

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

POLICE

Subject: ANNOYING, THREATENING OR OBSCENE TELEPHONE CALLS

INTRODUCTION

The purpose of this procedure is to provide guidelines for field personnel in the handling of offenses committed by the use of the telephone.

DEFINITION

653(m) P.C.

- (a) Every person who with intent to annoy, telephones another and addresses to or about such other person any obscene language or addresses to such other person any threat to inflict injury to the person or property of the person addressed or any member of his family, is guilty of a misdemeanor.
- (b) Every person who makes a telephone call with intent to annoy another and with disclosing his true identity to the person answering the telephone is, whether or not conversation ensues from making the telephone call, guilty of a misdemeanor.
- (c) Any offense committed by use of a telephone as herein set out may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone calls or calls were received.
- (d) Subdivisions (a) or (b) are violated when the person making the call has the intent to annoy, and leaves a request that the party called return his call at a later time, and at that time commits the acts in either (a) or (b).

GENERAL GUIDELINES

Officers responding to a call where the above definition indicates that a violation of P.C. 653(m) has occurred shall document the report utilizing Barstow Police Department form CR3.

Information that should be requested of the complainant regarding the caller is:

1. Exactly what did the caller say or do? (Use verbatim terminology)
2. Was the caller male or female?
3. Did the caller sound young or old? (Estimate approximate age)

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4. *Did the called have any accent? (Describe accent)*
5. *Was there any background noise? (i.e., music, talking, traffic noise, etc.)*
6. *Did the caller sound familiar? (If so, give name of who it sounded like)*
7. *What did complainant do when they realized the call was annoying?*
8. *Has the victim received any other similar type of calls?*
9. *Time and date of all calls received.*
10. *If more than one call, were the other calls from the same caller?*

SUGGESTIONS FOR VICTIMS

Depending on the types of calls received, the victim has several options such as:

1. *Blow a whistle loudly into the receiver.*
2. *Promptly hang up on the caller.*
3. *In some cases the victim could agree to meet with the caller at a specific location and then advise the Police Department of the arrangements made. (Check with supervisor prior to making these arrangements).*
4. *Contact telephone company and request a change in telephone numbers.*
5. *Contact telephone company and request that a "Telephone Trap" be placed on the victim's telephone. (This requires the officer to fill out the Barstow Police Department request for telephone trap form.) The victim must then take the telephone trap slip to the telephone company and make arrangements to have the trap placed on their telephone.*
 - (a) *Suggest to the victim that the telephone calls be tape recorded if possible. (This could be used as evidence at a later date.)*

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FOLLOW-UP INVESTIGATION

In the event that the telephone company establishes a trap on the victim's telephone, one officer should be assigned to the victim's residence and one officer assigned to the location where the suspected call was initiated. Once an open line has been established between the victim's telephone and the suspect's telephone by the investigating officers, this establishes probable cause to believe that the suspect made the call.

The investigating officer should then conduct follow-up investigation in an effort to strengthen the case such as:

1. Interview the suspect
 - a) Determine if any other person(s) have access to the telephone.
2. Interview the victim
 - a) Determine any relationship between victim and suspect, i.e., ex-husband or ex-boyfriend.
3. Interview any witnesses at victim's or suspect's residence.
4. Interview telephone company employees who activated the trap.
5. Be observant at suspect's residence for evidence such as phone numbers written down near the telephone.

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