

MEMORANDUM OF LAW

DATE: April 29, 1993

TO: Licensing Unit, San Diego Police Department

FROM: City Attorney

SUBJECT: Police Dispatching Requirements for Alarm Calls

This memo is in response to your request for a legal opinion. You asked whether Government Code section 845 requires the police department to respond to alarm calls when the alarm user has a revoked permit, in contrast to a non-permitted alarm user.

Issue

May the San Diego Police Department refuse to respond to alarm systems when the user has a revoked permit?

Short Answer

No. The intent of this legislation is to preclude police departments from intentionally ignoring a call for assistance because of the alarm user's failure to follow proper permitting requirements.

Discussion

Government Code section 845, as amended January 1, 1993, reads, in pertinent part: "A police department shall not fail to respond to a request for service via a burglar alarm system or an alarm company referral service solely on the basis that a permit from the city has not been obtained." Although the use of the word "solely" seems to imply that other grounds or a combination of grounds including not obtaining a permit may be the basis for refusing service to an alarm call, the history of the legislation shows that the legislature intended police departments to respond to alarm calls, regardless of the status of the alarm user vis-a-vis local permitting requirements.

The amendment was a response to the failure of the Riverside Police Department to respond to an alarm call because the user did not have a permit. The user, a woman, was beaten and raped. Police arrived only after a neighbor called.

During the third reading in the State Assembly, the Riverside incident was given as background. The purpose of the bill was stated as follows: "The purpose of this measure is to preclude intentional dismissal of a call for assistance solely

because of the failure of a party in distress to meet administrative requirements." Given the origin and stated purpose of the bill, the user's permit status as revoked, versus not having a permit, does not appear to make a difference in the response requirement.

However, because the legislature used the word "solely," there may be other grounds to refuse service independent of the status of the permit. For example, a long history of false alarms by one user may be grounds for refusal of service. However, the potential liability for failure to respond remains even with a history of false alarms.

Therefore, it would be prudent to answer all calls until further judicial or legislative guidance is provided or there is a significant factual basis for not responding. The status of the license as revoked versus not issued does not necessarily relieve the police department of its duty to respond to alarm calls.

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By

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