

8.6 VICE INVESTIGATIONS

8.6.1 HANDLING OF LEWD CONDUCT COMPLAINTS

Revised August 17, 2017

The Investigations Bureau has audit responsibility.

8.6.1.1 DEFINITIONS

Revised August 17, 2017

Lewd conduct is any unlawful act that occurs in a public place, committed by an individual with the purpose of arousing the libido or sexual interest of themselves or the person towards which the act is directed. Lewd conduct criminal offenses typically involve but are not limited to pornography related crimes, prostitution or indecent exposure related crimes.

8.6.1.2 SCOPE

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When responding to a lewd conduct complaint, the primary goal is to handle the specific complaint, as well as create an environment that prevents future activity from occurring.

Enforcement of lewd conduct laws should include collaborative work between the Vice Investigations Section, other Police Department resources, City departments, community organizations, and business owners. Proactive measures should include, but not be limited to the following:

- Parking marked police vehicles in areas where lewd conduct complaints are frequent;
- High visibility by patrol officers,
- Create a less conducive environment for public sexual activity using crime prevention through environmental design (CPTED) strategies, which establishes a cooperative link between police and citizen groups to monitor areas where complaints of lewd conduct occur.

8.6.1.3 ENFORCEMENT

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Investigations of suspected lewd conduct should focus on locations that generate complaints. Long Beach Police Department personnel assigned to investigate suspected lewd conduct will not engage in discriminatory practices including discrimination based on, but not limited to race, color, national origin, religion, gender, gender identity, sexual orientation, or sexual self-identification.

Undercover operations, with the purpose of investigating lewd conduct activity in response to specific complaints, should be used only when necessary and preventive measures are no longer practical. The Commander of the Detective Division shall approve these operations.

8.6.1.4 PROCEDURES

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The Vice Investigations Section shall document and maintain complaints received regarding public sexual activity.

Complaints shall be documented through a department report (DR) and referred to the appropriate Patrol Division Commander for primary responsibility. If the Patrol Division is unable to resolve the complaints, they should document their efforts in a supplemental follow-up report and the Vice Investigations Section may be requested as an investigative resource.

The Vice Investigation Section utilizes the following strategies when investigating a lewd conduct complaint: Vice Detectives shall present a written action plan to Vice Investigations Section Supervisors for approval.

- 1) Vice Investigations Supervisors should identify and collaborate with stakeholders who have an interest in the complaint location. Partners to be considered are community watch groups, community neighborhood organizations, private security companies, other City Departments, and nearby businesses.
- 2) Develop a plan to address the complaint to incorporate strategies of education, prevention and suppression, with consideration given to the following areas:
 - a) **Signage** - The use of signs can warn that public sexual activity is a crime and may lead to arrest and/or citations.
 - b) **Crime Prevention Through Environmental Design (CPTED)** - Building design, lighting improvements, tree and shrub trimming, and site renovation are effective deterrents to discourage activity associated with lewd conduct.
 - c) **Hours of Operation** - Limit a location's hours of operation, when applicable.
 - d) **Public Outreach** - Utilize social media and community outreach to publicize the complaints and warn that illegal activity may result in arrests and/or citations.
- 3) When Vice Investigations Section employees initiate a lewd conduct operation, a specific time frame will be established for the investigation. At the end of the specific time frame, the assigned supervisor will evaluate the effectiveness of the investigation and determine if an additional operation period is needed.
- 4) Undercover Vice Investigations Detectives shall not initiate, simulate or engage in lewd activity while investigating criminal activity. Detectives shall not engage in behavior consistent with "cruising," such as hand gestures, demonstration of overt emotions, or known signals.
- 5) Detectives shall not simulate masturbation, utilize props, or commit a lewd act in an attempt to initiate any criminal activity. Detectives shall not engage in behaviors intended to encourage the commission of lewd conduct in their presence, or communicate sexual advances.
- 6) Under circumstances where probable cause exists to make an arrest, a detective shall, as soon as possible or reasonable, identify himself or herself as a Long Beach

Police Officer and arrest the suspect. Detectives shall not intentionally delay an arrest when probable cause to make an arrest is present.