

CHAPTER 2
LIMITED TERM SUPPLEMENTAL LAW ENFORCEMENT ASSISTANCE

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CHAPTER 2

LIMITED TERM SUPPLEMENTAL LAW ENFORCEMENT ASSISTANCE

1. GENERAL.

- a. When fiscal constraints limit a law enforcement agency's ability to effectively respond to public safety concerns, agencies may request supplemental law enforcement assistance from the Department. While there is a need for law enforcement agencies to work together to ensure an adequate level of service is provided, the Department is sensitive to concerns regarding state involvement in local communities. Additionally, state law dictates the county sheriff as the central planning point for multiagency efforts. As such, requests for supplemental law enforcement assistance should follow the steps of the mutual aid process outlined in Chapter 1, Law Enforcement Assistance and Mutual Aid, of this manual.
- b. Consistent with the secondary mission of the California Highway Patrol (CHP) and the desire of the Governor to ensure the people of the State of California are provided with adequate law enforcement services, uniformed personnel may provide supplemental law enforcement assistance when approved by the Governor.
- c. Information in this chapter does not affect uniformed personnel's ability to provide immediate emergency assistance when requested by allied law enforcement agencies in accordance with departmental policy, local procedures, and/or state law. Personnel may also respond to reports of public safety crimes received from civilians. In situations where a CHP officer is the only peace officer immediately available in a geographical area, the civilians of that locale are justified in turning to that officer for protection and/or assistance.

2. POLICY.

- a. When approached to provide supplemental law enforcement assistance on a limited basis, CHP commands shall advise local agencies that CHP assistance must be requested by following the same steps contained in the mutual aid process. Local agencies should be requested to contact the operational area coordinator for assistance.
- b. In cases where the Department is requested by the Governor's Office to assist local law enforcement agencies on a limited basis, the Commissioner's Office will convene a planning session with the affected sheriff, chief of police, CHP, and local government leadership to discuss any deployment of CHP resources.

- c. As a result of the planning session, the Department may enter into an agreement with a local jurisdiction to provide limited-term supplemental law enforcement assistance on a nonreimbursable basis.
- d. Commanders shall maintain ongoing communications with allied agencies to ensure all law enforcement assistance guidelines are clearly defined and mutually agreed upon.
- e. When a request for reimbursable services from the Department (e.g., special event, traffic control) is made, Division commanders shall ensure a formal written agreement is prepared according to the directions provided in Highway Patrol Manual 11.1, Administrative Procedures Manual, Chapter 6, Reimbursable Services.

3. PROCEDURES.

- a. Requests for Supplemental Assistance. When an Area commander receives a request for supplemental law enforcement assistance, commanders shall refer the agency to the provisions of the mutual aid process. Commanders should also suggest that requesting agencies develop a Letter of Request and submit it to the operational area coordinator requesting assistance. Annex A provides a list of pertinent information that may be included in the Letter of Request.
- b. Departmental Assistance. In situations where the Governor's Office requests the Department provide assistance to a local agency, the Commissioner's Office will contact the concerned Division to initiate a planning session with the affected sheriff, chief of police, CHP, and local government leadership to discuss any deployment of CHP resources.
 - (1) If it is determined that departmental assistance is necessary, the Area commander will, in consultation with the Contract Management Unit and Assistant Commissioner, Field (ACF), develop a Memorandum of Understanding (MOU) between the Department and the requesting agency, with concurrence by the applicable county sheriff. A sample MOU can be found in Annex B.
 - (2) The Area, in consultation with the appropriate Division and the allied agency, will prepare an Operational Plan, consistent with the terms of the MOU. The Operational Plan shall be submitted to ACF for approval prior to the implementation of the agreement. An outline to assist in the preparation of an Operational Plan is contained in Annex C.
 - (3) The MOU must be signed by the governing body of the requesting agency and the applicable county sheriff, and be accompanied by a resolution which

authorizes the agency to enter into an agreement with the CHP. A sample resolution can be found in Annex D.

c. Final Approval. The MOU and signed resolution shall then be submitted to the Office of the Commissioner for final approval.

d. Reporting Requirements. Once the MOU has received final approval by the Department, procedures are in place, and assistance is being provided, periodic progress reports shall be prepared. Annex E provides guidelines for the completion of progress reports. Reports are to be submitted to ACF. Frequency of reporting and due dates will be established by the Department at the time of implementation.

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ANNEX A

LIMITED TERM SUPPLEMENTAL LAW ENFORCEMENT ASSISTANCE TO ALLIED AGENCIES

The Letter of Request should contain the following documentation:

- a. **Description of the area to be patrolled.** Boundaries, any characteristics unique to the area, and a description of the type and level of crime present should be included.
- b. **Statement of need.** It should be verified that crime levels in the requesting jurisdiction pose an immediate threat to public safety.
- c. **Identification of cause.** The proposal should demonstrate that the immediate and overwhelming public safety crisis is caused by an identifiable criminal element. In most instances, the criminal element will be gang- or drug-related.
- d. **Demonstration of inadequate resources.** A statement should be included showing that the jurisdiction is temporarily unable to abate the crime problem because of limited resources.
- e. **Statement of duration.** Assistance will be provided on a temporary basis only. The proposal should identify the time frame during which assistance is believed to be needed.
- f. **Statement of expectations.** The role of the assisting agency and the expected result of that agency's participation should be identified.

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ANNEX B

SAMPLE OF MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

CALIFORNIA HIGHWAY PATROL ASSISTANCE TO THE CITY OF _____

(Name of Jurisdiction Receiving Assistance)

PURPOSE.

Consistent with the secondary mission of the California Highway Patrol (CHP) and the desire of the Governor to ensure that the people of the State of California are provided with adequate law enforcement services, the CHP will provide law enforcement assistance on those occasions when it is in the best interest of public safety and the CHP has the necessary resources to do so. The city of _____ has demonstrated through a prior Letter of Request to the operational area coordinator (copy attached) that crime levels within the city of _____ pose an immediate threat to public safety, and that the overwhelming public safety crisis is caused by _____. Due to limited resources, the city of _____ is temporarily unable to abate the crime problem. California Highway Patrol assistance with traffic law enforcement will allow the city of _____ to address the escalating crime problem caused by _____. (Insert the identifiable criminal element, e.g., drug- or gang-related crime, etc., referred to in the Letter of Request). The purpose of this Memorandum of Understanding (MOU) and any addenda is to clearly define the scope and duration of assistance to be provided to the city of _____ by the CHP. It is intended to represent the complete agreement between the parties. No additions or deletions can be made to the agreement without written consent of both parties.

DESCRIPTION OF ASSISTANCE TO BE PROVIDED.

The primary assistance to be provided will be the augmentation of traffic law enforcement services. This will include increased levels of high-visibility patrol within the city of _____, to enhance compliance with the provisions of the California Vehicle Code and thus decrease the spillover of criminal activity from the core area to the roadways upon which the CHP has primary jurisdiction. Secondary assistance will consist of back-up for law enforcement calls. Consistent with the CHP's policy of extending assistance to local law enforcement agencies, the city of _____ has requested the CHP to provide traffic law enforcement services within the city for a specific period of time. California Highway Patrol assistance with traffic law enforcement will allow the _____ Police Department to address escalating crime, including _____. (Examples of escalating crime include: drive-by shootings, "shots fired" calls, carjackings, murders, assaults on civilians and police officers, drug dealing, organized gang activity, etc. Insert as appropriate.)

ANNEX B

SAMPLE OF MEMORANDUM OF UNDERSTANDING (*continued*)

Memorandum of Understanding

Page 2

SCOPE OF ASSISTANCE.

The CHP will commit _____ officers and _____ supervisory personnel, with supporting equipment, for the duration of the agreement. Support will be provided _____ days a week, between the hours of _____ and _____, on _____ (insert the days of the week, if fewer than seven). Members of the CHP assigned to provide assistance to the city of _____ under this agreement shall remain under the command and control of the CHP and its appointed supervisors. California Highway Patrol policies and procedures will govern appropriate response by CHP personnel to all incidents. The identification of deployment strategies, communications, and primary investigative responsibility will be contained in an Operational Plan to be developed prior to the effective date of this agreement.

(In addition, statements should be included addressing each of the following issues:

1. Whether CHP officers will work alone or in pairs, and the number of officers to be assigned to a single vehicle.
2. Responsibility for the investigation of traffic accidents occurring within the city of _____.
3. Responsibility for follow-up investigation of all non-traffic crimes encountered by CHP officers.
4. Coordination of daily operational information.
5. The forms [such as the CHP 215, 267, 202, 555, and 556] which will be used to document enforcement actions and traffic accidents.
6. Use of equipment, if CHP equipment will be used by other than CHP personnel. Include any additional statements which are necessary to adequately describe the scope of assistance to be provided by the CHP.)

MUTUAL INDEMNIFICATION CLAUSE.

The city of _____ shall defend, indemnify, and hold the State of California and its agencies and their respective officers, employees, and agents harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injuries or damages arising out of the performance of this agreement, but only in proportion to, and to the extent such liability, loss, expense, attorneys' fees, or claims for injuries or damages are caused as a result of the negligent or intentional acts or omissions of the city of _____, its officers, agents, or employees.

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ANNEX C

OUTLINE FOR LAW ENFORCEMENT ASSISTANCE OPERATIONAL PLAN

1. DESCRIPTION OF OPERATION.
 - a. Brief overview of jurisdiction to be assisted.
 - b. Problem statement.

2. MISSION/RESPONSIBILITIES OF THE CALIFORNIA HIGHWAY PATROL IN THIS OPERATION.
 - a. Traffic law enforcement.
 - b. General law enforcement.
 - c. Allied agency assistance.

3. COMMAND STRUCTURE.
 - a. Operations commander.
 - b. Field operations supervisors.
 - c. Officers.

4. STAFFING/DEPLOYMENT SCHEDULE.
 - a. Days of operation.
 - b. Times of operation.
 - c. Number of officers and supervisory personnel.

5. SELECTION OF STAFF AND DURATION OF ASSIGNMENT.
 - a. Criteria for assignment.
 - b. Length of assignment.

ANNEX C

OUTLINE FOR LAW ENFORCEMENT ASSISTANCE OPERATIONAL PLAN (continued)

6. LIAISON WITH AGENCY TO BE ASSISTED.
 - a. Information exchange.
 - b. Briefings.

7. COMMUNICATIONS.
 - a. Designation of agency responsible for radio communications.
 - b. Designation of dispatch channel(s)/radio frequencies.
 - c. Policy regarding use of extenders.
 - d. Policy regarding use of cellular telephones.

8. EQUIPMENT.
 - a. Vehicles.
 - b. Safety equipment.

9. MAINTENANCE.
 - a. Vehicles.
 - b. Safety equipment.

10. AIR SUPPORT.
 - a. Description of all planned air support.

ANNEX C

OUTLINE FOR LAW ENFORCEMENT ASSISTANCE OPERATIONAL PLAN (continued)

11. MEDIA RELATIONS.

- a. Policy regarding media inquiries.

12. TRAINING.

- a. Jurisdictional orientation.
- b. General law enforcement.

13. ARREST PROCEDURES.

- a. Primary duty to enforce traffic laws.
- b. Secondary duty to enforce other laws.
- c. Processing of arrestees.

14. DOCUMENT PROCESSING.

- a. Documents to be used.
- b. Coding.

15. REPORTING REQUIREMENTS.

- a. Beat.
- b. Special Box.

16. FISCAL RESOURCES.

- a. Identification of any reimbursable costs.
- b. Schedule for the expenditure of funds, if applicable.

ANNEX C

OUTLINE FOR LAW ENFORCEMENT ASSISTANCE OPERATIONAL PLAN (*continued*)

17. REPORTING TO ASSISTANT COMMISSIONER, FIELD.
 - a. Frequency of reporting.
 - b. Number of assigned personnel.
 - c. Enforcement activity.
 - d. Hours of operation.
 - e. Personnel hours expended.
 - f. Miles driven.

ANNEX D
SAMPLE RESOLUTION

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE
_____ POLICE DEPARTMENT'S REQUEST TO
THE CALIFORNIA HIGHWAY PATROL FOR LAW ENFORCEMENT ASSISTANCE

WHEREAS, providing traffic law enforcement services to the people of California is consistent with the California Highway Patrol's (CHP) primary mission of management and regulation of traffic to achieve safe, lawful, and efficient use of the highway transportation system; and

WHEREAS, the CHP, in its secondary mission, supports local law enforcement and stands ready to assist in emergencies exceeding local capabilities; and

WHEREAS, consistent with the secondary mission of the CHP and the desire of the Governor to ensure the people of the State of California are provided with adequate law enforcement services; and

WHEREAS, the CHP will provide law enforcement assistance on those occasions when it is in the best interest of public safety and the CHP has the necessary resources to do so; and

WHEREAS, escalating crime within the city of _____ is jeopardizing the safety of its residents and police officers; and

WHEREAS, the _____ Police Department does not have sufficient resources to address this immediate need for an increased law enforcement presence while formulating a long-term solution to the escalating crime problem; and

WHEREAS, the Sheriff of _____ County concurs with the decision to seek assistance from the CHP;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the _____ City Council supports and joins the _____ Police Department in their request for law enforcement assistance from the CHP in accordance with a Memorandum of Understanding to be entered into between the _____ Police Department and the CHP.

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted and passed by the City Council of the city of _____, at a regular meeting thereof held on the _____, _____ by the following vote:

Ayes:

Noes:

Absent:

City Clerk

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ANNEX E

GUIDELINES FOR COMPLETING DEPARTMENTAL PROGRESS REPORTS

A review of the effectiveness of the Department's participation in a supplemental law enforcement assistance program, as well as a prognosis of the need for continued assistance, must be conducted on a periodic basis. The reports shall include, as a minimum, the following information:

- a. Number of assigned personnel.
- b. Assigned equipment.
- c. Enforcement activity, including, but not limited to, driving under the influence arrests, felony arrests, stolen vehicle recoveries, vehicles stored/impounded, weapons/drugs seized, citations issued (both regular and mechanical), parking citations issued, written warnings issued (CHP 422, Vehicle Check/Parking Warning/Highway Damage Report), verbal warnings given, traffic accidents, motorist services provided, police/sheriff assists, and meetings attended. Also include any unusual occurrences; e.g., injury to departmental personnel, damage to state equipment, or other newsworthy activity. "To-date" totals for each activity reported should be included.
- d. Hours of operation.
- e. Personnel hours expended, including both regular hours and overtime hours.
- f. Miles driven.

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