

**San Leandro Police
Department**

**Police Service Technician
Guidebook**

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Recommendations –

The sample forms to be included in the manual as a reference aide on the subject matter.

The Jail Operations Manual (140 pages) at this point in time remains a standalone manual as it covers the primary duties of the PST position. When they have additional time available or are otherwise assigned, the PST can then refer to this supplemental manual to assist in completing tasks associated with either Code Enforcement or Animal Control duties.

CHAPTER 1 – TRAFFIC CONTROL

TRAFFIC CONTROL

SIGNALS AND GESTURES

One of your most important jobs while directing traffic is to let drivers know what you want them to do. Drivers often will not be able to hear you when you want them to stop. You can't just talk to them. You have to use a type of sign language which is clearly understood by everyone. When directing traffic you first want people to know that you are the person who will tell them what to do and when to do it. You must therefore know how to tell them to stop, start and turn by using gestures.

To Stop Traffic, two gestures are used. **FIRST**, raise your stop sign or hand high palm facing the driver so that the approaching motorist can clearly see it. Then with your free hand, point with your arm and finger and look straight at the driver you want to stop. Hold this position until the driver stops.

To Start Traffic, place yourself so that your side is toward traffic to be started. Point with your arm and finger toward the car that you want to start. Hold it until you get attention of the driver. Then, with your palm up, swing your hand up and over the top of your shoulder. Keep these motions going to continue to keep the traffic flowing.

Right turns. Signals for a right turn movement are not usually required at an intersection. When it is necessary, the hand you are not using to keep traffic moving, point it at the driver and then towards where you want the driver to turn.

Left turns. In helping a driver make a left turn you may first have to halt traffic in the lane or lanes through which the turning car must cross.

WHISTLES

The whistle is used to get the attention of drivers. It is used as follows:

- 1) One long blast is the signal for a driver to **STOP**
- 2) Two short blasts is the signal for a driver to **GO**
- 3) Several short blasts is to get the attention of a driver who does not respond to a given signal

GENERAL RULES FOR SMOOTH OPERATION

1. Don't get excited. If a traffic jam starts forming in your intersection, look for the trouble spot immediately. Don't lose your temper. Make your decision as to what is to be done and do it systematically. If you have the opportunity at a traffic signal light, see how the signals in the intersection were designed to move traffic (Both left turn lanes had green arrows while thru traffic remained stopped?)
2. You may want to stop drivers at the intersection to basically block traffic while you send cross traffic across. Do not "empty" a traffic lane.

SAFETY

Wear your traffic vest while directing traffic at all times. Be mindful of any pot holes in the area you are working. Watch out for large mirrors or other projections from trucks, R.V.'s etc...

CHAPTER 2 – RETRIEVING COMPLAINTS

RETRIEVING VOICE MAIL

There is no Administrative Assistant assigned to the Community Compliance Unit. As such, complaints received are typically phoned in and left on the Unit's assigned voice mailbox. The phone line for this unit is ■■■-■■■-■■■

This phone line needs to be retrieved on the days any member of the unit is working. To retrieve the messages left on the Unit's line, a member of the unit shall follow the following directions:

- 1) Press the "messages" button on the phone system
- 2) Press the "star", also referred to as the "asterisk" key
- 3) Enter the extension – ■■■
- 4) Enter the PIN number of – ■■■ followed by the pound key

You will now be able to retrieve the phone messages left in the Unit's voice mailbox. Once the messages are retrieved, if it was either a vehicle or code complaint, such complaints need to be entered into their respective software programs.

Should the complaint be a vehicle complaint, in addition to the entry into the software program a vehicle complaint card will also need to be completed. If the vehicle license plate was given, that plate should be checked in the SVS and if stolen a copy of the card given to PD Dispatch so the stolen vehicle can be recovered.

VEHICLE COMPLAINTS

Vehicle complaints received are entered into the File Maker software program. This program is utilized for both tracking of the complaint as well as assisting in capturing billing information for the abandoned vehicle program.

This program does not automatically issue a complaint number. The person who completes the data entry will enter the next sequence number both into this program and onto the corresponding complaint card.

CODE VIOLATIONS

All complaints received regarding possible violations of the Community Preservation Ordinance, Weed Ordinance or Zoning Code are to be entered into the San Leandro Assist Program. The main reasons for this are so the reporting party can track the progress of their complaint and the investigator's case notes are entered into the case as it progresses through the investigation.

Each of the complaint cases once entered are automatically given an individual Request ID number. This case is automatically assigned to a person via the program who has been designated in the unit. Currently, that designee is the supervisor position in the unit. The designated person, typically the supervisor of the unit will then assign the case to a staff member in the unit to be investigated.

CHAPTER 3 – VEHICLE COMPLAINTS

VEHICLE COMPLAINT CARD

The vehicle complaint card is a double sided card for information to be hand written onto. A sample copy is attached and each area that could be completed has been numbered. The following list corresponds to the circled numbers shown on the attached sample:

- 1 – This area is for the complaint number to be entered. The person who completes the data entry will enter the complaint number in this area.
- 2 - One of these two boxes should be checked. If the complaint is for either an abandoned vehicle or public nuisance vehicle then the top box would be checked. If the complaint is a 72 hr. violation then this box is checked. The person who completes the data entry work when the top box is checked will select the corresponding area in the File Maker Pro program. This is because each vehicle investigation for abandoned or public nuisance is reimbursable under the State Abandoned Vehicle Abatement Program. The time to complete such investigations is recoverable as well.
- 3 – To document the date the certified letter was mailed to any of the four parties, place the date in the blank. The four are – Property Owner (P/O), Resident (Res), Registered Owner (R/O) and Legal Owner (L/O).
- 4 – Place the date that would be 72 hrs. after the date when the vehicle was flagged for either an abandoned vehicle or 72 hr. vehicle complaint.
- 5 – This is the location field for where the vehicle is reported to be parked at. Be as specific as possible.
- 6, 12 – These two areas are to document the date and time both reported and when veh. marked.
- 7- 11 - These areas are for information related to the vehicle.
- 13 – If this is an on-view then write OV and staff's name.
- 16 – Used to document observations when the vehicle is marked. Comments can be continued in box 22 on the front or area 23 on the reverse side of the card.
- 17 - Should the vehicle be towed and a citation issued, that citation number goes here. As part of the County AVA program when towing a vehicle for abandoned, a citation SHALL be issued.
- 18 - This is for the case number relating to the tow report, not the call for service number.
- 19 - Record the citation number when one is issued for 5204 (A) in this area.
- 20 – The name of the tow company is entered in this box.
- 21 - The staff member shall enter their initials for the first and last name and their serial number.
- 24 - The information regarding a public nuisance hearing is documented here.

The unit supervisor will assign the complaint card to be responded to after the initial data entry work has been completed. Once the vehicle has been responded to the first time, the card is left in the vehicle file box for the data entry to be updated. The card is then re-issued the day the initial 72 hr. period is due for enforcement. Once a final disposition has been rendered, the card is left in the vehicle file box for final data entry work. The unit supervisor will then file the card away for it to be retained for 5 years if the vehicle was counted as an abandoned or public nuisance vehicle per the requirements of the Alameda County Abandoned Vehicle Abatement program.

WARNING FLAG

This distinctive notice is utilized to educate the operator of the vehicle of a complaint received against the vehicle and that it appears a law may be violated or will be violated if certain conditions continue. It is normally left under the windshield wiper of the driver's side of the front windshield.

It informs the person in control of the vehicle of specific vehicle code and or municipal codes that may be or become in violation if the conditions continue. These explanations are located towards the top of this warning form where you will see a box .

The first box is checked to alert the person in control of the vehicle that under the California Vehicle Code (CVC), Section 22523 prohibits the abandonment of any vehicle upon a highway and or private or public property.

The second boxed area refers to a vehicle that may meet the definition of a public nuisance vehicle. If the vehicle is towed as a public nuisance, such vehicle must be destroyed. Prior to enforcement, due process must be served in accordance with section 22661 CVC. This box is normally checked by Community Service Officer or Police Service Technician who are responding to a private property, public nuisance vehicle complaint.

The final box is checked to alert the person in control of the vehicle that if the vehicle is not moved within the next 72 hours, a parking citation could be issued and the vehicle could also be towed.

It is a requirement to have left this distinctive notice on a vehicle prior to towing it as abandoned if the local agency issues a "junk" slip at the time of the tow. It has been past practice to leave this notice prior to any enforcement action if the vehicle has never been "flagged" in the past. There are times when the same vehicle has received a warning flag in the past not to continue to leave one on future complaints. That is in the discretion of staff responding to the complaint.

Another reason to have "flagged" a vehicle for either abandoned or as a public nuisance vehicle is from the Countywide abandoned vehicle abatement program. The City is a member of this program. Part of the formula for reimbursement of costs associated with abandoned or public nuisance vehicles are based on the amount of vehicles "flagged" as such. If you fail to flag the vehicle, then the vehicle is not part of those reported under that program.

MARKING A VEHICLE

Prior to marking the vehicle tires, check to see if the vehicle identification number (VIN) and the license plate correspond to each other. You do not have the legal right to enter the vehicle simply because the VIN is not visible. Check to make sure the vehicle you are marking is not a stolen vehicle by completing a stolen query yourself via the vehicle computer or by having the Police Dispatcher run the plate for you.

The standard way to mark a vehicle tire consists of actually three types of different marks you place on the roadway and on the vehicle tire. The three types of marks left are as follows:

Alignment mark

Boxing a vehicle tire

Across the thread of the tire

Alignment mark – this mark starts at the lower center of a tire and extends onto the roadway.

Boxing a vehicle tire – this consists of lines on the roadway both to the front and rear of the tire and then moving across the tire towards the alignment mark area.

Across the thread of the tire – here you actually mark the thread of the tire, both front and rear of the tire. As the vehicle is moved, the mark would get rubbed off of the thread of the tire.

Typically, both left side tires and the roadway are marked. On occasion one can mark the right side tires and the roadway or even resort to marking an alignment mark on the inner side of the tire.

ISSUING A PARKING CITATION

The issuance of a parking citation is one of the simpler tasks to complete. As with any task though, one should not get complacent in performing such a task.

First one needs to make sure they are using a citation that is current. As of March 2013, the citation number should begin with a "13" - followed by six numbers.

An overlooked area of the parking citation is the area labeled "Officers Comments". Here you can put comments that could cause someone not to contest your citation. For example, lets say you checked box 15 for 5204(a) Registration Tags. By placing in the comment box that no temporary DMV registration form was displayed on either windshield or in the vehicle it may prohibit a person from contesting your citation claiming they had such form displayed. Another example would be if you issued the citation for parking in a handicapped stall (box 21). By placing in the comment box you did not observe it hanging from the rear view mirror, laying on a seat or dashboard areas it may cause the person not to contest the citation. If your citation were to be contested, you may have left notes in this box that will assist your recollection months later.

Most of the information required to complete a parking citation is self-explanatory. However, let's cover a few areas that can cause confusion at times.

VIN- The area to document the vehicle identification number (VIN) one only needs to list the last four digits unless no license plate is attached to the vehicle. If no license plate is attached to the vehicle then one would record the entire VIN.

Expiration- One should record both the month and year the vehicle's registration is current to.

MTR# - this is to document the parking meter number if you are enforcing that specific section.

The bottom of the citation is the area for you to sign your name after the word Officer and place your serial number after ID#.

Once you have issued the citation, the white and pink copy is retained for you to place in the Traffic Division mailbox located in the Record's Division. The yellow copy and the self-addressed envelope are left on the vehicle. In the case where you are towing the vehicle, the yellow copy and the self-addressed envelope is submitted with your tow report as it will be mailed to the owner of record.

When towing a vehicle for abandoned a citation shall be issued for 22523(a) CVC. This is considered a cost recovery measure for the abandoned vehicle program and is a mandatory part of the county program.

TOWING A VEHICLE

The most common vehicle code sections in which non-sworn personnel would enforce in regards to the towing of a vehicle are:

- 1) 22669 CVC – Abandoned Vehicle
- 2) 22651 (k) CVC / 6-1-820 SLMC – Vehicle parked in excess of 72 consecutive hours on a public roadway.
- 3) 22651 (O) CVC – Vehicle parked on a public roadway where the registration is in excess of 6 months. A vehicle parked in a retail parking lot can also be towed for this section even though it is on private property.
- 4) 22651 (1) CVC – Vehicle parked in a posted construction zone.
- 5) 22651 (d) CVC – Vehicle parked blocking a private driveway.
- 6) 22660 CVC / 6-4-100 SLMC – Vehicle towed as a public nuisance.

To tow a vehicle, you will need to complete both the CHP 180 form as well as an online tow report.

To assist C.I.D., at the start of your narrative you will state the reason for the tow.

Example – Abandoned Vehicle Tow.

You will need to include the elements of the section you are towing the vehicle for and write your report with the events being documented in chronological order.

If you towed a vehicle for abandoned and issued a “junk” slip, at the top of the CHP 180 you need to write “15 days” and circle it to bring this to the attention of Records Staff who send out the tow notification letters. If you towed the vehicle as a public nuisance vehicle, you will need to write at the top – “DO NOT RELEASE” and circle this for the same reason.

Whenever you tow a vehicle and issue a parking citation, the parking citation is submitted along with the CHP 180 tow report form to the Record’s Division. Staff from that unit will mail a tow notification letter as well as the parking citation to the owner of the vehicle.

ABANDONED VS. 72 HR. COMPLAINT

The City of San Leandro is a member of the Alameda County Abandoned Vehicle Abatement Authority. This program allows for the recovery of costs associated for the investigation and removal of abandoned and public nuisance vehicles. A vehicle towed for violation of 6-1-820 SLMC (72 hours), 22651(o) CVC (Reg. expired for more than 6 months) or any section other than an abandoned or public nuisance vehicle is not recoverable under this program.

Funds are collected by DMV when a vehicle is registered in Alameda County. These funds are later disbursed to each member of the program based on a stipulated formula. Part of this formula consists of the amount of vehicles that have been “flagged” as an abandoned or public nuisance vehicle as an overall percentage of flagged vehicles among all the members. The other parts of the formula are population and land mass of each member.

Therefore it is important to document the events related to the investigation of an abandoned or public nuisance vehicle complaint. It is why on the vehicle complaint card this distinction is noted at the very top of the card. Once it has been determined you are no longer investigating an abandoned vehicle complaint the time spent after that is not a recoverable expense.

For example, you retrieve a voice mail where the caller states they are reporting an abandoned vehicle. The time to complete the complaint card is a recoverable expense. On the other hand the caller states that the vehicle is owned by someone on their block and he has not used it for over a week, this is a 72 hr. complaint and no time would be recoverable.

Reasonable person rule – When deciding if you are investigating an abandoned vehicle complaint, one should use the standard of a “reasonable person”. Would a reasonable person with the information you have, the condition of the vehicle, believe the vehicle is abandoned. If that answer is yes, continue to account for the time to process that complaint from fielding the complaint until the vehicle has been towed. Abandonment is the lack of interest one has in the item.

The supervisor of the unit will review each complaint card to ascertain the billing charges that can be related to the abandoned vehicle program. Complaint cards associated to a vehicle that were marked as either an abandoned vehicle or public nuisance vehicle shall be retained for five years as subject to an audit from the State Controller’s Office.

CRIME REPORTS

In March of 2009 was the start of a program where those that held the Community Service Officer (CSO) title began to respond to select cold crime situations and take such reports. The following criteria were established:

- 1) No suspect was known by the victim. If while taking the report, the CSO determines that a suspect is known, the CSO will initiate the report and pass on to the Patrol Sergeant so the Patrol Sergeant can delegate follow-up to a Police Officer.
- 2) Patrol Sergeants will review and approve all non-sworn reports.
- 3) Over time is charged to the patrol division account.

The following types of reports could be assigned to the CSO:

- 1) Found property
- 2) Petty theft (484 PC)
- 3) Grand theft (487 PC)
- 4) Vandalism (594 PC)
- 5) Auto Burglary (459 PC)
- 6) Auto Theft (10851 CVC)
- 7) Parts for auto (10852 CVC)
- 8) Auto Theft Recoveries – From either this Agency or an outside agency

The report shall contain the facts which are organized in chronological order. The facts need to be written in appropriate sentence form. It will need to establish the elements of the crime(s), when appropriate.

Non-sworn staff needs to receive training on the functionality of the Mobile system to be able to generate reports. These needs can be met in an in house type of training program, similar in structure to a Police Officer's orientation week. It can also be obtained with a "hands on" type of training with a senior Community Service Officer and or combination of both.

The CSO assigned to the Community Compliance Unit begin their field work handling their case loads regarding vehicle complaints and property complaints. During the time they are involved in these tasks, they place themselves on calls which will show a Police Dispatcher they are in the "red" on the Dispatcher's board. Once they have completed these tasks, their unit status would show to be in the "green". This allows the Police Dispatcher to then assign them to crime reports.

CODE ENFORCEMENT ORDINANCE

Chapter 1-12, Title 1 of the San Leandro Municipal Code is commonly known as the “Code Enforcement Ordinance. This ordinance states the amount of administrative penalties, the due process required for enforcement actions to take place, how the City’s hearings will be conducted, remedies for nuisance abatement, the lien and cost recovery process as well as other components of the Code being defined. It allows for both prosecution as a criminal offense or administrative enforcement in addition to all other legal remedies that may be pursued by the City.

The “Codes” enforced by this ordinance consists of the San Leandro Municipal Code, the City’s Zoning Code, the Administrative Code, all incorporated Uniform Codes and any applicable state laws and regulations.

The staff members of the unit typically seek voluntary compliance of a code as their first priority. Typically, the first step of the enforcement process is actually one of educating the responsible party that their actions or lack of is violating a code. Over the years, the use of the issuance of a courtesy or warning notice has resulted in voluntary compliance rate over 90% of the time. One should not come to the conclusion that enforcement actions consisting of issuing penalties or seeking abatements of violations are often delayed or not a real priority of the unit or of the City Council.

In fact, in 2006 the Ordinance was amended to increase the monetary amount of each penalty phase, reduce the calendar days between the enforcement process steps, change the definition of “enforcement action” (which can expedite a responsible party falling under the definition of “repeat offender”) as well as change how the due process is met in regards to notification by U.S. Mail.

The provisions of this Code authorizes the Enforcement Officer to enter legally upon any real property or premises as may be necessary in the performance of his or her code enforcement duties. It further authorizes the Enforcement Officer to issue a Notice of Violation and seek and employ whatever remedies are available under this code. The Enforcement Officer needs to be mindful of the “expectation of privacy” as ruled in the 9th Appellate Court decision in Conner vs. the City of Santa Ana.

The Code authorizes the Enforcement Officer to take enforcement action against anyone who is causing, permitting, aiding, abetting, contributing to, or concealing a violation of any provision of this Code as a violation of such provision.

The aspects and or provisions of this Code will now be expanded upon in the upcoming pages. The Enforcement Officer should review this Code from time to time, especially before taking enforcement action.

EDUCATE BEFORE ENFORCEMENT

As stated in the preceding page, a warning or courtesy notice is a type of enforcement action. The issuer of such notice needs to document the issuance of the warning or courtesy notice in the “electronic” case file. This documentation will aide in establishing the responsible party as one who is continuing a violation of the Code. This is done for the purpose of both deciding the amount of a future penalty amount as well as whether future cases go direct to be heard before the City Hearing Body.

A responsible party, who has violated the same, substantially similar, or related violations which have been the subject of two (2) or more enforcement actions within any twelve (12) month period, is therefore deemed to be a continuing violation.

Any subsequent enforcement action with respect to such continuing violation may include issuance of a written order by the supervisor of the unit. The Enforcement Officer shall bring to the attention of the unit supervisor of a continuing violation so that the written order can be issued. This order will state that future violations will result in that case to proceed directly to a City Hearing Board rather than follow each step of the Notice of Violation process. An Administrative Penalty is also issued immediately as well.

There is a three part warning form that can be completed in the field. There is a form to cover violations of the Weed Ordinance, Community Preservation Ordinance and San Leandro Zoning Code. A sample of each follows in the next few pages. The Enforcement Officer will leave one at the property if no one responds to the door to receive a copy. The other two copies are retained in the paper case file.

These warning / inspection forms will cover the vast majority of violations. There will be times when the Enforcement Officer may need to return to generate which is often termed a “no view letter”. This type of letter is used many times to let someone know of an issue that based on the circumstances we may not be able to proceed with enforcement action.

An example is when someone reports tall vegetation in the rear yard of the property. The Enforcement Officer most likely will not be able to view if this violation exists. Rather than simply making an observation from the front of the property and closing the case, the Officer will mail a “no view letter”. This letter will state that a complaint has been received, what the violation would be if it is noted and how to come into compliance with the code. It will list an inspection date. The recipient of this letter may then voluntarily bring their property into compliance. Two such “no view” letters follow this page.

ISSUING A NOTICE OF VIOLATION

The Notice of Violation (NOV) form and its process, as well as the Code Enforcement Ordinance and the processes described within it was developed by staff of the City Attorney's Offices. On January 9, 2003 Assistant City Attorney's Jeff Goldfien and Mike Gogna presented training with staff from many different sections of the City of San Leandro.

There are two different NOV forms. One is utilized for a Weed Ordinance violation while the other is used to enforce other sections within the San Leandro Municipal and Zoning Codes. As mentioned earlier, one of the enforcement steps of the NOV process was removed in regarding to the Weed Ordinance. The difference is easily noted on page two of the NOV. For the Weed Ordinance there are only two possible boxes one can check compared to three boxes when enforcing other sections.

The authority to issue a NOV is stated in 1-12-400 SLMC. Prior to issuing a NOV, the Enforcement Officer shall produce three copies of the NOV. They will be left with the unit supervisor for review prior to issuance of the NOV.

Once approved, the Enforcement Officer shall serve a copy by either posting it on the property or by personal service. A Proof of Service form shall be completed the same date that the NOV was issued. In the proceeding pages samples of both types of NOV and a Proof of Service form have been provided.

For the remaining two NOV, one is left with the case file while the other is mailed via "Certificate of Mailing". The Enforcement Officer will also document the issuance of the NOV in the case notes of SL Assist system. The office of the City Attorney has recommended the following language be entered into the case notes: The Proof of Service form, dated 01/01/2013 depicts that a copy of the NOV was posted on the property (or served upon a person, name the person) and a copy of the NOV was mailed with Certificate of Mailing to Mr. John Doe at ABC123 Street.

The office of the City Attorney determined that the original NOV does not need to be maintained or scanned and can be shredded once the case has been resolved. However, if an Administrative Penalty has been issued or an abatement was completed such documentation is maintained as a property lien could be held for the unpaid penalty or costs associated with the abatement. The City Clerk's office is the City's "Office of Record" for maintaining such files.

1-12-410 SLMC Titled – Notice of Violation describes in detail the process of issuance of the NOV, the information required to be in the NOV, the due process required to issue a NOV, the right of a person to appeal a NOV, the amount of the administrative penalty to be imposed and other aspects of the NOV.

Should a responsible party appeal the imposition of a penalty, enforcement of the NOV shall be stayed during the pendency of the appeal.

PENALTIES AND PRIORS

Prior to the issuance of a Notice of Violation, the Enforcement Officer will need to check prior cases as this may determine the penalty amount stated in the notice. You will need to review the date the current case was received and the prior 12 month history of cases associated with the property. When comparing dates between cases, you shall use the date each of the complaints were noted as received.

Cases where the same, substantially similar, or related violations have been the subject of enforcement action the penalty amount is increased. For a first violation within a twelve month period the maximum penalty is One Hundred and Fifty Dollars (\$150.00), if one prior exists the penalty amount maximum is Three Hundred Dollars (\$300.00) and two or more priors the maximum is Six Hundred Dollars (\$600.00) for such additional violations within a year.

It is the responsibility of the supervisor of the unit to track the total penalties issued. The Code Enforcement Ordinance limits the maximum amount of penalties to Five Thousand Dollars (\$5,000.00).

When penalties are issued, the penalty form that follows this page will be submitted to the unit supervisor. The supervisor will review the case file to ensure due process was properly served. The supervisor after review will submit a copy of the penalty form to the Finance Department. The Finance Department will invoice the responsible party on a monthly basis until either the penalty has been paid or the supervisor of the unit has placed a property lien on the unpaid bill. The original penalty form remains in the case file until the file is either destroyed or processed and submitted to the City Clerk's office after the property lien was filed.

Documentation of each penalty issued shall also occur within the electronic case file, similar to documenting the NOV being issued. Here is an example of documenting the issuance of a penalty in the SL Assist program:

Case Note: \$ 300.00 penalty to the below listed person for violation of 3-1-200 S.L.M.C. The City staff member who observed the violation is CSO Larry Puente #1085 and the violation was observed by the member on August 23, 2011
Name: FLOREZ TIMOTHY C 3712 ANZA WAY San Leandro, CA. 94578

REPEAT OFFENDER STATUS

When two or more violations within a twelve month period for the same or substantially similar have been the subject of enforcement action it is deemed to be a continuing violation. After the second case in which the enforcement action has concluded, the unit supervisor shall be notified by the Enforcement Officer.

The unit's supervisor shall issue a written order to the responsible person. Future cases for a same or substantially similar violation occurs, the case shall proceed directly to a City Hearing held before the Hearing Body. In such circumstances, an administrative penalty is also issued.

A sample copy of such a written order is located after the sample penalty form.

STAFF REPORTS

The Enforcement Officer shall complete and submit a staff report to the City Clerk's office one week prior to the scheduled hearing on a case. This report shall be submitted to the unit supervisor for review prior to being submitted to the City Clerk's office.

The City Clerk will provide copy of the Enforcement Officer's staff report to each of the members selected to compose the Hearing Body as well as to the staff member assigned from the City Attorney's office.

This report is utilized by the Enforcement Officer when the officer presents his or her case to the Hearing Body. The format of the staff report shall remain unchanged. As sample copy precedes this page.

The report begins with specific headings that are to be completed such as the meeting date, file number etc...down to the naming of the code section that staff believes was violated. For the violation section, the Enforcement Officer shall list the appropriate section referencing the code numbers and title of the section such code numbers correspond to.

Below this area is verbiage that will be read aloud during the taped hearing by the Hearing Body's Chief Hearing Officer. To assist this person in locating this area of the staff report, the start of this verbiage will be in shown in bold print.

The staff report will then conclude with three sections. They are background, recommendations and finally attachments. The first section is titled, background. In this section the Enforcement Officer will provide, in chronological order, the details of the case they are presenting. After this information has been provided, the officer will state his or her recommendations to be considered by the Hearing Body. The final section is to list the attachments that are part of the case file and attached to the staff report when submitted to the City Clerk's office.

ANIMAL CONTROL OFFICER DUTIES

INTRODUCTION

This section of the guidebook has been developed to provide general guidelines for performing the duties of a San Leandro Animal Control Officer in accordance with Departmental, City, County and State regulations. It is not intended as a set of absolute answers. Information presented will continually evolve based on changes in the law or employee suggestions.

Animal Control Officers generally interact a great deal with the general public. Their performance and professionalism will directly influence the public's perception of Animal Services, the Police Department and the City of San Leandro.

Animal Control Officers are tasked with enforcing State and local laws with regards to animals within the City of San Leandro. The primary goal of Animal Control Officers is to provide quality public service for both humans and animals. Public education, common sense, compassion and enforcement will help us achieve this goal.

The general day to day duties of an Animal Control Officer consist of but are not limited to the following:

- Prior to the start of each shift check with the communications center and the traffic office for any pending details and/or calls for service.
- Open lines of communication are essential therefore Animal Control Officers are provided with a portable radio and cellular phone. Open lines of communication shall be maintained at all times. When portable communication devices must be turned off (i.e. handling an injured animal) it will only be for the time necessary to handle the call for service. The communications center shall be advised of their location and reason prior to interrupting communications.
- Animal Control Officers shall maintain an open line of communication with co-workers and apprise them of pending details, calls for service and/or investigations.
- Check with the traffic office for any pending calls for service and notify the communications center prior to transporting animals to our contracted facility.
- Complete and submit daily the San Leandro Animal Control Work Log. Logs should be legible, accurate and detailed.
- Animal Control Officers shall go into the field properly outfitted with the necessary equipment and shall utilize same when capturing and/or handling animals.

Again, the aforementioned, along with those listed in this manual, are but some of the duties of an Animal Control Officer. Changes can occur with laws, policy and employee input. It will be especially rewarding and beneficial if revisions are a result of your input as a member of the organization.

DANGEROUS DOGS

I. PURPOSE

To establish a standard policy and procedure for the enforcement and processing of Chapter 4-11, Article 6 of the San Leandro Municipal Code, as it pertains to dangerous dogs.

II. POLICY

It is the policy of the San Leandro Police Department to thoroughly investigate any incident involving a dangerous dog and comply with the provisions of Chapter 4-11 of the San Leandro Municipal Code.

III. PROCEDURE

A. Definitions

1. Owner- shall mean any person, firm or corporation owning, having an interest in, or having control or custody or possession of any animal.
2. Dangerous Dog- shall mean any dog which, according to the records of the Animal Control Officer, has without provocation inflicted severe injury on a human being while on public or private property, or a dog determined to be dangerous in accordance with the provisions of Article 6, Chapter 4-11 of the San Leandro Municipal Code.
3. Severe Injury- shall mean any physical injury that results in major muscle or nerve trauma, broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

B. INVESTIGATIVE AND REPORTING PROCESS

1. All reports of dangerous dogs shall be fully investigated by a member of the San Leandro Police Department with preference to an Animal Control Officer.
2. Based on the investigation the Animal Control Officer may take the following action:
 - a. Determine the incident was unfounded or did not meet the requirements of Chapter 4-11 of the San Leandro Municipal Code. An incident report or CAD entry will be sufficient documentation for this disposition.
3. Determine the incident was sustained and met the requirements of the San Leandro Municipal Code.
 - a. The reporting member shall complete the following for a sustained incident:
 1. Draw a case number and initiate a crime report documenting the facts of the case including but not limited to:
 - a. Owner information

- b. Identifying information on the dog and whether it has a valid license and a current anti-rabies vaccination
 - c. Identifying information on the victim
 - d. Identifying information on any witnesses
 - e. The dog has been determined to be a dangerous dog as defined by the San Leandro Municipal Code.
 - f. Issue an infraction citation for San Leandro Municipal Code section 4-11-610 to the owner of the dog.
 - g. Impound or accept a surrendered dog, or direct the owner to quarantine/securely confine the dog in a humane manner either on the premises of the owner or with a licensed veterinarian.
 - h. Factors used in making a determination include the severity of the injury, the number of attacks and the overall circumstances of the incident.
2. Conduct a determination hearing in accordance with Chapter 4-11-620 of the San Leandro Municipal Code.
 - a. Said hearing shall be conducted no less than five (5) working days nor more than ten (10) working days after serving notice to the owner by certified mail.
 - b. Issue written findings within five (5) working days after the determination hearing. The owner of the animal found to be dangerous by the hearing has the right to appeal the decision to the City Manager within five (5) days of receiving such decision.
3. Action After Determination
 - a. Upon completion of a dangerous dog hearing and notification of the owner, the Animal Control Division may take any of the actions or combination of actions listed under Chapter 4-11, Article 6 of the San Leandro Municipal Code.
4. Action Upon Appeal
 - a. When an appeal hearing has been set as specified in San Leandro Municipal Code section 4-11-620, the Animal Control Officer shall do the following:
 1. Attend the hearing and present the evidence of the case to the Hearing Officer.
 2. Follow through with the finding(s) of the hearing.

NUISANCE BARKING

San Leandro residents may contact the San Leandro Animal Control Division regarding nuisance barking complaints against a neighbor. The applicable San Leandro Municipal Code section to deal with this is nuisance is 4-11-435, **Nuisance by Animals**. This procedure is to establish guidelines for enforcing this municipal code.

1. Collect all the necessary information from the reporting party, including name, address, phone number, and specific times of the day or night that the dog is causing a nuisance. Notify the reporting party that all possible efforts will be made to contact the owner of the nuisance dog and address their complaints.
2. Animal Control Officers shall make all possible efforts to contact the owner of the nuisance dog in a timely manner. If and when contact is made the Animal Control Officer shall apprise the dog owner of the complaint, possible solutions and suggestions to correct the problem and inform them of SLMC section 4-11-435, Nuisance by Animals. If an owner or responsible party is not home the Animal Control Officer will leave in plain view an informational notice advising them of our presence, the complaint, a contact person and number along with a copy of the applicable SLMC section.
3. Upon receipt of a second complaint it is recommended to offer any suggestions to either party that may assist in solving the problem. If the problem persists, the Animal Control Officer should suggest “Mediation Services” to aid in solving the problem. Both parties shall be provided an informational pamphlet which describes the services and provides a contact number.
4. Upon receipt of additional complaints, request the reporting party maintain a log that lists the exact dates and times of the nuisance and a description of the nuisance (i.e. bark, howl, whine, yip). Also suggest they have the neighbors sign, agreeing with the reporting parties claim. Ask that the nuisance barking be documented for 14 days from the day received then turned in to the Animal Control Division. Advise the reporting party that a citation or warning for San Leandro Municipal Code section 4-11-435 may be sent to the owner and inquire if they or those who signed the log are willing to testify in a court.
5. Upon receipt of a log the Animal Control Officer shall document the incident in a police report and submit the log as part of the report. The log shall be reviewed by the Animal Control Officer to determine what action will be taken, including but not limited to, issuing a citation for SLMC 4-11-435, or contacting the dog owner to educate them and resolve the problem. The Animal Control Officer shall notify the dog owner of the possibility of future citations if the problem is not resolved and what steps have been taken.

LABORATORY TESTING OF ANIMALS FOR RABIES

The applicable San Leandro Municipal Code sections are 4-11-305, **Biting Animal to be Quarantined** and 4-11-310, **Animals Dying while under Isolation**. This procedure is to establish guidelines for the testing of rabid/suspected rabid animals.

1. Animal Control Officers shall immediately respond to calls for service in regards to animal bites. Upon arrival the Animal Control Officer shall make a determination as to whether the animal will be quarantined on scene or confined in a shelter or veterinary hospital at the owner's expense in accordance with San Leandro Municipal Code section 4-11/305.
2. Animals that die while under quarantine or animals that are found dead upon the arrival of an Animal Control Officer and suspected of having rabies shall be collected and transported to a contracted veterinarian facility for preparation and decapitation in accordance with San Leandro Municipal Code section 4-11-310.
3. The contracted veterinarian facility will decapitate and prepare (place in red bag) the animal for testing by Vector Control. The Animal Control Officer shall ensure that Vector Control is notified and necessary paperwork is completed.

DEAD ANIMALS

This procedure is to establish a policy for storage and handling of dead animals and holding periods for dead animals.

STORAGE

1. All dead animals shall be placed in the animal shelter freezer located in the City of San Leandro Corporation Yard.
2. All bodies and foreign objects, e.g. collars, harnesses, choke chains, etc., shall be removed prior to placing bodies inside the freezer.
3. To prevent injuries Animal Control Officers will seek assistance when lifting large or hard to manage carcasses.
4. The contracted disposal company removes the bodies once a week, usually on Thursday mornings.

HOLDING

1. Dead animals picked up with any type of owner identification shall be held a minimum of 72 hours for owner identification and disposition requests.
2. Animals requiring “holding periods” for evidence or owner identification and/or disposition requests shall be clearly marked and placed in the freezer. Clear markings are important to prevent the removal by the contracted disposal company.
3. All bodies being held as evidence must be placed in a plastic bag and tagged with a completed San Leandro Police Department evidence tag attached to the outside.
4. The Animal Control Officer requesting the hold is responsible for following through with the owner notification or other required follow up.
5. When the animal is released from the hold the impounding Animal Control Officer shall ensure that the body is released for discarding.

EMERGENCY EUTHANASIA

All reasonable attempts will be made by the responding Animal Control Officer to transport injured or sick animals to a veterinarian or rehabilitation center for care.

When injuries are such that treatment is not practical or transport would cause additional suffering or the disease is so contagious that it would jeopardize the health of other impounded animals, staff or public, the animal may be euthanized.

The Animal Control Officer that performs the euthanasia shall document the animal's condition and the reason for the euthanasia in an incident report. A copy of the report will be forwarded to the supervisor by the end of the Animal Control Officers shift for review.

Animals may be euthanized for the following reasons:

- Animals exhibiting severe, contagious disease symptoms that would pose a threat to human or animal life.
- Animals whose temperament is a potential danger to staff or public as defined under State law.
- Animals whose injuries are so severe that transportation to a veterinarian or rehabilitation center would be inhumane or impossible to accomplish without causing additional injuries, pain, or death to the animal.
- Any wildlife when a rehabilitation center is unavailable.
- As directed by a veterinarian or supervisor.

Emergency, on the spot destruction of animals is occasionally necessary. Animal Control Officers, when possible, shall perform the euthanasia out of public view.

Prescription drugs shall be issued to Animal Control Officers by our contracted animal shelter (Fremont Animal Shelter). Prescription drugs issued to Animal Control Officers shall be inspected monthly to ensure proper expiration dates and serviceability of equipment. Expired and/or unserviceable prescription drugs shall be turned into the contracted shelter.

Other than when being deployed, the prescription drugs shall be kept secured within the lock boxes of the animal control vehicles.

SKUNK EUTHANASIA

The San Leandro Police Department Animal Control Division routinely will only handle skunks trapped by this department. Skunks are classified as wild animals and should not be trapped by the general public. Calls of trapped skunks will be addressed on a case by case basis. Routinely, citizens who trap skunks will be apprised of this and referred to “Pest Control” or an outside agency for assistance.

The purpose of this procedure is to establish policy for performing safe, easy and humane skunk euthanasia.

SKUNK BEHAVIOR

1. A skunk’s ability to spray a noxious liquid is balanced by an easy going temperament. Skunks will spray only if they feel threatened, and they are not easily threatened. They will usually give a warning before they spray by stamping their front feet.
2. It is possible to approach, cover, pick up, transport and euthanize a trapped skunk without being sprayed. Always move slowly, don’t surprise the animal. Give it a chance to adjust after each action.
3. It is generally believed that if a skunk’s hind legs are lifted off the ground it can’t spray this is not true.

EUTHANASIA

1. It is preferable that all steps in the euthanasia process for skunks be conducted outdoors.
2. Approach the trap facing the skunk. Do not approach from the rear. Walk slowly and talk to it so that it knows you’re coming – don’t surprise it. Turn off your cell phone and police radio (notify dispatch prior) and approach the trap calmly and quietly with an injection pole (6 ft. pole preferably).
3. Skunks will generally move toward the rear of the trap. The trap door may be opened slightly if the injection pole will not fit into the trap. Still facing the skunk, slowly move the injection pole toward him. Gently insert the needle into the skunk and inject slowly, slowly, slowly. Don’t jab or hurry. If the skunk gets up or stamps his feet move away for awhile. Usually he will remain still and allow you to inject him.
4. After injecting, move away and wait until the prescribed drugs takes effect.
5. Verify death and transport the remains to the animal control freezer.

IMPOUNDMENT AND DESTROYING OF ANIMALS

An animal is considered impounded when it has been captured. This includes being on a rope, held, or in the arms of an Animal Control Officer or in the Animal Control Officers vehicle.

1. All animals found at large in violation of city ordinances shall be taken up and impounded. These animals shall then be subject to destruction by humane injection in accordance with state and local law.
2. Any private citizen taking up or holding a stray animal must notify the Animal Control Division within eight (8) hours. The person shall also release the animal to the Animal Control Officer when requested to do so in accordance with San Leandro Municipal Code section 4-11-405.
3. The Animal Control Officer shall log the animal on their daily log sheet.
4. When an animal is placed in the Animal Control Vehicle compartment, the compartment shall be locked.
5. The Animal Control Officer shall as soon as practical notify the owner or possible owner of the impoundment. Notification may be done verbally or by posting a notice at the front door. If the notice is posted, it must be secured conspicuously on the owner/possible owner's property. Any further notification will be handled by the Shelter once impounded.
6. Each animal must be checked for identification, including brands, rabies and/or license tags, obvious markings or tattoos. Although it is not a legal obligation, identification other than a license shall be checked whenever possible.
7. If an owner arrives after a field impoundment, the animal **may** be released if the owner displays proof of ownership. The Animal Control Officer has discretion in the issuance of a citation.
8. Animals shall not be returned and/or released to a neighbor unless the neighbor is responsible for and can secure the animal.

PRE-EXPOSURE RABIES PROPHYLAXIS

The Immunization Practices Advisory Committee of the Center for Disease Control recommends pre-exposure rabies vaccinations for animal handlers. Alameda County has been declared a rabies area for many years and, therefore, San Leandro Animal Control Officers are at risk.

This procedure is to establish policy for employee vaccinations.

The City of San Leandro will provide Pre-Exposure Rabies Prophylaxis vaccinations for interested Animal Control Officers. Some Animal Control Officers may choose not to receive a pre-exposure vaccination for various reasons, e.g., people that regularly donate blood cannot donate for one year after receiving the rabies vaccine.

To receive the vaccination:

1. Notify the Animal Control Supervisor of your desire to receive the Pre-Exposure Rabies Prophylaxis vaccination.
2. An appointment (preferably on duty) will be made for the Animal Control Officer to receive the vaccination.
3. Vaccinations will be conducted at the medical offices of;
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. Animal Control Officers receiving the vaccination shall adhere to the instructions and follow up instructions of the attending physician and his/her staff.
5. There will be no charge to the Animal Control Officer for these vaccinations
6. For administrative purposes provide a copy of your vaccination record to the Animal Control Supervisor.

STRAY INJURED ANIMALS ON FREEWAYS

This procedure is to establish division policy for handling animals on freeways and freeway on and off ramps.

STRAY NON-INJURED ANIMALS:

Whenever possible, a citizen reporting a NON-INJURED animal or dead animal on the freeway or freeway on and off ramps should be directed to call either CHP or CALTRANS. The reporting person can best describe the exact location of the animal.

Stray NON-INJURED animals on the freeway or freeway on and off ramps are to be directed to the CHP or the ALAMEDA COUNTY SHERIFF'S DEPARTMENT ANIMAL CONTROL DIVISION. San Leandro Animal Control Officers shall respond only upon the request of one or both of these agencies and with the approval of an on duty supervisor.

INJURED ANIMALS:

Injured animals on the freeway or freeway on and off ramps are to be directed to the CHP or the ALAMEDA COUNTY SHERIFF'S DEPARTMENT ANIMAL CONTROL DIVISION. San Leandro Animal Control Officers shall respond only upon the request of one or both of these agencies and with the approval of an on duty supervisor.

If and when a San Leandro Animal Control Officer responds they will first confirm the INJURED animal is present by responding to the location of the INJURED animal. Once on the scene of an INJURED animal, CHP will be notified for assistance to provide traffic control, if necessary. The safety of the Animal Control Officer is paramount.

DEAD ANIMALS:

Citizens reporting a DEAD animal on the freeway or freeway on and off ramps should be directed to call CALTRANS.

If a situation exists that the citizen is not able to call CALTRANS, the Animal Control staff member that received the DEAD animal location shall contact CALTRANS at one of the two numbers listed below:
CALTRANS, MONDAY THRU FRIDAY 0730 HOURS TO 1600 HOURS [REDACTED]

SATURDAY, SUNDAY AND AFTER HOURS [REDACTED]

TATTOOS

This procedure is to establish policy for checking identification tattoos and locating owner information.

1. Animals impounded by Animal Control Officers shall be checked for tattoos at the time of impoundment.
2. Each docile animal should be checked for tattoos on the inner thigh, abdomen and ears.
3. Fractious or feral animals, or animals that present a safety hazard to the staff, shall not be examined for tattoos.
4. The National Dog Registry (NDR) maintains a 24 hour pet recovery hot line (█-█-█-█) NDR will assist in locating the owner of animals with any tattoo.
5. When a tattooed animal is transported to a contracted animal shelter or veterinarian they will be apprised of the tattoo and its location on the animal. Transportation is conducted when the owner could not be located or is unable to respond to pick up the animal within a reasonable period of time.

The following are additional telephone numbers for Dog Tattoo Registries:

- Tri-City Animal Shelter Fremont, Ca (█ █-█)
- ID Pet Norton Heights, Ca (█ █-█)
- National Animal Identification Center Natchez, MS (█ █-█)
- Pet finders Studio City, Ca (█ █-█)
- Ralston Purina Pet Care Center Gary Summit, MO [REDACTED]
- Purina Dog Identification Program St. Louis, MO [REDACTED]
- American Registry for Animals Lomita, Ca [REDACTED]
- Lost Dog Recovery Service Spring Valley, Ca [REDACTED]

PROTECTIVE CUSTODY IMPOUNDS

When a citizen possessing an animal is arrested and no other animal owner or caretaker is present, the animal shall be impounded under protective custody. Animals shall be housed at the Fremont Tri-City Animal Shelter or on a temporary basis at the San Leandro Corporation Yard. The following procedure is to establish guidelines for any such impoundment.

1. When the San Leandro Police Department advises of a call for service for a Protective Custody Impound, the call is considered a priority.
2. If the arrestee is still on scene, contact the arresting officer and request to speak to the person. Inquire from the arrestee they know of anyone who is willing and able to care for the animal and whom they are willing to release the animal to. If immediate arrangements can be made, the animal may be housed at the Cities Corporation Yard along with food and water. Advise the arrestee that if the animal is not picked up within a reasonable period of time it will be transported to the Fremont Tri-City Animal Shelter where it will be held for seven (7) working days. The Animal Control Officer shall advise Dispatch, the Animal Control Office and ensure a CAD entry is made of the animal(s) presence at the Corporation Yard.
3. If immediate arrangements cannot be made with the arrestee (or a responsible party does not pick up the animal within a reasonable period of time) the animal will be transported to the Fremont Tri-City Animal Shelter as soon as practical. Advise the arrestee that the animal will be transported to the Fremont Tri-City Animal Shelter and it will be held for seven (7) working days. The Animal Control Officer shall advise Dispatch, the Animal Control Office and ensure a CAD entry made of the animal's transportation to the Fremont Tri-City Animal Shelter.
4. Impound all animals following standard safety precautions, and take it to the appropriate shelter for safekeeping. Any authorized person redeeming the animal at the Fremont Tri-City Animal Shelter will be responsible for all redemption charges.

FIREARMS QUALIFICATION

Animal Control Officers (ACO) shall obtain, maintain and qualify with firearms authorized by the Chief of Police and issued by members of the Administrative Services Division. ACO who are authorized to carry firearms shall adhere to state and federal laws, and all applicable San Leandro Police Department Operations Directives (i.e. L-08, V-01, V-02) and Rules and Regulations.

Discharge of Firearms: ACO shall not unnecessarily display their firearms in any public place, or carelessly handle a firearm at any time or place.

Reporting Discharge of Firearm: Any ACO who discharges any firearm accidentally or intentionally, except during routine target practice, or discards any chemical gas, shell or projectile, shall immediately notify his or her supervisor or another supervisor in their absence. He or she shall also submit a written report through proper channels as soon as practical.

Use of Weapons or Chemicals: ACO shall not take into the field or use weapons or chemical agents not authorized by the department except with the approval of a Command Officer or in strict accordance with departmental policy. The use of such weapons shall be under the direct supervision of a Command Officer or such officer of the department designated by the Command Officer. Aerosol chemical agents routinely carried by ACO are excluded from this rule.

ACO shall qualify quarterly with the firearm(s) assigned to them by the Administrative Services Division. Qualifications shall be conducted in the San Leandro Police Department Range or other facility authorized by the Chief of Police or his/her designee. Qualifications shall be supervised by a department approved range master and the ACO shall adhere to their instructions.