



MEMORANDUM POLICE DEPARTMENT

DATE: August 24, 2020
TO: All Personnel
FROM: Andrew G. Mills, Chief of Police
SUBJECT: Elections

BACKGROUND

This year has been a tumultuous political season in Santa Cruz and across the nation. During the upcoming November elections, some desire for the police to staff polling stations to detect voter fraud and prevent problems.

DISCUSSION

Federal statutes are clear: Positioning armed men at a polling place during an election is unlawful. More importantly, armed police officers at a polling place would act to suppress some voters who are afraid or uncomfortable with the police. 18 U.S. Code § 592 states in part: *“Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined under this title or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.”*

State law mirrors the federal statutes:

(a) Any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment.

(b) This section shall not apply to any of the following:

(1) An unarmed uniformed guard or security personnel who is at the polling place to cast his or her vote.

(2) A peace officer who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.

(3) A private guard or security personnel hired or arranged for by a city or county elections official.

(4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held.

(Amended by Stats. 2011, Ch. 15, Sec. 78. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.

Any person who hires or arranges for any other person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. This section shall not apply to the owner or manager of the facility or property in which the polling place is located if the private guard or security personnel is not hired or arranged solely for the day on which the election is held.

POLICY

On Election Day uniformed Santa Cruz Police officers will not be present at polling stations unless one of the following events occurs:

- A call for police service where a suspected crime has been committed
- an act of violence observed by a police officer in the routine function of his/her position
- a clear violation of the law that would prevent others from voting

A supervisor will be immediately notified of the incident before officers are dispatched to the call. The supervisor will determine the appropriateness of sending a police officer to a polling station on Election Day.

In the event enforcement action is needed, or a protest is present in violation of the law, the supervisor will immediately contact a manager and consult with a lieutenant to determine the most appropriate course of action.

ACCOUNTABILITY

All supervisors will read and document on an inspection form to their respective deputy chief that each employee received notice and understands this order.