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POLICY/PROCEDURE NUMBER: 08-L.E.-014      Page 1 of 13 with one Appendix

SUBJECT:      LEGAL AND CONSTITUTIONAL AUTHORITY FOR SEARCH AND SEIZURE, INTERVIEWS/INTERROGATION, AND ARREST

EFFECTIVE DATE:    March 21, 2022

REVIEW DATE: March 21, 2023

AMENDS/SUPERSEDES:      Standard Operating Procedure 100-42, March 6, 2002; February 25, 2008 version; March 7, 2008 version; January 27, 2010 version; February 16, 2011 version; January 8, 2014 versions; January 7, 2015 version; December 18, 2019 version.

IACLEA STANDARDS:      2.2.1, 2.2.4, 2.2.5, 8.4.1(b), 13.2.3

CSU POLICE SYSTEMWIDE POLICY: NO

APPROVED:    Alfredo B. Fernandez, Chief of Police

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## I.      PURPOSE

The purpose of this order is to specify legal and constitutional requirements for the interview and interrogation, search and seizure, and arrest process to ensure that the rights of all individuals are protected.

## II.     POLICY

It shall be the policy of this Department to require employees to comply with all federal, state and local requirements which provide for the protection of individual rights. These requirements are contained in this policy and in the California Peace Officers Legal Source Book which is located on each officer's computer desktop upon sign-in.

## III.    PROCEDURES

### A.      Search and Seizure

#### 1.    Plain View

- a.    Objects in plain view of an officer can provide probable cause to obtain a warrant or to seize items of evidentiary value. For plain view to not be a search:

- 1) The officer must be in a place where he/she has a right to be;
  - 2) The item to be seized was inadvertently viewed and no type of prying quest was made; and
  - 3) The item was immediately recognized as evidence, contraband, or a weapon.
- b. Items in plain view may be seized without a warrant if they are in an area the officer may legally enter.
  - c. Items in plain view, but not in an area an officer can legally enter, can serve as probable cause for a search warrant. The scene shall be protected until a search warrant can be obtained.
2. Searches Conducted Pursuant to a Warrant, Subpoena or other Judicial/Public Safety Order

In the event a warrant, subpoena, or other judicial/public safety order is required during a police investigation to conduct a search, officers are to gain approval from the shift supervisor to consult with the investigations sergeant or investigations unit designee in his/her absence regarding the necessity for a search warrant. Should it be decided that a warrant is needed to further the pending investigation, the investigations sergeant shall contact the Investigations Unit Commander or his/her designee to advise of the situation and gain approval to proceed through the warrant process. Upon approval, the investigations sergeant or his/her designee from the investigations unit shall work in partnership with the requesting officer in completion of the following tasks.

Note: Investigations unit personnel are trained and experienced in the search warrant process and possess the materials required to request, obtain, serve, and provide a concluding court response throughout this complex process. Search warrant forms may be located on the police server under "P:\Data\Forms\Detective Forms".

- a. To obtain a search warrant, an officer must submit an affidavit swearing that they have probable cause to believe that property connected to a crime is in the place they seek to search.
- b. The affidavit should contain sufficient facts to establish probable cause that:
  - 1) A crime was, is being or is about to be committed.
  - 2) That the property named in the search warrant application is connected to the crime.
  - 3) That the property named in the search warrant application is in the place to be searched at the present time.
- c. The warrant must particularly describe the items sought, the location, vehicle, or person to be searched and must list the statutory grounds for issuing the warrant. The warrant must not be overbroad.
- d. An officer serving the warrant must announce his presence, identify himself as an officer, state his purpose and demand entry before forcibly entering a private dwelling. See subsection "g" below for no-knock warrants.

- e. A copy of the warrant must be provided to the subject of the warrant upon service.
- f. The warrant must be executed and returned to the court within 10 days from issuance, along with a written inventory of all property seized, unless specified otherwise by the issuing judge. (Penal Code Section 1534)
- g. This department **does not** authorize the use of no-knock warrants by any CSUN employed police officers. A **no**-knock warrant is a search warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises. CSUN officers shall first knock and announce their presence or purpose prior to entering a premises in the execution of any warrant service.

Should a high risk search warrant require the potential use of a no-knock method of service, the Chief of Police will be notified who will request mutual aid from LAPD to assess, coordinate and independently manage the no-knock warrant operation, should the Chief deem it necessary.

- 3. Warrant Exceptions – There are five legal exceptions to the warrant requirement.
  - a. Search by voluntary consent;
  - b. Search incident to a lawful arrest;
  - c. Search in an emergency where probable cause exists and there is not time to obtain a warrant;
  - d. Investigative stop and frisk; and
  - e. Inventories of vehicles being impounded.
- 4. Search by Consent
  - a. A search that is based on proper consent, that is freely given, not coerced, or given under duress, either expressed or implied.
  - b. The person giving the consent must have the authority to do so. A valid consent to a search can only be given by a person who has a valid right to do so and can only transfer property rights that he/she actually has.
  - c. When two or more people have equal right of access to property/premises, a consent search may be given by any such person and the search and any evidence seized will usually be valid against all occupants.
  - d. Consent must be clear, explicit, and in writing, whenever possible.
  - e. When consent is revoked prior to completion of a search, evidence recovered prior to the revocation may be used to establish probable cause for a search warrant or for an arrest and subsequent search incident to arrest.
- 5. Stop and Frisk Searches (Pat-Down Searches)
 

See department policy 08-L.E.-010: “Field Interviews and Pat-Down Searches” for legal requirements and procedures involving pat-down searches.

## 6. Field Searches (Search of an Individual Subsequent to a Lawful Arrest)

- a. A field search is a more extensive search than frisk/pat-down searches and shall be utilized when:
  - 1) The search is based upon a properly issued warrant.
  - 2) The search is connected to a lawful arrest and the prisoner is to be transported.
  - 3) The officer has probable cause to search for weapons.
  - 4) It is necessary to confiscate items of evidence, [i.e., stolen property, narcotics, items related to a crime for which the arrest is being effected].
  - 5) It is believed the prisoner has in his/her possession object(s) which may be utilized as a means of escape (i.e. a handcuff key).
- b. A Field Search shall be conducted as follows:
  - 1) Complete preliminary pat search or frisk search.
  - 2) Work from top to bottom, checking the prisoner's hat, hair, and any objects worn in or on the head. Run fingers through the prisoner's hair, if necessary, to ensure safety. Remove sharp objects, which could become weapons.
  - 3) Check the rib cage and back area by patting.
  - 4) Run thumbs along the prisoner's waistband. Unbuckle the prisoner's belt and check for small weapons and contraband.
  - 5) The prisoner should next be instructed to raise his/her arms to expose arm pits and pat the area.
  - 6) Check wristwatches, jewelry, and gloves for concealed weapons or contraband.
  - 7) Check shoes and handbags. Do not hesitate to have the prisoner remove boots, spike heels or similar apparel.
  - 8) The prisoner shall not be allowed to leave the officer's presence under any circumstances until the search has been completed.

## 7. Search of a Vehicle

- a. The courts have distinguished between warrantless searches of motor vehicles and buildings. The distinction comes from the ease in moving or hiding a motor vehicle or trailer before a police officer can obtain a search warrant. Lesser privacy interests are vested in motor vehicles.
- b. Warrantless searches of motor vehicles, based on probable cause, that the vehicle contains contraband or evidence of a crime have been upheld by the courts. Any or part of the motor vehicle capable of holding an item may be searched. When the probable cause is based on what is inside a closed container and not to the motor vehicle in general, the container should be seized and a search warrant obtained for the container.
- c. With regard to searching vehicles incident to arrest (*Arizona vs. Gant*, U.S. Supreme Court, April 21, 2009), police may search the passenger compartment of a vehicle incident to a recent occupant's arrest only if it is "reasonable to believe" that the arrestee might access the vehicle at the time of the search or that the vehicle contains evidence of the "offense of arrest" [e.g., to search, officers must articulate probable cause

specifically related to the arresting charge(s)]. This ruling does not prohibit vehicle inventory searches for towing purposes.

#### 8. Searches at the Scene of a Crime

- a. Incidental to an arrest, the suspect and the areas in the suspect's immediate control may be searched. The purpose of these searches is to protect the officer (by locating weapons) and to prevent the destruction of evidence or contraband.
- b. The United States Supreme Court decided in *Mincey v. Arizona*, 437 U.S. 385 (1978), that in the absence of exigent circumstances or consent, police officers are required by the Fourth Amendment to obtain a search warrant before a thorough search of any crime scene can be conducted, unless the scene is a public place or another exception to requiring a search warrant exists.
- c. A police officer can without a search warrant secure a crime scene, search the area for victims or perpetrators and seize evidence, which if not seized, may be lost or destroyed, removed or is within plain view.

#### 9. Exigent Circumstances (Emergency Searches)

- a. An officer may enter an area where there is an expectation of privacy for the purpose of protecting life, health or property. The necessity to enter must involve a substantial and immediate threat to life, health or property or in the fresh pursuit of a criminal suspect.
- b. Once the emergency abates, a warrant is required.
- c. An officer cannot create the exigent circumstances.

#### 10. Inventory Searches

- a. Inventory searches have been allowed for a threefold purpose:
  - 1) To protect the defendant's property.
  - 2) To safeguard the police from false claims of lost property.
  - 3) To protect police from potentially dangerous items located inside vehicles such as: explosives, dangerous chemicals, and/or weapons.
- b. All impounded and stored vehicles will be inventoried.
- c. Property located in the vehicle that does not have an evidentiary value or an obvious high-dollar value needing additional security should be left in the vehicle. Items of evidence will be processed in accordance to department policies 06-C.I.-003: "Property Evidence Packaging and Control" and 07-C.I.-004: "Crime Scene Processing and the Collection and Preservation of Evidence."

#### 11. Strip Searches and Body Cavity Searches

All strip and body-cavity searches will be conducted pursuant to the requirements of Penal Code Section 4030. This code section delineates the restrictions placed on conducting these searches, the authorization and reporting requirements, as well as the penalties for violating the section.

- a. Definitions (as defined in Penal Code Section 4030)
  - 1) Strip-search: a search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of the person.
  - 2) Body-Cavity Search: a search of the stomach or rectal cavity of a person, and the vagina of a female person.
  - 3) Visual body cavity search: a visual inspection of the body cavity.
  - 4) Physical body-cavity search: a search in which there is physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity.
- b. **No strip-search or visual body-cavity search may be conducted without prior written authorization of the supervising officer on duty and notification/verbal approval of the appropriate Patrol Operations Commander or designee in their absence.** The authorization shall include the specific and articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor. Strip-search authorization forms are located on the police server at "P:\Data\Forms\" and are required to be completed and signed by a CSUN Police shift supervisor prior to the search (see appendix A). Once completed, all strip-search authorization forms are to be forwarded to the appropriate Patrol Operations Commander or designee in their absence for review. After review, he/she shall forward the form to the Chief of Police who will review the form and forward it on to the Records Unit for filing.
- c. When a person is arrested and taken into custody, that person may be subjected to pat-down searches, metal-detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.
- d. No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, controlled substances or violence, shall be subjected to a strip search or a visual body-cavity search, unless a police officer has determined there is reasonable suspicion to conduct the search based on specific articulable facts to believe such person is concealing a weapon, or contraband, and a strip-search will result in the discovery of the weapon or contraband.
- e. Physical body-cavity searches are not permitted except under authority of a search warrant issued by a magistrate specifically authorizing the physical body-cavity search.
- f. If authorized, strip-searches and visual body-cavity searches will be conducted by officers who are the same sex as the arrestee, and should normally be conducted by two officers. These searches will be conducted in an area of privacy so that the search cannot be observed by individuals not involved in the search. If such a search is performed in the CSUN Police facility, the search shall be conducted within the lockup interview room. When the search is performed in another law enforcement facility, officers are to ensure that the arrestee's right of privacy is adhered to during the selection of the room in which to conduct the search.
- g. All searches will be documented in the RIMS arrest report and will include the time, date and place of the search, the name and sex of the

person conducting the search, and a statement of the results of the search, including a list of items removed from the person searched.

## 12. Resident Halls and Other Institutional Property Searches

The search and seizure policy and procedures for private residential hall locations/facilities (e.g., dorm rooms, apartments, and other private living spaces) and private office locations (i.e., locations deemed as having an expectation of privacy such as lockers, locked drawers, and password protected computers) are the same as those mentioned in Section III.A of this policy. Searches of publicly-accessible areas of the residence halls and institutional property are not protected by federal or state search and seizure laws, nor university policies. They do however remain non-exempt from search warrant requirements. Searches of faculty/staff office space controlled by the institution wherein no expectation of privacy exists, requires approval from the Chief of Police or her/his designee.

## 13. Reporting Requirements

- a. A detailed report shall be filed in every incidence where a search, other than a pat-down, is conducted. Documentation shall be made within the RIMS arrest report and will include the time, date and place of the search, the name and sex of the person conducting the search
- b. The department's Consent to Search form (located on the department "Police\$" server at "P:\Data\Forms\") shall be utilized to document the consensual search of a vehicle, residential, or other non-person items/areas that are performed upon obtaining valid, non-coerced consent from the involved party.

## 14. Receipts for Evidence Collected

- a. Receipts must be prepared for all evidence seized during a search. The department's "Property Receipt" form may be located on the department "Police\$" server at "P:\Data\Forms".
- b. Penal Code Section 1535 states that when an officer takes property, he/she must give a receipt for the property taken (specifying in detail) to the person from whom it was taken, or in whose possession it was found; or in the absence of any person, he must leave it in the place where the property was found.

## B. Interviews and Interrogation

### 1. Definitions:

- a. Interview. A meeting for obtaining information by questioning a person. The goal of an interview is to develop information, build rapport and detect deception.
- b. Interrogation. A focused formal examination of a person by questioning, which may include accusatory questioning. The goal of an interrogation is a confession.

- c. Custodial Interrogation. The questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.

## 2. Miranda.

- a. The Miranda decision requiring police to advise an individual of his rights only applies to a situation in which the person is in custody and is being interrogated.
- b. Since both factors must be present to trigger Miranda, a person who is in custody but not being interrogated need not be advised of his rights.
- c. A person who is being interrogated, but is not in custody need not be advised of the warnings prior to being questioned.
- d. All juveniles must be advised of their rights whether or not they are going to be questioned (interrogated). The law, however, does not require that they be advised of their rights immediately upon arrest, as long as the advisement is provided sometime during their custody and/or before any questioning.
- e. The California 4<sup>th</sup> Circuit Court of Appeals ruled (People vs. Davidson (2013) 221 Cal.App.4<sup>th</sup> 966) that handcuffing a suspect during an investigative detention and briefly questioning him/her to confirm or dispel suspicion does not constitute custodial interrogation under Miranda. The Court however stressed that an officer must consider the **totality of the circumstances** surrounding the police encounter and subsequent detention. The following are factors in the detention that should be present in such situations to safeguard an officer from committed a violation of custody and Miranda.
- questioning is “brief and casual;”
  - questioning must not be aggressive, confrontational, accusatory, coercive, or sustained
  - detainee was obviously handcuffed for officer safety and/or because the officer believed he/she was going to flee;
  - officer was alone;
  - detained in a place other than a police station (e.g., public street);
  - detention was short in duration (in the aforementioned case, the detainee was detained for only 2 minutes).

## 3. Access to Counsel

- a. When a suspect invokes his/her right to remain silent, or his/her right to have counsel present during custodial interrogation, the police interrogator must immediately cease their questioning.
- b. If the suspect in any way indicates a desire to have an attorney present during questioning, the police interrogator must honor his/her request and may not at a later time reinitiate interrogation of the suspect without an attorney present, whether or not the suspect has consulted with his attorney during the interim. Those individuals who are placed under arrest shall only be allowed access to counsel after the arrestee is transported to the LAPD or LASD jail for custodial processing, at which time interviewing may commence, with the requested attorney present, within one of the designated jail interview/interrogation rooms.

- c. Penal Code Section 825(b) states that 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 person so arrested.

#### 4. Use of Investigation Unit and Lock-Up Facility Interview Rooms

The following rules apply to use of the 2<sup>nd</sup>-floor interview rooms located within the investigations unit.

- a. Sterile Interview Room (Room #225D)
  - i. Use of this room by uniformed and non-uniformed police personnel requires approval from an Investigations Unit supervisor or any command staff member. Officer weapons control is of the utmost importance when using this room. In as such, a two officer requirement is mandated when a sworn officer is armed with a firearm and/or knife and interviewing suspects or potential suspects (e.g., both officers in the interview room or one in the interview room and one watching the interview from the adjacent monitoring room). During an interview, no more than two interviewers are permitted in the department interview rooms and each shall be equipped with a portable police radio for safety purposes.
  - ii. Given the secure environment of the police facility, continuous control or supervision of the interviewee shall be maintained at all times. No more than one interviewee shall be in the interview room at any time.
  - iii. The “In Use/Open” sign shall be placed into the “In Use” position when the room is being utilized and returned to the “Open” position upon completion of the interview.
  - iv. The interview room’s audio/video recorder (located in the monitoring room #225C) shall only be used by trained investigations personnel during law enforcement investigations. All recordings shall be documented within the appropriate RIMS report and recorded onto a flashdrive to be downloaded onto the department server for secure storage within the Investigation’s Unit files.
  - v. No securing of any interviewee to fixed or moveable objects in this room is permitted.
  - vi. For escape prevention, interviewees are to sit in the chair farthest from the entry door with the interviewee’s legs facing into the table between the table legs. The interviewing officer shall sit in the chair located to the room entry door facing the interviewee. Should an interviewer require assistance, he/she shall activate their portable radio emergency “orange” button. If the interviewer is alone in the interview room, he/she shall also verbally call out for assistance from the officer waiting outside the interview room door or who is monitoring the interview from within the adjacent monitoring room. (See department policy 08-L.E.-013 – Arrest Procedures and Alternatives to Arrest, section IV.D.5, for further officer safety requirements when maintaining control of an arrestee/detainee within the police facility.)

- vii. Prior to entry into the interview room, the interviewer shall complete a security inspection of the room to search for contraband or any possible items that could be used as a weapon. Areas to inspect include all crevices on the floor, window, door, table, chairs, and walls. Upon exiting the interview room, a second security inspection shall be made to ensure no contraband or item(s) are left behind. This is considered a “sterile” room which should only contain one table and two chairs. Should any item(s) of a contraband or possible weapon be found within this room other than the table and chairs, a RIMS report shall be made immediately documenting such find and seized items booked into evidence per department policies 06-C.I.-003 (Property and Evidence Packaging and Control) and 07-C.I.-004 (Crime Scene Processing and the Collection and Preservation of Evidence).
- viii. Access to a restroom, water, or comfort breaks will be provided to the interviewee upon request. A minimum two-officer escort is required when escorting a suspect/potential suspect interviewee to the restroom or other location within the police facility. Restroom spaces used by the interviewee will be searched prior to and after he/she uses the facilities to ensure no damage, contraband, or other concerning items are present and/or left behind. A one-officer minimum is required for escorting victims and witnesses to the restroom or other location within the police facility.

b. Soft Interview Room (Room #225B)

- i. This room shall be primarily used by uniformed and non-uniformed police personnel for interviewing victims and witnesses of crimes, as well as by the Department’s victim advocate in the providing of advocate services involving sexual assaults. Use of this room for suspect interviews by police personnel requires the approval from an Investigations Unit supervisor or any command staff member should the determination be made that a softer environment would potentially lend itself to a confession or additional information involving the crime/incident in question.

Officer weapons control is of the utmost importance when using this room. In as such, a two officer requirement is mandated when a sworn officer is armed with a firearm and/or knife and interviewing suspects or potential suspects (e.g., both officers in the interview room or one in the interview room and one watching the interview from the adjacent monitoring room). During an interview, no more than two interviewers are permitted in the department interview rooms and each shall be equipped with a portable police radio for safety purposes.

- ii. Given the secure environment of the police facility, continuous control or supervision of interviewee(s) shall be maintained at all times. During suspect interviews by police personnel, no more than one interviewee shall be in the interview room at any time.

- iii. The “In Use/Open” sign shall be placed into the “In Use” position when the room is being utilized and returned to the “Open” position upon completion of the interview.
- iv. The interview room’s audio/video recorder (located in the monitoring room #225C) shall only to be utilized by trained investigations personnel during law enforcement investigations. All recordings shall be documented within the appropriate RIMS report and recorded onto a flashdrive to be downloaded onto the department server for secure storage within the Investigation’s Unit files.
- v. No securing of any interviewee to fixed or moveable objects in this room is permitted.
- vi. For escape prevention of suspects and officer safety, interviewees are to sit on the sofa loveseat provided. The interviewing officer shall sit in the sofa chair facing the interviewee. Should an interviewer require assistance, he/she shall activate their portable radio emergency “orange” button. If the interviewer is alone in the interview room, he/she shall also verbally call out for assistance from the officer waiting outside the interview room door or who is monitoring the interview from within the adjacent monitoring room. (See department policy 08-L.E.-013 – Arrest Procedures and Alternatives to Arrest, section IV.D.5, for further officer safety requirements when maintaining control of an arrestee/detainee within the police facility.)
- vii. Prior to entry into the interview room, the interviewer shall complete a security inspection of the room to search for contraband or any possible items that could be used as a weapon. Areas to inspect include all crevices on the floor, windows, door, loveseat, chair, and walls, end table, and toy box. Upon exiting the interview room, a second security inspection shall be made to ensure no contraband or item(s) are left behind. Should any item(s) of a contraband or possible weapon be found within this room other than the table and chairs, a RIMS report shall be made immediately documenting such find and seized items booked into evidence per department policies 06-C.I.-003 (Property and Evidence Packaging and Control) and 07-C.I.-004 (Crime Scene Processing and the Collection and Preservation of Evidence).
- viii. Access to a restroom, water, or comfort breaks will be provided to the interviewee upon request. A minimum two-officer escort is required when escorting a suspect/potential suspect interviewee to the restroom or other location within the police facility. Restroom spaces used by the interviewee will be searched prior to and after he/she uses the facilities to ensure no damage, contraband, or other concerning items are present and/or left behind. A one-officer minimum is required for escorting victims and witnesses to the restroom or other location within the police facility.

c. Lock-Up Facility Interview Room

- i. Use of this room by uniformed and non-uniformed police personnel requires approval from the shift supervisor. Weapons control for this interview room are located within policy 09-S.O.-021 - “Temporary Detention Facility and Arrestee Processing.” During an interview,

- no more than two interviewers are permitted in the department interview rooms and each shall be equipped with a portable police radio for safety purposes.
- ii. Continuous control or supervision of the interviewee shall be maintained at all times. No more than one interviewee shall be in the interview room at any time.
  - iii. This interview room is considered a “sterile” environment with no integrated audio/video recording device. Officers should use their department issued body worn camera or digital recording device to record an interviews/interrogations held within this room. All recordings shall be documented within the appropriate RIMS report and recorded onto a CD and placed into the property/evidence system in accordance to department policy.
  - iv. No securing of any interviewee to fixed or moveable objects in this room is permitted.
  - v. For officer safety, interviewees are to sit in the chair farthest from the entry door with the interviewee’s legs facing into the table between the table legs. The interviewing officer shall sit in the chair located to the room entry door facing the interviewee. Should an interviewer require assistance, he/she shall activate their portable radio emergency “orange” button or activate the panic button within the secure lock-up vestibule immediately outside the lockup interview room. (See department policy 08-L.E.-013 – Arrest Procedures and Alternatives to Arrest, section IV.D.5, for further officer safety requirements when maintaining control of an arrestee/detainee within the police facility.)
  - vi. Prior to entry into the interview room, the interviewer shall complete a security inspection of the room to search for contraband or any possible items that could be used as a weapon. Areas to inspect include all crevices on the floor, window, door, table, chairs, and walls. Upon exiting the interview room, a second security inspection shall be made to ensure no contraband or item(s) are left behind. This is considered a “sterile” room which should only contain one table, two chairs, and a box of tissue paper. Should any item(s) of a contraband or possible weapon be found within this room other than the table and chairs, a RIMS report shall be made immediately documenting such find and seized items booked into evidence per department policies 06-C.I.-003 (Property and Evidence Packaging and Control) and 07-C.I.-004 (Crime Scene Processing and the Collection and Preservation of Evidence).
  - vii. Access to restrooms, water, or comfort breaks when using this interview room are described within policy 09-S.O.-021 - “Temporary Detention Facility and Arrestee Processing.”

#### C. Access to Telephone Calls

1. Penal Code Section 851.5(a) states that immediately upon being booked, and no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls.
2. These calls are to be made at no expense to the suspect.
3. These calls may be made to an attorney of his/her choice, or if they have no funds, to the public defender, a bail bondsman, a relative or other person.

4. Department policy is that these calls are to be allowed immediately upon request or as soon as practicable and calls to attorneys are not to be monitored, eavesdropped upon, or recorded.

IV. APPENDIX

- A. California State University, Northridge Police Department Strip-Search Authorization Form

