



SMART Helps the Mentally Ill

Editor's Note: The 1999 fatal shooting of a homeless mentally ill woman Margaret Mitchell, has spurred unjustified criticisms of the Department. Within the Department, however, exists SMART (Systemwide Mental Assessment Response Team), collaborative units dedicated to assist police officers, the mentally ill and their families. The following text is contained in SMART's brochure aimed for distribution Department-wide.

SMART is designed to provide a cooperative, compassionate mental health/law enforcement response team to assist affected community members in accessing available mental health services.

The SMART goals are to:

- Prevent unnecessary incarceration and/or hospitalization of mentally ill individuals.
- Provide alternate care in the least restrictive environment through a coordinated and comprehensive systemwide approach.
- Prevent the duplication of mental health services.
- Allow police patrol units to return to service sooner.

Purpose - The purpose of SMART is to assist police officers whenever they come into contact with suspected mentally ill persons. The team will be able to assist in providing quick resolutions without unnecessary incarceration or hospitalization. The objective is to provide intervention,

referral, or placement for a mentally ill person, allowing field officers to quickly return to other field duties.

Composition - SMART Teams are comprised of Police Officers and Licensed Clinicians from the Department of Mental Health (DMH). Clinicians include Psychologists, Clinical Social Workers and Mental Health Nurses.

Deployment - The SMART Teams will be deployed on Day Watch between the hours of 0700 and 1530 hours and on PM Watch between the hours of 1530 and 2400 hours. Each watch will have a minimum of at least one team deployed, seven days a week.

Jurisdictional Area - The SMART Teams respond to emergency calls for service on a Citywide basis.

During operation hours, the SMART detail dispatching procedures will be as follows:

- All patrol (field) personnel shall contact the Mental Evaluation Unit (MEU), DHD at (213) 485-4188 for advice when an apparently mentally ill person is taken into custody.
- The MEU officer will make a determination of whether the person is in need of SMART intervention. If SMART intervention is indicated, the MEU officer shall complete a MEU information report (LAPD Temp Form 316 [11/92]).

See SMART history and story on how it helped an autistic child on page 3

Department Goes 'High Tech'

In September 1998, the Chief of Police directed the Commanding Officer, Information Technology Division (formally Systems Development Task Force) to establish a permanent Technology Exposition site suitable for the City Council, members of Congress, White House officials, other elected officials, law enforcement agencies, the Los Angeles community, Department staff, and command officers to visit. It was quickly determined that the Technology Exposition should be located at the Ahmanson Recruit Training Center (ARTC). The ARTC site is near the Los Angeles International Airport, has ample parking spaces, has clean modern facilities suitable for housing the Department's high-tech equipment, and is one of the Department's newest training facilities.

Poised to become a permanent display and training center, the Technology Exposition was later renamed the LAPD's Technology Training Center (TTC), created to accommodate new systems as Department technology evolves. As new technology develops, new displays at the site will be added, customized or removed to accurately depict the evolution of LAPD's technology. The TTC would not be merely a display room but a training facility to acquaint the community and other entities on the Department's technology systems. The TTC would also serve as an instruction facility to those individuals who have interest and concern in LAPD's technology progress.

The move to usher the Department into the technology era, however, was not without a glitch. The original completion date of May 21, 1999, was moved to October 1999, due to budget constraints, the lengthy process for procurement of hardware, and other difficulties in installation requirements. Despite the challenges, TTC came to fruition. With resourcefulness, tenacity and commitment from the project manager, the TTC was completed on October 6, 1999. The use of training funds eventually allowed its development and implementation.

Displays in the TTC include state of the art equipment such as 10 wall screens that can be utilized by VCR or PC monitors. These screens are located systematically throughout the training

The BEAT

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SMART Intervenes in a Violent Child Case

Recently, when a 10-year-old child became uncontrollably violent at a special education school, SMART members jumped into action.

The call SMART received from the school staff told little of the crisis at a school in the Los Angeles Unified School District. The staff could not control the autistic child, who was hitting her head against the wall and kicking anything in sight. When asked what steps the staff had taken to remedy the problem, they stated they had called the mother. The parent, however, expressed that she herself could not handle the child. The SMART members then noted the District has numerous resources, such as a crisis negotiation team, on site psychologists and the school police. The school staff replied that neither the crisis negotiation team nor the psychologists had dealt with this type of problem, a situation unimaginable for the crisis respondents.

This is no ordinary child. The child is between 5'4" and 5'6" feet tall and approximately 135 pounds. When SMART arrived on the scene, police officers were present. The child had to be handcuffed because she had become a danger to herself and others around her, as she continued her outbursts and kicked at anyone who came near her.

Faced with the volatile situation, SMART did an intervention. The team members assessed the juvenile and placed her on a 72-hour hold. **The intervention, however, did not stop there.** A major part of the problem was that the juvenile's mother did not know how to cope. Based on this, the clinician also worked with the mother. The follow-up work consisted of educating the mother and putting her in contact with a special group that assists parents of autistic children. The group shows parents how to cope with autistic children. Approximately one month after the incident, the SMART clinician will conduct a follow-up with the parent to see if the situation has improved.

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- The SMART Team is then dispatched by MEU via Department radio, phone or pager.
- The SMART Team will respond as promptly as feasible and determine the most appropriate type of intervention necessary.

S M A R T

History and Overview

On September 3, 1991, the Los Angeles County Board of Supervisors convened the Incarcerated Mentally Ill Task Force (IMITF). Comprised of concerned governmental and private agencies, this body is charged with addressing growing public concerns about the increased forced hospitalization and incarceration of mentally ill citizens.

In July 1992, the IMITF findings concluded there was a societal failure to adequately meet the needs of the county's mentally ill population. The primary recommendation made to the board to resolve this problem was the implementation of a Systemwide Mental Assessment Response Team (SMART) pilot program. Each SMART team would be comprised of a well-trained mental health and law enforcement expert with mobile capabilities. It was envisioned that this approach would better enable mental health and law enforcement professionals to assist in providing an appropriate resolution without the need to incarcerate or hospitalize unnecessarily.

In January 1993, DMH and the Los Angeles Police Department committed sworn personnel and resources to staff SMART in the City.

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Kodani v. Reed

Under what circumstances can an officer make a traffic stop due to a seat belt violation?

The following was originally published in “Point of View,” a quarterly publication by the Alameda County District Attorney’s Office. Questions regarding the article may be directed to the Legal Training Unit, Training Division at (310) 342-3197.

Kodani v. Reed
(October 4, 1999) Cal.App.4th

ISSUE

Under what circumstances can an officer make a traffic stop based solely on a seat belt violation?

FACTS

At about 2 a.m., a CHP officer on patrol in Los Angeles County happened to notice a 1989 Honda CRX stopped at a traffic light. The officer also noticed the driver—later identified as Kodani—was not wearing a shoulder harness. The officer then made a traffic stop on the Honda based solely on the violation of California’s mandatory seat belt law.⁽¹⁾

During the traffic stop, the officer determined that Kodani was driving under the influence of alcohol. As a result, he was arrested for DUI. A breath test showed his blood-alcohol level was 0.14 and 0.12. Based on the officer’s report, the DMV suspended Kodani’s driver’s license.

DISCUSSION

Kodani contended his license should not have been suspended because the traffic stop was unlawful. His

reasoning begins with the following observations, which are essentially correct:

(1) Under California’s mandatory seat belt law, the occupants of a car must use a seat belt. If the car came equipped with a shoulder harness, they must use it. But if the car came equipped with only lap restraints, the occupants are in compliance with the law if they are wearing a lap belts; i.e., there is no requirement that the owner install shoulder harnesses.⁽²⁾

(2) An officer who passes another car on the road can only see whether the occupants are wearing shoulder harnesses; i.e., the officer cannot see whether the occupants are using lap belts.

Therefore, Kodani reasoned that when an officer looks into a passing car and observes that an occupant is not using a shoulder harness, the officer should be permitted to stop the car for a seat belt violation only if the officer had reason to believe the car was, in fact, equipped with a harness. In other words, the car stop would be permitted only if, (1) the officer actually saw that the car was equipped with a shoulder harness which was not in use, or (2) the officer was aware that this model of car came equipped with a shoulder harness. This reasoning, said the court, was “flawed” because it was based on a misunderstanding of the legal grounds for making car stops. It noted that officers may make a car stop or detain a suspect when they have “reasonable suspicion,” which generally exists if the officer was aware of specific circumstances that reasonably indicated the driver or suspect had committed, or was committing a felony, misdemeanor, or infraction.⁽³⁾

Legal Update

1. Vehicle Code § 27315.

2. See Vehicle Code § 27315(f)

3. See *Alabama v. White* (1990) 496 US 325, 329-30; *United States v. Sokolow* (1989) 490 US 1, 7; *People v. Bell* (1996) 43 Cal.App.4th 754, 761

Juvenile Search “Incident to the Arrest” Lawful

The following was originally published in “Point of View,” a quarterly publication by the Alameda County District Attorney’s Office. Questions regarding the article may be directed to the Legal Training Unit, Training Division at (310) 342-3197.

In re Charles C.
(November 23, 1999) Cal.App.4th

ISSUES

Did an officer have probable cause to arrest a juvenile for a curfew violation? Could the juvenile be searched “incident to the arrest” after he had been transported to the police station?

FACTS

At about 12:45 a.m., a police officer for the city of Orange was dispatched to investigate a report that juveniles were loitering in front of a supermarket. When the officer arrived, he spoke with two juveniles who were standing in front of the store, one of whom was Charles C. After determining that Charles C. was 15 years of age, he arrested him for violating the city’s curfew ordinance.

Before transporting Charles C. to the station, the officer asked his dispatcher to try to contact Charles C.’s parents so they could pick him up. The dispatcher made “numerous attempts” but was unsuccessful. So the officer took Charles C. to the station. When they arrived, the officer searched Charles C. and found a plastic baggie containing methamphetamine in his coin pocket.

DISCUSSION

Charles C. contended the methamphetamine should be suppressed for two reasons: (1) the officer did not have

1. See *United States v. Edwards* (1974) 415 US 800, 803-4.

probable cause to arrest him, and (2) the search of his coin pocket was unlawful.

Probable cause to arrest

Legal Update

It is a violation of Orange’s curfew ordinance for a person under 18 years of age to be in a public street between 10 p.m. and 5 a.m. unless, (1) the person is accompanied by an adult, or (2) the person is employed and his job requires him to be out during those hours. Charles C. contended the officer did not have probable cause to arrest him for violating this statute because the officer failed to inquire whether he was currently working at a job that required him to be standing outside the supermarket. The court was not persuaded, noting that Charles C. “did not offer any such excuse for his presence,” and it was obvious that he was not hanging out with his parents.

Search of Charles C.’s pocket

It is settled that officers who have arrested a suspect who will be taken into custody may conduct a reasonably thorough search of the person. Such searches, commonly known as searches incident to an arrest, typically occur before the suspect is transported. As noted, however, Charles C. was searched after he arrived at the station. Did this render the search unlawful?

The answer is no. This is because the United States Supreme Court has ruled that a search of an arrestee’s person that could have been made at the scene of the arrest may be conducted at the jail or police station, at least until the normal processes incident to arrest and custody have been completed.⁽¹⁾

The court also rejected the argument that officers may not conduct a search incident to the arrest of a juvenile who will be released to his parents; i.e., not booked into jail. Said the court, “[T]he lawfulness of the search turns not on whether

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the officer intended to release the defendant after taking him into custody, but on whether the officer was justified in arresting the defendant and taking him into custody in the first place.⁽²⁾

Consequently, the court ruled the drugs were obtained lawfully.

NOTE: The court also rejected the argument that Charles was being illegally detained at the police station when the drugs were discovered. This argument was based on *In re Justin B.* (1999) 69 Cal.App.4th 879 which held, essentially, it is a violation of the Fourth Amendment for an officer to question an arrested juvenile at a police station if the juvenile must be cited and released. It was the opinion of the court in *Charles C. that Justin B.* was “wrongly decided” and, moreover, violated Proposition 8 which specifies that evidence may not be suppressed in California unless suppression is required under federal constitutional law. Said the court, “The minor does not cite, nor has research revealed, any federal Constitutional provision prohibiting a peace officer from detaining a juvenile arrested for a misdemeanor offense and searching the minor at the police station. Thus, on this point, we part company with *Justin B.* . . .”

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Furthermore, reasonable suspicion does not require certainty or even a probability of guilt. In fact, it exists even if the circumstances are as consistent with lawful activity and they are with unlawful activity.⁽⁴⁾ Said the court, “Even if the circumstances are as consistent with lawful activity as with criminal activity, the officer may still rightfully inquire into such circumstances in the proper discharge of the officer’s duties.”

2. Quoting from *In re Demetrius A.* (1989) 208 Cal.App.3d 1245, 1248.

4. See *In re Tony C.* (1978) 21 Cal.3d 888, 894; *People v. Souza* (1994) 9 Cal.4th 224, 233; *People v. Brown* (1990) 216 Cal.App.3d 1442, 1449; *People v. Daugherty* (1996) 50 Cal.App.4th 275, 287.

5. Citing *In re Tony C.* (1978) 21 Cal.3d 888.

Consequently, the court ruled that a car stop for a seat belt violation is lawful if the officer could see that an occupant was not wearing a shoulder harness and, (1) the officer was sure the car came equipped with a shoulder harness; or (2) the officer was uncertain whether the car came equipped with a shoulder harness but, because of the age of the car or other circumstances, such uncertainty was reasonable. As the court explained, “Even in cases where the nature of the vehicle renders it is reasonably uncertain whether a shoulder harness would be installed, the officer is entitled to stop the vehicle and resolve the uncertainty to determine if the mandatory seat belt law has been violated.”⁽⁵⁾

Consequently, the court affirmed the DMV’s suspension of Kodani’s driver’s license.

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center for viewing by all guests present inside and outside the center.

There are 10 strategically located desktop computers with 21” screens, oversized so that a maximum of 10 students may be trained at each of the individual stations. The TTC is state of the art. It competes with any of those established companies like IBM or Microsoft, which have millions to spend. It has not been determined when TTC will be opened to the public.

Other displays included in the TTC are: Field Data Capture System, Detective Case Tracking System, Web Technology, Video Case Filing, LAN Connected Workstations, FASTRAC, ICARS System, LAN Technology Training.

Future Developments to be featured in the Technology Center are: Fiber Optic Network showcase, APRIS systems, MUGSHOTS Systems, and Computer Based Training.

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Crime and Arrest Comparison Report

City Year-to-Date through December 31, 1999

<u>Crime</u>	<u>YTD 98</u>	<u>YTD 99</u>	<u>1 yr % Change</u>
Homicide	428	424	- 0.9%
Rape	1,356	1,152	-15.0%
Robbery	15,644	14,184	-9.3%
Aggravated Assault-Dom. Viol.	16,886	16,410	-2.8%
Burglary	25,925	21,195	-18.2%
Larceny	78,802	72,068	-8.5%
Auto Theft	30,171	25,730	-14.7%
Violent Crimes	34,314	32,176	-6.2%
Total Part I Crimes-Dom. Viol.	169,212	151,169	-10.7%
<u>Department YTD through DP 9</u>	<u>YTD 98</u>	<u>YTD 99</u>	<u>1 Yr. % Change</u>
Traffic Citations (September)	275,562	NA	NA
Officer Initiated Activities	570,799	568,183	-3.8%
Total Calls for Service	622,901	593,929	-4.7%
Response Time (minutes)	7.0	7.3	4.3%
Department YTD through October	<u>YTD 98</u>	<u>YTD 99</u>	<u>1 Yr. % Change</u>
Field Interviews	197,100	197,471	0.2%

City-wide crime is down 10.7%, compared to 1998 in the seven Part I categories (excluding domestic violence assaults).

Source: Information and Communications Services Bureau, Crime Analysis Section

Forums Promote Understanding

Community Forums are one of the more institutionalized methods for the Chief of Police to obtain input and discuss cultural and quality of life issues. Each forum meets quarterly and the meetings are attended by all of the Department's Chief Officers. Though each forum usually meets separately, efforts have begun to integrate some of those meetings (via Forum Summits) in order to explore a wider range of issues. Forum Summits are a culmination of all Community Forums and transcend ethnic, culture, religious and geographical barriers for the betterment of all City residents. Currently, the police/community coalitions consist of the Citywide Youth Forum, Religious Forum, Hispanic Forum, Black Forum, the Asian/Pacific Islander Forum and the Gay/Lesbian Forum.

Though the forums are not open to the public, they help promote understanding among those involved, address issues, foster better communications and provide significant steps to improving the City's quality of life.

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