

VICE UNIT GUIDELINES

Vice Unit Objectives:

Vice unit officers have the responsibility to detect, enforce and document all incidents of vice law violations occurring within the City. Each vice officer has an individual responsibility to conduct an investigation whenever a violation of a vice related law is discovered or otherwise reported.

Due to the nature of the assignment, **Uniform pay jobs are not allowed.** Non-uniformed pay jobs are discouraged and will be reviewed on a case-by-case basis.

PENAL CODE SECTION 335 -- "Every District Attorney, Sheriff, or Police Officer must inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this chapter (Chapter 10, Gaming) and every such officer refusing or neglecting so to do, is guilty of a misdemeanor".

ABC SECTION 25619 -- "Every Peace Officer and every District Attorney in this State shall enforce the provisions of this division (The Alcoholic Beverage Control Act) and shall inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this division. Every such officer refusing or neglecting to so do is guilty of a misdemeanor".

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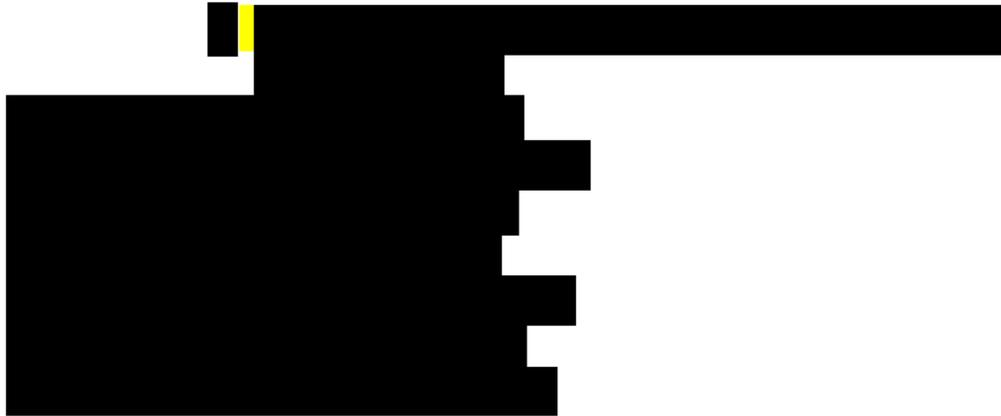
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I. DUTIES RESPONSIBILITIES & OBJECTIVES

1. Administrative Officers:

- a. Process A.B.C. applications including setting conditions and/or protests.
- b. Perform on site visits.
- c. Inspect, regulate, and approve/deny entertainment permits.
- d. Regulate, approve/deny massage permits.
- e. Inspect and make recommendations to licensing authorities, both within and outside the Police Department, of the propriety of licensing businesses such as:
 - 1. Bars and nightclubs.
 - 2. Massage parlors.
 - 3. Pool halls.
- f. Prepare and file all in-custody cases generated by BFO and METRO, including necessary follow up and District Attorney requests.
- g. Provide L.E.A.D training to BFO and community groups.
- h. Coordinate all administrative actions relating to pool halls, massage and entertainment permits, i.e.: letters of correction, citations, and/or revocation hearings.
- i. Coordinate and liaison with Office of Cultural Affairs on all special events.
- j. Assist enforcement officers as needed.





3. Sergeants:

a. General Duties of Vice Sergeants:

1. Monitor ongoing investigations and provide direction and definition to investigative efforts.
2. Approve and supervise operations.



4. Approve and/or be present at enforcement actions involving outside agencies.
5. Coordinate manpower needs and necessary training.

b. Collateral Duties of Vice Sergeants:

a. Enforcement Sergeant:

1. Make team & vehicle assignments.
2. Maintain VIR log.
3. Assign vice incident reports (VIR's) to investigators.

4. Oversee the usage and requisition of equipment and supplies.

b. Administrative Sergeant:

1. Supervise administrative officers, monitor all license/inspection approvals and other duties performed by them.
2. Assist the unit commander in the preparation of program management reports.
3. Coordinate abatement of problem establishments with the City Attorney's Office.
4. Manage the destruction and release of property on closed vice investigations.

4. Unit Commander:

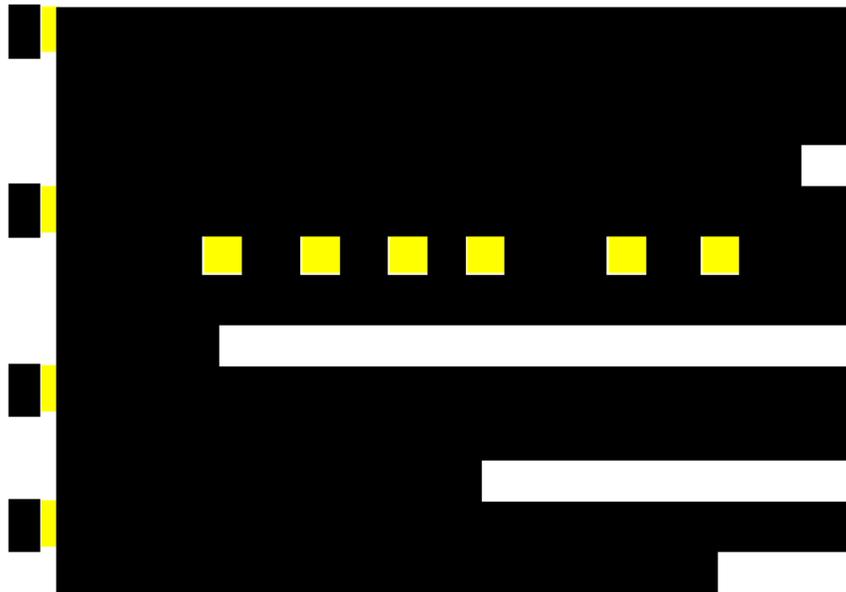
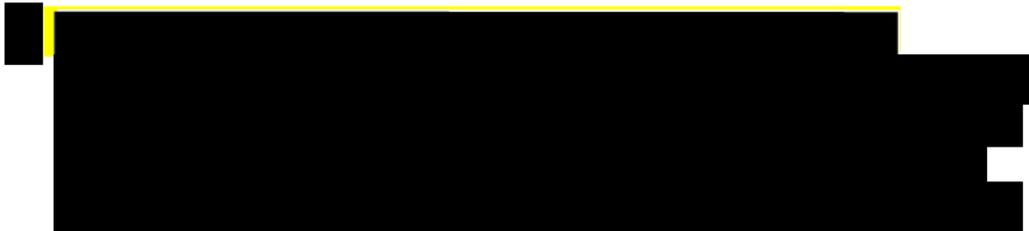
- a. Management of the unit budget, personnel, equipment and operations.
- b. Review of expense reports, arrest summary reports, case reports, etc.
- c. Coordination of the selection process for the positions of vice investigator and vice supervisors.

11. ADMINISTRATIVE PROCEDURES

1. Team Assignments:

a. Administrative Team: The administrative team provides an important function, as many civilian contacts are required with the inspection, approval, and denial of various city issued permits.

1. The work schedule is subject to adjustment based on the goals and objectives of the unit. The administrative teams current shift is Monday - Thursday 0800-1800hrs.
2. When conducting investigations in the field, vice personnel will log on (radio) and provide Communications with a cellular phone number, if applicable.
3. Administrative team members will check (daily) their mail slots and city email for assignments, which can be worked during their shift.
4. Check with the vice supervisors for current information, updates or special assignments.



2. Administrative Officers:

a. Alcoholic Beverage Control:

1. All A.B.C. licenses for the City of San Jose are reviewed and approved/protested with conditions set by administrative officers.
2. Administrative officers inspect all locations for their A.B.C. licenses.
3. Conditions are attached to the application by administrative officers pertaining to the type of license being applied for.

b. Issuance of Criminal Complaints:

1. Officers are responsible for all criminal complaints that arise through his/her investigations. Administrative officers are responsible for cases generated by BFO and METRO. The following are types of cases that the Vice Unit handles:

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| a. <u>266 PC</u> | Seduction for prostitution. |
| b. <u>266(h) PC</u> | Pimping. |
| c. <u>266(i) PC</u> | Pandering. |
| d. <u>314 PC</u> | Indecent exposure associated With prostitution/sex shops/movie theatres. |
| e. <u>315PC</u> | Keeping or residing in a house of ill-fame. |
| f. <u>647(a) PC</u> | Soliciting for lewd act. |
| g. <u>647(b) PC</u> | Soliciting for prostitution. |
| h. <u>647(d) PC</u> | Lewd & lascivious in public Toilet. |
| i. <u>25658(a) B&P</u> | Selling/furnishing alcohol to minor. |
| j. <u>25658(b) B&P</u> | Minor purchasing an alcoholic beverage. |

- k. **25602 B&P** Serving an obviously intoxicated person.
- l. **25667 B&P** Sale of alcohol by minor.
- m. **597b PC** Fighting animals or birds, aiding and abetting.
- n. **597(c) PC** Fighting animals or birds, possession, training, preparations.
- o. **330 PC** Gaming.
- p. **337(a) PC** Bookmaking or pool selling.
- q. **332 PC** Winning by fraudulent means, trick or cheating, (e.g.) "3 card monte".
- r. **All ABC violations.**

NOTE: 314PC is **NOT** handled by the vice unit when the charge is by itself— Vice will investigate if the incident is associated with prostitution/sex shops/movie theatres, or other vice related violations.

c. Liaison with other Departments:

A primary responsibility of an administrative officer is to be a liaison with other agencies (State, Federal, and City). Administrative officers work closely with city departments, i.e. Planning, Fire, City Manager's Office, as well as the Mayor's Office. Agencies such as ABC, State Lottery, Tax Board, the Department of Justice and other Federal agencies are included. It is important for administrative officers to build a rapport with these various agencies.

d. Administrative Functions within the Unit:

Administrative officers work for the administrative sergeant and may be called upon to perform investigations of administrative nature (i.e. trouble bar,

dance hall, etc.). Administrative officers are called on to work special projects by the Unit Commander (i.e. letters to outside/inside departments, contacting local/state/federal personnel, gathering information for upcoming hearings). Administrative officers conduct investigations concerning licensing, permitting persons or establishments.

3. Case Management:

a. Case Officers:

1. The case officer is responsible for the initiation, conduct, follow up and follow through of his/her investigation. This continues through the judicial process and ends at the investigation's adjudication. It includes all necessary tasks needed to ensure the timely return or destruction of property. It is incumbent upon the case officer to properly document the case, not only for the prosecution, but also for internal tracking within the vice unit.
2. Case officers are responsible for issuing administrative citations, attending administrative hearings when requested and updating their case files with results.
3. The Records Management System's (RMS) report will be forwarded to each vice investigator on a monthly basis. It is the responsibility of the officer to update the status of those cases he/she investigated.
4. Case officers will supply administrative officers with information for any computer updating and labeling.

b. Open Cases:

Vice personnel will periodically make status checks of their open cases to determine the following:

1. Status of defendant.

2. Status of co-defendants.
3. Status of involved properties,
(Victims/Witnesses/Informants).
4. Status of charges.

c. Adjudicated Cases:

If the case has been adjudicated (including any codefendants) officers will complete the following:

1. Verify case closure.
2. Dispose of all properties seized in case.
3. If properties were seized pursuant to a search warrant, obtain appropriate court order before release of property.

d. Court Orders:

Any court orders placed on properties detailing restrictions on its disposal, will supersede standard guidelines.

1. Case officers are responsible for providing the Property/Evidence Division with court orders for attachment to the original property report (Form 13).

e. Case Update Report:

Case officers will complete a case update report (form 3-C) detailing the following:

1. Case status.
2. Associated case numbers.
3. Defendants.
4. Disposition of property.

4. Criminal Complaint Procedures:

a. Case Preparation:

1. Officers seeking criminal complaints need to complete a case packet, which includes:
 - a. Two (2) copies of involved reports.
 - b. Felony or misdemeanor complaint form.
 - c. Due diligence form.
 - d. Criminal history printout (CJIC & CII).
2. Officers will ensure the form 2 is sent to records.

b. District Attorney's Office:

1. Officers will hand carry their cases to the District Attorney's office and complete the following:
 - a. Take handwritten complaint directly to an issuing D.A. or to Steno Pool and submit case packet (including copies of reports, required CJIC documents, CII and due diligence).
 - b. If suspect is not arrested, note request for warrant on due diligence form.
 - c. If suspect was arrested (but is no longer in custody), type of release must be noted on due diligence form.
 - d. If suspect is in custody, the complaint must be completed and filed within a mandatory release time (48 hours), per 825P.C.
 - e. After obtaining the complaint, officers will ensure its delivery to the Superior Court Clerk.

c. Updating Case Folder:

Officer will update their case once charges are filed. They will complete the Form 3-C and ensure that a vice administrative officer updates RMS with the information.



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8. Equipment/Evidence:

a. Equipment:

1. All equipment will be kept in its appropriate location in the equipment room.
2. All equipment loaned out to other units or interagency units will be properly documented.
(Equipment will not be loaned outside the department without prior approval by a supervisor).
3. Any lost, missing or broken equipment will be immediately reported to a supervisor.

b. Evidence:

All evidence will be booked into Central Supply and stored according to the duty manual section L-4400.

9. Vehicle Usage:

a. Assigned Vehicles:

1. Vehicle assignments are initiated each shift. Each enforcement officer is to be assigned their own car for investigative and follow-up purposes.
2. Each sergeant will be assigned a specific vehicle to utilize and will be available for on-call status.

b. Loaned Vehicles:

1. Vehicles being serviced or on loan should be identified on the vehicle assignment board.

2. Vehicles may be loaned to other units if available and with a vice unit supervisor's approval.

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III. OPERATIONAL GUIDELINES

1. Prostitution Enforcement Operations:

a. Applicable Penal Code Sections:

1. **182 PC** **Conspiracy (F)**

Two or more persons conspire (or agrees) to commit a crime, and one member commits an overt act toward the completion of the crime is guilty of a felony.

2. **266h(a) PC** **Pimping (F)**

Any person who, knowing another is a prostitute, lives or derives any support or maintenance from the earnings or proceeds of the person's prostitution or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed or solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony.

3. **266i PC** **Pandering (F)**

Procuring another person for the purpose of prostitution by: promises, threats, violence, or any scheme to: become a prostitute, or work in, remain in, enter; a place of prostitution (or where prostitution is encouraged); who receives, or agrees to receive, any money or anything of value for procuring another person for the purpose of prostitution, is guilty of pandering, a felony.

4. **315 PC** **Keeping/Residing (M)**

Every person who keeps a house of ill fame for the purpose of prostitution or lewdness or who willfully resides in such house is guilty of a misdemeanor.

5. **316 PC** **In a House of 111 Fame (M)**

Every person who keeps any disorderly house or any house for the purpose of prostitution, by which the peace,

comfort or decency of the immediate neighborhood is habitually disturbed, is guilty of a misdemeanor.

6. **318 PC** **Prevailing a Person to Visit (M)**

Whoever, through invitation or device, prevails upon any person to visit any room, building or other place kept for the purpose of prostitution is guilty of a misdemeanor.

7. **314.1 PC** **Indecent Exposure (M)**

Every person who willfully and lewdly exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby is guilty of a misdemeanor.

8. **314.2 PC** **Procure a person to expose (M)**

Every person who willfully and lewdly procures, counsels, or assists any person so to expose himself, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.

9. **647(a) PC** **Lewd Act in Public (M)**

Every person who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed public view, is guilty of a misdemeanor.

10. **647(b) PC** **Solicitation of Prostitution (M)**

Every person who solicits or who agrees to engage in or who engages in any lewd act for money or other consideration is guilty of a misdemeanor. No agreement to engage in an act of prostitution shall consist a violation unless some act, in addition to the agreement, is

done in furtherance of the commission of the act of prostitution.

NOTE: Other penal code sections, local municipal code sections and federal statutes may be involved, depending on the type of prostitution investigation you are conducting.

b. Categories of Prostitution:

1. **Street Prostitution:** Mainly investigated and enforced by the metro unit. Vice unit personnel will handle street prostitution based on citizen complaints via vice incident reports (VIR' s) and city council complaints
2. **Massage Businesses:** These businesses or individuals typically advertise on the internet or in local publications, etc.
3. **Freelance or Independent Prostitution (In-Call/Outcall):** Male or female prostitutes who typically advertise on the Internet or in local publications, etc.
4. **Residential Houses of Prostitution:** These houses typically advertise on the Internet or in local publications, etc.
5. **Escort Prostitution:** Outcall escort agencies that typically advertise on the internet or in local publications, etc.



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