

## **REPORT WRITING MANUAL**

This guide has been created to further enhance the general report writing concepts discussed in the Department Policy Manual (General Order 5-2) and the FTO Manual. The report writing format used by this department for Crime and Incident Reports is the “Narrative Style”. This is the primary format taught by all of the various Orange County Police Academies, and currently used by most local law enforcement agencies. This will promote continuity as our officers generate reports for the District Attorney’s Office, and supplemental reports for allied agencies.

This guide does not apply to Traffic Collision Reports. Traffic Collision reports shall be written using the “Category Style” report writing format as prescribed in the CHP Statewide Integrated Traffic Records System (SWITRS) manual. Preparing reports pursuant to the SWITRS manual ensures accurate statistical data is compiled by the Department of Transportation. The data is used, among other things, to improve safety on California roadways. The SWITRS manual has been officially adopted by the California State University, Fullerton Police Department as the complete guide for how to write Traffic Collision Reports.

Although exemplar Crime and Incident reports are included in this guide for review, Officers are encouraged to develop their own individual report writing styles, while providing all essential information. Exemplar reports contained in this guide shall not be duplicated sentence for sentence by the Officer under any circumstances. To ensure a fresh perspective for each report, Officers are discouraged from editing previously completed narratives (using “templates”) to complete reports.

Our reports have two main sections: the face sheet and the narrative. The face sheet is compiled using the RIMS data entry section of the software program. All incidents where a case number is assigned shall have a written report. All reports shall have a written narrative, with one exception; traffic collision Counter Reports will not normally have an Officer written narrative. In those cases, the text of “COUNTER REPORT – refer to CHP form 555-03” should be entered in the narrative field.

RIMS case data entry shall be as follows:

Page 1 contains the case number, offense level, type, location of occurrence, date & time, case status & disposition, solvability factors, and special circumstances. Page 2 provides fields for additional location and modus operandi. When entering offense codes, Officers are mandated to use the Uniform Crime Code (UCR) criteria in establishing in what order they shall be listed. The FBI uses this data to gauge the level and scope of crimes occurring throughout the country. A listing of the most common UCR offense classifications can be found later in this guide.

The “Persons” tab shall be used to enter all victim, witness, suspect, or other involved person information. It also allows for a person’s photo to be attached to their descriptor.

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The “Property” tab shall be used to enter information for stolen, damaged or recovered property, or items retained for safekeeping. This section shall also be used to list confiscated evidence such as weapons or narcotics. All Property retained by this Department shall be listed in the Property Section.

The “Vehicles” tab shall be used to enter involved vehicle information. You must check Accident Drop Down to include Vehicle information, i.e. damage, R/O, mechanical problems, etc.

The “Narrative” tab shall be used to enter the Officer’s account of the crime or incident, as well as any supplemental narratives.

The “Accident” tab shall be used to enter information for traffic collisions. Detailed instructions for completing these reports are provided in the Statewide Integrated Traffic Records System (SWITRS) manual.

The “Officers” tab shall be used to document the names of handling and assisting Officers, the Supervisor approving the report, and the Record’s Supervisor. It also lists other relevant departments or agencies that the report should be sent to. Officers should be listed as “assisting” if they provide more than cursory assistance in the investigation, or if they will be submitting a supplemental narrative.

The “Photos” tab shall be used to enter digital images of persons, damage, evidence or crime scenes.

The “Attachments” tab shall contain all scanned documents pertaining to the case. These documents will be scanned by the records personnel.

The “Queries” and “Audit” tabs are for Administrative use and will not be used for report writing.

The “Officer Assaulted” tab shall be used if an Officer from this Department is assaulted.

The Narrative consists of the Officer’s chronological documentation of the events. A supplemental report shall be used when pertinent information needs to be documented after the original report has been filed or when an assisting Officer needs to file his or her own narrative. **All narratives shall be written in first person.**

### CLASSIFICATION OF INVOLVED PARTIES

All persons having pertinent information regarding a case, suspects, or arrestees shall be positively identified. When any person is added to a case in RIMS, their connection must be specified as follows:

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Bicyclist, Cited Person, Confidential Person, Confidential Victim, Driver, Mentioned, Missing Person, Parent or Guardian, Passenger, Pedestrian, Reporting Party, Spouse, Suspect, Suspect Arrested, Vehicle Owner, Victim, or Witness. When more than one category describes the person, select the most relevant characterization.

A witness need not have actually witnessed a crime. This category can be used for anyone (other than a victim or suspect) having information about a case.

Officers shall obtain the full legal name, DOB, current home address, employer name and address, campus address, work, home, and mobile telephone numbers, any Driver's License or ID Card numbers, and, when possible, the Social Security number or campus-wide ID (CWID) of all involved parties. The "Persons" tab contains fields for multiple physical descriptors, and should minimally include gender, race, height, weight, hair, and eye color. Additional contact and descriptor information such as e-mail addresses, additional location addresses, tattoos, aliases, etc., should be sought when appropriate.

In cases where a suspect or suspects are unnamed, they should be labeled with an "S" followed by a "\_" and in numerical order starting with "1" and followed by the associated designated report number. For example, an officer who is assigned DR#16-1234 and there is one outstanding unnamed suspect should be labeled "S-1 16-1234." In addition, if an officer who is assigned the same designated report number but there are multiple unnamed suspects should be labeled as "S-1 16-1234" next entry "S-1234", next entry "S-3 1234", etc.

When an involved person is a Police Department employee, or other person where personal data should be kept confidential, per 293 of the California Penal Code and section 6254(f)(2) of the California Government Code. Only the work address and phone number should be listed in the report.

When a person is already in the database, Officers shall verify their personal information and update it as needed. Overwriting a person's former phone number, address, etc., will not delete the outdated record, but will automatically archive it within the person's file.

### CASE ASSIGNMENT

Occasionally, an incident that has been assigned a case number may reveal evidence of an additional, but separate crime. For example, an Officer makes an arrest for assault with a deadly weapon that just occurred on Campus, then discovers items in the arrestee's dorm room from a previously unreported burglary on Campus. Since these are two serious crimes that have a *separation of time and place*, the burglary should be assigned a separate case number. Separate case numbers may also be assigned at the discretion of the Investigations unit.

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### NARRATIVES

Most narratives should begin by establishing the date, time, and the preparing Officer's status at the inception of the case (e. g., "On 1-15-2007, at about 1750 hours, I was working patrol and driving a marked Police car"). **There is no date or time listed at the top of RIMS narrative pages, so the phrase, "On the above date and time" is unacceptable.** Any subsequent reader of the narrative (particularly the DA) should immediately know if the case began in broad daylight, in the middle of the night, summer, winter, etc. It is acceptable to begin the narrative with a header, when necessary, to list information not covered in the RIMS tabs (e.g., "INJURIES" for medical aid reports, or "DAMAGE" for vandalism cases).

The Officer should then document what precipitated the call. For example, was the Officer dispatched, flagged down, or did he or she make an independent observation? The report should then chronologically detail pertinent information to the case.

The report should provide information regarding Officer actions, observations, interviews, and other factual information relating to the case. **Although not every detail of the Officer's investigation will be integral to the report, it should be clearly documented whenever an Officer takes legal action** (e.g., detains or arrests someone, or tows a vehicle). The same rule applies when an Officer does something that is legally required (e.g., provides a DUI chemical test admonition, or advises an arrestee of their Miranda rights). The Officer should document what action was taken, and pursuant to what code (e.g., "I initiated a traffic stop for CVC 22350", or "I detained Smith for investigation of PC 594(a), vandalism"). Officers should list what type of searches they conduct as well (e.g., "I conducted a probable cause search of Smith's vehicle"). All required CLETS entries and other required notifications should be documented as well.

When relating interview statements from victims, witnesses, suspects, or other persons, the Officer should first establish who the person is, what their relationship to the case is, and in the case of a suspect, how they were identified ("I spoke to the driver, John Smith. He was identified via his CDL". Once you have initially referred to that person and identified their connection, refer to them by only their last name to achieve brevity in the overall report. You can distinguish parties sharing the same last name by adding first names as necessary, or other distinguishing features if two persons share both first and last names. For example, a father may be referred to as "The father John Smith", or "The elder Smith"). Occasionally, an interview with a person is interrupted or has to be continued at a later time. When writing the report, the Officer should include all pertinent information from that person in the initial paragraph. They should then conclude the summary of their statement in the same paragraph while stating something to the effect of, "I later confirmed with Smith" (that his stolen backpack contained a set of State keys, etc.).

A separate paragraph should be used for each person interviewed. It is not necessary to write each interview in the order that they were conducted. Interviews may also be

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interlaced with Officer observations, or other information that is obtained during the interview. It is up to the writer to determine what order is best for the reader's comprehension. If a given paragraph becomes too lengthy but still pertains to one involved party, it should be separated into additional paragraphs. Attempt to do this at a natural break in the information flow. Average paragraphs range from 5 to 10 sentences in length.

The Officer should address any requests for follow-up actions that need to be taken by others. Examples would be DMV Soundex photos or license plate tabs that need to be run during normal business hours. These are items the report needs but may not be available at the time of the report.

Once all the pertinent information has been documented, the Officer must give the case a disposition ("dispo"). The only acceptable dispositions are as follows:

**Case closed by arrest.** This is when a person is arrested and cited out, or booked into a jail or prison.

**Case closed by exception.** This occurs when a suspect is identified but there can be no prosecution due to circumstances beyond law enforcement's control (e.g., the suspect dies or a victim does not desire prosecution).

**Case open.** There are identifiable leads that cannot be followed up by the investigating Officer (e.g., a known suspect that has left the area).

**Case suspended pending further information.** This is where all current leads have been exhausted, but the case can continue if previously unknown evidence later comes to light.

**Case Closed, Unfounded.** After investigation, the Officer determines that no crime was committed (e.g., A burglary victim realizes their property that was reported stolen was in fact misplaced).

**Information only.** Used when no follow up is needed, for incidents involving no crime, medical aid calls, etc.

### FORWARDING REPORTS

All reports shall be forwarded to Investigations

### COMPILING REPORTS FOR SUBMISSION

When a report is completed, the Officer shall click the "Turned In" box on RIMS page 1. Attachments to the report should be turned in immediately thereafter. Attachments should be stacked in a coherent order, and have the case number written on the upper right hand

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portion. When space permits, the case number should not be written at the very top or right edge of the paper, as this can cause the number to become unreadable when photocopied. While a CLETS SVS entry or an Admin Per Se (APS) form is a required attachment, a witnesses CDL printout, for example, is not. The Officer is responsible for including all relevant teletypes and other attachments. Forms such as APS and booking slips should be placed in front of attached teletypes.

Any person arrested, or person for which a DA Complaint is being sought, should have a DMV record or “no match” teletype and a Criminal History (CH) or “no match” teletype attached. Every page of a CH that prints out must be attached and numbered.

Attached documents that are not standard 8.5” x 11” should be photocopied to avoid their loss. Pertinent documents that are not retained should be digitally imaged and uploaded into RIMS. Evidence such as knives, firearms, narcotics, etc., should be photocopied or digitally imaged, then attached to criminal cases. This allows the Investigators and District Attorneys to observe these items without having to remove them from secure evidence storage.

Pursuit and Use of Force reports are internal, Administrative reports that are to be turned into the Watch Commander separately. Do not refer to these documents in the narrative.

Attachments follow: UCR Hierarchy and Report Narrative Exemplars.

### **Uniform Crime Reporting**

#### **Part I Offenses**

Part I offense classifications include (in this particular order):

- 1 Criminal Homicide
- 2 Forcible Rape
- 3 Robbery
- 4 Aggravated Assault
- 5 Burglary
6. Larceny-theft (**except motor vehicle theft**)
  - 1 Motor Vehicle Theft
  - 2 Arson

#### **Part II Offenses**

Part II offenses encompass all other reportable classifications outside those defined as Part I. Law enforcement agencies report to the FBI only arrest data involving the Part II crimes:

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- 1 Other Assaults
- 2 Forgery and Counterfeiting
- 3 Fraud
- 4 Embezzlement
- 5 Stolen Property: Buying, Receiving, Possessing
- 6 Vandalism
- 7 Weapons: Carrying, Possessing, etc.
- 8 Prostitution and Commercialized Vice
- 9 Sex Offenses
- 10 Drug Abuse Violations
- 11 Gambling
- 12 Offenses Against the Family and Children
- 13 Driving Under the Influence
- 14 Liquor Laws
- 15 Drunkenness
- 16 Disorderly Conduct
- 17 Vagrancy
- 18 All Other Offenses
- 19 Suspicion
- 20 Curfew and Loitering Laws - (Persons under 18)
- 21 Runaways - (Persons under 18)

***Report Narrative Exemplars*****ASSAULT W/ DEADLY WEAPON – PC 245(a)(1),  
FALSE IMPRISONMENT – PC 236**

On 1-26-2005, at about 0132 hours, I was working uniformed patrol in a marked police car. I was driving N/B on State College Blvd. (SCB) passing Ranch Way. Ahead of me I saw 2 cars driving S/B next to each other on SCB, in the #2 and #3 lanes. I visually estimated their speed at 55MPH as they passed me. I made a u-turn and attempted to catch up to the cars. One of the vehicles, a grey Honda Civic sedan, turned right (W/B) onto Melody Lane. I continued S/B and followed the other vehicle, a dark grey colored Toyota Camry, (CA License #5CGU132). I paced it using my calibrated speedometer at a speed of 50 MPH for approximately 3/10th of a mile. The roadway was wet from recent rain, and is posted for 40 MPH. I made a traffic enforcement stop on the Toyota for a violation of CVC 22350, unsafe speed. The Toyota yielded at the "Blockbuster" video store, 2323 E. Chapman Avenue in Fullerton.

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When the Toyota stopped, a female later identified as Rachel Vega, immediately exited the driver's door of the vehicle. She was distraught and crying. I told her to remain seated in the car and she complied. I approached the driver side of the car and spoke to Vega. She immediately said, "My boyfriend is following me and he's trying to crash into me"! As I was transmitting the information to Dispatch, I heard someone behind me. I turned and saw a Hispanic male, later identified as Edwin Gallegos, approaching me. I told him to stop and he complied. I asked Vega if Gallegos was her boyfriend who was trying to crash into her. She acknowledged that Gallegos was the subject. I told Gallegos to turn away from me and put his hands behind his head. He complied and I detained him for investigation of PC 245(a)(1), assault with a deadly weapon. As I approached Gallegos to handcuff him, he turned at the waist to face me three times. I handcuffed Gallegos and advised him he was not under arrest but was being detained for investigation. I asked Gallegos where his car was and he told me that he was not driving, but his friend was. I again asked Gallegos where his car was and he made a motion with his head toward a residential area just N/W of our location. Gallegos repeatedly insisted he be able to talk to Vega. I could smell the odor of an alcoholic beverage coming from Gallegos's breath and person. I placed Gallegos into the back seat of my police car for his safety and mine. Sgt. Brockie and Cpl. Williams arrived to assist.

The following is a summary of Vega's statement. Vega works as a Food Server at the TGI Friday's restaurant in Brea, and is also a CSUF Student. She told me she and Gallegos had been dating for about two years, and that they were having problems in their relationship. She said that despite being told not to, Gallegos came to her work earlier in the evening. He left, but returned at approximately 2330 hours and spoke to her for about 10-15 minutes. Vega asked Gallegos to leave her work because he was causing a "scene". After several requests, Gallegos finally left. Vega believed Gallegos had been drinking alcohol as she could smell it on his breath and by his demeanor.

Gallegos returned to the restaurant at about 0110 hours, just as Vega's shift was ending. Gallegos walked with Vega to her car in the parking lot. Vega sat in the driver seat of her car as Gallegos stood just outside the open driver's door. They talked for about 15 minutes, until Vega told Gallegos she wanted to leave. Gallegos told her "no" and remained standing in front of the door jamb so Vega could not close the door or exit her vehicle. Vega made repeated requests for Gallegos to move and let her leave. Gallegos refused to allow Vega to leave by remaining in the door jamb area for about two minutes. Vega became frightened for her safety and pleaded with Gallegos. Gallegos finally conceded and moved out of the way.

Vega saw Gallegos run to his car as she began backing out of her parking stall. Vega began backing up her car with the front wheels turned to the right. As the driver's side of her vehicle was becoming exposed in the lane, Vega saw Gallegos quickly drive his car towards her. She became frightened for her safety and stopped suddenly because she thought the front of Gallegos's car was going to ram her driver's door. Gallegos stopped his car approx. 4-5 feet from the left side of Vega's car. Vega continued to back up and Gallegos again drove his car towards her in an aggressive manner. Vega again was



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frightened that Gallegos was going to crash his car into her. Gallegos then backed up and Vega was able to drive past.

Vega drove towards her normal exit from the parking lot and saw Gallegos drive his car in that direction as if he was going to block her in. Vega was frightened and fled onto the street using a different exit. Vega drove S/B onto SCB and Gallegos followed her. Gallegos also called Vega on her cell phone and yelled for her to pull over. Gallegos chased Vega S/B on SCB for over a mile until Vega passed my Police car a short time later. Vega said Gallegos was driving the entire time and did not see anyone else in his car.

I attempted to interview Gallegos to ask what had happened. Gallegos told me he wanted to speak to Vega. Gallegos repeated that he had not been driving, but admitted that he had lied about where his car was parked. He said his car was in the Sav-On parking lot, south of our location. I saw a grey Toyota parked there, which appeared to be the one I saw turn onto Melody Lane. Gallegos told Cpl. Williams his ID was in the Toyota, and gave Cpl. Williams consent to retrieve it. Cpl. Williams pulled a car key from Gallegos's pocket and retrieved Gallegos's CDL from the Toyota.

Due to Vega's statements and my observations of Vega's crying and frightened appearance, I placed Gallegos under arrest for violations of PC 245(a)(1), assault with a deadly weapon and PC 236, false imprisonment. Sgt. Brockie and Cpl. Williams had to leave the scene to handle a priority call, and I asked Vega come to the Police station in order to complete her interview. At Gallegos's request, I left his vehicle secured in the Sav-On parking lot.

I arrived at CSUF PD with Gallegos and placed him into the interview room. I again spoke to Vega, who repeated the details from her initial statements. Vega still appeared upset and I advised her of the Psychological Services provided at CSUF for students. She said she would support prosecution of Gallegos. At her request, I completed an Emergency Protective Order (EPO). It was granted via telephone by Judicial Officer F. Valentine at 0252 hours. I gave Vega a copy and explained that she needed to appear in Court to have the order made permanent. See attached copy. I gave Vega my business card with the case number and asked her to call if she had any additional questions or problems regarding this case.

Due to the incident occurring in the city of Brea, I contacted the on duty Brea PD Watch Commander, Sgt. L. Mesa. Sgt. Mesa requested CSUF PD take a "special services" report and handle the investigation. I advised Sgt. Mesa of the CSUF PD case number and told him we would forward a copy of the report.

I interviewed Gallegos in the CSUF PD interview room, which was video taped. I later booked the tape into evidence. I read Gallegos his Miranda rights from my department issued card. I asked Gallegos if he understood his rights and he said, "Yes". I asked Gallegos to tell me his side of the earlier events and he told me the following. He and

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Vega have been dating for about two years. Vega had recently told him she had "cheated" on him, and that he was very upset about it. Gallegos said he was in love with Vega and he wanted to talk to her about their relationship. Gallegos spoke to Vega over the phone and requested she talk to him. Vega refused, saying she did not want to talk to him about it at the time. Gallegos asked if he could come to see her at her work but Vega told him not to. Gallegos bought Vega a gift and took it to her work that evening anyway. Vega told Gallegos she did not want to talk to him at her work and asked him not to come back. Gallegos left his car in the TGI Friday's parking lot and was picked up by some friends from the Delta Chi fraternity. They went to "Revolutions", a bar in downtown Fullerton, where Gallegos drank 2 beers before asking his friends to take him back to Vega's work. Gallegos returned to Vega's place of employment at approximately 2330 hours.

Gallegos went inside and began talking to Vega. Gallegos was inside for about 10-15 minutes and Vega asked him to leave. He complied, but went back inside about an hour and a half later to use the bathroom. Gallegos again began talking to Vega and walked outside with her to her car. Vega sat in driver's seat of her car and Gallegos stood in the open door jamb area. Vega began to make a cell phone call and Gallegos grabbed the phone from her hand. Gallegos believed Vega was trying to call someone to come to their location and he did not want that. Gallegos gave the phone back a short time later. Gallegos believed Vega may have been frightened and was going to call someone to help her. They spoke for about 10-15 minutes and Vega told him she wanted to leave. Gallegos did not want her to leave and wanted her to stay and talk. Vega asked Gallegos 4 or 5 times to move so she could leave. Gallegos positioned his body close to Vega's vehicle so she could not close the door or get out of the car. Gallegos believed Vega may have been frightened and he moved out of the way and ran to his car. Gallegos did not know what to do as he still wanted to talk to Vega.

Vega began backing up her car and Gallegos drove his car towards her in an attempt to block her from driving away. Gallegos stopped his car approximately 4-5 feet from Vega's car. Vega again began backing and Gallegos drove his car towards her to keep her from driving away. Gallegos backed his car up and followed Vega as she drove away. He followed her S/B on SCB until reaching the area of Cal State Fullerton. Gallegos saw my Police car and saw me make my u-turn after he and Vega passed me on SCB. Gallegos feared he was in trouble and that I was after him. Gallegos turned onto a residential street (Melody Lane) in an attempt to get away from me, then followed me as I made the traffic stop on Vega. Gallegos then approached me attempting to speak to Vega. Gallegos said he did not intend to hurt Vega, and that he just wanted to talk to her. Gallegos believes Vega may have been frightened by his behavior and said he was sorry.

I served Gallegos with the EPO and booked him into Orange County Jail at 0347 hours. See attached booking slip. Dispatcher Barnes entered the EPO into CLETS at 0351 hours. See attached teletype.

Case closed by arrest. Forward to Brea PD.

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### **PC 313.1 – INDECENT EXPOSURE**

On 6-12-06, at about 0123 hours, I was on uniformed patrol in a marked patrol car. I was conducting an area check south of the CSUF Health Center when I observed two individuals standing next to the marble statue of Fallen David located in this area.

As I drove closer to them, I observed that it was a male subject standing in front of a female subject who was facing him. As I came within approximately 30 feet of the individuals, they noticed my presence. I observed the male step back from the female and saw that his erect penis was exposed through the zipper area of his shorts. As he stepped back further, I also noticed that the female's pants were unzipped and pulled down exposing her vaginal area. As I stopped to talk with the individuals, they turned away from my vehicle and began zipping up their clothing.

Officer Bauer arrived to assist. The female verbally identified herself as Kimberly Davis, but said she did not have any ID with her. I confirmed her identification via the CLETS with the name and date of birth she provided me (CDL D6097683). I asked Davis if she was okay and if she was there of her own free will. She said the male (later identified as Daniel Cortez) was her boyfriend and that she was fine. She said she was not there against her will. I asked Davis what she was doing when I drove up. Davis told me that she was embarrassed by her actions. She insisted that they had not engaged in intercourse yet, but intended to do so.

I identified Cortez via his California ID card (D6670040). As I was speaking with Cortez I could smell the odor of an alcoholic beverage coming from him. Cortez said he had been drinking. I asked Cortez what he was doing there. Cortez stated, "You know what we were doing, but we hadn't started yet." I asked if they were going to have sex and he said, "Yeah, but we never got that far". I felt that Cortez was able to care for himself and determined that he did not fall under the provisions of CPC 647(f), drunk in public.

I issued Davis a citation (CFU 37711) for a violation of CPC 314.1, indecent exposure. Officer Bauer issued Cortez a citation (CFU 37884) for a violation of CPC 314.1, indecent exposure. Both were released at the scene on their promise to appear.

Case closed by arrest.

### **DUI - VC 23152(A), UNDER THE INFLUENCE OF CONTROLLED SUBSTANCE – HS 11550, POSSESS DRUG PARAPHERNALIA – HS 11364**

On 5-12-03, at about 0155 hours, I was working patrol and driving a marked police car. I was driving N/B on State College Blvd. (SCB), passing Nutwood Avenue when I saw a vehicle stopped in the roadway. It was N/B in the right hand turn lane that leads into CSUF Lot D. The driver was outside the vehicle, changing the tire. I placed my Police car behind the vehicle and activated my directional amber lights to detour traffic. I made contact with the only person there, who was identified via CDL as Ricky Frazier. A record's check showed Frazier's CDL was suspended as of November, 2002.

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Frazier said he did not know how he got a flat tire, and that he had just driven from "Bannana's", a bar in Fullerton. His eyes were red and bloodshot and I could smell the odor of alcohol on his breath and person. Frazier said he had consumed 5 beers in the last 3 hours. I asked Frazier to do a DUI evaluation, and he agreed. Officer Pena arrived as backup. Prior to having Frazier do the tests, I demonstrated each one for him and asked if he understood what I wanted him to do.

Frazier did the Modified Balance test. He estimated 30 seconds with an actual time of approximately 10 seconds. He swayed in a circular motion 2-3".

Frazier did the One Leg Stance test. He lost balance while standing on his right leg after approximately 2 seconds and on his left leg after approximately 15 seconds. He raised his arms approximately 6" from his sides for balance.

Frazier did the Heel to Toe Walk test. He walked in a fast weaving pattern. He staggered and almost fell three times. He did not walk heel to toe and left 2-3" gaps between his feet with each step. He raised his arms approximately 10-12" from his sides for balance.

Frazier did the Finger to Nose test. He touched above and to the sides of his nose every time and opened his eyes several times.

Frazier did the Digital Count test. He counted incorrectly, 1-2-3-4-1-2-3-4 and 1-2-3-4-3-1-4, counting the last 4 on his ring and pinky finger.

I noticed Frazier was very hyperactive in that he talked fast and could not keep his hands or feet still. Frazier's pupils were constricted to approximately 4.0 mm in the dark and showed poor reaction to my light. Due to my experience and training, I believed that Frazier was under the influence of a controlled substance, a stimulant.

I asked Frazier if I could search his vehicle and he said "yes". I looked in the vehicle and found a black eyeglass holder which contained a blackened glass pipe with white residue inside. This is the type often used to smoke methamphetamines ("meth"). I confiscated the pipe and later booked it into an evidence locker at the Police station.

I asked Frazier when he had last used meth. He said he had smoked some this afternoon. I gave Frazier the PAS admonishment he agreed to take the test. Using PAS #045784, he blew a .066 and .067 BAC at approximately 0227 hours and 0229 hours, respectively. Pursuant to 40300.5 CVC, I arrested Frazier for 23152(a) CVC. I also arrested him for 11550 H&S, and 11364 H&S. Officer Pena assisted by completing the CHP-180 form and towing the vehicle pursuant to 14602.6 CVC for 30 days.

I transported Frazier to the Police station where I read him his Miranda rights via my Department issued card. Frazier answered "yes" to the advisements and agreed to talk to me. I completed the 11550 H&S evaluation on Frazier. Frazier appeared to still be under the influence of a stimulant in that he talked very fast and could not keep his hands or feet

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still. His pulse rate was approximately 120 beats per minute. His pupils showed poor reaction to light in that they were dilated to only approximately 4.0 mm in the dark and approximately 3.5 mm in the light of my flashlight.

I requested a Blood Tech respond to the station to take a sample from Frazier. I saw Blood Tech C. Haster draw a blood sample from Frazier's right arm at 0300 hours. She placed it in vial #12775 and gave me a receipt with that number on it. See attached. I fingerprinted Frazier and cited him for 23152(a) CVC, 11550 H&S, and 11364 H&S (CFU39443). I transported Frazier to his residence and released him at 0344 hours.

Case closed by arrest.

**POSSESSION OF DAGGER - 12020(c)(24) PC, POSSESSION OF KNIFE ON CSU CAMPUS - 626.10 PC, POSSESSION OF CONCEALED PISTOL IN VEHICLE - 12025(a)(1)PC, POSSESSION OF SHOTGUN PISTOL - 12020(a)(1), ARREST AND RELEASE PURSUANT TO 849(b) PC**

On 2-25-2005, at about 2327 hours, Officer McKenzie and I were in uniform and driving a marked police car. We were working a special anti-alcohol and drug enforcement assignment for a number of CSUF fraternity parties that were taking place on frat row. We were driving E/B in CSUF lot G when we saw a beige Honda Accord (CA 4LIA526) stop facing N/B on the east side of the parking lot. A male Asian walked up to the rear window and started to talk to the 3 males inside the car. The 4 males looked over in our direction, and the vehicle suddenly continued to drive NB in lot G and the male who was on foot quickly walked away. We followed the vehicle and saw it make a quick u-turn in the parking lot without signaling. It then drove to the stop sign at the east exit of lot G and turned N/B onto North Campus Drive without signaling in violation of 22107 CVC. We stopped the vehicle for that reason.

I contacted the driver, who was identified via CDL as Glenn Carter. He also provided registration information that showed the vehicle belonged to him. As I was speaking to Carter, I saw the hilt of what appeared to be a knife sticking out of the female connector of the driver's seatbelt connector. Due to my experience and training the knife appeared to be a dagger type knife in violation of 12020(c)(24) PC. I detained Carter for investigation of 12020(c)(24) PC, and had him sit on the curb. The remaining males in the car were detained as well.

Officer McKenzie had the front passenger step out of the vehicle and sit on the curb. He was identified via CDL as Tyrell McNabb. I had the rear passenger step out of the vehicle and sit on the curb as well. He verbally identified himself as Sami Turabi. During two recent CSUF fraternity parties, there had been a near fatal shooting at one, and a 9mm pistol had been brandished during an argument at the other. Because I had already seen one dangerous weapon in the vehicle, we performed cursory searches on all three males for additional weapons but none were found. During this time a fourth male walked up to the scene and asked what was going on. He was identified via CDL by Officer McKenzie

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as Edwin Quijada. Quijada claimed he had ridden in the car to CSUF with the other 3 males. Quijada was released by Officer McKenzie and he left the scene.

I asked Carter for permission to search the vehicle several times but he would not give me a clear answer. I performed a probable cause search of the vehicle since I had seen a weapon in plain view. When I walked back up to the vehicle, I saw three 410-gauge shotgun shells lying on the driver's floorboard in plain view. When I looked under the passenger seat, I saw a 410-gauge shotgun pistol in a black sheath. The pistol was small enough to be concealed in a person's hand. Although the shotgun pistol did not have a round loaded in the chamber, there was a 410-gauge shotgun shell in the black sheath with it. I saw the knife in the driver's seatbelt connector was a dagger, and it had a blade about 4" in length. I confiscated the weapons and ammo, and later booked them into an evidence locker at the Police station. See attached photocopies of pistol and dagger.

I arrested the 3 males for 12025(a)(1) PC, possession of a concealed pistol in a vehicle, 12020(a)(1) PC, possession of a shotgun pistol, and 12020(c)(24) PC, possession of a dagger. At no point did any of the males ask us why they were being arrested. Corporal Hende arrived, as did Officers Blanpied and McClain as backup.

Officer McClain transported Carter to the station, while Officer Blanpied and Corporal Hende transported Turabi to the station. While still at the scene I read front passenger McNabb his Miranda rights via my department issued card and he answered "yes" to the advisements. He agreed to talk to me and answered my questions about the weapons. When I asked whose pistol was under his seat McNabb told me, "It's mine, I had it for protection. We heard Fullerton is all Hispanics and they don't like us". I asked if he was referring to the fact that he is black and he said yes. I asked him why the shotgun shells were scattered around the driver's floorboard and he said he could not explain why. I transported McNabb to the station. Per the driver's request, Officer McKenzie parked the vehicle in the Arboretum parking lot in lieu of towing it pursuant to 22651(h) CVC, driver arrested. I later gave the keys to the other R/O, Jasmine Cooper/Phillips.

At the Police station I read driver Carter his Miranda rights by card. He answered "yes" to the advisements and agreed to talk by answering my questions. Carter told me the dagger had been left in his car by a friend. Carter said he did not know anything about the pistol. When I asked him why the shotgun shells were lying at his feet, he shrugged his shoulders and shook his head side to side in an "I don't know" type gesture. I later heard him telling McNabb that he should have hidden the pistol better. Because we no longer believed either of the weapons belonged to Turabi, Officer McKenzie released him pursuant to 849(b) PC. Turabi left with his cousin Jasmine Cooper/Phillips when she came to retrieve the keys to her Honda.

Officer McKenzie and I transported Carter and McNabb to OCJ where Carter was booked for 12020(c)(24) PC and 626.10 PC, possession of a knife over 2 ½" on CSU campus. McNabb was booked for 12025(a)(1)PC and 12020(a)(1) PC. See attached booking slips.

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Case closed by arrest. Forward to Fullerton PD for assistance in follow-up investigation of the 664/187 PC that occurred at the prior CSUF fraternity party.

### **SUSPICIOUS CIRCUMSTANCES, PC 602(k) – TRESPASSING, PC 148 (a) – OBSTRUCTING A PEACE OFFICER**

On 7-13-2006, at about 0123 hours, I was working patrol and driving a marked Police car. I was flagged down by a student named Linda Hayes in the parking lot south of the CSUF Housing complex. She was dressed in workout attire. Hayes was out of breath and very excited. She pointed towards the Arboretum and said she had heard “strange noises” coming from there. She had heard them when she was jogging on the bike trail just west of the Arboretum. When I asked her to describe the noises, she made a groaning sound. I asked if her if it sounded like an injured person, or perhaps someone trying to scare her as she jogged by. She was not sure. I notified Dispatch that I would be going on foot into the Arboretum to check.

Corporal Botzheim responded to the scene as well and entered from the main west gate. I went through the south pedestrian gate from the bike trail. There had been several reports of theft and vandalism around the Children’s Garden lately, so Corporal Botzheim and I agreed to head in that direction. As I was walking toward the Children’s Garden, I could hear muffled voices in the distance that were all speaking at once. Corporal Botzheim and I met south of the area and walked towards the voices. We could not determine how many people were there and requested Sgt. Brockie respond as well. He joined us and we determined there were between 5 and 10 people in the group. They were just outside the gate to the Children’s Garden and appeared to be conducting some sort of ritual. To cover the north perimeter, Fullerton PD Officer Castillo also responded and stood by on the North Access Road while we contacted the group.

We approached the group from the south trail leading to the Children’s Garden and illuminated them with our flashlights. There were 8 people (6 males, 2 females) standing in a circle. 7 of them were wearing dark robes, and one of the males was dressed in regular clothing. The male wearing regular clothing was on the ground, with the others around him. We announced ourselves by saying, “Police department”. We ordered them to put their hands where we could see them, and everyone complied. One of the males on the far side of the circle had a stick in his hand. He was later identified via CDL as Michael Gibson. The stick was about 1” in diameter, 24” long, and had ornate carvings on it. I ordered him to drop it, but he did not comply. I approached him with my Tazer drawn and again commanded him to drop the stick. He looked down and saw the red laser dot from my Tazer on his chest. He said he couldn’t drop it because it was “sacred” and he had to “protect” it. I told everyone to get on the ground and all but Gibson complied. To my left, Sgt. Brockie had drawn his duty weapon and was now pointing it at Gibson. He told Gibson to drop the weapon or he would be shot. Gibson began running E/B at that point. Because of the thick, baggy robe Gibson was wearing, I knew the Tazer would have little chance of working so I did not fire it at him. I heard Corporal Botzheim to my right say, “I got him” and vector towards Gibson. I pointed my Tazer back toward

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the others and told them to stay on the ground. Sgt. Brockie ran behind me towards where Gibson had fled. A few seconds later I heard a “thud” and heard Corporal Botzheim saying, “Stop fighting” and, “Stay on the ground”. Since I was now covering the seven remaining people without lethal cover, I holstered my Tazer and drew my pistol. I yelled over to Corporal Botzheim and asked what his status was. Sgt. Brockie yelled back, “We’re code 4, one in custody”.

I asked the people on the ground if there was anybody else in the Arboretum besides them. They all shook their heads and said no. I radioed for Officer Castillo to join us at our location. Gibson was brought back to the group in handcuffs and seated on a bale of hay. He had a cut on his left cheek area and was covered with dirt. I asked if he needed medical attention and he said no. When Officer Castillo arrived, we placed each of the other persons in handcuffs and detained them for investigation of PC 602(k), trespassing.

I took placed Gibson in the back seat of Officer Castillo’s Police car and asked what they were doing there. He said they were conducting an initiation for a new member of his church. I asked if the male that was not wearing a robe was the new member, and Gibson said yes. I arrested Gibson for trespassing and PC 148(a), obstructing a Police Officer.

Sgt. Brockie, Corporal Botzheim and I interviewed the other 7 people and verified their identities as follows: Tim Beatty, Jeff Foster, Richard Willis, Robert McQueen, Perry Roland, Patty Plesentz, and Carol Renzi. They all verified that they were initiating the new church member (Beatty) and that they had climbed over the fence to gain entry to the Arboretum. They said they had used the Arboretum for such ceremonies twice before, but all denied causing any damage or stealing anything. Each of them was cited for trespassing and released on their promises to appear.

I transported Gibson to the Police station and placed him in the interview room. I videotaped his interview. I read Gibson his Miranda rights via my department issued card. He said yes to each question and agreed to talk to me. I asked him what kind of church he was a member of. He stated that he was the High Priest of a church he created which was called “Nature’s Gift”. He said he thought it was okay if he used the Arboretum to conduct church business. He said that Beatty wanted to join his church and that he had to be initiated in a nature area. He said that the new member was supposed to lie on the ground with nature while the others chanted over him. I asked how long ago he had founded his church, and how many members there were in his congregation. He said it was about 1 year ago and there were over 50 members. I asked where they climbed over the fence and he told me, “Somewhere next to the bike trail”. I asked why he didn’t drop the stick when I told him to. He said it was his “Holy Staff” that he used to conduct the initiation rites.

I spoke to Corporal Botzheim and asked if he was injured from the arrest. He said no, but that he had torn a hole in the left knee of his uniform trousers while taking Gibson into custody. Request the DA seek restitution in the amount of \$64.00 for the damaged trousers.



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I booked Gibson into Orange County Jail at 0307 hours. See attached booking slip. I booked the VHS interview tape and Gibson's Staff into evidence locker #3.

Case closed by arrest.

### **UNREGISTERED VEHICLE STORAGE – 22651(O) CVC**

On 12-6-2006, at about 0925 hours, I was working patrol and driving a marked Police car. I saw a vehicle traveling W/B on Nutwood Avenue at Commonwealth displaying November 2005 registration tabs in violation of VC section 5204(a). I initiated a traffic stop on the Nissan, which yielded in CSUF Lot 'C'. I contacted the driver, who was identified via CDL as Mario Fabios. Fabios said that the vehicle was not registered because it could not pass a smog inspection. A DMV records check confirmed that the vehicle had been unregistered as of November 2005. See attached teletype.

I issued Fabios a citation for VC section 4000(a)(1), expired registration (reference CFU38851). I stored the Nissan pursuant to VC section 22651(o), vehicle registration expired more than 6 months. See attached form CHP-180. I gave Fabios a copy of the form CHP-180, and mailed another to his wife Patricia via certified mail. Although they reside at the same address, she is the R/O. During my inventory of the vehicle, I found two citations for 4000(a)(1) issued to Mr. Fabios in the past several months. One was from Orange PD and the other was issued by Brea PD. Dispatcher Acevedo entered the Nissan into the SVS as stored at 1041 hours. See attached teletype.

Information only.

### **4463(b)(3) – POSSESSION OF DISABLED PLACARD**

On 1-22-2004, at about 1615 hours, I was on patrol and driving a marked Police car. I was driving S/B on State College Blvd. (SCB) when I saw a Toyota Tacoma (CA 5T18414) ahead of me. The vehicle was displaying registration tabs from February 2003, in violation of VC section 5204(a). A DMV registration check confirmed the Tacoma's registration had expired in February 2003 in violation of VC section 4000(a)(1). I initiated a traffic stop on the Tacoma after it pulled into the "Big Lots" parking lot at 2434 E. Chapman Avenue.

As I was pulling into the aisle the Tacoma had gone down, I saw the driver slightly leaning forward and reaching down to his left side with his left arm. It appeared he might have been trying to conceal something from me, possibly under the seat or in the door map pocket. I asked for a follow. I contacted the driver, who identified himself via his CDL as Daniel Franklin (CDL B9537684). He said he knew I stopped him because of his expired tabs. Franklin showed me a citation he had gotten from LASD for the expired registration in December 2003.

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Franklin said he was not hiding anything when I saw him reaching down, and gave me consent to search his vehicle. When Officer Hughes arrived a minute or so later, I had Franklin exit the vehicle and I began looking in the truck. In the driver's door pocket, I found a CA disabled person placard (#A386610). A DMV registration check showed the placard was issued to an 81-year-old male named Benjamin Villanueva from West Covina. Franklin is 22 years old and appeared to be in good health.

Franklin said he had no idea who Villanueva was and that he found the placard about a year prior. He said he never used it, and would only have used it to park if he were in a hurry. Dispatch was unable to locate a telephone number for Villanueva to find out who should have the placard, or if he knew who Franklin was. I found a second citation for VC 4000(a)(1) issued to Franklin by the CHP in September 2003. Franklin said he did not appear in court for that citation, but had mailed \$10 in fees to the court. I explained that he was required to register the vehicle in addition to paying the fees. He said he had not taken care of the registration because he could not afford it.

I arrested Franklin for VC section 4463(b)(3), possession of a disabled placard, and released him at the scene on his promise to appear (CFU 35078). I also cited him for VC 4000(a)(1), expired registration. I stored the vehicle pursuant to VC section 22651(o), expired registration over six months. Officer Hughes assisted by completing the CHP-180 form. I contacted West Covina PD, but was unable to find a telephone number for placard owner Villanueva. I took a digital image of the placard, see attached. I mailed the placard to DMV.

Case closed by arrest.

### **VC 23152(a) AND (b) – DRIVING UNDER THE INFLUENCE**

On 07/11/2006, at approximately 0201 hours, I was on uniformed patrol in a marked Police car. I was traveling south on State College Blvd. (SCB) at Ranch Road when I observed a white Ford pickup (California license 5 H12004) traveling south on SCB with an inoperable license plate lamp. This is in violation of CVC 24601. I initiated a car stop of the vehicle, and the driver yielded W/B on Dorothy Lane adjacent to Troy High School. Officer Bauer arrived at my location to assist with the car stop.

I asked the driver for his license, registration and insurance. I identified the driver as William O'Leary via his driver's license (CDL# D2445257). I could smell the odor of an alcoholic beverage coming from the vehicle. I also observed that O'Leary had red, watery and bloodshot eyes. I asked O'Leary how much he had to drink tonight. He replied that he had a few beers at a friend's house. I asked O'Leary to exit the vehicle, after he consented to take a series of tests to determine if he was able to safely operate his vehicle. The area O'Leary agreed to take the tests was a well-lit, level concrete sidewalk. As I spoke with O'Leary, I could smell the odor of an alcoholic beverage coming from his breath and person. I also observed that O'Leary was swaying as began my initial interview.

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I asked O'Leary the initial interview questions and I documented his answers on the DUI evaluation form. See attached. After the initial questions, O'Leary expressed concern about taking the tests and decided that he did not want to take them. I again explained to O'Leary that the tests were voluntary and he was not required to take them. I then asked O'Leary if he would consent to take a Preliminary Alcohol Screening (PAS) test. I explained that this test was also voluntary. O'Leary consented to take the PAS test. I used an Intoximeter, AlcoSensor IV, serial number 046001. The test results were as follows:

Test 1, 26 degrees C, 0211 hours, test # 648, .136% BAC

Test 2, 27 degrees C, 0213 hours, test# 649, .125% BAC

Based on O'Leary's objective symptoms of being under the influence, I placed him under arrest for VC section 23152(a), DUI. I placed O'Leary in the back seat of my police car and transported him to the CSUF PD for further processing.

At my request, Officer Bauer assisted by completing the CHP-180 form and having Anaheim/Fullerton Tow remove the vehicle from the scene per CVC 22651(h)(1), driver arrested. See attached.

I advised O'Leary of the implied consent law. O'Leary agreed to take the breath test. I used an Intoximeter, AlcoSensor IV XL, Point of Arrest, serial # 050002. O'Leary was unable to successfully provide the required two breath samples. I gave O'Leary four separate attempts to complete the test, but he was only able to provide a successful breath sample on the 2<sup>nd</sup> attempt. During his second attempt to complete the test he provided one valid sample at 0235 hours. That sample resulted in a reading of .12% BAC. The other attempts were aborted. At about 0250 hours I requested a Blood Tech respond to complete the chemical test.

At 0340 hours, I saw Blood Tech Wilson draw a sample of O'Leary's blood from his left arm. She placed the sample in vial #506927 and gave me a receipt. See attached.

I issued O'Leary his temporary driver's license (DS 367) and explained that it was valid for a 30-day period. I confiscated his CDL and later mailed it to DMV. I also gave O'Leary a copy of the CHP-180 form. I cited O'Leary for VC 23152(a) and 23152(b), DUI (CFU 39717). I verbally warned him to repair the license plate light that I originally pulled him over for. I released O'Leary at 0437 hours to the custody of his friend, Jonathan Phillips. I booked the four evidential breath test result tickets into evidence locker #2.

Case closed by arrest.

**VC 14601(a) – CDL SUSPENDED FOR NEGLIGENT OPERATOR, BP 25662(a) – MINOR IN POSSESSION OF ALCOHOL, VC 21453(a) – RED LIGHT**

## **REPORT WRITING MANUAL**

On 1-3-2005, at about 2146 hours, I was working patrol and driving a marked Police car. I was going W/B on Nutwood Avenue at Commonwealth Avenue when I saw blue GMC pickup truck ahead of me (also W/B). I was in the #1 lane, while the pickup was in the #2 lane. The pickup was approaching Titan Drive, which was displaying a yellow traffic signal for W/B traffic. The heard the pickup accelerate in an apparent attempt to “beat” the light. The light phased to red when the GMC was approximately one car length away from the limit line. The pickup continued into the intersection after the signal turned red in violation of VC section 21453(a). I initiated a traffic stop on the vehicle for that reason, and it yielded on South Campus Drive at West Campus Drive.

I contacted the driver, who identified himself via an expired CDL as Jimmy Johnson. Johnson told me his license was suspended for having too many accidents. A DMV records check later confirmed that Johnson had been suspended as of August 2004 for being a negligent operator. I could smell the odor of an alcoholic beverage on his breath and person as we spoke. Corporal Dunlap arrived to assist. I asked Johnson how much he had to drink that night. He denied drinking any alcohol, but said he was tired from working all day. I saw a brown paper sack in the open center console of the truck. It appeared to contain a beverage, but I could not tell what type. I asked Johnson what was in the bag. He sighed heavily and replied, “It’s a beer”. I had Johnson step out of the vehicle and asked if he would perform a series of tests to determine if he could safely operate a vehicle. He agreed, and satisfactorily performed the tests. In the center console, I found a 16 oz. Budweiser beer can inside the paper sack. The can was unopened and still cold to the touch.

Johnson agreed to take a Preliminary Alcohol Screening (PAS) test. Corporal Dunlap had Johnson blow in the PAS device (serial #045781) at 2205 hours and again at 2208 hours. The readings were .0102% and .0095% BAC, respectively. I advised Johnson that he was subject to arrest for DUI at that level because he was only 19 years old. I did not arrest him for that because of his BAC and his performance on the field coordination tests. However, I did arrest him for VC section 14601(a), driving while suspended for negligent operation, and BP section 25662(a), minor in possession of alcohol. Corporal Dunlap assisted by completing a CHP-180 form and impounding the GMC pursuant to 14602.6(a)(1) for 30 days.

I took a digital image of the Budweiser beer can while it was still in the center console. I then poured the beer out on the lawn in the presence of Johnson and Corporal Dunlap. I cited Johnson for the 14601(a), 25662(a), and 21453(a), then released him on his promise to appear (CFU 36223). I gave Johnson his copy of the CHP-180. Dispatcher Cluff entered the vehicle into the CLETS SVS as impounded at 2317 hours. See attached teletype.

Case closed by arrest.

**PC 243(e)(1) – SEXUAL BATTERY**

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On 04/20/2006 at approximately 2126 hours I was dispatched to the Titan Student Union (TSU) Pavilion area in reference to a male subject grabbing and touching people inappropriately. Officer Pena also responded to the call. Upon arrival I met with the reporting party, Yen Shek. While we were speaking with R/P Shek, Officer Pena observed a male subject matching the suspect description walking from the Titan Theater to the adjacent men's restroom. Officer Pena and I went to the restroom and contacted the male.

The individual verbally identified himself as Clifford D'Allesandro. D'Allesandro had no photo identification on his person. We explained to him that we were detaining him for investigation of sexual battery. I re-contacted R/P Shek and she went into the TSU Pavilion to find the victims. R/P Shek returned with two males that were identified as Adrian Rose (CDL D4499807) and Tommy Giambi (CDL D4298842). I read Rose and Giambi a field show-up admonishment and they both identified D'Allesandro as the person that had grabbed them. I then interviewed the two victims separately.

V#1/Rose told me the following: Rose is an entertainer, and had performed in a "drag show" at the TSU Pavilion. While backstage after the show, he was approached by D'Allesandro. While standing face to face with Rose, D'Allesandro stated that he enjoyed Rose's performance, then reached around Rose's waist, grabbed and squeezed his buttocks, and pushed his groin area up against Rose. Rose was not receptive to this unwanted touching and immediately pushed D'Allesandro away from him.

V#2/Giambi told me the following: After performing in the same show as Rose, he went backstage and sat down in an empty chair to rest. D'Allesandro approached him and told him that he was sitting in his chair. Giambi apologized, offered to move and stood up. D'Allesandro approached Giambi and told him that he could sit on his lap. While facing Giambi, D'Allesandro reached around Giambi's waist and began grabbing and squeezing his buttocks. Giambi moved away from D'Allesandro. When he moved back, Giambi saw what appeared to be an erection in the front of D'Allesandro's slacks.

Both Rose and Giambi said they desired prosecution of D'Allesandro. Neither of the victims knew who D'Allesandro was or had any prior contact with him. Rose signed a private person's arrest form and placed D'Allesandro under arrest for a violation of CA Penal Code section 243.4(e)(1), sexual battery. Officer Pena placed D'Allesandro in handcuffs and took him into custody. He explained to D'Allesandro that he was being arrested for sexual battery. D'Allesandro nodded and made the spontaneous statement, "I'm sorry. I don't know what came over me".

I transported D'Allesandro to the Police station and placed him in the interview room. I videotaped his interview, and later booked the tape into evidence locker #1. I read him his Miranda rights from my Department issued card. D'Allesandro answered "yes" that he understood his rights, and began talking about the incident. At first, D'Allesandro denied grabbing anyone at the TSU. I told D'Allesandro that two individuals had identified him and that he should be honest. D'Allesandro then told me that he did grab

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the two men's buttocks. I asked D'Allesandro if he grabbed the men to sexually satisfy himself. D'Allesandro stated that he found the men attractive and the impulse to touch them just came over him as he spoke with them backstage. I asked if he had been sexually aroused when he touched either of the men. D'Allesandro said, "I think so".

Pursuant to PC section 626.6, I withdrew D'Allesandro's consent to remain on Campus and told him he was not allowed to return for 7 days. Officer Pena transported D'Allesandro to OC Jail where he was booked on a charge of a of PC 243.4(e)(1), sexually battery. See attached booking slip.

Case closed by arrest.