

SECTION 9

California Codes and Laws

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Note to Administrators

In order for POST to review and approve your agency's *Field Training Guide*, you MUST submit the following electronic files:

- 1) The POST FTP Approval Checklist ([Form 2-230](#))
- 2) Your department's *Policy & Procedure Manual*
- 3) Your completed Guide (Volumes 1 & 2), including ALL competency requirements covered in Part 5, Sections 1–18.

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SECTION 9 CALIFORNIA CODES AND LAWS

CHECK ONE ONLY: PHASE 1 PHASE 2 PHASE 3 PHASE 4 PHASE 5

Trainee

FTO

9.1 CRIMINAL LAW								
9.1.01 Terminology								
The trainee shall define certain terms as recognized in California criminal law. These shall minimally include:								
A. Accessory				F. Implied intent				
B. Accomplice				G. Principal				
C. Criminal negligence				H. Specific intent				
D. <i>Corpus delicti</i>				I. Transferred intent				
E. Entrapment								
<i>Reference(s):</i>						<i>Case # (if applicable)</i>	<i>Incident #</i>	
FTO:	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
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Additional Information:

9.1.01 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) N/A

9.1.01 Part B - Agency Training Details *(field will expand automatically)*

- Accessory: Anyone who, after a felony has been committed, meets the following requirements:
 - Has knowledge that the principal has committed, has been charged with, or has been convicted of committing a felony
 - Harbors, conceals or aids a principal in the felony
 - Has the intention of assisting the principal to avoid or escape arrest, trial, conviction or punishment
- Accomplice: A principal to a crime who testifies for the prosecution against another principal
- Criminal Negligence: A negligent act that is aggravated or reckless and constitutes indifference to the consequences
- Corpus Delicti: Body of the crime; foundation or material substance of a crime; describes the evidence that proves a crime has been committed (e.g. body of a murder victim)
- Entrapment: Practice whereby a law enforcement officer induces a person to commit a criminal offense that the person would have otherwise been unlikely to commit
- Implied Intent: Crimes where the intent to commit the crime is presumed and does not need to be proven; implied (general) intent presumes that the person was aware of his/her actions or was aware of his/her conduct; ignorance of the law is not an excuse
- Principal: Person involved in the commission of a felony or misdemeanor
- Specific Intent: When the definition of a crime refers to a person’s intent to do some further act or achieve some additional consequence (i.e. burglary, kidnapping for ransom)
- Transferred Intent: When an unlawful act affects a person other than, or in addition to, the person it was intended to affect.

9.1.02 Crime Elements

The trainee shall identify the elements of a crime or public offense to include:

A. Any act or omission:

1. Committed by any person
2. In violation of statutory law
3. For which there is punishment

<i>Reference(s):</i> Penal Code 15						Case # (If applicable)	Incident #	
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Additional Information:

9.1.02 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) N/A

9.1.02 Part B - Agency Training Details (field will expand automatically)

PC 15: A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments:

1. Death;
2. Imprisonment;
3. Fine;
4. Removal from office; or,
5. Disqualification to hold and enjoy any office of honor, trust, or profit in this State

The FTO will quiz their trainee on specific crimes (i.e. 459, 211, 245 etc.) and the trainee will give the elements of those crimes.

9.1.03 Persons Legally Incapable of Committing a Crime
 The trainee shall describe those persons who are legally incapable of committing a crime in the state of California.

Reference(s): Penal Code [26](#) Case # (If applicable) Incident #

	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
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9.1.03 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)

N/A

9.1.03 Part B - Agency Training Details (field will expand automatically)

Persons legally incapable of committing crimes are described in PC 26 as follows:

- Children under the age of 14, in the absence of clear proof that at the time of committing the act charged against them, they knew its wrongfulness.
- Persons who are mentally incapacitated.
- Persons who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent.
- Persons who committed the act charged without being conscious thereof.
- Persons who committed the act or made the omission charged through misfortune or by accident, when it appears that there was no evil design, intention, or culpable negligence.
- Persons (unless the crime be punishable with death) who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to and did believe their lives would be endangered if they refused.

9.1.04 Crime Identification
 Given any situation in which a possible crime has occurred, the trainee shall recognize those situations where the crime is complete and shall identify the crime by its common name, code number, and crime classification. These crimes shall minimally include California laws pertaining to:

A. Obstruction of Justice	M. Trespassing
B. Homicide	N. Arson
C. Robbery	O. Vandalism
D. Assaults	P. Theft, including Identify Theft
E. Criminal Threats (formerly Terrorist Threats)	Q. Forgery and Check Offenses
F. Stalking	R. Disorderly Conduct
G. Restraining Order Violations	S. Control and Use of Dangerous Weapons
H. Cruelty to Animals	T. Use (including under the influence), Possession, and Sales of Dangerous Drugs
I. Crimes Against Children	U. Receiving or Possession of Stolen Property, including Alteration of Serial Numbers
J. Sex Crimes	
K. Disturbing the Peace	
L. Burglary	

<i>Reference(s):</i>	Case # (If applicable)	Incident #
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9.1.04	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	<input checked="" type="checkbox"/> N/A
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9.1.04 Part B - Agency Training Details *(field will expand automatically)*

The FTO will evaluate the trainee on a call for service. The FTO will ensure the trainee has properly identified if a crime has occurred and which specific Penal Code section was violated. The trainee will also give the elements of the specific crime that was violated.

9.2 REASONABLE SUSPICION/PROBABLE CAUSE

9.2.01 Reasonable Suspicion
 The trainee shall identify and explain the following elements of “reasonable suspicion” as those required to lawfully stop, detain, or investigate a person:

A. Specific facts which can be articulated
 B. Crime-related activity that has occurred, is occurring, or is about to occur
 C. Involvement by the person to be detained in a crime-related activity

<i>Reference(s):</i>						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
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Additional Information:

9.2.01 Part A - Reference Agency Policies/Procedures, if applicable *(600 characters maximum)* N/A

Reference the following Antioch Police Policy(ies):
 419 (Detention and Photographing Detainees)

Terry v. Ohio, 392 U.S. 1(1968)

9.2.01 Part B - Agency Training Details *(field will expand automatically)*

The general (three-part) rule for a reasonable detention of a person is that there must be:

- A reasonable suspicion by a peace officer that some activity out of the ordinary has occurred, is occurring or is about to occur.
- Some indication must exist to connect the person under suspicion with the unusual activity.
- Some suggestion that the activity is related to a crime.

Reasonable suspicion of criminal activity means that a peace officer has specific, articulable facts to support a detention. A mere hunch, unsupported by specific facts, is not sufficient cause to detain a subject or to ask for identification.

Peace officers must have a reason or factual basis they can articulate in order to lawfully detain a person. This basis is called reasonable suspicion. Reasonable suspicion is when a peace officer has enough facts and circumstances present to make it reasonable to suspect that criminal activity is occurring and the person detained is connected to that activity. Reasonable suspicion of criminal activity must exist to make a detention lawful.

Reasonable suspicion may be based on observation, personal training and experience, or information from eyewitnesses/victims, or other officers (totality of the circumstances). Reasonable suspicion cannot be based on a hunch or instinct. If reasonable suspicion is not properly established in a court of law, the case against the defendant may be dismissed or any evidence seized may be excluded from trial. The following are examples of some of the factors that contribute to establishing reasonable suspicion:

- Appearance or condition of a person (intoxicated, resemblance to wanted person, etc.).
- Actions (hiding objects, furtive movements, running from a crime scene).
- Driving behaviors.
- Knowledge of the person's history (criminal record or conduct).

9.2.02 Probable Cause to Arrest
 Probable cause to arrest requires more than the “reasonable suspicion” necessary for a detention and is essentially the same as the probable cause required to obtain an arrest warrant or a search warrant. The trainee shall identify and explain the following elements of probable cause as those required to make a valid arrest:

A. Whether probable cause exists to make an arrest depends upon the reasonable conclusions that can be drawn from the facts known to the arresting officer at the time of the arrest.

B. The officer’s training and experience are relevant to a determination of probable cause.

C. Probable cause exists when the totality of circumstances would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.

<i>Reference(s):</i>						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
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Additional Information:

9.2.02 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) N/A

Reference the following Antioch Police Policy(ies):

417 (Cite Release Policy), 418 (Private Persons Arrests), 419 (Detentions and Photographing Detainees), 904 (Probable Cause Declarations)

9.2.02 Part B - Agency Training Details *(field will expand automatically)*

A peace officer may lawfully arrest a subject pursuant to a warrant of arrest, or without a warrant, whenever any of the following circumstances occur:

- When a peace officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence.
- When the person arrested has committed a felony, although not in the officer's presence.
- When a peace officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.

The 4th Amendment of the United States Constitution requires probable cause to make arrests and/or conduct searches because searches or arrests conducted without probable cause infringe on a person's privacy. Peace officers must know the law and proper methods of enforcement. They must be aware of any available options regarding the decision to arrest and how to apply them.

Probable cause for an arrest is a set of facts that would cause a person of ordinary care and prudence to entertain an honest and strong belief that the person to be arrested is guilty of a crime. Probable cause is required before an arrest is made and is based on the totality of the circumstances. The following factors are examples required to establish probable cause:

- Direct investigation or reports.
- Circumstantial evidence.
- Second-hand statements from reliable sources.

A peace officers expertise is part of the equation for determining probable cause. For officers experienced in a specific field of law enforcement, an activity which might otherwise appear innocent may provide probable cause to a trained eye.

Probable cause is a higher standard of suspicion than reasonable suspicion. However, factors that contribute to establishing reasonable suspicion can also be used to establish probable cause, or it can escalate into probable cause.

9.2.03 Probable Cause Related to Felonies and Misdemeanor Arrests
 The trainee shall identify and explain how probable cause is used in arrests for felonies and misdemeanors:

A. For a felony: An officer may arrest with a warrant, or without a warrant, if the officer has probable cause to believe the person to be arrested committed the felony, regardless of whether or not the felony was committed in the officer’s presence.

B. For a misdemeanor: An officer may arrest with a warrant, or without a warrant, if the officer has probable cause to believe the misdemeanor was committed in the officer’s presence.

C. For a misdemeanor: See California Penal Code and California Peace Officers Legal Sourcebook for situations where officers are allowed by statute to make warrantless arrests for certain enumerated misdemeanors, even though the misdemeanors were not committed in the officer’s presence.

D. For a private person’s arrest: See California Penal Code and California Peace Officers Legal Sourcebook for statutes on accepting this type of arrest.

<i>Reference(s):</i>						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
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Additional Information:

9.2.03 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) N/A

Reference the following Antioch Police Policy(ies):

417 (Cite Release Policy), 418 (Private Persons Arrests), 419 (Detentions and Photographing Detainees), 904 (Probable Cause Declarations)

9.2.03 Part B - Agency Training Details *(field will expand automatically)*

A peace officer may lawfully arrest a subject pursuant to a warrant of arrest, or without a warrant whenever any of the following circumstances occur:

- When a peace officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence.
- When the person arrested has committed a felony, although not in the officer's presence.
- When a peace officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.
- An officer has statutory authorization to make warrantless misdemeanor arrests which did not occur in his/her presence under limited circumstance as follows:
 - Juveniles 625(a) W&I.
 - Driving Under the Influence (40300.5 & 40600 CVC): – Person was involved in a traffic accident – Person is observed in or about a vehicle that is obstructing the roadway – Person will not be apprehended unless immediately arrested – Person may cause injury to self or damage property unless immediately arrested – Person may destroy or conceal evidence of the crime unless immediately arrested.
 - Battery on school grounds during school hours 243.5 PC.
 - Carrying a loaded firearm 12031(a)(1) & 12031(a)(5)(A) PC.
 - Assault or battery against the person of a firefighter, EMT or paramedic 241(b), 243(b) or 836.1 PC.
 - Domestic violence restraining orders 836(c) PC & 6200 Family Code.
 - Domestic violence assaults or batteries 836(d) PC.
 - Elder abuse 836(d) PC.
 - Carrying a concealed firearm at an airport 836(e)(1)(2) PC.
 - Operating a vessel or recreational vessel or manipulation of water skis, aquaplane or similar device while under the influence 655(b), (c), (d) or (e) Harbor & Navigation Code.
 - Operating a vessel while under the influence of alcohol and/or drugs with an accident 663.1 Harbor & Navigation Code.

A peace officer may receive an arrest by a private person for a public offense committed or attempted in the private person's presence, when the person arrested has committed a felony, although not in the private person's presence and/or when a felony has been in fact been committed and the private person has reasonable cause for believing the person arrested committed it. A magistrate may orally order a private person to arrest anyone committing or attempting to commit a public offense in the presence of such magistrate.

A peace officer may detain, arrest, and/or release subjects based on the totality of the circumstances.

A private person who has arrested another for the commission of a public offense must, without unnecessary delay, take the person arrested before a magistrate or deliver him/her to a peace officer. A peace officer is not required to receive arrests from a private person if that arrest is not supported by probable cause to believe that a crime was committed and the person being arrested committed the crime in question.

There shall be no civil liability against a peace officer when acting within the scope of his/her authority for false arrest or false imprisonment arising out of any arrest under any of the following circumstances:

- The arrest was lawful or a peace officer at the time of receiving the private person's arrest had reasonable cause to believe the arrest was lawful.
- The arrest was made upon reasonable cause pursuant to a charge of the commission of a felony by the person to be arrested.
- The arrest was made pursuant to the requirements of Penal Code Section 837 Private Person's Authority to Arrest and the refusal to accept an arrest was made pursuant to Penal Code 142(c).

9.2.04 Officer’s Right to Search a Person								
The trainee shall recognize and explain the police officer’s right to search a person when probable cause to arrest exists.								
Reference(s):						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
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Additional Information:

9.2.04	Part A - Reference Agency Policies/Procedures, if applicable <i>(600 characters maximum)</i> Reference the following Antioch Police Policy(ies): 419 (Detentions and Photographing Detainees), 308 (Search and Seizure), 903 (Custodial Searches)	<input type="checkbox"/> N/A
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9.2.04 Part B - Agency Training Details *(field will expand automatically)*

A peace officer may, for self-protection or the protection of others, conduct a limited search of the outer clothing of the detained subject, if the sworn employee has a reasonable suspicion that the subject is armed and dangerous. If the search reveals an object that reasonably feels like a weapon, the sworn employee may remove the object from the subject’s clothing.

When a suspect is lawfully arrested and taken into physical custody, a limited authority exists for officers to conduct a warrantless search of the suspect’s person and of the property and area within the suspect’s immediate control. A search incident to arrest may be conducted when probable cause for a lawful arrest exists, the suspect is taken into custody and the search is contemporaneous with the arrest. The search is justified by the custodial nature of the arrest, not by the nature or circumstances of the crime that lead to the arrest.

A search incident to a custodial arrest may include a full search of the arrestee’s person, containers on the arrestee’s person, and the nearby physical area that was under the immediate control of the arrestee (referred to as “within arm’s reach”). To conduct a lawful search incident to arrest, the person must be taken into custody. A custodial arrest is one in which the person will be transported to another location or facility. A search incident to arrest is not permitted when the person is merely cited and released.

To be legal, the search must be contemporaneous with the arrest. That is, the search must be conducted at or near the time of arrest (although either can precede the other), at or near the place of arrest and while the arrestee is still on the scene. If the search precedes the arrest, the officer must have probable cause to arrest at the time of the search. The search can still be upheld as contemporaneous even if delayed somewhat, such as for safety reasons and the search is conducted as soon after the arrest as practical.

9.2.05 Recognizing Probable Cause for Police Action

Given various scenarios, simulated incidents, or calls for service depicting instances where probable cause for police action may or may not exist, the trainee shall recognize its presence or absence and then explain the reasons behind that determination.

<i>Reference(s):</i>						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
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Additional Information:

9.2.01 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) N/A

9.2.01 Part B - Agency Training Details (field will expand automatically)

The FTO will evaluate the trainee on calls for service. The FTO will ensure the trainee has properly recognized instances of probable cause that may or may not exist and whether or not to take action.

9.3 LAWS OF ARREST

9.3.01 Authority to Make an Arrest
The trainee shall explain a peace officer’s authority to make an arrest.

Reference(s): Penal Code [836](#); Vehicle Code [40300.5](#) through [40302](#)

		Case # (If applicable)		Incident #				
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
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Additional Information:

9.3.01 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) N/A

Reference the following Antioch Police Policy(ies):

417 (Cite Release Policy), 418 (Private Persons Arrests), 419 (Detentions and Photographing Detainees), 310 (Special Weapons and Tactics S.W.A.T. & Hostage Negotiation Team (HNT))

9.3.01 Part B - Agency Training Details *(field will expand automatically)*

An on-duty peace officer, whether or not in uniform, may make an arrest for any crime as outlined in California Penal Code section 836.

836 PC: A peace officer may arrest a person in obedience to a warrant or without a warrant whenever any of the following circumstances occur:

- The officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence.
- The person arrested has committed a felony, although not in the officer's presence.
- The officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed.

40300.5 CVC: In addition to the authority to make an arrest without a warrant pursuant to paragraph (1) of subdivision (a) of Section 836 of the Penal Code, a peace officer may, without a warrant, arrest a person when the officer has reasonable cause to believe that the person had been driving while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug when any of the following exists:

- The person is involved in a traffic accident.
- The person is observed in or about a vehicle that is obstructing a roadway.
- The person will not be apprehended unless immediately arrested.
- The person may cause injury to himself or herself or damage property unless immediately arrested.
- The person may destroy or conceal evidence of the crime unless immediately arrested.

40302 CVC: Whenever any person is arrested for any violation of this code not declared to be a felony, the arrested person shall be taken before a magistrate in any of the following cases:

- When the person arrested fails to present his/her driver's license or other satisfactory evidence of his/her identity.
- When the person arrested refuses to give his/her written promise to appear in court.
- When the person arrested demands an immediate appearance before a magistrate.
- When the person arrested is charged with violating 23152 CVC.

9.3.02 Arrest Requirements The trainee shall explain the various requirements related to arrests, to minimally include:								
A. Time of day or night that an arrest may be made		C. What must be done with the person once they are arrested, and what are the required procedures for handling him or her						
B. The information the person arrested must be provided and when it must be provided								
Reference(s): Penal Codes 825 ; 840 ; 841 ; 848 ; 849 ; 851.5 ; 853.5 ; and 853.6						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
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Additional Information:

9.3.02	Part A - Reference Agency Policies/Procedures, if applicable <i>(600 characters maximum)</i> Reference the following Antioch Police Policy(ies): 417 (Cite Release Policy), 418 (Private Persons Arrests), 419 (Detentions and Photographing Detainees)	<input type="checkbox"/> N/A
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9.3.02 Part B - Agency Training Details *(field will expand automatically)*

- An on-duty peace officer, whether or not in uniform, may make an arrest for any crime as outlined in California Penal Code 836. A peace officer, on-duty and in uniform, need not identify himself/herself as a peace officer prior to making an arrest. The uniform is sufficient to satisfy the legal requirement that the person to be arrested has been informed of the officer's authority to make the arrest. A peace officer, on-duty and not in uniform, or off-duty, given the legal authority to effect an arrest, shall identify himself/herself as a peace officer prior to making an arrest.
- PC 825 (a)(1): Except as provided in paragraph (2), the defendant shall in all cases be taken before the magistrate without unnecessary delay, and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays. (2) When the 48 hours prescribed by paragraph (1) expire at a time when the court in which the magistrate is sitting is not in session, that time shall be extended to include the duration of the next court session on the judicial day immediately following. If the 48-hour period expires at a time when the court in which the magistrate is sitting is in session, the arraignment may take place at any time during that session. However, when the defendant's arrest occurs on a Wednesday after the conclusion of the day's court session, and if the Wednesday is not a court holiday, the defendant shall be taken before the magistrate not later than the following Friday, if the Friday is not a court holiday. (b) After the arrest, any attorney at law entitled to practice in the courts of record of California, may, at the request of the prisoner or any relative of the prisoner, visit the prisoner. Any officer having charge of the prisoner who willfully refuses or neglects to allow that attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow the attorney to visit the prisoner when proper application is made, shall forfeit and pay to the party aggrieved the sum of five hundred dollars (\$500), to be recovered by action in any court of competent jurisdiction.
- PC 840: An arrest for the commission of a felony may be made on any day and at any time of the day or night. An arrest for the commission of a misdemeanor or an infraction cannot be made between the hours of 10 o'clock p.m. and 6 o'clock a.m. of the succeeding day, unless: (1) The arrest is made without a warrant pursuant to Section 836 or 837. (2) The arrest is made in a public place. (3) The arrest is made when the person is in custody pursuant to another lawful arrest. (4) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.
- PC 841: The person making the arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest, and the authority to make it, except when the person making the arrest has reasonable cause to believe that the person to be arrested is actually engaged in the commission of or an attempt to commit an offense, or the person to be arrested is pursued immediately after its commission, or after an escape. The person making the arrest must, on request of the person he/she is arresting, inform the latter of the offense for which he is being arrested.
- PC 848: An officer making an arrest, in obedience to a warrant, must proceed with the person arrested as commanded by the warrant, or as provided by law.
- PC 849: (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate. (b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever: (1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested. (2) The person arrested was arrested for intoxication only, and no further proceedings are desirable. (3) The person was arrested only for being under the influence of a controlled substance or drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable. (c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

9.3.03 Private Person Arrest								
The trainee shall explain the requirements placed upon a private person making the arrest of another and to determine if the “private person” arrest is legal.								
Reference(s): Penal Codes 837 and 847						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

<p>9.3.03 Part A - Reference Agency Policies/Procedures, if applicable <i>(600 characters maximum)</i></p> <p>Reference the following Antioch Police Policy(ies):</p> <p>418 (Private Persons Arrests)</p>	<input type="checkbox"/> N/A
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9.3.03 Part B - Agency Training Details *(field will expand automatically)*

- peace officer may receive an arrest by a private person for a public offense committed or attempted in the private person's presence, when the person arrested has committed a felony, although not in the private person's presence, and/or when a felony has been in fact been committed and the private person has reasonable cause for believing the person arrested committed it.
- A magistrate may orally order a private person to arrest anyone committing or attempting to commit a public offense in the presence of such magistrate. A peace officer may detain, arrest and/or release subjects based on the totality of the circumstances.
- A private person who has arrested another for the commission of a public offense must, without unnecessary delay, take the person arrested before a magistrate or deliver him/her to a peace officer. A peace officer is not required to receive arrests from a private person if that arrest is not supported by probable cause to believe that a crime was committed and the person being arrested committed the crime in question. There shall be no civil liability against a peace officer when acting within the scope of his/her authority for false arrest or false imprisonment arising out of any arrest if the arrest was lawful or the officer at the time of receiving the private person's arrest had reasonable cause to believe the arrest was lawful and/or the arrest was made upon reasonable cause pursuant to a charge of the commission of a felony by the person to be arrested.
- When a misdemeanor is committed outside the presence of a peace officer, the offense must have been committed in the presence of the private person making the arrest.
- The decision to detain or release a subject after receiving the subject from a private person rests entirely with the officer. Officers are only obligated to receive the subject.
- If the officer believes there are insufficient grounds for making a criminal complaint against the arrested/received person, the officer may release the person pursuant to section 849(b)(1) PC. Prior to releasing the individual, the officer should run a warrant check on the detained subject prior to releasing per 849(b)(1) PC. If released, the person must be given a Certificate of Release. If choosing to issue a Certificate of Release, do so out of the presence of the complaining party.

9.3.04 Miranda Rights								
The trainee shall explain the requirements for advising a person of his/her Miranda rights.								
<i>Reference(s):</i>						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.3.04	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) Reference the following Antioch Police Policy(ies): 902.5 (Advisements), 902.13 (Interviewing and Interrogating Juvenile Suspects) Miranda v. Arizona, 384 U.S. 436 (1966)	<input type="checkbox"/> N/A
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9.3.04 Part B - Agency Training Details *(field will expand automatically)*

Officers need to realize that if they fail to follow Miranda procedures, any statement they obtain during a custodial interrogation may be inadmissible against the person at the criminal trial. Once an officer reads the Miranda warning and has ensured that the person understands it, the person may either waive (give up) or invoke (assert) their Miranda rights. A person has two rights he or she can waive or invoke under Miranda – the right to remain silent and the right to have counsel present during interrogation. Statements volunteered by a person and not as a direct result of interrogation by an officer are not affected by Miranda. Statements may be volunteered in a variety of settings, such as during a consensual encounter, detention, arrest, booking process, forensic testing or transportation, or after the person has invoked Miranda right(s). Miranda applies the same to minors as adults. The courts have found no difference in application. A juvenile does not have the right to have an adult present and any request for one is not automatically either an invocation of the right to silence or the right to an attorney. However, California has §625 W&I that requires officers to give Miranda warnings “in any case where a juvenile is taken into temporary custody.” This requirement exists even when the juvenile is not going to be interrogated. If the minor is not going to be interrogated, the statute does not require that the minor understands the warnings or any waiver of the rights, but rather just the advisements. There is one exception to the general Rule of Miranda when a person is in custody and about to be interrogated. It is known as the public safety or emergency rescue exception and is based on exigent circumstances. No Miranda warning is necessary even though a person is in custody if the officer who is about to ask incriminating questions (interrogate) is motivated by a concern for someone’s safety. The concern for safety can be for the victim, the defendant, a third person, the public at large, or the officer’s own safety. Courts view this exception rather narrowly. For a waiver to be knowing, the person must have fully comprehended the four advisements, that is, must understand the nature of the rights he or she is giving up and the consequences of waiving them (“Knowing” and “intelligent” both have this same definition and express a single concept). For a waiver to be voluntary, it must be the result of a free and deliberate choice and not the result of coercion, i.e., any force, threats, or promises of leniency (whether express or implied), or any kind of tricks, cajoling, or “softening up” by the peace officers. If a waiver is ruled involuntary, any statements obtained afterward will not be admissible at trial. A valid waiver of rights may be either expressed, implied, or conditional. The following explains the difference between these types of waivers:

- Expressed: Answers yes/no question about going forward with the questioning. After giving advisements and ensuring understanding, the peace officer asks, “Can we talk about what happened?”
- Implied: Acknowledges understanding the advisements, and exhibits conduct indicating waiver of rights. The peace officer starts asking questions and the person answers.
- Conditional: Acknowledges understanding the advisements and is willing to go forward, but places a limitation/qualification on answering questions. The person: – refuses to give a written statement – refuses to be tape recorded – answers some questions but not others – refuses to speak to one specific officer but not others – refuses to answer questions – until a specific amount of time has lapsed, but will go forward if this condition is met. A person may invoke the right to silence or the right to counsel only at the time of, or during, police custodial interrogation. Unless custody and interrogation both exist at the same time, there are no Miranda rights to invoke. However, if these conditions both exist and the person invokes either the right to silence or the right to counsel, Miranda requires that all interrogation must cease. Some differences between these two rights exist concerning how they are invoked and whether the peace officer may later try to reinitiate interrogation. Miranda rights are personal to the person and may not be invoked by anyone else on his or her behalf, including an attorney or a parent. The right to remain silent may be invoked by any words or conduct which reflect an unwillingness to discuss the case. Once a person invokes the right to silence, Miranda requires that all interrogation must cease. Because Miranda rights are personal, suspects may change their mind. For example, suspects may reinitiate or express a desire to make a statement, even though they earlier invoked the right to silence or counsel. Under such circumstances, the officer should:

- re-admonish the person with Miranda warnings
- obtain a valid express waiver
- interrogate further
- make a verbatim account of the reinitiation and any statement given.

9.3.05 Admittance onto Property								
The trainee shall explain the requirements regarding gaining admittance into a location to make an arrest.								
Reference(s): Penal Code 844						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.3.05	Part A - Reference Agency Policies/Procedures, if applicable <i>(600 characters maximum)</i>	<input checked="" type="checkbox"/> N/A
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9.3.05 Part B - Agency Training Details *(field will expand automatically)*

The US Supreme Court recently explained the limitations the 4th Amendment imposes on law enforcement officers' authority to enter a residence when they do not have a warrant and no exigency exists: "When law enforcement officers who are not armed with a warrant knock on a door, they may do no more than any private citizen might do. And whether the person who knocks on the door and requests the opportunity to speak is a police officer or a private citizen, the occupant has no obligation to open the door to speak." (Kentucky v. King, 131 S. Ct. 1849, 1862 [2011]). Officers are reminded that individuals have an expectation of privacy in their residences. Tenants of hotels, including single room occupancy hotels, possess the same constitutional rights and protections related to law enforcement entry into their hotel room.

When entering a person's residence, officers shall comply with the Constitutional mandates of search and seizure law. Under the Constitution, law enforcement officers may enter a residence only if one or more of the following conditions are present prior to entry:

- A resident or person with actual or apparent authority over the residence requests that the officers enter or consents to the officers entering.
- The officers have an objective reasonable basis for believing that a resident has a search condition as a condition of his/her active parole or probation.
- The officers have a valid search warrant for the residence.
- The officers have a valid arrest warrant for a resident of the premises.
- There are exigent circumstances that warrant immediate entry, such as the need to respond to an imminent threat to the safety of officers or other persons, or to prevent the imminent destruction of evidence (this "destruction of evidence" condition does not apply to infractions).
- Officers have an objectively reasonable basis for believing that someone in the residence needs medical assistance.
- The officers are in fresh pursuit or hot pursuit of a suspect.
- The residence is a crime scene.

Officers shall not ask a property manager or other building representative to use a pass key to provide officers entry to an apartment or hotel room unless one of the above conditions is met. A property manager or building manager may not give consent or request a resident give officers consent to enter that resident's lawfully occupied apartment or hotel room. Should officers receive consent to search, the consent SHALL be in writing.

California Penal Code 844 authorizes an officer to break into a "house" (e.g.: door, window, etc.) to arrest a person without a warrant when there are reasonable grounds to believe the person is inside, and the officer first demands admittance and explains the reason for demanding admittance. A private person can break in if the offense is a felony.

When the "house" is also the residence of the person to be arrested, an officer cannot make an arrest without a warrant "if the probable cause to make such an arrest was developed before the officer went to the suspect's residence." (People v. Ramey).

If exigent conditions exist, an officer can make a no warrant arrest of a person inside his/her residence. These emergency conditions are imminent danger to life, serious damage to property, to forestall the imminent escape of a suspect, or to prevent the destruction of evidence.

9.3.06 Allowable Use of Force								
The trainee shall explain the amount of force that may be used when effecting an arrest.								
Reference(s): Penal Code 835 and 843						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.3.06	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) Reference the following Antioch Police Policy(ies): 300 (Use of Force)	<input type="checkbox"/> N/A
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9.3.06 Part B - Agency Training Details *(field will expand automatically)*

- 835 PC: An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his arrest and detention.
- 843 PC: When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest.
- Peace officers are permitted to use whatever force is reasonable and necessary under the circumstances. Peace officers are not required to engage in hand-to-hand combat before resorting to the use of force that will bring a situation under control.
- Each situation is unique. The Antioch Police Department relies on each officer's judgment and discretion to employ an objectively reasonable level of force under each unique circumstance. Peace officers need not retreat or desist in the reasonable use of force. There is no requirement that an officer use a less intrusive force option before progressing to a more intrusive one, as long as the force option used is objectively reasonable under the known totality of the circumstances at that time. When confronted by force or resistance, an officer may use an objectively reasonable higher level of force to overcome that resistance. Officers shall notify a supervisor, without unnecessary delay, when force is used. This includes instances where APD employees take enforcement action while off-duty and a use of force occurs. Peace officers shall consider their environment when using force.
- Officers must adhere to the specific use of force policy for that particular force option.
- Officers have a number of force options available in situations where force is reasonably necessary. Officers using reasonable force are accountable for its use. Officers may use physical force in the performance of their duties to effect an arrest, prevent an escape, prevent or stop an assault, in self-defense or in the defense of another person, to prevent an individual from harming himself/herself, to make an individual(s) comply with a lawful order, and/or to effect crowd control.
- The trainee will review and explain the policy regarding use of force.

9.3.07 Reasonable Force								
The trainee shall explain the term “reasonable” as it applies to the use of force.								
Reference(s): Penal Code 835						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.3.07	Part A - Reference Agency Policies/Procedures, if applicable <i>(600 characters maximum)</i> Reference the following Antioch Police Policy(ies): 300 (Use of Force)	<input type="checkbox"/> N/A
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9.3.07	Part B - Agency Training Details <i>(field will expand automatically)</i> 835 PC: An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his arrest and detention. Reasonable force is judged from the perspective of a reasonable officer; examined through the eyes of the officer on scene at the time force was applied; based on the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation; and based on the knowledge that the officer acted properly under established law at the time. Officers are permitted to use that force which is reasonable and necessary under the circumstances.
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9.3.08 Use of Physical Force and Deadly Force The trainee shall review and explain California law and department policy concerning the use of physical force and deadly force.								
Reference(s):						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
		When completed, print full name	Date	When completed, print full name		Date	When completed, print full name	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.3.08	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) Reference the following Antioch Police Policy(ies): 300 (Use of Force) 305 (Officer-Involved Critical Incident)	<input type="checkbox"/> N/A
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9.3.08 Part B - Agency Training Details *(field will expand automatically)*

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Use of deadly force is justified in the following circumstances:

- An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
 - An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:
- The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
 - The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

9.3.09 False Imprisonment Liability

The trainee shall explain instances where he/she is not civilly liable for false imprisonment arising out of an arrest.

<i>Reference(s):</i> Penal Codes 142(c) , 836.5 , and 847						Case # <i>(If applicable)</i>	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
<i>Comments (field will expand automatically)</i>								

Additional Information:

9.3.09 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)

N/A

9.3.09 Part B - Agency Training Details (field will expand automatically)

142(c) PC: This section shall not apply to arrests made pursuant to Section 837.

836.5 PC: (a) A public officer or employee, when authorized by ordinance, may arrest a person without a warrant whenever the officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the officer or employee that is a violation of a statute or ordinance that the officer or employee has the duty to enforce. (b) There shall be no civil liability on the part of, and no cause of action shall arise against, any public officer or employee acting pursuant to subdivision (a) and within the scope of his or her authority for false arrest or false imprisonment arising out of any arrest that is lawful or that the public officer or employee, at the time of the arrest, had reasonable cause to believe was lawful. No officer or employee shall be deemed an aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or overcome resistance.

847 PC: (a) A private person who has arrested another for the commission of a public offense must, without unnecessary delay, take the person arrested before a magistrate, or deliver him or her to a peace officer. (b) There shall be no civil liability on the part of, and no cause of action shall arise against, any peace officer or federal criminal investigator or law enforcement officer described in subdivision (a) or (d) of Section 830.8, acting within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest under any of the following circumstances:

- (1) The arrest was lawful, or the peace officer, at the time of the arrest, had reasonable cause to believe the arrest was lawful.
- (2) The arrest was made pursuant to a charge made, upon reasonable cause, of the commission of a felony by the person to be arrested.
- (3) The arrest was made pursuant to the requirements of Section 142, 837, 838, or 839

9.3.10 Legal Exceptions to an Arrest
 The trainee shall explain situations where legal exceptions to an arrest might exist, including:

A. Diplomatic immunity ([22 U.S. Constitution, Chapter 6](#))

B. State misdemeanor rule ([Hill v. Levy](#), 117 Cal. App. 2d, 667; [Roynon v. Battin](#), 55 CA 2nd 861)

C. Congressional exceptions ([Article 1, Section 6](#), U.S. Constitution; [Article 4, Section 2](#), California Constitution)

Reference(s):					Case # (If applicable)	Incident #		
FTO:	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
Trainee:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Comments (field will expand automatically)								

Additional Information:

9.3.10 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) N/A

9.3.10 Part B - Agency Training Details (field will expand automatically)

Diplomatic Immunity: A principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

Stale Misdemeanor: The arrest for a misdemeanor must occur at the time, or shortly after, the commission of the offense.

Congressional Exceptions: Senators and Representatives of the United States of America and the State of California shall in all cases, except treason, felony, and breach of the peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

9.4 JUVENILE LAW AND PROCEDURE								
9.4.01 Investigating Juvenile Offenses								
The trainee shall explain applicable laws pertaining to the investigation of juvenile offenses and to the apprehension and detention of juvenile offenders. These shall minimally include:								
A. Miranda advisement		B. Welfare and Institutions Codes (WIC) 300 , 305 , 601 , 602 , 625 , 627 , 707 and any additional local ordinances and/or curfews		C. Laws pertaining to schools, including Penal Code (PC) 626 sections and Education Codes 48906 , 48260-66 , etc.		D. Secure/Non-secure detention of juveniles: WIC 206 , 207 , 207.1 , 207.2		
Reference(s):						Case # (If applicable)	Incident #	
FTO:	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
Trainee:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.4.01	<p>Part A - Reference Agency Policies/Procedures, if applicable <i>(600 characters maximum)</i></p> <p>Reference the following Antioch Police Policy(ies):</p> <p>902 (Temporary Custody of Juveniles), 902.5 (Advisements), 902.13 (Interviewing and Interrogating Juvenile Suspects)</p>	<input type="checkbox"/> N/A
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9.4.01 Part B - Agency Training Details *(field will expand automatically)*

Miranda applies the same to minors as adults. The courts have found no difference in application. A juvenile does not have the right to have an adult present and any request for one is not automatically either an invocation of the right to silence or the right to an attorney. However, California has 625 W&I that requires officers to give Miranda warnings “in any case where a juvenile is taken into temporary custody.” This requirement exists even when the juvenile is not going to be interrogated. If the juvenile is not going to be interrogated, the statute does not require that the minor understands the warnings or any waiver of the rights, but rather just the advisements.

A number of California legal codes address juvenile offenses. A list of the most common codes are as follows:

- 206 W&I: Juveniles detained per 300 W&I shall be housed in non-secure facilities and separate from juveniles detained for 601 W&I or 602 W&I.
- 207 W&I: Juveniles detained per 601 W&I, except for 601(b) W&I, he/she shall be housed in a sheltered-care facility or a non-secure facility.
- 207.1 W&I: Juveniles detained per 707 W&I may be detained in a jail or other secure facility.
- 207.2 W&I: Juveniles being held in temporary custody in a law enforcement facility that contains a lock-up area for adults may be released to a parent, guardian or responsible relative or to his/her own custody.
- 300 W&I: A juvenile who is victim of neglect, mistreatment, or in need of protective custody; if detained, must be in a non-secure facility.
- 305 W&I (Authority for Temporary Custody): A peace officer has the authority to take into temporary custody, without a warrant, a minor who has immediate need for medical care, is in immediate danger of physical or sexual abuse, or has been left unattended or is in a physical environment which may pose an immediate threat to the minor’s health and safety.
- 601 W&I: A juvenile runaway or beyond parental control; if arrested, shall not be in secure facility.
- 602 W&I: A juvenile violating criminal law may be held in a secure facility.
- 625 W&I (Authority for Temporary Custody): A peace officer has the authority to take into temporary custody, without a warrant, a minor who comes into the jurisdiction of the court (601 or 602 W&I), is the ward of the court who has violated a court order or escaped from a court ordered commitment, or is found in a public place suffering from any sickness or injury which requires medical treatment.
- 626 W&I: Juveniles taken into temporary custody per 625 W&I may be release or delivered/referred to an agency that provides shelter, care, counseling and/or diversion services to minors.
- 626.5 W&I: If juveniles taken into temporary custody per 625 W&I are later determined that they need to be brought to the attention of the juvenile court, the officer may prepare a written notice to appear or bring the minor to a juvenile probation officer.
- 627 W&I: A peace officer must take immediate steps to notify the juvenile’s parent, guardian or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition.
- 707 W&I: A juvenile adjudication must constitute a violent or serious felony in order to count as a strike.
- 9.24.040 SMC: It shall be unlawful for any minor under 18 years of age to be in or on any public street, public park or any other public place between the hours of 11:00 P.M. and 6:00 A.M., unless accompanied by parent, legal guardian or other legally responsible adult, or by his or her spouse 18 years of age or older, when emancipated, engaged in an emergency mission, participating in a religious or political activity, or engaged in legitimate employment.
- 48906 Education Code: School official must notify parent or guardian of juvenile when that juvenile is removed from the campus by a peace officer.
- 48260 – 66 Education Code: Secure and non-secure detention of juveniles.

The trainee will review the policies listed in Part A above.

9.5 ADDITIONAL LAWS								
9.5.01 Alcoholic Beverage Control Act								
The trainee shall recognize violations of the Alcoholic Beverage Control Act and will locate the applicable sections including those prohibiting:								
A. After-hours sales and/or consumption of alcoholic beverages on licensed premises				C. Selling/providing alcoholic liquor to a person who is visibly intoxicated				
B. Selling/providing alcoholic liquor to any person under age 21								
Reference(s): Business and Professions Codes 23000 through 25762						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.5.01	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	<input checked="" type="checkbox"/> N/A
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9.5.01 Part B - Agency Training Details *(field will expand automatically)*

Only people licensed by the Department of Alcohol Beverage Control are authorized to sell/provide alcoholic beverages and/or keep a place where the consumption of alcoholic beverages is permitted in accordance with the Alcoholic Beverage Control Act. Violations of the ABC Act fall under the Business and Professions Code (B&P). Some of the most common violations of the ABC Act that an officer will encounter are listed below:

- 23300 B&P: Sales without a License (keggers, raves, etc.)
- 25607(a) B&P: Unauthorized Alcohol on Premises
- 25602(a) B&P: Furnishing Alcohol to an Obviously Intoxicated Person
- 25632 B&P: Sale/Consumption during Restricted Hours on Licensed Premises
- 25658(a) B&P: Sale to a Minor
- 25658(b) B&P: Consumption/Purchase by Minor
- 25658.5 B&P: Attempt to Purchase Alcohol by a Minor
- 25662(a) B&P: Minor in Possession of Alcoholic Beverage
- 25662(a)/(b) B&P: Minor (a) Consuming/(b) Possessing Alcohol at Social Gathering
- 25661 B&P: Minor in Possession or Presentation of False ID
- 25665 B&P: Minor inside Public Premises
- 25608 B&P: Possession of Alcoholic Beverages on Public School Grounds
- 25660.5 B&P: Furnishing False Identification to a Minor

9.5.02 Probation/Parole Laws

The trainee shall review and explain the laws regarding probation and parole violations, searches, and holds including:

A. Penal Code (PC) [1203.2](#)

B. Penal Code (PC) [3056](#)

<i>Reference(s):</i>					Case # (If applicable)	Incident #		
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
<i>Comments (field will expand automatically)</i>								

Additional Information:

9.5.02 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)

N/A

9.5.02 Part B - Agency Training Details *(field will expand automatically)*

1203.2(a): At any time during the period of supervision of a person (1) released on probation under the care of a probation officer pursuant to this chapter, (2) released on conditional sentence or summary probation not under the care of a probation officer, (3) placed on mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, (4) subject to revocation of post-release community supervision pursuant to Section 3455, or (5) subject to revocation of parole supervision pursuant to Section 3000.08, if any probation officer, parole officer, or peace officer has probable cause to believe that the supervised person is violating any term or condition of his or her supervision, the officer may, without warrant or other process and at any time until the final disposition of the case, rearrest the supervised person and bring him or her before the court or the court may, in its discretion, issue a warrant for his or her rearrest. Upon such rearrest, or upon the issuance of a warrant for rearrest the court may revoke and terminate the supervision of the person if the interests of justice so require and the court, in its judgment, has reason to believe from the report of the probation or parole officer or otherwise that the person has violated any of the conditions of his or her supervision, has become abandoned to improper associates or a vicious life, or has subsequently committed other offenses, regardless of whether he or she has been prosecuted for such offenses. However, the court shall not terminate parole pursuant to this section. Supervision shall not be revoked for failure of a person to make restitution imposed as a condition of supervision unless the court determines that the defendant has willfully failed to pay and has the ability to pay. Restitution shall be consistent with a person's ability to pay. The revocation, summary or otherwise, shall serve to toll the running of the period of supervision.

3056(a): Prisoners on parole shall remain under the supervision of the department but shall not be returned to prison except as provided in subdivision (b) or as provided by subdivision (c) of Section 3000.09. A parolee awaiting a parole revocation hearing may be housed in a county jail while awaiting revocation proceedings. If a parolee is housed in a county jail, he or she shall be housed in the county in which he or she was arrested or the county in which a petition to revoke parole has been filed or, if there is no county jail in that county, in the housing facility with which that county has contracted to house jail inmates. Additionally, except as provided by subdivision (c) of Section 3000.09, upon revocation of parole, a parolee may be housed in a county jail for a maximum of 180 days per revocation. When housed in county facilities, parolees shall be under the sole legal custody and jurisdiction of local county facilities. A parolee shall remain under the sole legal custody and jurisdiction of the local county or local correctional administrator, even if placed in an alternative custody program in lieu of incarceration, including, but not limited to, work furlough and electronic home detention. When a parolee is under the legal custody and jurisdiction of a county facility awaiting parole revocation proceedings or upon revocation, he or she shall not be under the parole supervision or jurisdiction of the department. When released from the county facility or county alternative custody program following a period of custody for revocation of parole or because no violation of parole is found, the parolee shall be returned to the parole supervision of the department for the duration of parole. (b) Inmates paroled pursuant to Section 3000.1 may be returned to prison following the revocation of parole by the Board of Parole Hearings until July 1, 2013, and thereafter by a court pursuant to Section 3000.08. (c) A parolee who is subject to subdivision (a) but who is under 18 years of age may be housed in a facility of the Division of Juvenile Facilities.

9.5.03 Local Ordinance Violations								
The trainee shall recognize violations of local ordinances and shall be able to locate the applicable sections.								
<i>Reference(s):</i>						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.5.03	Part A - Reference Agency Policies/Procedures, if applicable <i>(600 characters maximum)</i>	<input checked="" type="checkbox"/> N/A
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9.5.03	Part B - Agency Training Details <i>(field will expand automatically)</i> The trainee will be provided with a complete electronic version of the City of Antioch Municipal Codes with his/her Field Training Program Guide during the administrative week. The trainee shall also be showed how to access the City's municipal codes via the city website www.ci.antioch.ca.us .
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9.5.04 Constitutional Amendments Granting Individual Rights
 The trainee shall recognize the basic rights of all persons as granted by the United States Constitution and shall at all times adhere to those rights granted by the following amendments:

<p>A. <i>First Amendment</i> – Freedom of religion, speech, press, and public assembly</p> <p>B. <i>Fourth Amendment</i> – Search and seizure only by warrant or good cause</p> <p>C. <i>Fifth Amendment</i> – Right to trial, no double jeopardy, no self-incrimination, no punishment without due process, and no confiscation without compensation</p>	<p>D. <i>Sixth Amendment</i> – Right to a speedy trial</p> <p>E. <i>Eighth Amendment</i> – Excessive bail prohibited</p> <p>F. <i>Fourteenth Amendment</i>– Civil rights (see 18 USC Section 242 – Color of law/authority)</p>
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Reference(s): U.S. Constitution , Bill of Rights				Case # (If applicable)	Incident #			
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments (field will expand automatically)								

Additional Information:

9.5.04	Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum)	<input checked="" type="checkbox"/> N/A
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9.5.04 Part B - Agency Training Details *(field will expand automatically)*

The First Amendment (Amendment I) to the United States Constitution prohibits the making of any law respecting an establishment of religion, impeding the free exercise of religion, abridging the freedom of speech, infringing on the freedom of the press, interfering with the right to peaceably assemble or prohibiting the petitioning for a governmental redress of grievances. It was adopted on December 15, 1791, as one of the ten amendments that constitute the Bill of Rights.

The Fourth Amendment (Amendment IV) to the United States Constitution is the part of the Bill of Rights that prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause.

The Fifth Amendment to the United States Constitution is part of the Bill of Rights and protects against a person being compelled to be a witness against himself or herself in a criminal case.

The Sixth Amendment (Amendment VI) to the United States Constitution is the part of the United States Bill of Rights that sets forth rights related to criminal prosecutions. The Supreme Court has applied the protections of this amendment to the states through the Due Process Clause of the Fourteenth Amendment.

The Eighth Amendment (Amendment VIII) to the United States Constitution is the part of the United States Bill of Rights (ratified December 15, 1791) prohibiting the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishments, including torture. The U.S. Supreme Court has ruled that this amendment's Cruel and Unusual Punishment Clause also applies to the states. The phrases in this amendment originated in the English Bill of Rights of 1689.

The Fourteenth Amendment (Amendment XIV) to the United States Constitution was adopted on July 9, 1868. The amendment addresses citizenship rights and equal protection of the laws.

9.5.05 State Legislative Mandates								
The trainee shall review, explain, and/or give examples of any new/revised state legislative mandates.								
Reference(s): POST Legislative Update Telecourses and CD ROMs; POST Required Updated or Refresher Training Requirements						Case # (If applicable)	Incident #	
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
Comments <i>(field will expand automatically)</i>								

Additional Information:

9.5.05	Part A - Reference Agency Policies/Procedures, if applicable <i>(600 characters maximum)</i>	<input checked="" type="checkbox"/> N/A
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9.5.05	Part B - Agency Training Details <i>(field will expand automatically)</i> The Antioch Police Department training unit provides legal and training updates. The trainee shall demonstrate their knowledge of any new mandates upon request and complete any such legal and training updates when assigned to do so.
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9.5.06 Marsy’s Law
 The trainee shall review and explain the requirements of the Victims' Bill of Rights Act of 2008 ([Marsy's Law](#)) and review the Marsy’s Card.

<i>Reference(s):</i> California Constitution, Article I, Section 28(b)					<i>Case # (If applicable)</i>	<i>Incident #</i>		
	Received Instruction		Competency Demonstrated		How Demonstrated?	Remedial Training		How Remediated?
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test			<input type="checkbox"/> Field Perform <input type="checkbox"/> Role Play <input type="checkbox"/> Written Test <input type="checkbox"/> Verbal Test
Trainee:								
<i>Comments (field will expand automatically)</i>								

Additional Information:

9.5.06 Part A - Reference Agency Policies/Procedures, if applicable (600 characters maximum) N/A

Reference the following Antioch Police Policy(ies):

320 (Victim and Witness Assistance)

9.5.06 Part B - Agency Training Details (field will expand automatically)

Marsy’s Law created a number of personally held and enforceable Constitutional Rights for victims of crime. Marsy’s Law further expanded the definition of “victim” to include not only the immediate target of criminal activity, but the person’s spouse, parents, children, siblings or guardian, as well as the lawful representative of a crime victim who is either deceased, a minor, or physically/psychologically incapacitated.

- Per the California Government Code, law enforcement officers must notify victims of violent crimes and/or their families of the availability of state funds and other assistance.
- Who is eligible for the aid.
- Time limits upon the victim in filing a claim.
- Whom to contact.
- Penal Code sections 679.026(b) and (c) state that every victim of a crime has the right to receive a Marsy’s Rights Card.
 - Applies to all crimes (felonies, misdemeanors, infractions).
 - Contains telephone numbers and internet addresses that provide additional resources, support and information.
 - Officers shall provide a Marsy’s Rights Card to crime victims.
 - This form does not replace any other form to be provided to a crime victim.

See next page for Attestation

How to Complete Part 5 (Sections 1–18)

INSTRUCTIONS TO ADMINISTRATORS

VOLUME 2 OF THE FIELD TRAINING GUIDE CONSISTS OF 18 SECTIONS WHICH MAKE UP PART 5. Each section is provided as a separate file on the POST website (<https://www.post.ca.gov/field-training--police-training.aspx>). Prior to submitting your FTP Guide to POST for review, you must complete all 18 sections and include them as part of your Guide.

1. **Set up:** Keep an unchanged copy of each section file as a master for reference. Make a copy of the file to use for your agency-specific entries.
2. **Front cover (optional):** To keep a hard copy of Volume 2 for internal use, you can add your agency name and date to the front cover.
3. **For each section (1–18):**
 - a. Open the applicable file and add your agency name and date to the header on page 1. (DO NOT change any other headers or footers or alter any other sections of the file.)
 - b. Below each table:
 - *Part A:* Enter applicable references from your agency’s Policies & Procedure Manual.
 - *Part B:* Enter your agency’s training details.
4. **After completing ALL sections (1–18),** you MUST submit the following materials via flash drive, CD, or DVD to POST for review and approval (do not send printed copies):
 - 1) **Your completed FTP Guide**
 - 2) **FTP Approval Checklist ([POST Form 2-230](#))**
NOTE: Guides submitted without this form will NOT be reviewed.
 - 3) **Your Department’s Policy & Procedure Manual**
5. MAIL YOUR ELECTRONIC MEDIA TO:
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
Attn: Phil Caporale – BTB
6. You will receive status notification within 90 days from the date received.

See next page for Instructions to Field Training Officers

How to Complete Part 5 (Sections 1–18)

INSTRUCTIONS TO FIELD TRAINING OFFICERS (FTOs)

VOLUME 2 OF THE FIELD TRAINING GUIDE CONSISTS OF 18 SECTIONS WHICH MAKE UP PART 5. Each section has been customized by your agency administrator(s) to include references to policies and procedures and training details to meet your agency’s Field Training Program requirements. Each file is provided as a separate file. For each section (1–18), complete all tables for each topic.

1. **Set up:** Keep an unchanged copy of each section file as a master for reference. Make a copy of the file to use for your training sessions.
2. **Tracking your training sessions:**
 - a. Upon completing each competency, enter the FTO and trainee names and dates, and how the competency was demonstrated, into the applicable tables.
 - b. Enter any note-worthy comments related to the trainee’s performance.
3. **If trainee requires remedial training:**
 - c. Enter the FTO and trainee names and dates, and how the competency was remediated, to show that each competency was completed.
 - d. Enter any additional note-worthy comments related to the trainee’s performance.
4. **Attestation:** After all competencies have been performed, including any remedial training, the primary FTO and Trainee **MUST** enter their electronic signatures on the Attestation page (see instructions) to verify that the Trainee has completed this portion of the Field Training Program.

End Section