

CHAPTER 11
GOVERNMENT SERVICES
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CHAPTER 11
GOVERNMENT SERVICES

1. GENERAL.

a. Mission. The California Highway Patrol (CHP) shall provide a safe environment for dignitaries, elected officials, state employees, and the public at state facilities.

b. Policy. The government services provided by the CHP shall be performed in a manner consistent with existing departmental policy. The CHP shall also give special attention to the following:

(1) Personnel assigned to government services shall maintain a politically neutral demeanor.

(2) Personnel assigned to the Safety Services Program shall resolve political incidents without violating an individual's First Amendment Rights.

c. Objectives. While providing government services, the CHP's goal is to facilitate a safe environment for those involved in the political process, provide protective services as needed, and promote a positive departmental image. The services provided can be either enforcement or protective in nature. Individuals providing government services should have a working knowledge of applicable California Penal Code (PC) (refer to Annex A) sections, and California Code of Regulations, Title 13 (refer to Annex B) sections.

2. DEFINITIONS.

a. Administrative Search. Unlike a criminal search, an administrative search is not based on probable cause or a warrant. The administrative search is limited in intrusiveness and is based on a reasonable need to protect the public. Administrative searches are frequently used during standby services.

b. Government Assemblies. For the purpose of this chapter, state government assemblies refer to official meetings and assemblies held on state property that fall under CHP jurisdiction for police services.

c. Government Services. Government services are all law enforcement services provided by the CHP on state property to ensure the safe operation of state government and its participants.

d. Dignitary Protection. Protective Services Division, Dignitary Protection Section (DPS) and Governor's Protective Detail (GPD) are responsible for the physical protection of the Governor, Lieutenant Governor, and Constitutional Officers.

e. Threat Assessment. The Threat Assessment Unit (TAU) is a part of DPS. The TAU is responsible for the investigation and management of threats directed toward California state-elected officers, state officials and others. A significant aspect of the TAU's job is to engage in ongoing threat assessments by gathering information and conducting investigations related to potential threats against the Governor and other state public officials. Continuous collection, analysis, and investigation of threat information are critical to their success.

f. On-Site Protective Services. California Highway Patrol personnel are, upon request, used to provide protective services for state agencies. Protective services are funded by a reimbursable contract or a statewide interagency agreement for a specific location.

NOTE: Protective services are provided as staffing levels permit. Normal CHP services take priority over protective services.

3. ASSIGNMENT RESPONSIBILITIES.

a. Protective Services Details. Officers assigned to government services are occasionally used to assist DPS and should be familiar with DPS procedures. Coordination between DPS and government services personnel is critical. (Refer to Chapter 16.)

b. Reporting Threats Against State Public Officials. Dignitary Protection Section, TAU is responsible for the collection and analysis of threat information data, and the investigation and management of threats directed toward state public officials as described in Section 76 PC. (Refer to Chapter 18.)

c. Suspicious Packages. Due to the potential for encountering an explosive device in or around government assemblies, officers responding to these types of calls shall be familiar with HPM 50.1, Chapter 4, Annex G, Bomb Incident Procedures.

d. Administrative Searches. Searches, as a condition of entry to public buildings, are allowed under the Administrative Search Exception to the constitutional protection against warrantless searches. The search is legal as long as it is reasonable, no more intrusive than necessary, and conducted for a purpose other than gathering incriminating evidence. Administrative searches may be conducted when there is probable cause for concern of public safety.

(1) California Highway Patrol personnel assigned to protective services may conduct an administrative search when it is reasonable to do so as authorized by current case law. (Refer to Annex C of this chapter.) Some protective services details, at the discretion of the requesting agency, may require participants in a hearing or other function to be searched. The following factors affect the justification of an administrative search:

- (a) The potential danger to the public based on the nature of the event and those in attendance.
- (b) The efficiency of the search.
- (c) The degree of intrusiveness of the search.

(2) The requesting agency shall post a sign outside the search area stating that all persons entering are subject to a search.

(3) Officers conducting an administrative search shall do so by visually assessing the individual for concealed weapons.

- (a) All briefcases, purses, packages and other bags shall be opened and visually examined for weapons.
- (b) When available, a magnetometer shall be used to scan all persons entering the search area. (Magnetometers are generally available at hearing sites.)
- (c) Persons who refuse to submit to a search shall not be permitted inside the secured area.
- (d) Officers have the discretion to require a full pat-down search when deemed necessary.

4. HAND-HELD METAL DETECTORS.

a. General. It is well established that requiring people to pass through, or to be screened by a metal detector, as a condition of entering a public building is a legitimate administrative search. It is also established that bags, parcels, and other items that could conceal a weapon may also be searched. Purses, bags, wallets, or any container that does not pass through a metal detector or x-ray machine may be personally inspected. As long as the person had the opportunity to leave the building rather than submit to the search, handing over their wallet would amount to consent. Any incriminating evidence found as a result of the search, such as false

identification, would be admissible as long as the original intent of the search was not to uncover such evidence.

b. Policy. California Highway Patrol officers may be requested to provide security at state or local buildings or meetings required to be open to the public. To prevent persons from entering these locations with weapons, officers **shall** conduct an administrative search of all persons requesting entry, when conditions of paragraph 3. d. have been established and requested by the agency. The hand-held metal detector is a vital tool which, if available, shall be used for this purpose.

NOTE: Hand-held metal detectors should be used to further protect the public and public buildings from the threat of violence. A hand-held metal detector may be used only after receiving approval from the Area commander. Hand-held metal detectors shall be used utilizing common sense, sound professional judgment, and in accordance with the policies and procedures described within this chapter.

c. Procedures. The following procedures have been established to ensure statewide consistency and compliance with existing case law.

(1) Screening Location and Staffing. The public must be funneled into the screening area. A table should be available so the public may place metal objects, such as keys or coins, onto it prior to passing through the magnetometer. If one is not available, individuals should be screened by the use of a hand-held metal detector. A recommended staffing configuration for a typical weapons screening site is a team of two uniformed officers. Other configurations may be appropriate depending upon the circumstances.

(2) Screening of Persons. Screenings may be conducted by the use of various types of metal detectors.

(a) Upon entering a walk-through metal detector screening area, the person being screened is instructed to remove all metal objects from their person prior to proceeding through the metal detector. If the person being screened does not set off the alarm, the person is cleared to proceed beyond the screening point. If the alarm is set off, the person must be reprocessed to determine the cause of the alarm prior to being cleared. Further screening is conducted whenever the individual cannot be cleared after going through the metal detector a second time. A hand-held metal detector is then used to determine and isolate the area of the individual that set off the alarm.

(b) When a walk-through metal detector is not available, the hand-held metal detector will become the primary screening device. The person being screened is asked to remove all metal objects from their person prior to being screened. The hand-held metal detector will then be used to

screen the person. If the alarm is set off, the area that set off the alarm will be isolated. Once isolated, a physical inspection of their outer garments shall be conducted. Physical inspections for the unidentified object which set off the alarm shall be as inoffensive as possible to the person being searched.

(c) If the object cannot be located or identified and there is reason to believe a weapon may be concealed on the person being screened, a physical search shall be conducted (refer to Section 833.5 PC). The physical search shall be limited to the area of the individual's body which set off the alarm. The search is conducted only to the extent necessary to ensure the absence of a weapon. The physical search shall be conducted in a friendly, inoffensive, yet thorough manner. If a weapon is located, the person shall be taken into custody utilizing a departmentally approved handcuffing technique as outlined in HPM 70.6, Officer Safety Manual. It is the operator's responsibility to make certain that every alarm is investigated and the reason for that alarm is determined.

(3) Screening of Disabled Persons. Disabled persons using crutches, wheelchairs, or wearing prosthetic aids may be privately screened. The officer shall use sound professional judgment and reasonable discretion when conducting the screening or search using either a hand-held metal detection device, a physical search or a combination of both, and shall ensure that no weapons or dangerous objects are on or about the person being searched. A physical search of the entire wheelchair shall be conducted including all possible compartments on the chair.

(4) Screening of Persons with Cardiac Pacemakers, Cardiac Defibrillators, or Persons who are Pregnant. Screening of persons with cardiac pacemakers, cardiac defibrillators, or persons who are pregnant can be safely conducted by using a scanner with a low frequency range. The scanners used are magnetometers that operate on a very low frequency range and would not have an adverse effect on medical implants (i.e., cardiac pacemakers, defibrillators or pregnancy). Any additional recommendations or directives issued by personal physicians, or medical equipment manufacturers should be followed.

(5) Screening Techniques (Persons). Proper screening technique is crucial to ensuring the safety and security of all persons attending an event.

(a) Unlike all other approved departmental searching techniques, a search conducted with a hand-held metal detector requires both auditory and visual acuity. Officers should position themselves in such a way as to observe the area being scanned and not rely entirely on the hand-held

metal detector to locate weapons. When passing the metal detector over the subject, care should be taken to not touch the person by keeping the detector approximately two inches away from the body while scanning. Care should also be taken when passing the metal detector over the ankle areas. When scanning the ankles, the detector should be maintained approximately one to two inches off the ground to avoid detecting reinforcing metal rods in the concrete floors. Officers should be cognizant of the fact that the heels/soles of certain shoes are reinforced with metal that could cause the detector to react. Consideration shall also be given to the reasonableness of the areas being searched when utilizing the screening technique described below (e.g., female clothing apparel, or short sleeve shirt).

(b) Have the subject face you and unbutton his/her outer garment if necessary. Direct the subject to spread his/her feet approximately two feet apart and place his/her arms out to the sides at approximately a 45-degree angle.

(c) While maintaining a position of advantage, offset yourself to the near side. The hand-held metal detector should be held in your weak hand.

(d) The initial search begins with a front chest spiral. Position the long portion of the detector parallel to the floor. The search begins with the near side of the waistband and continues across to the far side of the waistband. Continue up the far side of the chest area and across both clavicles to the near side of the chest. Continue down the near side of the chest area across the abdomen up the center of the chest area to the neckline. If the subject is wearing an outer garment, finish the front chest spiral by opening the outer garment and passing the detector over the inner pockets on both near side and far side.

(e) Have the subject face away from you. Direct the subject to spread his/her feet approximately two feet apart and place his/her arms out to the sides at approximately a 45-degree angle.

(f) While maintaining a position of advantage, offset yourself to the subject's near side. The hand-held metal detector should still be held in your weak hand. Beginning with the subject's near side shoulder, pass the metal detector down the outer portion of the arm, around the hand, up the inner arm to the armpit area. Continue down the near side passing the metal detector over the outer portion of the leg to the outer ankle. Reposition the metal detector up the inside of the leg to mid-thigh. Pass the detector over the front and rear pocket on the near side.

(g) Offset to the subject's far side. Reposition yourself by placing your strong foot forward and place the metal detector in your strong hand. Pass the detector down the outer portion of the arm, around the hand, up the inner arm to the arm pit area. Continue down the side passing the detector over the outer portion of the leg to the outer portion of the ankle. Reposition the wand up the inside of the leg to the mid-thigh. Pass the detector over the front and rear pockets on the near side.

(h) Complete the process by screening the back area. Begin with the near side waistband and pass the detector across to the far side. Continue up the far side of the back and across the back of the neck area to the near side. Continue down the near side and across the lower back up the center of the chest to the neckline.

(6) Screening Techniques (Hand-Carried Items). Proper screening of hand-carried items is crucial to ensuring the safety and security of all persons attending an event.

(a) Inspections of hand-carried items are conducted using an x-ray device, if available, or by physical inspection of the item. If the x-ray displays an image of an explosive, incendiary, deadly or dangerous weapon, positive control of the item shall be maintained at all times until the item is rendered safe.

(b) A search of hand-carried items requires common sense and organization. All sections of a bag, including zipper compartments, shall be opened and inspected. The searching of items such as pill boxes, medicines, small notebooks, and letters should not normally be necessary. However, certain items have a greater potential for concealment and pose special search problems. Containers such as wrapped packages and boxes could contain a weapon or dangerous objects. Each item shall be carefully inspected through the screening process, and opened if deemed suspicious unless it is suspected of containing an explosive device. If a container is suspected of containing an explosive device, it shall be isolated and the building should be evacuated. Umbrellas shall be slightly opened and handles turned slightly to determine if they are rigid. If the handle is loose, inspect it to determine if it has been altered and made into a knife. Attaché cases and small suitcases shall be examined to assure there are no false bottoms or concealed compartments.

(c) Cameras and photography equipment, aerosol cans, portable electrical devices such as pagers, tape recorders and dictaphones, shall be visually inspected to determine if tampering has occurred and if they might conceal a customized firearm or other dangerous object.

(d) If in the courthouse, the court has the discretion to restrict from the courtroom all written material, including signs, posters and banners for the purpose of either influencing the decision of the court and/or disrupting the court. Officers shall carefully inspect all materials prior to allowing persons to enter the court. If any such material is located, the person shall be denied entry until no longer in possession of the prohibited material.

(7) Seizure and Disposition of Weapons. A private person shall not bring or possess an unauthorized weapon within any state or local building or at any meeting required to be open to the public (refer to Section 171b PC). Any unlawful or unauthorized weapon, as defined in the PC, shall be confiscated and the subject shall be placed under arrest. Any person seeking entrance to any state or local building or any meeting required to be open to the public while lawfully possessing a weapon is not subject to arrest, nor will his or her access be restricted pursuant to Section 171b PC provided they are not a party to an action pending before the court. The courts may additionally apply the provisions of the California Rules of Court, Section 7, and may prohibit persons from entering a judicial proceeding while lawfully possessing a weapon whether or not they are a party to an action pending before the court.

(8) Retention and Disposition of Restricted Items. If during the screening of individuals entering facilities, restricted items (pepper spray, scissors, knives with blades less than four inches, etc.) are located, they will not be allowed into the facility or public hearing. If the person carrying the item is not able to store the item in their vehicle or other secure location, the item may be booked into property following the procedures outlined in HPM 70.1, Evidence Manual.

(9) Posting of Signs/Notification to the Public. A sign shall be posted advising that all persons, upon entering the facility, are deemed to have given their implied consent to a metal detector search of their person and property.

(10) Documentation. If an arrest is made pursuant to the use of a hand-held metal detector or other screening device, the proper documentation (CHP 216, Arrest Investigation Report, STD. 99, etc.) shall be completed as required. No other documentation, except as described in paragraph (7), above, is required during the normal use of the hand-held metal detector or other screening device.

5. EVENT STAFFING.

a. Planning Ahead. There may be assemblies and/or events on state property requiring special planning considerations based on the size or sensitivity of the event. The staffing needs of the assembly and/or event should be evaluated prior to the event.

b. Information Gathering. Prior to the event, information should be developed regarding the nature of the event, intentions of event participants, event location, and event history. Useful information resources include Investigative Services Unit investigators, TAU, local law enforcement agencies, media outlets, affiliated web sites, social media, past experience of the involved group, etc.

c. Operational Plan. An Operational Plan shall be formulated for each event based on related factors such as location, number of participants, staffing needs, and environmental considerations.

6. UTILIZATION OF OUTSIDE RESOURCES.

a. State Fire Marshal. The State Fire Marshal has jurisdiction over fire investigations and inspections in all state owned facilities. The State Fire Marshal may be used to check occupancy limits or safety issues at large events.

b. Local Fire Inspector. The Local Fire Inspector has concurrent jurisdiction with the State Fire Marshal over fire investigations and inspections in all state-leased facilities. Local fire inspectors may be used to check occupancy limits or safety issues at events.

c. State Building Manager. All state owned facilities have a building manager. The building manager has the same legal standing as a local building inspector and can be used to address safety issues regarding the physical layout of an event.

d. Local Law Enforcement. Local law enforcement should be notified when events overlap into their jurisdiction. The assistance of the local law enforcement agency should be utilized when appropriate.

e. Event Coordinators. Event coordinators, event leaders, and event participants can be a resource in the mitigation of threats. In many instances, they are more than willing to meet the requests of the Department.

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ANNEX A

PENAL CODE (PC) SECTIONS RELEVANT TO GOVERNMENT SERVICES

- 148.1 PC False report of planting of bomb or other explosive.
- 148.3 PC False emergency report; Penalty.
- 171b PC Possessing weapon in state or local public building or public open meeting.
- 171c PC Possessing loaded firearm in State Capitol or state offices.
- 171d PC Possessing loaded firearm in Governor's or constitutional officer's residence.
- 171e PC When firearm deemed loaded; Examination by peace officers.
- 171f PC Unauthorized entry into legislative chamber; Disruptive conduct within State Capitol.
- 403 PC Disturbance of assembly or meeting other than religious or political.
- 404 PC "Riot".
- 404.6 PC Urging riot.
- 405 PC Punishment of riot.
- 405a PC "Lynching".
- 405b PC Punishment for lynching.
- 406 PC "Rout" defined.
- 407 PC "Unlawful assembly" defined.
- 408 PC Participation in rout and unlawful assembly.
- 409 PC Remaining present at place of riot, etc., after warning to disperse.

ANNEX A

PENAL CODE (PC) SECTIONS RELEVANT TO GOVERNMENT SERVICES (continued)

- 415 PC Disturbing the peace.
- 416 PC Refusing to disperse upon lawful command.
- 422.6 PC Injury or threat to person or damage to property based on perception of person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation; Punishment; Other provisions of law.
- 556 PC Placing of advertising signs on public property.
- 594 PC Vandalism; Punishment.
- 602p PC Trespasses; What acts included; Punishment.
- 602.1 PC Intentional interference with business establishment.
- 640.5 PC Affixing graffiti on or in vehicles of governmental entity or public transportation system.
- 647 PC Disorderly conduct; Restrictions on probation.
- 647c PC Willful and malicious obstruction of thoroughfares and public places; Local regulations.
- 726 PC giving of command to disperse.
- 727 PC To arrest rioters if they do not disperse.
- 833.5 PC Authority to search a person when an officer has reasonable cause to **believe a person has a firearm or other deadly weapon upon there person.**

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY

Article 1. General

§ 1850. Applicability.

This chapter shall apply to the conduct of all individuals or groups using state property, except those individuals or groups who obtain permits pursuant to Government Code Section 14998, et seq., which grants the California Film Commission authority to issue permits for filming on state property.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

§ 1851. Definitions. (As used in this chapter):

1. "Commercial Activity" shall mean any activity or action, undertaken in whole or in part by one or more business entities and/or individual(s) or business entity or entities.
2. "Commissioner" means the Commissioner of the California Highway Patrol.
3. "Demonstration" includes the parading, picketing, selling of non-commercial printed matter or materials, marching, moving in procession, holding of vigils, and engaging in other like forms of activity which involve the communication of views or grievances, orally or by conduct and which has the effect, intent or propensity to draw a crowd or onlookers.
4. "Department" means the Department of California Highway Patrol.
5. "Gathering" shall mean the assemblage of more than two persons other than the conducting of state business and having the effect, intent propensity to draw a crowd or onlookers.
6. "State Capitol Grounds" is synonymous with "State Capitol Park" and includes the area located in the blocks bound by 9th and 10th, 'L' and 'N' Streets and 10th and 15th, and 'L' and 'N' Streets, in the City of Sacramento, State of California.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

7. "State Property" includes all property owned, leased, rented, controlled, used or occupied by any department or part thereof of the Government of the State of California. For purposes of this chapter, State Property does not include:

a. Property of the University of California, California State University, or Hastings College of Law, other than property occupied by a state agency not under the authority of the administering body of the University of California, the California State University, or Hastings College of Law.

b. Property of any department or subdivision of state government, which is authorized by law to employ one or more peace officers within the state civil service, whose primary duty, as defined by law, is the provision of law enforcement services upon the property (e.g., California Exposition and State Fair, state hospitals of the Departments of Mental Health or Developmental Services, and parks and beaches of the Department of Parks and Recreation).

c. Property of the Departments of Corrections or Youth Authority which is maintained and used primarily for the custody or housing of inmates or wards under the jurisdiction of the Departments of Corrections or Youth Authority.

d. Property under the jurisdiction of the California Department of Transportation as outlined in the Streets & Highways Code, Chapter 3, Sections 660-670.

8. "Vehicle" means any device in, upon, or by which any person or property is or may be propelled, moved, or drawn.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

Article 2. Permits

§ 1855. Permits for Activity on State Property.

1. Permit Application. Applications for permits shall be made in writing on a "Permit Application For Activity on State Property," CHP 398, (rev. 3/98) to the appropriate California Highway Patrol office at least ten (10) business days prior to the commencement of any activity discussed in Article 3 below. (Revised 05/06)
2. Criteria for Issuance of Permit. The Department shall issue a permit within ten (10) business days of receipt of a complete and proper application, providing all the following criteria are met:
 - a. The primary purpose of the planned activity is not a "commercial activity." An application shall be denied when the enterprise for which the permit is sought includes, as its primary purpose, a commercial activity, whether or not other non-commercial, non-profit endeavors are incorporated, or otherwise undertaken, in conjunction with the commercial activity. Eligibility for a permit under this section is confined to those individuals and business entities who seek to engage in activity that is primarily non-commercial (e.g., an expression of ideas or causes of religious, artistic, political, charitable, educational or cultural nature).
 - b. The activity planned can be conducted in the area designated without creating or causing risk of injury or illness to persons; risk of damage or destruction to property and/or impeding the performance of public business to be conducted in the area.
 - c. There is no conflict as to time, place, manner, and/or duration of the subject activity with activities for which permits have been issued or are pending issuance.
 - d. Permits will not be issued earlier than one calendar year prior to the planned activity. No exclusive rights to permits for designated events shall be issued for consecutive future years to any one applicant.
 - e. The activity planned does not conflict with rules in Article 3 of this chapter unless the approved permit specifically exempts the holder of the permit from the rules.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

- f. The holder of the permit shall accept financial liability for damages to state property by members of his or her party and further agrees to leave the area clean. The permit may not be assigned.
 - g. Insurance may be required based on the planned size and/or complexity of the event as determined by the Department of General Services, Office of Risk and Insurance Management. Additionally, the Department of General Services may require a bond or deposit to cover the cost of any potential damage to state property.
 - h. One (1) security person shall be designated and provided by the permit holder, at his or her expense, for each fifty (50) persons expected to be in attendance. Each member of security shall wear a distinctive emblem, insignia, or article of wearing apparel at all times during the activity for identification purposes. To provide reference to the terms and conditions of the permit they are charged with enforcing, each member of security shall have a copy of the activity permit on his or her person while present at the event. Employees of the Department shall have the privilege of inspecting the premises covered by this permit at any or all times.
 - i. The permit and the rights thereunder may not be assigned to a third party.
3. Duration of Permit. Unless the Department otherwise approves, based on the application for permit, a permit issued under sub-division (b) of this section shall not be valid more than seven (7) calendar days. Extensions may be granted if the event time and location are not in conflict with permits already granted.
4. Revocation of Permit. The Department may revoke a permit if:
- a. It determines that any activity covered by such permit is creating or causing risk of injury or illness to persons; risk of damage or destruction to property and/or impeding the performance of public business to be conducted in the area or if the permit holder or persons in their group violate any of the terms of their permit.
 - b. Prior to commencement of the permitted event, the Department finds it necessary to cancel the permit due to previously unknown circumstances. The Department reserves the right to cancel any permit or change the location of the activity upon giving one day written notice to the holder of the permit without incurring any liability on the part of the Department and the State of California.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

5. Exemption. Permits are not required for bake sales, craft sales, etc., organized and conducted at a worksite by a group of state employees from said worksite, if the primary purpose of the activity is to raise funds for offsetting the cost of an employee organized social activity. This exemption does not exempt employees from the necessity of obtaining other permits and permissions as may be required. Employees should contact their building managers to determine the approval process at their worksite.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

§ 1856. Denial or Cancellation of a Permit.

The Department may deny a request for permit or cancel a permit (before or during an event) upon determination of the Commissioner or his or her designee that any of the following conditions have occurred:

1. Incomplete information, false statement(s), or misrepresentations have been made on the permit application.
2. Fraud was committed in obtaining the permit.
3. The person to whom the permit was issued is not present at the activity and is not available for contact by a peace officer of the Department or a representative of the state agency upon whose property the activity is taking place.
4. The conduct of either the person to whom the permit was issued, or persons attending the activity, violates a condition of the permit, these regulations, state law, or any other statute or ordinance.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

§ 1857. **Appealing Denial or Cancellation of Permit.**

1. Procedures. The denial or cancellation of a permit under Section 1855 or 1856 shall state the reasons for such denial or cancellation. Within five (5) business days of the notification of denial or cancellation the applicant or holder of the permit may apply to the Commissioner for a review of the reasons for denial or cancellation. The proceedings for review shall be held within five (5) business days thereafter, before the Commissioner or his or her designee.

2. Exclusion from Appeal Process. This section and the appeal procedures set forth herein shall apply only in cases where a timely permit application was filed in accordance with Section 1855 and the permit was denied. No appeal shall be available if a timely permit application was not filed.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

Article 3. Restrictions on Use of State Buildings and Grounds

§ 1860. **Types of Permits.**

1. Permits for Demonstration or Gathering. No person shall hold or conduct any demonstration or gathering in or upon any state buildings or grounds unless a permit has been issued by the Department.

2. Permits for Structures or Equipment. No person shall build, construct, set up, place or maintain, or attempt such, in or upon any of the state property, any tent, platform, booth, bench, table, building, sound system, or other structure, unless a permit for such a structure has been issued by the Department.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

§ 1861. Prohibited Conduct.

No person shall remain in or upon any state property after having been ordered or directed by a member of the California Highway Patrol or the person having charge of the facility to leave said property, provided said order or direction to leave is issued after the determination that one or more of the following has occurred:

1. Creating Loud and Unusual Noises. Said person, alone or in conjunction with others, is creating loud and unusual noises which impede or disturb the state employees in the performance of their duties or which otherwise impede or disrupt the general public transacting business with the state agency(ies) located within, about, or upon state property.
2. Obstructing or Interfering with the Usual Use of State Property. Said person, alone or in conjunction with others, is obstructing or interfering with the usual use of entrances, foyers, corridors, offices, elevators, stairways, garages, or parking lots, or is creating a health and/or safety hazard in such use within, about, or upon state property.
3. Present In or Upon State Property When Closed to Public. Said person is in or on state property, or area thereof, during the hours when said state property is not open to the general public, and said person does not have a permit, the authority or lawful reason to be there.
4. Emergency Order. Said person refuses to comply with an emergency order.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

§ 1862. Signs, Posters, Placards, Banners.

1. Requirements for Size. Carrying, transporting or using signs, posters, placards or banners exceeding thirty inches (30") by thirty inches (30") in size, in or on any state property, is prohibited unless prior written permission has been obtained from the Commissioner or his or her designee whose review, under this section, shall not be made on the basis of content.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

- a. The size of the handles or supports for such signs, posters, placards or banners shall be limited to one-fourth inch (1/4") in thickness by three-fourth inch (3/4") in width and shall extend no more than eighteen inches (18") beyond a single exterior edge of such signs, posters, placards, or banners.
 - b. All such handles or supports shall be made of wood without exception.
2. Requirements for Carrying. All such signs, posters, placards or banners shall be hand carried and not in any way affixed, fastened, or attached to the premises; nor self-supporting and placed for display; nor leaned against any wall, partition, or other portion of a state property.
 3. Prohibited Signs. The carrying of such signs, posters, placards or banners is prohibited if it obstructs freedom of passage over, through, or in state property.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

§ 1863. Decorations.

No decorations are to be hung, tacked, taped, or in any way affixed to trees, shrubbery, fencing, or lamp posts on state property.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

§ 1864. Fire.

Fire is not permitted on state property.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

§ 1865. Parking.

1. Issuance of Parking Permits-State Capitol Grounds. Parking permits shall be issued by the Department under the authority of, and under such conditions as may be prescribed by, the Commissioner. Said parking permits shall be subject to revocation or suspension at any time. Unless sooner revoked or suspended, such permits shall expire at the end of the calendar year in which issued.
2. Exception to Required Parking Permit-State Capitol Grounds. No person shall stop, park or leave standing, any vehicle without proper parking permits displayed, on the State Capitol grounds except:
 - a. Members of the State Legislature.
 - b. The operator of any vehicle which displays in plain view while stopped, parked or left standing on said grounds, a valid parking permit issued by the Department, the State Senate Rules Committee, or the State Assembly Rules Committee.
 - c. Persons stopping or parking a vehicle when necessary to avoid conflict with other traffic or in compliance with a traffic control signal device or the direction of a California Highway Patrol Officer in control of traffic.
 - d. Persons stopping or parking a vehicle temporarily in areas designated by the California Highway Patrol for the purpose of loading or unloading merchandise or picking up or discharging passengers, and then only for the period of time required to load or unload, pick up or discharge such merchandise or passengers.
3. Issuance of Parking Permits-State Property. Parking permits may be issued under the authority of, and under such conditions as may be prescribed by, the agency in control of said property.
4. Display of Parking Permits. In locations where signs are posted indicating parking permits are required, no person shall stop, park, or leave standing, any vehicle on any property of the State of California, except where such vehicle displays in plain view a valid parking permit.
5. Unattended Vehicles. Vehicles left unattended without proper parking permits displayed may be immediately removed.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

6. Conformance with Posted Signs. Unless otherwise directed by a California Highway Patrol Officer, no person shall stop, park, or leave standing any vehicle on said state property unless such vehicle is parked, stopped, or left standing in areas designated for public parking and in conformance with such signs as may be posted on said grounds from time to time.
7. Driveways. No person shall stop, park or leave standing, any vehicle on any part of the driveways running from 'L' Street to the State Capitol Garage and from 'N' Street to said garage.
8. Loading Areas. No person shall stop, park, or leave standing any vehicle on any part of the loading area adjacent to the State Capitol Garage and west of the driveway from 'N' Street to said garage except persons who have obtained permits from the Department for parking spaces designated for him or her, or persons who are actually loading or unloading merchandise at the loading dock.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

§ 1866. Dogs, Cats, and Other Domesticated Animals.

1. Presence in State Capitol Park. Dogs, cats, and other domesticated animals are prohibited in State Capitol Park for other than official or authorized purposes, except when held by the custodians thereof, or on a leash. Unleashed dogs or cats and other domesticated animals shall be subject to impoundment in a manner consistent with the applicable municipal, county and state laws and ordinances.
2. Presence In or Upon State Property. Dogs, cats, and other domesticated animals are prohibited in state buildings and grounds except:
 - a. Specially trained guide dogs, signal dogs, or service dogs used exclusively to assist blind, deaf, or other disabled persons. For purposes of the chapter, guide dog, signal dog and service dogs means any dog which meets the criteria as defined under federal regulations adopted to implement Title III of the Americans with Disabilities Act of 1990.
 - b. Animals held or leashed as described in paragraph (a) within the confines of State Capitol Park or other state grounds.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

c. Animals which are authorized for exhibit or used for official or authorized purposes.

NOTE: Authority cited: Section 14685, Government Code. Reference: Section 14685(c), Government Code.

§ 1867. Operation and Use of Bicycles, Roller Skates, Skateboards, and Other Wheeled Conveyances.

1. The riding, operation, or use of bicycles, roller skates, skateboards, or other wheeled conveyances is prohibited in or upon state property (as defined for this chapter) except as follows:

- a. Wheeled conveyances used by disabled persons.
- b. Any wheeled conveyance used by a state employee in the course of his or her employment.
- c. Any wheeled conveyance used by a person upon that portion of State Capitol Park known as the "Thirteenth Street Walk" and described as that portion of 13th Street between 'L' and 'N' Streets.
- d. Roller skating is permitted, from dusk to dawn, seven (7) days a week on paths, walks and driveways in that portion of the State Capitol grounds extending from 13th Street to 15th Street and from 'L' Street to 'N' Street.
- e. Roller skating is permitted, from 6 p.m. to dusk, Monday through Friday and from dawn to dusk on Saturdays, Sundays and holidays on the State Capitol grounds extending from 10th Street to 13th Street and from 'L' Street to 'N' Street.

2. Notwithstanding subsection (a), roller skating is not permitted upon the steps of the State Capitol, or in the interior of the State Capitol or in the interior of any other state building, or in the driveway extending from 'L' and 'N' Streets into the State Capitol Garage.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

3. Notwithstanding subsection (a), operation of wheeled conveyances shall be prohibited if done in a manner other than is reasonable or prudent, having due regard for pedestrians, weather, visibility, the traffic on, and the surface and width of, the area's grounds.
4. The parking of bicycles in or upon state property is prohibited except at designated bicycle parking racks or facilities established by the agency in control of a given state property.
5. This section shall not apply to any peace officer acting within the scope of his or her employment.
6. This section shall not apply to any location defined as a street or highway under applicable provisions of the California Vehicle Code.

NOTE: Authority cited: Section 14685, Government Code. Reference:
Section 14685(c), Government Code. Section 21200 California Vehicle Code.

§ 1868. Flower Beds and Lawns.

1. The walking on or crossing over or through flower beds or other areas within the park where plants, shrubs, trees or any other growing things, other than lawns are located, is prohibited.
2. The picking of, or in any way damaging, mutilating, or destroying flowers, plants, shrubs or any other growing things in the park is prohibited.
3. The walking on or crossing over lawns or terraces within the park is prohibited where such walking or crossing over is likely to cause damage to said lawns and terraces.

NOTE: Authority cited: Section 14685, Government Code. Reference:
Section 14685(c), Government Code.

ANNEX B

CALIFORNIA CODE OF REGULATIONS, TITLE 13 RULES APPLICABLE TO USE OF STATE PROPERTY (*continued*)

§ 1869. Games and Sports.

The playing of games which involve running, jumping, tackling, strenuous activity or physical contact between players, including but not limited to football, baseball, frisbee, golf, catch, and soccer, is prohibited in State Capitol Park.

NOTE: Authority cited: Section 14685, Government Code. Reference:
Section 14685(c), Government Code.

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ANNEX C

CASE LAW

A search of persons entering a public building is generally regarded to be a warrantless search and is, therefore, unreasonable per se under the Fourth Amendment to the United States Constitution. However, several federal and state case decisions have found these searches to be valid under the Administrative Searches Exception. A few of these cases are summarized below.

1. The Administrative Search Exception was defined in “*United States v. Davis*,” (1973) 482 F.2d 893, as being one “...conducted as part of a general regulatory scheme in furtherance of an administrative purpose, rather than as part of a criminal investigation to secure evidence of crime.” Such a search must be necessary for protecting or carrying out a legitimate and important government interest. The court recognized such an interest in the protection of public buildings from the threat of violence. The search must be conducted in an effective and reasonable manner and must have the consent of the individual being searched.
2. In “*McMorris v. Alioto*,” (1979) 567 F.2d 897, the court upheld a limited search of all persons seeking entry to the Hall of Justice in San Francisco. All persons entering the building (which housed the central offices of the police department, district attorney, public defender, as well as the criminal division courtrooms) were required to pass through a metal detector. If the person set off the machine they were given a pat-down search or they were free to leave the building. Officers could also search all packages that might conceal a weapon. The officers were specifically instructed to limit the search to the detection of concealed weapons. The court noted that people entering the Hall of Justice were not physically forced to submit to the search and they could leave the building at any time.
3. This notion of implied consent was expanded on in “*Estes v. Rowland*,” (1993) 14 Cal. App. 4th 508. “*Estes*” involved a search of all vehicles entering the prison’s visitor parking lot. The court concluded that when individuals entered prison property, after passing a sign that notifies visitors that entering vehicles are subject to search, they may reasonably be deemed to have consented to a search.

ANNEX C

CASE LAW (*continued*)

4. In "*Morad v. Superior Court*," (1975) 44 Cal. App. 3d 436, two signs were posted in the area where the individual attempted to board a plane at the San Francisco Airport. He activated the magnetometer on three separate passes, leading to a search of his bags and a request by customs officers to conduct a pat-down search. He declined to grant permission for the search and offered to leave the airport, insisting he had no weapons on his person. Nevertheless, a frisk was administered which revealed two baggies of LSD tablets in his boots. The court noted that by electing to submit to any of the airline's Federal Aviation Administration security screening measures, a prospective passenger, as a matter of law, has in effect waived objection to further reasonable administrative searches of his/her person or luggage. "The practice of conducting a pat-down search of one who has repeatedly activated the magnetometer even after removal of much visible metal from his body, rather than to turn him loose in the airport, possibly in possession of weapons or explosives, is in conformity with the purpose of regulatory search."

5. In "*State v. Plante*," (1991) 134 N.H., 585, 594 A.2d 165, the court noted if individuals were allowed to impede a search after it has commenced they could be provided with a safe opportunity to avoid weapons detection. Such an opportunity would encourage persistent individuals to repeat their attempts to gain entry with weapons.