



City of Long Beach
Working Together to Serve

Memorandum

Date: March 7, 2019
To: Anitra Dempsey, Executive Director, Citizens Police Complaint Commission
From: / Lloyd Cox, Commander, Internal Affairs
Subject: CPCC CASE #17-201

At the October 11, 2018 CPCC meeting the Commission requested information regarding:

- The policies and practice concerning the handling of property of juveniles who are arrested

Attached please find the response to the commission's request/recommendations.

Please feel free to contact me should you have any questions.

LC:lc
CPCC Case Response



City of Long Beach
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Memorandum

Date: January 23, 2019
To: Lloyd Cox, Commander, Internal Affairs
From: Joseph Gaynor, Lieutenant, Adult/Juvenile Investigations /JG
Subject: Special Project Assignment- IA CIT2017-0166

On January 16, 2019, special project assignment #CIT2017-0166 was issued regarding the policies and practices concerning the handling of property of juveniles who are arrested.

In discussion with Supervising Jail Sergeant Louis Perez, the following information was learned. This information was obtained via research of the Long Beach Police Department Manual, Training Bulletins, Jail Standard Operating Procedures Manual and discussions with current jail supervisors.

- There is no specific mention in any department document regarding the practice/procedure of handling the property of juveniles that have been arrested.
- The existing practice of jailers that handle the booking of arrested juveniles is as follows:
 - Juveniles being booked at the Juvenile Booking facility have all property removed from them.
 - All property removed is recorded by the arresting officer on the juvenile's booking sheet.
 - All property on the booking sheet is itemized and recorded in Tiburon and appears on the Los Angeles County booking face sheet, including bulk items like backpacks and skateboards.
 - Any item classified as evidence is taken and booked into evidence under regular departmental protocols.
 - Any contraband that is not allowed to be booked into property, such as liquids, alcohol, and vape pen cartridges, are typically photographed, noted in the report, and then disposed of safely at the juvenile booking facility.

Arrested juveniles are either transferred to Los Padrinos or released to the custody of their parent(s) and/or legal guardian(s) after completing booking. In all releases, the property of the arrested juvenile goes with the juvenile. Except for items determined to be evidence, no items are retained by Police Department personnel.

If you have additional questions, I can be contact at (562) 570-7275 or at joseph.gaynor@longbeach.gov

Juvearrestprop
JJG/jjg



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Memorandum

Date: March 7, 2019
To: Anitra Dempsey, Executive Director, Citizens Police Complaint Commission
From: ✓ Lloyd Cox, Commander, Internal Affairs
Subject: CPCC CASE #17-173

At the October 11, 2018 CPCC meeting the Commission requested information and expressed concerns regarding:

- The Police Department arresting someone "solely for smoking a cigarette" at a bus stop and believes that the "no smoking" signs in the bus area are too small and questions on whether we should be enforcing them.

Attached please find the response to the commission's request/recommendations.

Please feel free to contact me should you have any questions.

LC:lc
CPCC Case Response



Date: January 25, 2019
To: Lloyd Cox, Commander, Internal Affairs
From: David Marander, Sergeant, Security Services Division, Transit Enforcement Detail
Subject: **BUS STOP NO SMOKING SIGNAGE: IA Case #CIT2017-0069 (CPCC #17-173)**

BACKGROUND: An allegation was made, with the Citizens Police Complaint Commission (CPCC). The CPCC commissioners believe bus stop no smoking signage is too small and smoking laws should not be enforced.

SMOKING ENFORCEMENT: The Transit Enforcement Detail (TED) provides professional law enforcement service for the Long Beach Transit Bus Company (LBT). The TED and LBT receive daily complaints of smoking and loitering at bus stops. Based on the TED monthly statistical reporting, and the low number of smoking citations, it is evident that the TED officers typically educate persons who are loitering and smoking at bus stops and gain compliance with the no smoking requirements.

The Long Beach Police Department has received a grant to provide awareness and to enforce smoking violations city-wide. The officers working this assignment write numerous citations for unlawful smoking. Lieutenant Gaynor and Sergeant Stough supervise the no smoking awareness grant.

PENAL CODE BUS NO SMOKING LAW: 640 (b)(3) CPC Public transportation; no smoking

The above section is used for smoking violations on buses, at bus stops and other public transportation properties. There are no signage requirements identified in this section. The California Penal Code states the following is a violation of the section:

(3) Smoking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

MUNI. CODE NO SMOKING LAW: The following Long Beach Municipal Code (LBMC) sections are related to smoking violations and signage requirements:
8.68.075 - Smoking prohibited—Bus stops.

Smoking is prohibited and is unlawful at and within twenty feet (20') of any bus stop, private residential property, or while actively passing on the way to another destination.

SIGNAGE REQUIREMENT FOR LBMC: The following LBMC section pertains to smoking violation signage:

8.68.130 - Posting of signs required.

A. *Except where other signs are required, whenever in this Code smoking is prohibited, conspicuous signs shall be posted so stating, containing all capital lettering not less than one inch (1") in height on a contrasting background. It is the duty of the owner, operator, manager, or other persons having control of such room, building, workplace, or other place where smoking is prohibited, to post such signs or to cause such signs to be posted.*

LBT has no smoking signage at all their bus stops on the route information page posted at the stop on the stop information pole. The no smoking information is located at the bottom right area of the page in small 1/4" black lettering on a white background. This signage says: *No Smoking or vaping at and within 20 feet of any bus stop. Per section code 8.68.075.* This signage does not meet the "1" requirement identified in section "A." above.

AWARENESS EFFORTS: LBT and the TED have recently partnered with the Long Beach Health Department Tobacco Education Program. Ms. Eipryl (April) Tello is the Program Coordinator. LBT and the Health Department are working together with the Long Beach City Attorney's Office to educate the public and improve no smoking signage. Eipryl can be reached at (562) 570-7955.

On January 23, 2019, the Health Department's Tobacco Education Program and the TED conducted a no smoking awareness bus boarding operation near Veterans Hospital at 7th and Channel. This area is known for smoking violations and related loitering activity.

SUMMARY: Penal Code Section "640 (b)(3) CPC Public transportation; no smoking" does not identify specific signage be required to enforce smoking violations and only requires that smoking is prohibited by the system where the violation is occurring. LBT does have no smoking signage at all stops. This signage appears to be sufficient for the Penal Code violations but does not comply with the LBMC requirement.

We believe the 640 (b)(3) CPC violations are being issued lawfully. We have recommended that larger signage be approved by LBT.

If you have any questions, please contact me at (562) 570-7429.