Kings Canyon Ave (18 & Older).....(559) 453-5199
Marjoree Mason Center (battered women).....(559) 237-4706
Resource Center for Survivor (sexual assault).....(559) 497-2900
The Sanctuary (teen shelter).....(559) 498-8543

Department of Behavioral Health

Rural Services: 1-800-654-3937

Fresno/Clovis: 559-453-8918

Crisis Services: 559-453-3860

Health Services

Planned Parenthood.....(559) 488-4900/(559) 446-1515

Pregnancy Care Center.....(559) 237-0683

Public

Health.....(559) 445-3200

Immunization.....(559) 445-3550

Department of Social Service.....Local (559) 453-6212

(559) 453-6212

Rural 1-800-742-1011

Cultural Resources

F.I.R.M.....(559) 487-1500

Fresno Center for New Americans.....(559) 255-8395

Lao Family Community.....(559) 453-9775

OVCDC Tribal TANF.....(559) 226-2880

Fresno Native American Health Project.....(559) 320-0490

Centro La Familia.....(559) 237-2961

Counseling Resources

Kings View Blue Sky Y.E.C.P.....(559) 459-0337

Comprehensive Youth Services.....(559) 229-3561

Acknowledgment



Central California Criminal Justice Committee

The mission of the Central California Criminal Justice Committee is to work to ensure that the constitutional and human rights of the people of Fresno will not be violated by the police department.

www.cccjc.org

Many thanks to:

San Jose, California, Independent Police Auditor for sharing their Student/Police Guide with us.