

## Online Video

Online at [www.lp.post.ca.gov](http://www.lp.post.ca.gov)

Multimedia I.D. Number: **NA**

CPT Hours: NA

Release Date: 12/19/14

### Unsafe Lane Changes and Unsignalled Turns

With William W. Bedsworth, Appellate Court Justice, State of California

California case law includes numerous cases having to do with rape, robbery and burglary-- with many more about murder. But what about unsafe lane changes and unsignalled turns and all of the things most officers deal with a thousand times more often? Justice Bedsworth discusses unsafe lane changes and unsignalled turns. *Cases/Statutes Cited: People v. Logsdon (2008) 164 Cal.App.4th 741; VC §§ 22107. (6:42) Category: Codes*

### Bicyclists Can Be Charged with Reckless Driving

With Jeff Rubin, Senior Deputy District Attorney, Alameda County, CA

A bicyclist who recklessly rides his bicycle may properly be charged with violating Vehicle Code section 23103, which makes it unlawful to drive a vehicle upon a highway in willful or wanton disregard for the safety of persons or property. *Cases/Statutes Cited: Velasquez v. Superior Court (2014) 227 Cal.App.4th 1471; VC §§ 23103, 670, and 21200. (3:43) Category: Codes*

### 148 at School

With Devallis Rutledge, Special Counsel – Los Angeles County District Attorney's Office

Discusses a case where the court upheld conviction for 148 by student who refused an officer's order to sit down and calm down, and tried to evade the officer's grasp. The student was also convicted of violating Education Code § 32210, disturbing a public school. *Cases/Statutes Cited: PC 148; In re J.C. (2014) 228 Cal.App.4th 1394; EC § 32210. (5:01) Category: Codes*

### Are Persons Detained During Warrant Service "In Custody" Under Miranda?

With Jeff Rubin, Senior Deputy District Attorney, Alameda County, CA

Considering that police have a right to detain and handcuff residents of a home during service of a search warrant, and that a resident so detained and cuffed is not deemed to be under arrest (especially where the detaining officers tell the resident he is not under arrest), such persons are also not deemed to be in custody for Miranda purposes. Thus, no Miranda warnings were required before officers executing a warrant asked a cuffed and detained resident if he was responsible for the home and property in the home. *Cases/Statutes Cited: People v. Castillo (2014) 228 Cal.App.4th 414. (4:03) Category: Interrogations & Miranda*

### Search Incident to Infraction Arrest

With Devallis Rutledge, Special Counsel – Los Angeles County District Attorney's Office

In the *Macabeo* case, the California Court of Appeal applies *Atwater* (OK to arrest for minor offenses), *Moore* (state law cannot invalidate arrest with PC), and *McKay* (search incident to arrest for bicycle infraction OK) to deny suppression of evidence from a search incident to arrest for bicycle infraction, even if the grounds for justification were not relied on by the searching officer. Key points include: Probable cause to arrest for an infraction justifies a search incident to arrest, under the 4th Amendment; if the search yields evidence of a bookable offense, the suspect can be arrested for both the infraction and the bookable offense; if nothing is found during the search, the suspect may be released from arrest on citation, or without further action, per PC § 849(b)(1). *Cases/Statutes Cited: Atwater v. Lago Vista (2001) 532 US 318; Virginia v. Moore (2008) 553 US 164; People v. McKay (2002) 27 Cal.4th 601; People v. Macabeo (2014) 229 Cal.App.4th 486. (6:14) Category: Vehicle Stops/Searches*

This video series is only offered as streaming video exclusively on the POST Learning Portal. Visit the portal at [www.lp.post.ca.gov](http://www.lp.post.ca.gov)



## Video Program Guide

California Commission on Peace Officer Standards and Training